

No. I.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 5th October, 1803.

READ a letter from the Right Honorable Robert Dundas to the Chairs, dated the 30th September, desiring to ascertain the opinion of the Court, as to the propriety and expediency of bringing forward, in the next session of Parliament, the subject of renewing the Company's Charter.

The Committee having deliberated thereon, agreed on the substance of an answer, to be further considered at their next meeting.

No. I.
Secret
Committee,
5 Oct, 1808.

No. II.

LETTER from the Right Honorable ROBERT DUNDAS to the CHAIRMAN and DEPUTY CHAIRMAN, noticed in the preceding Minute.

GENTLEMEN,

Melville Castle, 30th September, 1808.

The propriety and expediency of applying to Parliament for a renewal of the privileges of exclusive trade enjoyed by the East-India Company, with such modifications as may be deemed necessary, and for the continuance of the system of government in the British Territories in India on its present basis, but with such amendments, also, as the experience of its effects may appear to demand, having lately been the subject of frequent consideration and discussion, you will probably concur with me in opinion, that it is advisable now to ascertain,

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No. II. tain, whether the Court of Directors are desirous of agitating the question present, and of submitting it, in all its details, to the early consideration of Parliament.

I have the honor to be, Gentlemen,

Your most obedient and humble servant,

(Signed) ROBERT DUNDAS

To the Chairman and Deputy Chairman
of the East-India Company.

No. III.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 12th October, 1808.

No. III. Agreed to the following draft of an answer to the letter of the 30th ultimo from the Right-Honorable Robert Dundas.

Secret
Committee,
12 Oct. 1808.

East-India House, 12th October, 1808

SIR,

We now propose to do ourselves the honor of replying to your letter of the 30th of last month.

Chairman &
Deputy's
Letter.

From the communications we have at different times had with the Members of the Court of Directors, we are well assured it is the general sense of that body, that it will be for the interest of the Public and the Company, that the Charter should be early renewed. Convinced that this is their opinion, and apprehensive lest inconvenience might be produced, by setting this important subject afloat before it was in some degree matured, we have not thought necessary formally to resort to the Court for a declaration of their judgment upon the question you are pleased to propose to us; but we have, in order to obtain

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what we were to be, with the knowledge we before possessed, sufficient warrant to us to give an answer to your preliminary inquiry, laid your letter before a Secret Committee of Correspondence: and we are authorized to state it to be their opinion, as it is our own, that not only that the interests of the Public, as well as of the Company, will be best consulted, by continuing the present system of Indian administration, but that it is material the Charter should be speedily renewed.

With respect to any modifications which you or His Majesty's Government may have it in contemplation to propose, we shall be happy to be made acquainted with them, and to bring them under the most serious consideration of this House. We can at present only state, that we trust there will be no disposition to introduce any alterations which would weaken the main principles and substance of the present system, which, in the opinion of the Company, is essential to the management and preservation of British India; and that, with respect to minor points, as far as they may be really compatible with those essential objects, the Court will not be influenced by any partial views to withhold from them their consideration due to them.

Glad that you have seen it proper to bring forward this weighty subject, and anxious to be favored with your further communications upon it, as soon as may be at your convenience,

We have the honor to be, Sir,

Your most obedient humble servants,

(Signed) EDWARD PARRY
CHARLES GRANT.

The Right Honorable Robert Dundas.

&c. &c. &c.

No. III.

Chairman &
Deputy's
Letter.

No. IV.

(8)

No. IV.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 7th December, 1808.

No. IV.

Secret Court,
7 Dec. 1808.

The Chairman laid before the Court

Minutes of a Secret Committee of Correspondence, held the 5th October last.

Letter from the Right Honorable Robert Dundas to the Chairs, dated the

30th September last, referred to in the Minutes above-mentioned;

Minutes of a Secret Committee of Correspondence, held the 12th October

last; and

Draft of a Letter from the Chairs to Mr. Dundas, dated the same day.

It was then, on a motion,

Resolved Unanimously, That this Court approve the proceedings of the Secret Committee of Correspondence, of the 5th and 12th October, and the letter to the Right Honorable Robert Dundas of the last-mentioned date.

No. V.

AT A

SECRET COURT OF DIRECTORS,

Held on Friday, the 16th December 1808.

No. V.

Secret Court,
6 Dec. 1808.

Minutes of the 7th instant were read and approved.

Draft of a letter from the Chairman and Deputy to the Right Honorable Robert Dundas, offering some suggestions of a general nature, as the principal foundations on which a new agreement between the Public and the East-India Company may be placed, was read and unanimously approved, being as follows, viz.

SIR,

(9)

SIR,

East-India House, the 16th December 1808.

No. V.

Chairman &
Deputy's
Letter.

In consequence of a conference which we lately had the honor to hold with you, we have laid before the Court of Directors the letter which you were pleased to write to us, under date the 30th September last, on the subject of renewing the Company's Charter, together with the answer which we returned to that letter, on the 12th October following; and we are now instructed by the Court to state to you, that they approve of that answer, and are ready to enter with you, through the medium of their Committee of Correspondence, into a consideration of the various objects to which it may be proper to attend, in bringing forward so important a measure.

At the present moment it would, in the opinion of the Court, be premature to proceed to any ~~particular consideration of those objects~~ to which it may be proper, on the part of the Company, to attend, or to anticipate any discussions, which it may be the wish of His Majesty's Ministers to propose; but the Court beg leave to offer some suggestions of a general nature, as the principal foundations on which a new agreement between the Public and the East-India Company may be placed.

1st. The system by which the Legislature has continued to the Company the government of the territories acquired by it in the East, with a regulated monopoly of the trade, has been held by the most eminent persons conversant with that quarter and its affairs, to be the most expedient, both for the foreign and domestic interests of this country. Under it, those territories have been improved, and the security and happiness of the vast population they contain have been signally increased. It is also a system which establishes salutary checks for the exercise of the authority lodged in this country over the Indian administration, and for all the local details of that administration, in its political, judicial, financial, and commercial departments; and provides with singular felicity for a succession of a body of able and honorable European servants, who yield in general character and utility to no class of public functionaries under the Empire. In like manner, the constitution of the Indian army has proved itself calculated to produce a body of officers of high military spirit, and of every distinguished skill and conduct. The Court, therefore, trust that no material change in this system;—no change which would affect its principles or impair its efficiency, will be proposed.

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2d. In

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Chairman &
Deputy's
Letter.

2d. In this case, it will be unnecessary to enter into any discussion of the right of the Company to the territorial possessions; a right which they hold to be clear, and must always maintain, as flowing from their acquisition of those territories, under due authority, and after long hazards and vicissitudes, and great expense.

3d. The situation of the Company is, at this time, very different from what it was at the last renewal of the Charter, in 1793. European war, with hardly any intermission, through the whole of the period that has since elapsed, has exceedingly increased the expenses, and reduced the profits of the Company at home; and has likewise enlarged the scale of expenses abroad; where, moreover, wars with the Native Powers have been repeatedly carried on, to the vast accumulation of the Indian debt, now advanced from eight millions sterling, at which it stood in 1793, to about thirty-two millions. Without meaning at all to detract from the question concerning the policy of some of those wars with the Princes of India; it is safe and proper to affirm, that they were not, in any degree, directed by the Executive Body of the Company, but proceeded from causes which that body could not control. As, in consequence of all the events which have happened since the year 1793, the benefits intended to the Proprietors of East-India Stock, by the Charter then passed, have not been realized; so the Court trust, that in the formation of a new Charter, due care will be taken to secure their proper share of advantage in any future amelioration of the Company's affairs, and especially that no measure will be adopted, which can have the effect of reducing the value of their capital. The dividend on that stock, which is only equivalent to the legal interest on money, is all that the Proprietors have ever received from the united sources of Indian revenue and Indian commerce, whilst the country has been enriched by the long continued influx of private wealth, and raised in the scale of nations by the political importance of the Indian empire.

4th. The liquidation of the Indian debt is, on all hands, agreed to be a measure of indispensable necessity. From the magnitude to which the debt has now risen, and the circumstances of the present unexampled time, the aid of the Public will probably be necessary to the attainment of this most desirable object. For the aid that may thus be afforded, the Court conceive that sufficient means of reimbursement from the Indian territory and revenue may be found;

and

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Letter.

and the management of a plan, for these purposes, might, as the Court conceive, form a very material part of the provisions of the new Charter.

5th. To apportion duly between the Public and the Company the military expenses of the Indian empire, is another measure now become unavoidable. For wars growing out of the Indian system, or out of sources purely Indian, the revenues and other means of the Company were long made to suffice, including even the charges of occasional attacks upon the Indian settlements of European nations; but the influence of European war has, in the present protracted period of hostility, extended itself more and more to India, occasioning the expense of various distant expeditions, and the increase of the military establishment, particularly in the European troops of his Majesty, which from being twenty years ago only a very few regiments, now amount to above twenty thousand, and those of the most expensive description of troops composing the Company's force of British India: nor is it at all improbable, that from the proximity of France, to invade our Indian possessions with great armies by sea, that a claim be necessary still largely to augment our European force in that quarter, or a war of this description the Indian revenues, if unincumbered by the present war, would be very inadequate. It would be an European war for

3d. Objects; a struggle between Great-Britain and France, on the soil of Europe, for the maintenance and support of their power in Europe. For such an event, in which the national funds only are commensurate, the national funds would be very inadequate to provide; and as we know that, in this, we state only what your own mind has already perceived and approved, we the more confidently hope, that in a new Charter proper attention will be paid to the due regulation of so important a concern.

6th. As the early renewal of the Charter will serve to strengthen the hands of the Company in the transaction of their affairs, and improve their credit, so its renewal, for the like period as the present one run, and from the time of its expiration, would conduce to the same ends; and the Court are not aware of any objection to the proposition of this term.

We have the honor to be, Sir,

Your most obedient humble servants,

The Right Honorable Robert Dundas,

(Signed)

EDWARD PARRY,

&c. &c. &c.

CHARLES GRANT.

No. VI.

AT A

SECRET COURT OF DIRECTORS,

Held on Friday, the 18th January, 1809.

No. VI. Letter from the Right Honorable Robert Dundas, dated the 28th December

Secret Court, 13 Jan. 1809. to the Chairman and Deputy, in reply to their letter of the 16th December

Mr. Dundas's
Letter.

Downing Street, 28th Dec. they were
In submitting to your consideration such obnpany, b
have occurred to me on your letter of the 16th instant, it is necess, consequently
should understand them to be merely preliminary, in contemplations intende
discussions, and by no means as the result of any plan or projected systl, have no
in concert with His Majesty's confidential Servants. It will depaarter, du
judgment which the Court of Directors may form on the propriety ctur: m
of adhering to the present system of their Indian trade and administrat s l
its parts, whiche I shall be enabled to hold out to them any expectat
their applicat, to Parliament for a renewal of the Company's Charter w m d
with the concurrence of Government.

I shall follow the order adopted in your letter, in respect to the subject
which you have particularly mentioned, and shall offer some additional ratemari
on any other important branches of the present system, in which alterations m
probably be deemed indispensably necessary.

1st. Concurring in substance with the proposition contained in the first
article, I shall not enlarge upon its details. I have not yet heard or read any
arguments against the continuance of the system under which the British
Possessions in India are governed, of sufficient weight to counterbalance the
practical benefits which have been derived from it, in their increased and
increasing prosperity, and the general security and happiness of their inhabitants.

It

It is possible that the same effects might have been produced under a government
immediately dependent on the Crown; but for the attainment of those objects,
the experiment is, at least, unnecessary, and it might be attended with dangers
to the Constitution of this Country, which, if they can be avoided, it would be
unwise to encounter. Any alteration, therefore, which may be suggested in this
part of the system, will probably be only in its details. It may, however, be
deemed advisable, to extend the controuling authority of the Board of Commis-
sioners to such proceedings of the Court of Directors in England, as are imme-
diately connected with the government or revenues of the Company's territorial
possessions in India, more especially if the suggestion contained in your fourth
article should be adopted.

In the view which I have already taken of the proposition contained
in the preceding article, it is certainly unnecessary to discuss the question of the
Company's right to the permanent possession of the British territories in India.
It is impossible that this right should be relinquished on the part of the Public,
or that a claim can be admitted on the part of the Company, to the extent which
has sometimes been maintained, and to which you seem to have adverted in the
second article.

3d. It is equally impossible to acquiesce in all the reasoning, though I am
perfectly willing to concur in the conclusion deduced from it in the third article.
I think it very desirable, that no measure should be adopted, in the renewal of
the Charter, which would have the effect of reducing the value of the capital
stock of the East-India Company, and that due care should be taken to secure
their proper share of advantage, in any future amelioration of their affairs; but
as the law has regulated the mode in which those affairs, at home and abroad,
should be administered, I cannot enter into the distinction which is stated in this
article, and which I have met with on other occasions, as to the equitable claim
of the Company to any remuneration from the Public, or other benefit, on account
of wars, or other events, which, as represented in your letter, did not originate in
"the Executive Body of the Company, but proceeded from causes which that
Body could not controul."

It would be premature, in this stage of the discussion, to enter into any
details, as to the proportion of benefit to be derived by the Company or the
Public, respectively, from any future amelioration in the state of your finances;
and

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No. VI. and any contingent expectation of that nature must, at all events, be postponed till a large portion of the Indian debt has been discharged.

Mr. Dundas's
Letter.

4th. The liquidation of that debt is undoubtedly a measure of indispensable necessity, not only to the Company but to the Public. If we were now called upon to discuss the right of the Public to the territorial revenues which have been obtained in India, either by cession or conquest, it would be impossible to relieve the question from the fair claims of the Company and their creditors to reimbursement of the expences which have been incurred, and the discharge of the debts which have been contracted, in the acquisition and maintenance of those possessions. Entertaining that opinion, and convinced that the liquidation of the Indian debt, in the most speedy and effectual mode, would be a measure of mutual interest and advantage, I do not suppose that your suggestion in the fourth article would be objected to by Government, provided the necessity, at least, of such an interference, on the part of the Public, is made obvious and apparent, and provided, also, that sufficient security is afforded for the punctual payment of the interest, and of an adequate sinking fund, for the liquidation of the principal of any sums advanced for that purpose. I need not remind you, however, that any such aid from the Public will be of avail only so far as it is temporary and delusive, unless the zealous exertions of your Governments abroad, and the minute and detailed investigation and unremitting attention of the Court of Directors, the ordinary expenditure in India, including the interest of debt, shall be brought within the limit of the annual income. The most sanguine expectations of a more favourable state of affairs, and of a large surplus revenue above the ordinary expences of peace, have recently been conveyed to you by Lord Minto; but I trust that the Court of Directors will not be induced by those hopes, however well founded, to relax in their exertions. Every item of those, or any other estimates, which the Court may exhibit, must be strictly scrutinized and compared with the actual results of former years, and with the detailed account of any reductions which may have been ordered or carried into effect.

5th. I can have no hesitation in acceding, with some limitations, to the principle for which you contend in your fifth article. It is absurd and unreasonable to suppose, that the East-India Company, out of their own revenues, can long maintain a contest against the power of France, aided by the greater

of Europe and a large portion of Asia. If the principal theatre of the war between European nations is to be transferred to Hindostan, it must be supported, to a considerable extent, by European resources; and if our empire in India is an object worth preserving, this country must contribute to its defence, against any attack of the description which we have been taught to expect. The extraordinary expences incurred in the necessary preparations for such a warfare, or in the actual contest, ought not, in justice, to be imposed as a burthen on the Company alone, even if they were able to sustain it.

6th. I am not aware of any reason for extending the duration of the Charter beyond such a limit, as, with the unexpired term, will be equal to the period granted in 1793; but I state this merely on the first consideration of the subject: and in the general question, it is to be discussed, I shall pay due attention to any suggestions which the Court may think it right to offer on that particular point.

Having thus adverted, at greater length perhaps than was necessary, to the various topics introduced into your letter, I shall proceed to state such observations as appear to me necessary to be submitted to the consideration of the Court of Directors, for the purpose of enabling them finally to decide, whether, under the circumstances of the present situation of the Company's affairs, and of the expectations which will probably be entertained by the Public, and sanctioned by Government, they will adhere to their intention of applying now to Parliament for a renewal of the Company's Charter.

It will readily occur to the Court, that whenever an opportunity is afforded of deciding in Parliament on the propriety of continuing in the Company any privileges of a commercial nature, it will be important to consider, whether the system established by the Act of 1793, for the trade of private individuals between Britain and India, has answered the expectations, or fulfilled the intentions of the Legislature. It is wholly unnecessary for me, at present, to enter into any detail of the various discussions which have taken place on that subject. The arguments on both sides of the question must be familiar to the Court, and the opinions of those persons who have turned their attention to it have, in all probability, been long since fixed and settled: it is fit, therefore, that the Court should now understand distinctly, that I cannot hold out to them the expectation, that His Majesty's Ministers will concur in an application to Parliament for a renewal of any privileges to the East-India Company, which will prevent British merchants

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Mr. Dundas's
Letter.

No. I. merchants and manufacturers from trading to and from India, and the other countries within the present limits of the Company's exclusive trade (the dominions of the Empire of China excepted) in ships and vessels hired or freighted by themselves, instead of being confined, as at present, to ships in the service of the Company, or licensed by the Court of Directors. In the detail of any legislative provisions which it might be expedient to enact on this subject, it would be absolutely necessary to guard against the abuses which would arise, from facilities thus afforded to persons attempting to settle and reside in the British territories, without a license from the Company, or without the sanction or knowledge of the local Governments.

There are various other points to which it would also be necessary to pay due attention, not only as being important to the Company, and to the general trade of the country, but essential to the security and easy collection of the public revenue. It would, however, be premature, on this occasion, to enter into any further detail, and I have confined myself to a mere statement of the general proposition.

Another point, which would probably be deemed indispensable, is an alteration in the military system in India, for the removal of those jealousies and divisions, which have unfortunately been too prevalent, between the different branches of the military service in that quarter, and which must, at all times, be highly prejudicial to the public interest; and for the correction of the anomalous system of divided responsibility, which prevails at present in this country, in every thing that relates to the military defence of India. The only effectual remedy for these evils will, probably, be found in arrangements for consolidating your Indian army with the King's troops, founded upon the plan so strongly recommended by Lord Cornwallis, with such modifications as the actual constitution of your services may render expedient or necessary. These arrangements need not be attended with any alteration in the system of promotion nor cooperation among the officers of the native branch of the service, or with any diminution (they might more probably produce an increase) of any other professional advantages which those officers now enjoy; neither would they, in any degree, interfere with the general authority now possessed by the Court of Directors and the Governments in India over all His Majesty's forces serving in these parts, or with their control over all disbursements of a military nature. I am, moreover, not aware of any reason against continuing

in the Court of Directors the nomination of all cadets, destined to hold commissions in the Indian army.

Having thus said to you, for the consideration of the Court of Directors, the principal points to which I was desirous of drawing their attention upon this occasion, I have only to assure you, that it will be the earnest desire of His Majesty's Government, to suggest to Parliament such a system only, as shall be conformable to the principles on which the regulations of 1784 and 1793 were founded, as will secure to this kingdom all the benefit that can practicably be derived from its trade with our possessions in India, and to the natives of those countries a government, and an administration of laws, suited to their customs, habits and prejudices, and consistent with the British character, and which shall not be in any degree unnecessary to the authority of the Executive Government at home, or increasing, to any dangerous extent, the influence of the Crown.

I have the honor to be, Gentlemen,

Your most obedient humble servant,

To the Chairman and Deputy Chairman (Signed) ROBERT DUNDAS.
of the East-India Company.

Draft of a proposed letter, in reply, prepared by the Committee of Correspondence, was also read.

Resolved, That the said draft be taken into consideration on Tuesday next, the 17th instant.

No. VII.

SECRET COURT OF DIRECTORS,

Held on Tuesday, the 17th January, 1809.

The draft of a proposed letter to Mr. Dundas, which was read the 13th instant, being again read, it was resolved, That the Court approve the said letter.

No. VII.

Secret Court,
17 Jan. 1809.

No. I.
Mr. Dundas's
Letter.

No. VI.
Mr. Dundas's
Letter.

No. VIII.

LETTER from the Chairman and Deputy Chairman to the Right Honourable Robert Dundas, noticed in the preceding Minute.

No. VIII.

Chairman &
Deputy's
Letter.

SIR,

East-India House, 13th January 1809.

The letter which you did us the honor to address to us, on the 10th of last month, on the important subject of a renewal of the Company's Charter, has received the most serious consideration of the Court of Directors, and we are, by their unanimous resolution, instructed to submit to you the following answer to it.

The letter which we had the honor to address to you on the 10th of last month, though it sufficient to sketch the outlines of those principles and propositions which should, in their opinion, form the basis of a new Charter, and the reply you have been pleased to make to it, declaring the same intention of stating observations merely preliminary, and "not the result of any plan, or proposed system, matured in concert with His Majesty's confidential Servants," our present letter will abstain from any discussion of minor points, those especially relating to the proceedings of the Court of Directors with servants of the Company returned from India, to which article your letter is understood to allude, and likewise from some other points, connected with the exercise of their authority at home, which may be found to require revision and modification. Neither can it be necessary to go now into the subject of Indian Expenditure, although it is impossible, after the notice taken of it in your letter, to omit saying, that the Court feel with the liveliest solicitude, how indispensable it is to reduce that article far below the income, and are determined to act accordingly.

The attention of the Court will, therefore, be confined, at present, to two propositions of the highest importance, contained in your letter; the one suggesting such an enlargement of the trade of individuals with British India, as shall admit into it indiscriminately the merchants and the ships of this country; and

and the other, the transfer of the Company's Indian army to His Majesty. If these propositions had not been accompanied by the declaration with which your letter concludes, they would have filled the Court with the deepest concern; but you are pleased to close the whole of your observations with an assurance, that it will be the earnest desire of His Majesty's Government to suggest to Parliament such a system only, as shall be conformable to the principles on which the regulations of 1784 and 1793 were founded, as will secure to this kingdom all the benefit that can practicably be derived from its trade with our possessions in India, and to the natives of those countries a government and an administration of laws, suited to their customs, habits, and prejudices, and consistent with the British character, and which shall also be strong and independent, and not liable to the authority of the Executive Government at home, or increasing, to any dangerous extent, the influence of the Crown." Satisfied, by this declaration, that His Majesty's Government understand the interests of this country and of British India too well, to intend any alteration that would subvert or endanger the system by which those vast possessions have been acquired, governed, and improved, and by which alone they can be held, to the mutual benefit of their immense population and of the paramount state, the Court must, of course, believe, that the propositions which have just been quoted, are supposed to be compatible with the continuance of that system, or reducible to a consistency with it. These suppositions the Court are now called upon to examine, and they will endeavour to do so with the respect due to the authority with which they have to treat, with the duty which they owe to their constituents, and with that regard for the interests of their country, which they do not intend, nor feel themselves required to sink, in supporting the integrity of the present Indian system.

If either of the two propositions, respecting the Indian trade and the Indian army, were to be acted upon, in the sense which the terms of it seem obviously to convey, the Court have no hesitation in declaring their decided conviction, that it would effectually supersede and destroy, not merely the rights of the East-India Company, but the system of Indian administration, established by the Acts of 1784 and 1793; and with respect to the latter proposition, for the transfer of the native army, it appears to be incapable of any modification, which would not still make the overthrow of the present system the certain consequence

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consequence of it. The Court will take the liberty to state the reasons on which these opinions are founded, with as much fulness as the bounds of a letter, and the dispatch necessary at this period, will permit, premising only, that in the time and space to which they must now confine themselves, many things, belonging to the consideration of both subjects, must be omitted.

With respect to the Private Trade, the Company are not governed by narrow considerations of commercial profit or commercial jealousy; and, in fact, the Indian trade, as an object of gain, has gradually ceased to be of importance, either to the Company or to individuals. The admission into it already accorded to British residents in India, with the prodigious increase of the cotton manufactures of Europe, the changed circumstances of the European Continent, and the almost incessant wars which have prevailed for the last sixteen years (wars still without any near prospect of termination) have reduced the value of that trade to a very low point. The Court are actuated by a thorough persuasion, that the unlimited freedom, for which some persons have, of late years, contended, would have political consequences more injurious to the power of this country and of British India, than the advantages anticipated by sanguine minds, from an enlargement of the commerce, could compensate, if those advantages were to be realized; and that, moreover, the expectation of such advantages is unfounded, resulting from general presumptions, which are contradicted by the nature of the Indian people, climate, and productions, and by the experience of more than two centuries.

In any scheme of intercourse, purely commercial, between this Country and India, the leading objects must be to export as many as possible of our home manufactures, and to import those commodities, which would either beneficially supply our own consumption, or the demand of other countries, European or Transatlantic: and it is, no doubt, imagined by many persons, that if the trade to India were perfectly free, these objects could be attained, in a degree extending far beyond its present scale. The ardour of individual enterprize, it will be thought, could find out channels, which the settled routine of a Company cannot explore, and carry on commercial operations more economically and expeditiously than suits with the habits of monopoly, whilst our most active rivals in the Indian trade would thus be best counteracted. The present times, it will also be said, peculiarly demand new attempts and discoveries

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discoveries in commerce, and His Majesty's Government may very naturally wish, at such a crisis, to procure for the country every possible facility for the exertion of its commercial spirit, and the employment of its commercial capital. But before a change in its principle altogether novel, and obviously connected with national interests of the highest importance, is adopted, it ought to be seen, not only on what rational grounds the expectation of advantages entertained from it rests, but to what consequences so material a change might expose the country and its Indian dependencies.

Now, with respect to the benefits supposed to be derivable from opening the trade with India, it is, in the first place, to be observed, that no material enlargement, if any enlargement at all, is to be expected in the exports of our manufactures to that quarter. The records of the Company, for two centuries, are filled with accounts of their endeavours to extend the sale of British products in India, and of the little success which has attended them. The French, Dutch, and other European nations trading thither, have equally failed in introducing the manufactures of Europe there. This was not owing to their trading chiefly in the form of Companies: the Americans, who within the last twenty years have entered into the Indian commerce, and traded largely, not as a Company, but by numerous individuals, each pursuing his own scheme in his own way, in which course no part of the East is left unexplored, carry hardly any European manufactures thither, their chief article for the purchase of Indian goods being silver; and such has been the state of the trade from Europe to India since the time of the Romans. This state results from the nature of the Indian people, their climate, and their usages. The articles of first necessity their own country furnishes, more abundantly and more cheaply than it is possible for Europe to supply them. The labour of the great body of the common people only enables them to subsist on rice, and to wear a slight covering of cotton cloth; they, therefore, can purchase none of the superfluities we offer them. The comparatively few in better circumstances, restricted, like the rest, by numerous religious and civil customs, of which all are remarkably tenacious, find few of our commodities to their taste, and their climate, so dissimilar to ours, renders many of them unsuitable to their use; so that a commerce between them and us cannot proceed far upon the principle of supplying mutual wants. Hence, except woollens, in a very limited degree, for mantles in the cold season, and metals,

No. VIII. metals, on a scale also very limited, to be worked up by their own artizans for the few utensils they need, hardly any of our staple commodities find a vent among the Indians; the other exports which Europe sends to India being chiefly consumed by the European population there, and some of the descendants of the early Portuguese settlers, all of whom, taken collectively, form but a small body, in view to any question of national commerce.

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What is here said does not relate only to those parts of India where the Company have settlements or factories, but to all the shores that embrace the Indian Seas, from the Gulfs of Persia and Arabia to the Eastern Archipelago. Many advocates for a free trade may suppose, that in so vast a range, numerous positions, favourable for the vent of European commodities, are still unexplored; but they are not aware, that in the British settlements, which themselves extend on the west to Cambay, and on the east to China, there are a number of merchants, native and European, who carry on what is called the coasting trade of India, with great spirit, sending their ships to every mart, insular or continental, where any profitable commodities can be either sold or bought. At all those marts, European commodities have been tried by the enterprise of individuals. The little demand that has been found for them has been supplied; and residents, settled in India, can carry into such parts the trade in European commodities, which it is now open to them to receive from this country, with more facility and advantage than merchants settled in England.

To these facts and observations, arising from the nature and circumstances of the people and countries of India, one remarkable argument may be added, furnished by our own experience at home. In the Charter of 1793, provision was made for the export of British manufactures to India, by any individuals who might choose to embark in that trade. The Company were required to find them tonnage to a certain extent, which has always been allotted at a rate of freight cheaper outward, as well as for the returns, than the Company themselves pay, or as the Court think, than private ships could furnish it. But, in all the time that has elapsed since, very few applications, and these to a small extent, have been made, for leave to export the woollens, metals, and other staples of this country, on private account, the chief applications having been for the freight of wine, for the consumption of Europeans: and this is not properly a British production, nor is it so much an increase in the trade, as a transfer of it to the private

private merchants from the commanders and officers of the Company's ships, part of whose advantage used to arise from being the carriers of this commodity.

All these circumstances, to which other corroborations might be added, the Court trust will fully evince, that the entire opening of the Indian trade to the merchants of this country, would not, in reality, extend in any considerable degree, if at all, the consumption of British manufactures.

Let it be inquired, in the next place, whether the adoption of so great a change in our Indian system, would be followed by the discovery of such new and valuable productions of the East, as would serve materially to augment the trade of this country with the Continents of Europe and America; for, with regard to the supply of our home consumption of Indian commodities, it cannot be asserted, that the importations already made by the Company and individuals do not abundantly suffice for it, or may not, at any time, be extended to the exigencies of the market; in which, it may be noted, that a preference is given to the cotton and silk manufactures of our own country, and to some of the tropical productions brought from our West Indian Colonies. Nor can it be asserted, that new adventurers in the Eastern trade, fitting out from Great Britain, could, with any profit to themselves, furnish the home consumption on cheaper terms than it is now supplied; for both the Company, and British individuals resident in India, must have an advantage over such adventurers in the provision of goods there (British residents in the freight also), and yet, of late, the great Indian staple of cotton piece goods has been a losing article in this country.

Now, as to the productions of India valuable for foreign commerce, the trade of Europeans, of different nations, to all parts of it, in the course of the last three centuries, may well be presumed to have left little for discovery in that way. The Portuguese, who, in their early time, spread themselves along all the shores of the East, explored every considerable part of it, and they were followed by the Dutch, English, and French Companies, with their numerous establishments, some of which extended inland to the Upper India. But the modern European merchants, resident in the East, who have long been the chief navigators and adventurers in what is called the coasting trade, have become well acquainted with the commercial capacity of every region washed by the Indian Seas; so that many countries supposed here to be little known, because little visited.

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No. VIII. visited by the ships of Europe, are familiar to them, and whatever articles these countries furnish, valuable for the commerce of the West, are already conveyed, through the medium of private or foreign trade, to Europe.

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The chief commodities suited to the European market, which India has hitherto been found to produce, are spices, pepper, drugs, sugar, coffee, raw-silk, saltpetre, indigo, raw cotton, and above all, cotton manufactures of singular beauty and in endless variety. These last have, as already intimated, formed, from time immemorial, the grand staple of India; but from the rise and excellence of similar manufactures in Europe, particularly in our own country, and from the general impoverishment which wars and revolutions have brought upon the Continent of Europe, with the obstructions opposed, in much the greater part of it, to our commerce, the consumption of the fine fabrics of India has considerably decreased, and it is not likely that it can be restored to its former standard. Spices, sugar, and coffee, have been furnished chiefly from the Moluccas and Java, Dutch islands not in our possession, nor, in a commercial view, worth the expense of conquering and keeping them. The cinnamon of Ceylon, now ours, may be brought, in sufficient quantity for the supply of all Europe, in one or two of the Company's ships. Pepper is a very losing article. Sugar has been, of late, imported from our territories; but the necessary expense of conveyance from so great a distance, prevents it from being profitable, and it can be much encouraged only at the expense of our West-India colonies. Raw-silk and indigo, now produced in great perfection in Bengal and its dependencies, have been brought to that state, by the expense incurred, and the support afforded by the Company. Both are articles occupying little space, in proportion to their value. The factories where the former is collected and prepared are in the hands of the Company, who have, in the course of many years, established them with great labour and expense. They can furnish not only all the raw-silk this country requires, but much for the consumption of the Continent, if it was possible to bring it there into competition with the raw-silk of Italy, and the tonnage already employed by the Company is quite sufficient for its importation from India. The indigo produced in Bengal and the adjacent Provinces is equal, probably, to three fourths of the demand of all Europe, and may easily be raised to the whole demand; but the manufacture of this article is entirely, and the trade in it chiefly, in the hands of individuals,

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No. VIII. who need and require no shipping from this country, except what the Company provide, to convey to Europe, all that Europe can consume of it. Saltpetre, furnished only from Bengal, is, for political reasons, prohibited to foreigners, and exported exclusively in the ships of the Company: for the same reasons, it could never be prudent to allow the private ships of this country to carry it away at pleasure. Where then is the scope for the admission of new shipping and new adventurers, without limitation, into the trade of India with Great-Britain? In general, it may be observed, that the commodities which have hitherto come from that country, in a state prepared for use, such as the great staple of cotton piece goods, being articles of luxury, can have only a limited consumption, and that the demand for them could not be increased, at all in proportion to the number of new competitors that should enter into the trade. The same may be said of all kinds of spices and drugs, which, from their nature, have a limited consumption; and, with regard to the important articles of raw-silk and indigo, which require a further preparation before they are used, there is already abundant provision made for their importation, to the utmost extent of demand.

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There remains then to be considered, of all the commodities above enumerated, only the raw material of cotton; and to this may be added another, of high importance, which India is in time likely to produce abundantly, namely, hemp. Now, with respect to the former of these, the Company have formerly imported it, and permitted private merchants to do so; but it was found, that the cotton of India could not enter into competition with that produced nearer home, in the Brazils, the West-Indies, and North America. Of late, since the interruption of our trade with the last mentioned country, the Company have themselves commissioned cotton from India, and have been willing to encourage individuals to export it from thence; but that it can support a competition with the cotton of Georgia, when the American embargo is taken off, or become an article of extensive demand in this country, supplied with it from so many nearer quarters, is not very likely. The culture of hemp in India is yet in its infancy. A change in the circumstances of Europe may check it; but if it is not checked, years must elapse, before the quantity produced can form a considerable article of exportation. And with regard to both these commodities of cotton and hemp, it is to be observed, first, that cargoes for Europe cannot be composed of them only, some other, more ponderous for its bulk, being necessary for dead weight,

No. VIII. weight, and sugar, almost the only article of this nature that India can supply, must generally be rather a losing one: secondly, it is to be observed, that the private ships ready to be employed in India, must be abundantly sufficient for the supply of all the tonnage that can be required for these articles, which could hardly absorb any very large amount of capital. Thus, then, it is also apparent, that the country and productions of India afford no new field of importance for the commercial enterprize of the merchants of Great Britain.

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But were it indeed otherwise, where, in the present circumstances of the European Continent, could new commodities, imported into this country from India, find a vent, when many of those already made, and of articles which the Continent used to take off, remain in our warehouses? And hence may appear the inapplicability of that argument, which has sometimes been urged in favour of enlarging, or rather opening the Indian trade to individuals, "that they should be allowed to bring home the surplus produce of India which the Company did not require." There can be no room for additional importations, when the ordinary scale proves too large. But in the use of this plausible plea, respecting *surplus produce*, there was always a great fallacy. It seemed to imply, that there was a stock of commodities in India which continually remained indisposed of, whereas nothing is more evident, than that the productions of any country will be regulated by the demand, and that no agriculturists or manufacturers will go on from year to year to produce that for which they have no sale. The term, as connected with the Company, might also convey the idea, that *they* were the only purchasers in the country; whereas, at that very time, British residents and foreign nations had the privilege of exporting goods to the western world, and there was a great coasting and internal trade from one part of India to another. But the argument for permitting individuals to export the surplus produce, included fully, though not professedly, the principle of transplanting British capital to India, in order to raise produce there; a principle which, it may be thought, this country has already carried sufficiently far in its other distant dependencies, and which could not be applied to India without political consequences.

But it has been alledged, that the refusal of the Company to make a concession, which appeared to them to be claimed on unsound premises, and to be pregnant with danger, threw that trade, which might have been brought into the

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No. VIII. the Thames, into the hands of foreigners, particularly the Americans, whose great progress in the Indian trade, of late years, has been charged to an erroneous policy on the part of the Company. Nothing can be more mistaken than the whole of this statement. Several European nations having from the native sovereigns of India the right of possessing settlements and carrying on trade there, a right which we had confirmed, we could not interrupt the exercise of it whilst they remained at peace with us; nor, therefore, divert from them whatever portion of the trade their means enabled them to embrace. And, with respect to the Americans, they owe their advancement and success in the Indian trade to the treaty made with them by our Government in 1794, to the belligerent state of Europe since that time, and, above all, to the neutral character they possessed, which enabled them to navigate more cheaply, more expeditiously, as well as more safely than our merchants or the Company could, and to supply many parts of the European Continent and of South America, to which our ships had no access. These, with the increase of the consumption of eastern commodities among themselves, are the true causes of the growth of the American trade with India; and even the abolition of the Company's privileges would not have transferred the share they acquired of it to our merchants, because it could not have lessened the advantages under which the Americans then carried it on, nor have gained us either the supply of their internal demand, or admission to many ports which were open to them. What the Company could do, in the way of regulation, to reduce the inequality between the American traders and our own merchants, you know, Sir, was effected, as soon after the expiration of the treaty of 1794 as His Majesty's Government thought expedient.

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Among the speculations of the present day, the idea may perhaps be suggested, of carrying the productions of India directly to the ports of Portuguese and Spanish America; and eagerness for relief from the pressure which our commerce now feels, may be ready to make so great a sacrifice of the navigation laws. But such a measure would essentially exclude the mother country from being the medium and emporium of our Indian trade; and whilst it served to enrich India, rather than Britain, would facilitate the progress of the former to independence. If, however so dangerous an innovation were not adopted into our commercial code, it is altogether probable that English ships, admitted without limitation into the Indian Seas, would take the liberty of sailing to those markets.

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Having thus shewn, that the opening of the Indian trade to the subjects of Great Britain could not materially increase, either the export of the manufactures of this country, or its commerce in the productions of India, it will next be proper to consider, what the effects of the proposed change would be upon the East-India Company and upon British India.

And, in the first place, it would, in substance and in form, entirely abolish the qualified monopoly which the Company still enjoys of the Indian trade. The admission of all private merchants, at their pleasure, and of their ships, into that trade, would make it as perfectly free as the trade to our American or West-Indian colonies. There would, as to India, be an end of all exclusive privilege of trade. This would not be any modification of the Act of 1793, but an essential departure from it. That act permitted only the export of British manufactures, and intended only to provide for the returns to them, and for the remittance, in goods, of British fortunes from India; both on the ships of the Company. The proposed measure must, in the nature of it, make the trade from India not merely a vehicle for the remittance of fortunes acquired there, or the produce of British manufactures, but a general trade; and what is a still more radical change, instead of a limited amount of tonnage not incompatible with the Company's system, it admits all ships, without any limitation, or option on the part of the Company: it throws all India open to those ships, and thus sets aside the Company from being the sole channel and medium of the trade, through their own shipping, or shipping engaged by them, which completely divests them of the last remnant of exclusive privilege in that trade.

It would be no argument to say, that in a trade, by which they now gain little, they might admit, without much sacrifice, the rest of the commercial world to share. The loss of the Indian monopoly, such as it was left by the Act of 1793, would lead, by no slow process, to the entire subversion of the Company, both in their commercial and political capacity, and of that system which the Legislature has appointed for the government of British India, of which system the Company forms an integral and essential part.

If

No. VIII. If the Indian trade were thrown open, ships would, at first no doubt, swarm into it, and there would be a ruinous competition in the markets, both abroad and at home. Goods would be enhanced in cost there, as well as deteriorated in quality: the selling prices at home, already too low, reduced still lower, and the market overstocked. This was the effect, in some measure, produced by throwing open the trade in the time of Oliver Cromwell, who, after the experience of a few years, revived the Company. The same effect followed from the collision of the Old and New Companies, in the beginning of the last century, which forced them to unite, and their union received the sanction of Government. It is not sufficient to say, on this head, that increased demand abroad will produce increased supply, and the diminished price of goods at home increase the sales, so that things will, at length, in both countries, find their due level. From the nature of the Indians and their division into castes, it is not so easy among them, as in Europe, to meet an increased demand by increased production; and it is still less easy, when they can subsist by furnishing things of low or ordinary quality, to make them aim at excellence, which the supposition of increased sales at home would require. But of such an increase, in the present and prospective state of the trade in Indian imports, enough has been above said to shew the improbability; and before that supposition could, in any case, be realized, the ruin of the parties immediately embarked in the trade (a trade so distant, requiring large capitals, and making slow returns) might be completed, with the ruin also of the Company, whose establishments would have been deranged by this great change. If the change itself did not occasion the fall of the Company, the disappointments which the private adventurers could not fail to experience would, by them, be charged to the influence of the remaining privileges of the Company, and they would not rest until the whole were extinguished. But it may be observed here, and it is an observation which might be urged more formally and fully, that although the Company have the justest claim to those territories, which the powers vested in them by the laws of this land, the ability of their servants, and the hazards they have encountered, have enabled them to acquire, and that this right was never questioned, until the acquisitions, and consequently the merit of making them, became great; yet that, in a more peculiar sense, all the principal marts and factories of British India are their property, acquired in their purely commercial period, either with their.

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No. VIII. their money or by grants from the native princes of the country, and that the power of admitting settlers and traders to them strictly belongs to the Company.

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One part of the present system, and a beneficial one for all parties, is to have only one place of sale for Indian goods, that is London; to make all sales by public auction at stated periods, and these sales to be regulated and conducted by the Company. With the proposed enlargements, it would seem hardly possible to continue that practice. Different towns would have their own sales, at their own times. Individuals might frequently choose to dispose of their goods by private bargain. The general resort of buyers which the sales were wont to bring to London, a resort often productive of other commercial speculations, would thus be at an end; and the benefit derived from public auction, when that was the sole mode, would be lost, in the midst of many private sales and competitions: but to dispose of the goods of the Company by private negotiation, might open a door to many abuses, which would render that mode totally unsuitable for their business. The Company, with such a competition, could not go on to purchase the goods of India. With the cessation of their Indian trade, their Indian subordinate factories, which have been reared in the course of more than a century, and which are the seats of the best manufactures produced in the country, must be abandoned, and all the commercial branch of their civil servants be thrown out of employ. Their purchases of goods at home, for the Indian market, must also cease, with the circulation of money which has enabled them to support their credit in England, and to provide for the payment of bills, which it has been long and necessarily the practice to draw on them from India; a practice which, under such a change of circumstances, could not be continued: and, in general the great aid which the political affairs of British India have, at all times, derived from the commercial credit and resources of the Company, with the reciprocally beneficial co-operation of the different parts of the Company's system, must thus be destroyed. In like manner, the Company must cease to employ the numerous class of excellent ships they have engaged for the Indian trade, ships constructed for warlike defence as well as for commerce, and rendered expensive only, by being necessarily destined and fitted for the performance of political services. Those ships the Company have contracted to employ for the term of their duration: there is a large capital embarked in them, and they can be employed in no other way than in that for which they were built.

When

No. VIII. When they can no longer be kept up, the means of conveyance they have hitherto so well afforded for troops, and the large supplies of naval and military stores annually sent to India, must be lost.

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But there is no reason to believe the evils would end here. The monopoly of the China trade, which it is proposed to continue, would not be safe. British ships, when permitted to range at pleasure through the Indian seas, however interdicted from that trade, would attempt to participate in it either by resorting to it as the country ships do, under colour of carrying on the coasting trade, or by other means obtaining teas, and the other productions of China, at the most convenient Indian ports. Love of gain, disappointments in other ways, the hope of impunity, would stimulate their conductors to break through restrictions imposed in this country. British subjects, who now navigate the Indian Seas, sail from some one of our established settlements there, and are amenable to the laws of it: it would not be so with men having no domicile in India. In ranging the numerous islands and coasts on the Eastern Seas, where they would be unknown, and whence they could not be followed to England by complaints, the probability of impunity might tempt them to commit upon the weak natives, accustomed to repose confidence in Englishmen, acts of injustice and licentiousness, which would wound the national character, raise complaints throughout India, and set the people against us. In this manner the Portuguese formerly rendered themselves odious in the East, and contributed to the downfall of their own power. In China, where the effects of such a spirit would be most to be feared, we could exercise no authority, sufficient to controul men not within the reach of the Indian Governments, or to defeat their schemes and associations for eluding the laws. Practice would embolden them, and time increase their numbers. It is hardly conceivable they would not venture upon irregularities which would offend the Chinese Government, who, whilst the delinquents escaped to England with impunity, would doubtless take satisfaction of the national factory; and the pride and jealousy of that government, alarmed by repeated instances of this nature, from the desultory visits of a new order of Englishmen, insubordinate to the representatives of the nation, might determine to dismiss the whole together. If this extreme case be not supposed, which however is too probable and too momentous in its consequences to be hazarded, can it be doubted, that whilst the duties on tea continue at even the fourth

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part of what they are at present, private English ships adventuring to the eastern seas will not, by means of country vessels and intermediate ports, if by no other means, procure teas, and revive the practice of smuggling them into this kingdom? The consequence seems inevitable, and the ships of our own country, especially if allowed to choose their port of discharge, as the proposed change seem to require, would have facilities, which those of foreign Europe or America could not command. In these ways, the China monopoly of the Company, reduced in its profits, would be rendered likewise insecure, and in the end untenable; and the noble fleet of ships, employed in that trade by the Company, must be also laid aside. How the immense revenue, now derived by Government from the very high duties on tea, could, under such circumstances, be realized, or a substitute found for them, may be an important, and, to all appearance, a most difficult subject of enquiry.

But a more serious consequence than all these would still remain. A free trade to India would, unavoidably, draw after it the residence of numerous and continually increasing Europeans there, whatever prohibitions might, at first, be opposed to their settling in the country. When all restraint to the importation of ships and goods is taken off, men must be allowed to follow their property, and to remain at the place where they land it till they have disposed of it: they must be allowed to navigate the Indian Seas, and to return to the same place when their business calls them; they will thus, insensibly, and with hardly reasonable grounds for opposition, domiciliate themselves; nor would an unsuccessful trade prevent them, but many would seek to indemnify themselves on shore for their losses by the voyage. The instances of such settlements will be numerous, and it will be impossible for any police to follow up the cases of individuals, and continually to exercise a rigorous system of exclusion. This has not hitherto been done, though attended with comparatively little difficulty; and the attempt would soon, under the new order of things, be abandoned as hopeless. Colonization must, in such case, follow. Large communities of Europeans will struggle for popular rights: new feelings with respect to the mother country, new interests and attachments will then spring up; and in a region so remote, so rich and populous, and so accustomed to yield to the ascendancy of the European character, the tendency and process of these things cannot be difficult to conceive.

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With the prospect of all these consequences, commercial and political, before the Court, it is impossible that they, as faithful guardians of the interests committed to their care, or as men truly solicitous for the welfare of their country, which they profess themselves to be, can advise their constituents to seek a renewal of their Charter, on conditions which would despoil it of all its solid advantages, deprive the Company of their most valuable privileges, and incapacitate them from performing, for themselves and the nation, the part hitherto assigned to them in the Indian system. Such a further enlargement of the Indian trade, in favor of individuals, as may be compatible with the preservation of these essential objects, the Court will, in present circumstances, certainly be disposed to recommend. They will be ready to enter into a serious inquiry concerning the concessions which may be made, without trenching upon the principles established by the Act of 1793; and they trust that the justice and wisdom of His Majesty's Ministers will not require the Company to make essential sacrifices, for the sake of giving the Public, what would, after all, be more an ideal than a real benefit, and be, in other respects, productive of incalculable disadvantages.

The other important proposition which is next to be considered, is the transfer of the Indian Army to the King. The reasons assigned for this proposition are, that an end may be put to the jealousies and divisions which have too much prevailed, between the officers of His Majesty's army and those employed by the Company, and that the responsibility in the country, of providing for the military defence of India, may be ascertained and strengthened.

The Indian army is the main instrument by which the Company have acquired and retained the territorial possessions they have added to the British Empire. The people of those countries submitted more easily to an authority exercised by means of a body formed from among themselves. We fought battles and governed provinces as the native powers did; and our new subjects, undisgusted with the sight of a foreign conquering army, supposed the government to continue substantially the same, and the principal change to be in the individuals who exercised it. The constitution and character which this Indian army has acquired, have been the subject of just admiration. These have been owing, essentially, to the happy mixture of bravery and generosity, of firmness and kindness, exercised towards the Sepoys by their European officers. The superior

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lights and energy of the European character have directed the powers and conciliated the prejudices of the native troops; but it was because the officers knew the people and their prejudices well. These officers had been trained up among them from an early age: the nature, the usages, and the language of the natives, were become familiar to them; and the natives, remarkably the creatures of habit, in return, from being accustomed, became attached to them. Without such knowledge, however, on the part of the officers, they might every day have revolted the minds of so peculiar a race, and have alienated them from our service and government.

An Indian military education, from an early age, is essential to the formation of a good Sepoy officer, and gradual rise in the service by seniority, is no less indispensable. In this way the Indian army has been constituted and rendered eminently efficient; and all measures, tending to change or weaken the constituent parts of this fabric, are to be deprecated. When, excepting a few regiments of European artillery and infantry, the whole military force of British India was composed of Sepoy corps, the officers of that army, of course, possessed entire the emoluments and advantages which the service afforded. The introduction of European troops from His Majesty's army into India altered this state of things. Young officers, of no Indian experience, who had obtained their commissions by purchase, took rank of men of long and tried service: the King's officers were thought to come in, also, for too large a share of employments and advantages. To redress the complaints which the Company's officers made of supercessions and partialities, and to give them a better share of the benefits of the service, was the leading object of Lord Cornwallis's Military Plan of 1794, and with him a principal motive for proposing to transfer the Indian army to the King, no other practicable means having then occurred to him. But the object was, in substance, attained by the Military Regulations of 1796, passed in concert with His Majesty's Government, without that transfer, of which his Lordship did not revive the idea on his last return to India, those regulations having given increased rank and retiring pay, to the officers of the Company's army. The causes of complaint, however, did not entirely cease. To avoid the collision of authorities, the Company had adopted the usage of appointing the Commander in Chief of the King's troops, also their Commander in Chief; and one consequence of this has been, that the Company's officers,

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resident from early youth in India, possessing little influence in England, unknown to officers of high rank in His Majesty's service, have thought themselves treated with less favour and distinction, than younger officers of that service recently arrived, but better patronized. You know, Sir, that there have been instances of this sort, which the Court, with the sanction of your Board, have interposed to repress: but as long as the British force in India is made up of two armies, so differently constituted, with so large a portion of King's officers, the whole commanded by generals of His Majesty's service, there will, probably, be real or apprehended ground for the like complaints. They do not arise because one army has the honour to belong to His Majesty and the other serves the Company, but because the constitution of the two armies are radically different, and must continue so, whether the armies are under one head or two. The Indian army cannot be maintained without officers attached to it from an early age, and rising by seniority. Frequent changes of King's regiments serving in India, and the consequent frequent arrival of young men, promoted in them by purchase, cannot be avoided: the former class will be comparatively unknown to the King's commanders, the latter will have among them the connections of those commanders, or of men of influence in England. It is not difficult to see, therefore, to which side the exercise of military patronage will lean: and to prevent causes of complaint, and to keep the balance even, must be an important object in the Government of India. It does not seem the way to effect this, to put the Indian army wholly in the power of the Commander in Chief. It is of the partiality of that station of which the Company's officers have sometimes complained; and the Court see no reason whatever to suppose, that their jealousy and dissatisfaction would be removed, by putting them entirely under its control: and, indeed, by placing two armies, of such different races and so differently constituted, under the same master, it would seem difficult to avoid attaching the idea of permanent inferiority to that which was Indian. Nor is it a thing to be taken for granted, that the Sepoys, so much, as already observed, under the influence of habit, would chuse to be transferred from that service to which they have been always accustomed, to one of which they have little experience, and that experience not always of a conciliatory kind. To place the officers of the Indian army wholly under that authority of which they have hitherto complained, does not certainly appear to be the way to render them easy. It might, on the

contrary,

No. VIII. contrary, lead to serious discontent; and though the Court would be far from countenancing that spirit among their officers, or yielding to any irregular exertion of it, yet it must be said, on the other hand, that those officers are a body of men who have deserved too well of the Company and their country to have real causes of discontent; and that it would be impolitic to adopt any system likely to generate such causes, either among them or the men they command.

Chairman &
Deputy's
Letter.

With regard to the other reason assigned for the proposed change, the Court beg leave to observe, in the first place, that they do not perceive the necessary connection between the inconvenience which is alledged, and the remedy suggested for it; since, if it were true that the question of responsibility in England, respecting the appointment of Commander in Chief, lay under an obscurity and uncertainty detrimental to the public service, it does not appear to follow that the Indian army ought to be transferred to the King, to remedy this defect. But, in the humble apprehension of the Court, no obscurity hangs over that question. The appointment of Commanders in Chief of the King's forces there rests with His Majesty, and the officer chosen by him will, by virtue of his commission, generally command the Company's army on service. The appointment of Commanders in Chief for the Company's army, is placed, by law, in the first instance, in the Court of Directors, but with a power vested in His Majesty to annul such appointments. This necessarily points to an agreement between His Majesty's Government and the Court of Directors, in respect to those appointments, and the Court are not aware, that they have, on any occasion, used the share of power, left to them by this arrangement, for the exercise of which they feel that they are responsible, to the prejudice of the public service. They must, at the same time, humbly express their opinion, that the law, as it now stands, is wisely conceived, since it does not halve the responsibility, but double it, making both His Majesty's Government and the Court of Directors fully answerable for the appointment of the Company's Commanders in Chief; and if it should still be said, that in point of fact, the selection of a Commander in Chief for His Majesty's forces may be rendered difficult, by reluctance, on the part of the Court, to accept of the same officer for the command of the Company's army, it may be justly replied, that they make a sacrifice to the public interest, in agreeing that the Commander in Chief of his Majesty's shall also be the Company's; and when he is not only to command their army, but expects to be made a

Member

Member of their civil and political Government, it cannot be deemed unreasonable, that they should possess the right of satisfying themselves as to his competency for filling those high offices: neither is it, as they think, to be shewn, from theoretical reasoning, or by an appeal to facts, that the service will suffer, or has suffered, by their assertion of this right.

No. VIII.
Chairman &
Deputy's
Letter.

But the strongest objections of the Court to the proposed transfer arise from political considerations. They conceive the continuance of the Indian army in the hands of the Company to be essential to the administration of the civil, financial, and political affairs of British India, according to the present system. The Company's Government has hitherto been respected, both by its own subjects and foreign powers, because it possessed a great military force. Organizing this force, enlarging or reducing it at pleasure, appointing its officers, rewarding merit, punishing the unworthy, providing for the comfortable retirement of the veteran soldier and officer, and, in short, exercising all the functions of a governing power over a very numerous body of men of high military spirit, it has possessed all the respectability and the benefit of their attachment and fidelity. Looking upon the Members of the civil Government and the body of civil servants as belonging to the same master with themselves, and as the first order in the state, they have paid a willing obedience to their authority, and have thereby upheld their internal administration and their consequence abroad. The introduction of certain King's regiments has been understood, as it was intended, to be merely in support of the public interest under the existing system: but if the Company were to be divested of the whole of their military force and power; if they were to be no longer masters of a single regiment, no longer capable of entertaining any soldiers nor of giving one subaltern's commission; if the immense body of men, who have so long looked up to them, were to be transferred from them, the people must consider their power as fallen and drawing rapidly to a close. Continuing still to their Governments a general controul over the employment of the army, and to their civil servants the internal administration of their affairs, would give the people no assurance to the contrary. Those servants, in the discharge of their different functions of judges, magistrates, collectors, could not expect the same respect and support, either from public opinion or the attachment of the native troops, as when all looked to the same head for protection, patronage, and reward.

Indeed,

No. VIII. Indeed, to make so wide a separation of the military from the civil power; to take away the organization, the interior regulation, and with these, the patronage of the army, from the local Government; to place all those powers in the hands of the Commander-in-Chief, subject only, in the exercise of them, to an authority at the distance of half the globe, would throw the means and the temptation of a dangerous ascendancy into the scale of the military department, which constituted by His Majesty, might easily be led to slight the civil servants of a meaner master, and their chance of distant redress. Among the natives of India it has been usual to consider the military power, and those possessing it as pre-eminent; and they see, in some examples of the present day, that power, under the idea of assisting the civil and political administration, actually controuling it. The Company's Government, in short, lowered and overshadowed in this way, would not, in the opinion of the Court, continue to possess the authority necessary for the proper administration of the affairs of that great empire; and it might then be conceived, that a further change only could supply what was defective.

But this is not the only way in which the measure in question appears to the Court to be pregnant with danger. It proposes to place in the entire disposal of the Crown, a regular army, amounting to one hundred and forty thousand men, commanded by above three thousand European officers, having a great variety of places of honor and emolument; and all the vast patronage attaching to such an army (saving the nomination of cadets) would, mediately or immediately, be under the influence or controul of some of the Members of His Majesty's Government. This would be a signal departure from the spirit and letter of the Acts of 1784 and 1793, a professed principle of which was, that the Indian patronage, civil and military, should be kept entirely out of the hands of the servants of the Crown. It is not for the Court to enlarge upon a proposition so momentous; but they beg leave, with the utmost deference, to state, that they would deem it a dereliction of their duty, to which no consideration could induce them to submit to recommend any measure of this description to the adoption of their constituents. Knowing, however, Sir, your concern for the promotion of the public interest, a concern which we have frequently witnessed, the Court still flatter themselves, that the consideration of the renewal of the Company's Charter, a measure which they believe to be for the interest of the nation as well as

Chairman &
Deputy's
Letter.

of the Company, will go on, without your insisting on this proposition, or any further on the other which has been above discussed, than may be really compatible with the preservation of the present Indian system.

Chairman &
Deputy's
Letter.

We have the honor to be, Sir,

Your most obedient humble servants,

(Signed) EDWARD PARRY,
CHARLES GRANT.

The Right Honorable Robert Dundas,
&c. &c. &c.

No. IX.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 28th February, 1809.

The Chairman and Deputy Chairman reported to the Committee, that in consequence of an invitation from the President of the Board of Commissioners, they had yesterday an interview with him, in which he discoursed with them on the present state of the negotiation for the renewal of the Company's Charter. He inquired, in the first place, whether the Company would have occasion to apply to the Public for pecuniary aid in the course of the present year. To this inquiry the Chairman and Deputy answered, that from an estimate lately made up of the Company's receipts and payments, till the month of January 1810, it appeared probable they might be able to do without any public assistance till that period; but that this could not be positively affirmed by the Chairs without further and more certain investigation. Mr. Dundas then said, that if the Company were not under a necessity of coming to Parliament this session on the score of their finances, he thought it would be expedient to delay the agitation of the subject of the Charter in Parliament till next session, because the Committee of the House of Commons for inquiring into the state of the Company's

No. IX.
Secret
Committee,
28 Feb. 1809.

No. IX.

Secret
Committee,
29 Feb. 1809.

ny's affairs, recently re-appointed, being about to examine into all the great branches of those affairs, which would necessarily engage the public attention on the renewal of the Charter, it would be expected by the House, that the reports of that Committee should be submitted to them, before the question of the renewal was brought forward, and from the number and weight of the subjects to be investigated, it would be impracticable to report upon them, soon enough to afford sufficient time to the House to go through the consideration of them in the remainder of the session: it was, therefore, Mr. Dundas's opinion, that it would be advisable to postpone the agitation of the question until next session; but before he fixed his determination, he wished to receive the sentiments of the Chairs and the Committee of Correspondence on this important point, and those sentiments would probably influence him in shaping his answer to the last letter of the Court, dated 13th January 1809, on the renewal of the Charter. The Chairman and Deputy Chairman beg leave to state, that they, in reply, expressed their opinion to be clearly in favor of proceeding with the business of the Charter this session, if it should be practicable for the Committee of the House to make the requisite reports in due time.

The Committee having deliberated on this communication, are of opinion, first, that it will be necessary to form as accurate an estimate as possible of the home finances of the Company for the current year; secondly, that it is very desirable the renewal of the Company's Charter should be brought forward in Parliament this session, even if the Company should stand in need of no pecuniary aid; but, thirdly, that if the Select Committee cannot prepare their reports in due time, and His Majesty's Ministers deem it proper to wait till next session, the Court must, of course, acquiesce; yet in the wish and hope, that if any circumstances should occur in the course of the present session, favorable to the agitation of the measure, it may still be brought forward; and if not in this session, as early as possible in the next; to which end the Committee will be very ready to proceed with the President of the Board of Commissioners in the discussions already commenced.

No. X.

(41)

No. X.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

5th December, 1809.

Read and approved draft of a letter to the Right Hon. Robert Dundas, proposing that the discussions between him and the Court, on the subject of the Charter, be resumed, from the point at which they were left by the letter from the Chairman and Deputy, dated 13th January last.

No. X.

Secret
Committee,
5 Dec. 1809.

No. XI.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the Right Honorable ROBERT DUNDAS, noticed in the preceding Minute.

(Private.)

East-India House, 5th December, 1809. No. XI.

SIR,

From the conference the Chairs had the honor to hold with you on the 13th of February, on the subject of a renewal of the Company's Charter, we were given to understand, that although his Majesty's Ministers did not deem it expedient to bring that subject under the consideration of Parliament in the session then preceding, it might, in their opinion, be proper to prepare for the agitation of it in the next following one.

We now, therefore, by the authority of the Committee of Correspondence, whom the Court of Directors have empowered to conduct the details of negotiation on the subject in question, beg leave to state to you, that, in their opinion, it is desirable the discussion concerning the renewal of the Charter should be

Chairman &
Deputy's
Letter.

No. XI. brought on in the ensuing session, both on account of the general situation of the Company's affairs, and also on account of the particular pressure on their finances (arising chiefly from the transfer of certain sums of the Indian debt to England) which we have already had the honor to represent to you and to Lord Harrowby, and which renders necessary such an application for public aid, as may, of itself, be expected to lead to a general consideration of the Company's affairs.

We therefore take the liberty to propose, that the discussions between you and the Court, on the subject of the Charter, be resumed, from the point at which they were left by the letter the Chairs addressed to you, under date the 13th January last.

We have the honor to be, Sir,

Your most obedient humble servants,

(Signed) CHARLES GRANT,
WILLIAM ASTELL.

The Right Honorable Robert Dundas,
&c. &c. &c.

No. XII.

AT A

SECRET COURT OF DIRECTORS,

Held on Friday, the 3d January 1812.

No. XII.

Secret Court,
3 Jan. 1812.

The Chairman laid before the Court, copy of a letter from Lord Melville to the Chairs, dated the 17th of last month, upon the subject of continuing to the East-India Company, for a further term, their privileges of exclusive trade and the government of the British territorial possessions in India, in which his Lordship adverts to his letter addressed to the Chairman and Deputy Chairman, on the 28th December 1808, and to their reply, dated the 13th January 1809, and adds, that if the Court of Directors are willing that the ships, as well as goods of private merchants, may be admitted into the trade with India, under such

such restrictions as may be deemed necessary, he shall be ready to discuss with the Chairs all the other details of the system: and his Lordship alluding to two points of considerable importance, adverted to in the above-mentioned letters; viz. the first relating to the transfer of the Company's army to the Crown, upon which subject circumstances may possibly suggest the expediency of adopting other measures, for promoting the discipline and efficiency of the army in India; and the second point, being the Indian debt, upon which subject his Lordship observes, that the period he should hope is arrived, for providing, out of the Company's own resources, without any pecuniary aid from the Public, the means of enabling them to satisfy all the claims of their Indian creditors.

Ordered, That it be referred to the Committee of Correspondence, to consider what reply it may be right and proper to make to the letter from Lord Melville, now read; and to report their opinion thereon to the Court.

No. XIII.

LETTER from the Right Honorable LORD VISCOUNT MELVILLE to the CHAIRMAN and DEPUTY CHAIRMAN, dated the 17th December, 1811, noticed in the preceding Minute.

India Board, 17th December, 1811.

GENTLEMEN,

Understanding from you, that it is the wish and opinion of the Court of Directors, that a proposition should be submitted to Parliament in the course of the next session, for continuing to the East-India Company, for a further term, their privileges of exclusive trade and the government of the British territorial possessions in India; it will be necessary, before I can proceed with you to the discussion of that question in all its details, that certain preliminary matter should be again brought under your consideration.

In a letter which I addressed to the Chairman and Deputy Chairman, on the 28th December 1808, the outlines of such a system, in regard to the trade between this country and the East-Indies, were stated, as his Majesty's Government at that time were willing to propose to Parliament. In reply to that letter,

No. XII.
Secret Court,
3 Jan. 1812.

No. XIII.

Ld. Melville's
Letter.

No. XIII. letter, dated the 15th January 1809, detailed reasons were urged, for the Court of Directors declining to "advise their constituents to seek a renewal of their Charter, on conditions which" (as asserted by the Chairman and Deputy Chairman) "would despoil it of all its solid advantages, deprive the Company of their most valuable privileges, and incapacitate them for performing for themselves and the nation, the part hitherto assigned to them in the Indian system."

Ed. Melville's
Letter.

I do not feel it requisite, in this stage of the business, to enter upon a minute examination of the arguments from which that conclusion was drawn. Many of them have reference to possible dangers, which might arise from a system of trade wholly unrestricted; against which dangers, however, it was expressly admitted in my letter, that it would be essentially necessary to guard. A considerable portion of their reasoning, also, would lead to the inference, as a general proposition, applicable to all cases of foreign and distant trade, that a monopoly was more beneficial to both countries than an unrestrained commerce, and that the facilities intended to be afforded to private trade with India, by the Act of 1793, were inexpedient and impolitic. There are several statements in the letter, in which I fully concur; but it is unnecessary to advert to them at present, because, if the Court of Directors adhere to the above-mentioned determination, I cannot hold out to you the least expectation, that His Majesty's Government will be disposed to depart from the proposal contained in my letter, or that they will concur in any application to Parliament, for the continuance of a system of trade, conducted under all the restraints now imposed upon it, and for the permanency of which the Court of Directors have so strenuously contended. If they are willing, on the other hand, that the ships, as well as goods of private merchants, may be admitted into the trade with India, under such restrictions as may be deemed necessary, I shall be ready to discuss with you all the other details of the system.

There are two points, however, of considerable importance, which are adverted to in the above mentioned letters, and on which it may be advisable that I should state to you shortly what occurs to me.

The first relates to the transfer of the Company's army to the Crown; a measure which has been frequently suggested by persons intimately acquainted with the military concerns of the Company, and whose opinions are entitled to great

great consideration. It is impossible, however, not to admit, that several No. XIII. weighty objections to such a change are stated in the Letter of the 15th January, 1809. Events which have since occurred must, also, have an influence in deciding this question, and may possibly suggest the expediency of adopting other measures for promoting the discipline and efficiency of the army in India. Further discussion on this subject may be deferred till a future opportunity, and any arrangements which may be deemed proper can be carried into effect, without having recourse to special legislative enactments.

Ed. Melville's
Letter.

The other point to which I allude, is the proposition for enabling the Company to meet the heavy demands which were then expected, and which, to a certain extent, have since come upon them, by the transfer of their Indian debt to this country. All uncertainty, as to the possible amount of those demands, is now removed; and the period, I should hope, is arrived, to which, during some years, we have looked forward with anxiety, for providing out of the Company's own resources, without any pecuniary aid from the Public, the means of enabling them to satisfy all the claims of their Indian creditors. The sanction of Parliament will probably be necessary for carrying into effect any arrangement for that purpose; and if the Court of Directors are willing that these discussions, on the renewal of the Charter, shall proceed, in so far as relates to the question of the trade, on the principle to which I have adverted, I shall be ready to receive from you any suggestions you may have to offer on the subject of the debt, and on the mode by which you propose that funds for its liquidation shall be provided.

I have the honor to be, Gentlemen,

Your most obedient humble servant,

(Signed)

MELVILLE.

The Chairman and Deputy Chairman
of the East-India Company.

No. XIV.

AT A

SECRET COURT OF DIRECTORS,

Held on Friday, the 28th February, 1812.

No. XIV. The Chairman from the Committee of Correspondence laid before the Court the draft of a reply to Lord Melville's letter of the 17th of December last which was read :
Secret Court,
28 Feb. 1812.

. Ordered, that the same be taken into consideration to-morrow.

No. XV.

AT A

SECRET COURT OF DIRECTORS,

Held on Saturday, the 29th February 1812.

No. XV. The Court proceeded to take the proposed draft of a reply to Lord Melville's letter into consideration.
Secret Court,
29 Feb. 1812.

No. XVI.

AT A

SECRET COURT OF DIRECTORS,

Held on Monday, the 2d March 1812.

The draft of the proposed reply to Lord Melville's letter, of the 17th December last, was unanimously approved.

Resolved, That a deputation of this Court be appointed to wait on His Majesty's Ministers, in consequence thereof; and that the said deputation do consist of the Chairman, Deputy Chairman, Charles Mills, Esq., the Honorable William Elphinstone, and Edward Parry, Esq.

No. XVI.

Secret Court,
2 Mar. 1812.

No. XVII.

LETTER from the Chairman and Deputy Chairman to the Right Honorable LORD VISCOUNT MELVILLE, with its Enclosures, noticed in the preceding Minute.

MY LORD,

East-India House, 4th March 1812.

No. XVII.

We duly received and laid before the Court of Directors your Lordship's letter of the 17th of December last. We trust that the great importance of the matter contained in it will explain, in a satisfactory manner, to your Lordship and to His Majesty's Government, why an answer has not been prepared at an earlier period.

By that letter we think it is to be understood, that His Majesty's Ministers have made up their minds, not to hold out to the East-India Company an expectation

Chairman &
Deputy's
Letter.

No. XVII. Chairman & Deputy's Letter. expectation of their being disposed to concur in an offer to Parliament of any proposition for the continuance of the present system of trade with India, at the close of the term limited by the Act of 1793, which is now nearly expiring, without a previous consent, on the part of the East-India Company, as the basis of such concurrence, that the trade with India shall be extended to the ships, as well as goods of private merchants, under such restrictions as may be deemed necessary: but that His Majesty's Ministers are of opinion, with respect to the subject of the Indian army, that the idea which was held out in your Lordship's letter of the 28th December 1808, relative to the transfer of the Company's army to the Crown, will not be contended for; and that, upon these grounds of understanding, your Lordship will be prepared to receive from the Court of Directors any suggestions which they may have to offer on the subject of the Company's debts, and upon the mode by which the Court propose that funds for its liquidation should be provided.

From the terms in which the first proposition, respecting the trade with India, has been brought to the notice of the Court, they conceive that it is intended, on the part of His Majesty's Government, to preclude the Court from any further agitation of a question already so fully discussed. The Court, indeed, cannot avoid considering this as the obvious interpretation of your Lordship's letter, respecting a point upon which, perhaps, it might be out of their power to offer any arguments, not contained in the letter of the Chairs to your Lordship, of the 13th January 1809.

Whatever opinion, therefore, the past experience and daily observation of the Court may have justly induced them to form upon this subject, or however incontrovertible they may believe many of the arguments to be, that are made use of in the letter of the Chairs to your Lordship, to which they have referred, they think it their duty to state, that if this alteration be made an indispensable condition, on the part of His Majesty's Ministers, of their proposing to Parliament the renewal of the Company's privileges, the Court will, though reluctantly, offer this measure to the consideration of the Proprietors, with whom alone the power rests of consenting to such a fundamental change in the constitution of the Company. But they must, at the same time, beg leave, in the most unequivocal manner to declare their conviction, that though this alteration may, and probably will, be attended with many serious inconveniencies to the

No. XVII. Chairman & Deputy's Letter. the whole frame of that Government, which, whatever opinion may have been formed of its imperfections, has, beyond all dispute, acquired and maintained for Great Britain a paramount, and almost undisputed sovereignty in the East, it will not give to the nation those commercial advantages, which it has been the habit of many of the commercial interests of this Country to contemplate.

The Court, however, hope it will be understood by your Lordship, that they have entertained this opinion, not upon the narrow, and now justly exploded ground, which they are sorry to see has been imagined by your Lordship to exist, that the Company have ever considered a monopoly to be more beneficial, in all cases of "*foreign and distant trade, than an unrestrained commerce*", but upon the conviction with which they have been impressed, that an exclusive trade with India is the only one really applicable to the maintenance of the public interests with that country, interwoven as that trade is with the very frame and integrity of those possessions, and resting as it does, upon many highly important considerations, which are, in no wise, applicable to other commercial establishments.

In support of these opinions, the Court beg leave to enclose abstract copies of the Accounts (A and B), which have been called for, and laid before the Committee of the Honorable House of Commons upon East-India Affairs, established in 1808, and continued to the present time, which they imagine will afford a fair representation of the trade in bullion and in goods carried on with India, as well by individuals as by foreign nations; and these accounts will, they trust, establish, in a conclusive manner, the correctness of the sentiments entertained by the Court, respecting this trade.

In communicating, however, those sentiments of reluctance, by which the determination of the Court to submit the proposition in question to the Proprietors of East-India Stock is accompanied, the Court hope it will be clearly understood, that this determination arises from a presumption, that such military powers as are now vested in the Company will be left unimpaired, which can alone induce them to entertain an expectation of their being able, in a manner satisfactory, either for the Company or the Public, to perform the part which has hitherto been assigned to the Company in the government of a distant empire; and also, that such regulations will be adopted, as will prevent the highly dangerous intercourse of Europeans with the East; and that such arrangements will

No.XVII. will be made, in respect to pecuniary matters, as will enable the Company to meet with confidence the present state of their affairs. The Court also hope, that in the extension of the trade which the Company now enjoy, His Majesty's Ministers have not had in view the hazardous experiment of dispersing, over all the ports of England and Ireland, a trade now brought, with so much advantage, both to the Company and the Public, to the single port of London.

Chairman &
Deputy's
Letter.

If the private intercourse with India should, in future, be extended, it may naturally be expected, that upon the return of peace, a number of British seamen will be thrown out of employ; and the Court are apprehensive that such an intercourse, carried on through the medium of Indian ships and Indian sailors, relaxing as it would do, the spirit of the navigation laws, which have always been considered to be the basis of the maritime strength of this country, may be viewed by the nation with extreme alarm, and will probably give rise to many disorders. The Company's papers and offices might furnish material information, by which the relation of the Indian trade with the navigation system could be appreciated, and the Court, if it should be thought likely to be of public utility, are ready to have that information collected; but without such call, and without pressing their reasons at length, either upon your Lordship or the other Members of His Majesty's Government, they will content themselves with the declaration they have already made of their opinion upon this subject.

The Court are desirous of taking this opportunity to offer some remarks, and to answer, in a cursory manner, part of those public accusations, which have been so assiduously urged against the East-India Company, and against the further continuance of a system, which, they hope, will appear to rest, not upon the grounds of individual interest, but upon the firm basis of national advantage.

Whatever opinions the Court may deliver, upon a subject in which they are manifestly interested, will doubtless be received with circumspection; but the Court think, that they may be allowed, and with justice upon the present occasion, to assert, that the leading disposition of their minds is, to preserve the empire obtained in India to the parent state.

The first, and the most prominent of the charges, which have, at various times, been brought against the Company, is the repeated calls which they are accused of having made upon the public, for money for the prosecution of ruinous concerns; as if they had dissipated large sums in useless and improvident undertakings.

takings. Upon this head it may be sufficient for the Court to observe, that their commercial affairs (and to those alone was the Company's management restricted) have been invariably attended with success, as they are prepared to shew, if the proof should be called for; and that these advantages have been sufficient to allow of a moderate dividend to the Proprietors of East-India Stock. Over and above this dividend, a surplus sum has been applied, arising from this source, towards the extension of that territory, the acquisition of which has been under the immediate direction of His Majesty's Ministers.

No.XVII.
Chairman &
Deputy's
Letter.

But the Court are persuaded, that the magnitude of the affairs which the Company have had to manage, has been little known and little attended to, otherwise it would, at once, have been seen, that one of the principal difficulties with which the Company have had to contend, is a capital, not in any respect equal to the great extent, variety, and importance of those affairs.

The disbursement of the Company upon the single article of commerce in goods and wares, &c. or of articles necessary for its management, a disbursement of sums going from and returning to the Company, from one moment to another, was, at the close of the year 1811, not less than about. £14,847,678

To this must be added, the amount of advances in India and at home, for stores of various kinds, applicable to the purposes of Government, and in constant use for military equipments, &c.; of cash, arms, &c.; and of debts due to the Company from various states and princes, &c.; and other articles, making, at the close of the Indian year 1810, about. 21,292,279

If to these sums be subjoined the absolute expenditure made by the Company, for the acquirement of a territory, with forts, ammunition, &c. and the actual purchase of many factories and territories, building of docks, purchase of forests, &c. including a considerable sum which has been paid by them, at various times, to the Public, or disbursed for expeditions, and the maintenance of captures afterwards surrendered up to the enemy, viz. 15,052,170

They form altogether an aggregate of . . . £51,182,127
The

No. XVII.

Aggregate disbursements brought forward - - £51,182,127

Chairman &
Deputy's
Letter.

The capital of the Company is:—

In money advanced by the adventurers, about . . .	£7,780,000
And they receive from the aid of bonds at home . . .	7,000,000
And from other contingent credits, at home and abroad, about	7,787,953
Together ————	22,567,953

Leaving a balance of £28,614,174

Constituting, at this moment, a permanent debt in India and in Europe. (See C.)

This aggregate of £51,182,127, a part of which sum only has been employed upon the territorial acquisitions of the Company, forms an outlay, beyond the capital of the Company, of so large an amount, as to make it more matter of wonder, how the Company have hitherto been able to carry on the concern at all, than to render it extraordinary that they should have been constrained, respectfully and at various times, to represent the urgency of their affairs, and to press upon the Public for the mere return of those sums, which had been fairly expended by the Company abroad for the public service; a return which has never yet been granted to the Company, to the extent to which, in justice, it ought to have reached. In every war which has taken place since the Company became possessed of the territorial acquisitions, large sums of money have been expended in capturing the settlements of the French, Dutch, and Danes, and heavy expenses incurred in keeping the same, till the political views of the Public occasioned these settlements to be restored, in return for other objects, in which the Company had no particular interest. The Company have also been compelled to pay part of the expense of capturing and maintaining an island, afterwards reserved for the exclusive benefit of the Crown; to disburse a considerable sum for a force, of which the Public have derived all the benefit at home; and even to contribute to the Egyptian expedition, the whole of which expenses the Company have always thought ought to have fallen upon the State.

This large and necessary outlay, in fact, now constitutes the source of the Company's embarrassment. A considerable part of the money raised in India upon periodical loans, to meet this outlay, has (as your Lordship well knows) by the terms of these loans, which made them payable, if required, in England,

and in consequence of a general reduction of interest from eight to six per cent., No. XVII.
been at once thrown upon the Company for immediate payment in Europe; a sum, which, without the aid of Parliament, it is impossible for the Company to discharge.

Chairman &
Deputy's
Letter.

Of this large expenditure, sanctioned, and in many cases specifically directed by the Ministers of the Crown, it may with justice be asked, what part has been incurred for the partial or exclusive advantage of the Company?—It is evident, that the whole concern has been begun and continued by private exertions alone; nor have the Proprietors received, by any means, an adequate recompence for those exertions: they have scarcely derived more benefit than the common interest of money. And if India be an object of regard to the world, the Company may have the satisfaction of thinking, that they, at their own risk and expense, have rescued it from contending Nations, and may claim the merit of having laid it at the feet of their country; acquired and preserved, it is true, at a great pecuniary expense, and by such abilities and such exertions, both civil and military, as not only to reflect the highest credit upon the East-India Company, but also to raise, as the page of history will testify, the national character. They venture to hope, that, when all the great political relations of this acquisition are considered, the price paid for it will not be deemed as out of proportion to its intrinsic value.

The wisdom of Parliament will, the Court make no doubt, be applied to preserve what has been so acquired, and finally do justice to those, at whose risk it has been obtained; and not be induced to barter positive, and very large immediate advantages, against speculative notions and theoretical plans.

In the second place, it has been often urged, that the Company have been favoured, during these exertions, with an exclusive trade, and that the nation has thereby lost an opportunity of extending their commercial enterprizes over a large quarter of the globe. It is true, that the Company have been favoured with this exclusive trade; but it may fairly be asked, would India have belonged to Great Britain if this exclusive trade had not existed? That this trade would have been of greater magnitude in the hands of individuals, is yet a matter that remains to be proved; but it is obvious, that during part of the above period, viz. from the year 1768 to 1812, the Public have received, in direct contributions from the Company, a sum not falling short of £5,135,319, as will appear by the accompanying Account (D).

With,

No. XVII.

Chairman &
Deputy's
Letter.

With respect to the immediate produce of this trade to the Public, the Court believe it will bear a comparison with that arising from any other distant possession. It produced last year to the Public the large sum of £4,213,425 (E), viz. in customs £759,595, and in excise £3,453,830; and though this return to the Public be larger, as the Court have reason to think, in respect to the capital employed, than the return from any other trade, it has, at the same time, been collected with a facility unknown to other concerns; an advantage which has been obtained, partly by the progressive enactment of regulations the fruit of many years experience, and partly by the concentration of the trade in a single port, and the prevention of smuggling, which has been the consequence of it.

But what has never yet been fairly estimated in the existence of the East-India Company is, that the whole of these returns have been brought into the exchequer of the Public, without the Public having been called upon for any direct contribution for the preservation of the source from whence they have had their rise, whilst the possessions of the Crown, in every quarter of the globe, have drawn from them a considerable sum for their support in troops. What has been saved to the State has thus, the Court conceive, been gained by the Public, and would amount, as the Court are satisfied, in only twenty years, to a sum of a very great magnitude. From the Navy, indeed, the East-India Company have received important assistance; but such assistance, it must be recollected, has been afforded to them only in common with the rest of His Majesty's subjects.

That the trade of the Company has been highly beneficial to the Public, in affording a nursery for seamen in time of war, and employment for them in time of peace, and that the Company's maritime service has contributed materially towards those benefits, cannot, the Court apprehend, be doubted; nor that the fortunes of individuals, acquired either in the service of the Company, or by their industry and exertions under the Company's protection, have gradually contributed to the accumulation of that public stock of national wealth, which has enabled this country to stand, almost alone, against the united exertions of nearly all Europe.

Having offered these cursory observations upon matters of such obvious importance, we are directed by the Court to state, that as the pecuniary arrangements necessary for the support of the Company cannot, with propriety or with effect,

effect, be made the subject of correspondence, they beg to refer these points as well as all those of inferior detail, of which there are a great many, to a personal conference between your Lordship and the Deputation of the Court, which had the honor to wait on your Lordship this morning.

We have the honor to be, My Lord,

Your Lordship's most obedient humble servants,

(Signed)

JACOB BOSANQUET,

HUGH INGLIS.

The Right Honorable Lord Viscount Melville,
&c. &c. &c.

No. XVII.

Chairman &
Deputy's
Letter.

A.

AN ACCOUNT, shewing the Total Amount of the Official Value of the Bullion and Merchandize Imported into, and Exported from British India (Bengal, Madras, and Bombay) to London, America, and Foreign Europe, for Six Years, viz. from 1802-3 to 1807-8, both inclusive.

	TOTAL of the IMPORTS into INDIA.			TOTAL of the EXPORTS.
	Bullion. £ Sterling.	Goods & Store. £ Sterling.	Total. £ Sterling.	Of Goods only. £ Sterling.
London:				
By the East-India Company	4,939,128	5,547,501	10,486,629	8,108,897
By Commanders and Officers of the Company's Ships	179,756	2,640,000	2,819,756	1,939,000
By British Private-Traders.	1,167,460	1,832,980	3,000,440	5,681,740
Americans	4,543,662	667,654	5,211,316	4,803,283
Foreign Europeans	2,051,093	1,072,960	3,124,053	2,437,752
Total Imports and Exports £	12,881,099	11,761,095	24,642,194	22,970,672

Memorandum. There has been a small quantity of Bullion exported from India to Europe and America, to the extent of Sicca Rupees 1,75,316, but which is not material to the present account.

H

Note.

No. XVII.

Chairman &
Deputy's
Letter.

Note. The value of the Company's imports into India is taken from the invoices of the ships as they arrived in India, with the addition of ten per cent upon the invoice price outwards. The value of the British Private Trade, also the American and Foreign European, is the Indian official value, and which appears to correspond pretty nearly with the market prices in India. In order to make a just comparison between the amount of the Company's and the Private or Foreign Trade, the goods should be exactly reduced to the same denomination of value; but this is not strictly practicable.

Errors excepted,
(Signed)

ROBERT WISSETT.

East-India House, 4th March 1812.

B.

AN ACCOUNT, shewing the Amount of the Official Value of the Bullion and Merchandize Imported into, and Exported from British India (Bengal, Madras, and Bombay) to London, America, and Foreign Europe, on an Average of six Years, viz. from 1802-3 to 1807-8, both inclusive.

	ANNUAL Average of the IMPORTS into INDIA.			ANNUAL Average of the EXPORTS.
	Bullion. £ Sterling.	Goods and Stores. £ Sterling.	Total of Imports. £ Sterling.	Merchandize only. £ Sterling.
London :				
By the East-India Company	823,188	924,583	1,747,771	1,351,483
By Commanders and Officers of the Company's Ships	22,959	440,000	469,959	323,167
By British Private Traders .	194,576	305,496	500,072	946,956
Americans	757,277	111,275	868,552	800,547
Foreign Europeans.....	541,849	178,826	520,675	406,292
Total average Imports and Exports £	2,146,849	1,960,180	4,107,029	3,828,415

The proportions of which are :

Exported to England..... $\frac{68}{1000}$, or upwards of $\frac{1}{8}$ ths.Do. to America..... $\frac{21}{1000}$, or less than $\frac{2}{5}$ ths.Do. to Foreign Europe $\frac{11}{1000}$, or less than $\frac{1}{8}$ th.

No. XVII.

Chairman &
Deputy's
Letter.

The exports of individuals from Britain are :

Bullion £194,576
Goods 305,496

£500,072

The imports of ditto into Britain

946,956

Difference, per annum, £446,884

being not a trade but a remittance, deducting the amount of the profit on exports.

Errors excepted,
(Signed)

ROBERT WISSETT.

East-India House, 4th March 1812.

C.

OUTLAY, Commercial and Territorial, of the East-India Company at Home and Abroad, made up, in respect to the Indian Accounts, to the 30th April 1810, the Home Accounts to the 1st March 1811.

COMMERCIAL OUTLAY.

No. I. Cash	£460,738
Value of goods sold and unsold	5,053,417
Value of goods afloat	3,379,339
House and warehouses	1,207,090
Balance of property at China and Cape of Good Hope	1,240,652
Cash, goods, and debts, commercial department India	3,071,637
	£14,412,923
Balance of property at Bencoolen and St. Helena : the outlay at these places being of an anomalous nature, it is stated separately	434,755

Total Commercial Outlay £14,847,678

H 2

TERRITORIAL

No. XVII.

Chairman &
Deputy's
Letter.

Brought forward - - £14,847,678

TERRITORIAL OUTLAY, INDIA, viz.

No. II. Cash in the several departments, 30th April 1810:

Bengal, S.R. 4,11,38,439, at	
2s. per C.R. - - -	£4,772,058
Madras, Pags. 1,16,24,307,	
at 8s. - - -	4,649,723
Bombay, B.R. 53,58,932, at	
2s. 3d. - - -	602,879
	<u>£10,024,660</u>

Debts owing to the Company:

Bengal, S. R. 1,33,49,444,
at 2s. per C.R. £1,548,535

Madras, Pags.
94,93,034, at
8s. - - - 3,797,214

Bombay, B. R.
54,01,917, at
2s. 3d. - - - 607,716
£5,953,465

Stores, &c.:

Bengal, S. R.
97,82,114, at
2s. per C.R. £1,134,725

Madras, Pags.
33,16,927. at
8s. - - - 1,326,771

Bombay, B. R.
38,31,083, at
2s. 3d. - - - 430,997

2,892,493

Balance of property at Prince of Wales's

Island - - - - - 224,406

Indian territorial outlay - - - £19,095,024

Carried forward - - £14,847,678

Brought forward - £19,095,024 £14,847,678 No. XVII.

TERRITORIAL OUTLAY AT HOME, 1st MARCH 1811.

Chairman &
Deputy's
Letter.

Debt due from Government, the balance of the original debt of £4,200,000 -	£1,207,560
Debt due from Government, the balance of the account for troops, stores, supplies, &c. -	960,000
Advances to several persons in India, to be repaid, -	19,695
	<u>2,187,255</u>
Total territorial outlay - -	<u>£21,282,279</u>
	<u>£36,129,957</u>

No. III. The expenditure at home and abroad, for the acquisition of territory, &c. being the balance of the stock account 1st March 1811.

15,052,170

Sum total of capital necessary to carry on the concern £51,182,127

No. IV. The capital advanced by the Adventurers - - - £7,780,000

The capital raised by bond - - - 7,000,000

Other capital, being a floating debt generally due on various accounts:

Borrowed of the Bank - £700,000

Estimated commercial floating drafts - 600,000

Sundry sums owing to individuals in England 2,155,922

Debts, deposits, arrears of interest, and allowances and loans, not bearing interest:

Bengal - - - £2,843,134

Madras - - - 1,017,238

Bombay - - - 408,792

4,269,164

Debts in India commercial - - 62,867

7,787,953

Total of capital, without the Bond debt of India, - £22,567,953

No. V. Difference being the balance necessary to remain in permanent loans, for the purpose of carrying on the concern - 28,614,174

£51,182,127East-India House,
4th March 1812.Errors excepted,
(Signed)CHARLES CARTWRIGHT,
Accountant General.

D.

No. XVII. STATEMENT of the Contributions from the East-India Company to the Public,
from the Year 1768 to the Year 1812.Chairman &
Deputy's
Letter.

Paid from 1768 to 1775, in consequence of an agreement concerning the territorial possessions, (7 Geo. III. cap. 57, and 9 Geo. III. cap. 24)	£2,169,399
Paid from 1769 to 1773, for indemnity on tea	433,050
Paid in 1779, bounty for seamen raised for the service of Government	13,653
Paid in 1780 and 1781, three ships of the line presented to Government	95,349
Paid in 1781 and 1787, per agreement for a new Charter in 1781	400,000
Paid in 1789 and 1790, for victualling the navy, and charges of His Majesty's troops in India	500,000
Claim of the Company for subsistence of French prisoners of war, and other expences incurred by the Company on account of Government, written off in 1793 per Act of 33 Geo. III. cap. 52, sec. 127	443,632
Paid in 1793 and 1794, for participation, pursuant to the Charter Act of 1793	500,000
Paid in 1795 and 1796, expence of 3,000 seamen raised for the service of Government	57,000
Paid in 1803 and 1804, armed ships, hired for the service of Government, and employed in defence of the country	67,330
Loss, from 1793 to 1811, by saltpetre supplied to Government at less than prime cost, as per obligation of the Charter	405,906
	<u>£5,135,319</u>

Errors excepted,

(Signed)

CHAS. CARTWRIGHT,
Accountant General.

East-India House, 4th March 1812.

E.

AN ACCOUNT of the Duties of Customs and Excise received on Goods imported and No. XVII.
exported by the East-India Company, in the Year ending January 1811.Chairman &
Deputy's
Letter.

Customs on Tea	£219,322
— Other Goods	498,901
Export Duty	17,653
Tonnage Duty	23,719
Total Customs	759,595
Excise	3,453,830
Total Customs and Excise	<u>£4,213,425</u>

Errors excepted,

(Signed)

CHAS. CARTWRIGHT,

Accountant General.

East-India House, 4th March 1812.

No. XVIII.

MINUTE of a Meeting of the DEPUTATION, the 3d March 1812.

The Deputation appointed by the Court to confer with the President of the Board of Commissioners for the Affairs of India assembled this day, in consequence of their appointment of the 2d instant.

The Chairman laid before the Deputation, minutes of a conference which the Chairs had with Lord Melville, on the 20th February, and also with his Lordship, Mr. Perceval, and Mr. Long, on the 24th of February; likewise several accounts, shewing the present and prospective situation of the Company's pecuniary affairs.

No.
XVIII.Minute of
Deputation

The

No. XVIII. *Minute of Deputation.* The Chairman then suggested certain propositions, as hints, to be submitted to Lord Melville, which after full deliberation the Deputation resolved to adopt, and to wait upon his Lordship to-morrow, at half past ten, for the purpose of offering them to his consideration.

No. XIX.

AT A

SECRET COURT OF DIRECTORS,

Held on Friday, the 6th March 1812.

No. XIX. *Secret Court, 6 March 1812.* The Chairman acquainted the Court, that the Deputation appointed the 2d instant had waited on Lord Melville, with a paper containing hints for his Lordship's consideration, which had been approved by the Committee of Correspondence.

The Chairman gave some general explanations, as to what passed at the conference; and added, that Lord Melville's opinion, on the various propositions submitted to him by the Deputation, would be stated by his Lordship in writing, and should be communicated to the Court as early as possible.

No. XX.

Hints approved by the Committee of Correspondence, and submitted to the Consideration of the Right Honorable Lord Melville, noticed in the preceding Minute.

[* * For the convenience of comparison these Hints and Lord Melville's Observations thereon are here printed in parallel columns.]

Hints approved by the Committee of Correspondence, and submitted to the Consideration of the Right Honorable Lord Melville. *Observations on the Hints suggested by the Deputation of the Court of Directors, 3d March 1812.*

That the renewal of the Charter shall proceed upon the basis of the Act of 1793, and that no greater extension of the trade shall be granted than what was allowed by that Act; but the Deputation are ready to recommend to the Court of Directors, and ultimately to the Court of Proprietors, to admit such modifications as may be deemed necessary to give greater facilities to the private trader.

1st. No British or Indian ship to sail, directly or circuitously, from a British port in Europe to China.

2d. No British subject to be permitted to reside in China, without the Company's licence.

3d. No goods, the growth or produce of China, to be imported into any of the ports of the United Kingdom, except by the East-India Company.

4th. The power of levying duties in India upon British subjects, and the subjects of foreign nations, to be continued to the Company, upon the footing on which it at present exists; and the same power, with respect to British subjects, to be extended to the districts within the jurisdiction of the courts of

Calcutta,

1st, 2d, and 3d. It is deemed advisable, with a view to the security of the revenue and to other objects connected with the trade to China, to leave it on its present footing, and to guard, by proper regulations, against any encroachment on that branch of the Company's exclusive privilege.

4th. This proposition ought to be acceded to; with the reservation, however, that the Governments in India ought to be restricted from imposing new duties, without the previous sanction of the authorities in England.

5th. The

No. XX.

Hints and Observations.

Hints

*Hints.**Observations.*

No. XX. Calcutta, Madras, Bombay, and Prince of Wales Island.

Hints and
Observations.

5th. Saltpetre to be considered as a political article, and to be confined exclusively to the Company.

6th. The whole of the Indian trade to be brought to the port of London, and the goods sold at the Company's sales, and to be, as at present, under the Company's management.

7th. The three per cent. now paid to the Company by the private traders, for the warehousing and management of the private trade, to be increased to five per cent.

8th. No private ship to be permitted to sail for India, except from the port of London.

9th. No ship to be permitted to sail, except under a licence from the East-India Company. Ships obtaining this licence,

5th. The Company are understood to have, in some degree, the power of regulating the internal trade of saltpetre in India; it appears, therefore, to be scarcely necessary to impose any other restrictions on the exportation of saltpetre from India, than such as may be deemed expedient for political objects, especially in time of war.

6th. The adoption of the regulation suggested in this proposition, will probably tend to the security and advantage of the public revenue, in collecting the duties on all articles imported from the East-Indies and China, as well as other countries to the eastward of the Cape of Good Hope.

7th. The Company ought at least to be indemnified from the charges incurred by this management.

8th. There does not appear to exist any sufficient reason for preventing ships from clearing out for the East-Indies from other ports in the United Kingdom besides the port of London.

9th. It will be necessary, either by the regulations suggested in this proposition, or by others of a similar description

*Hints.**Observations.*

licence, to deliver one copy of their journals at the East-India House; and the licence to contain such clauses, as may be likely to prevent an unlimited or improper intercourse of individuals with India.

10th. Fire-arms, military and naval stores, to be prohibited articles.

11th. Existing restrictions, with respect to the article of piece goods, to be continued.

12th. It being desirable, as well for the Public as for the Company, that the quality of the silk grown in India should not be deteriorated, it is submitted that this article be confined to the Company.

13th.

scription, to guard against the evil therein described.

Hints and
Observations.

10th. It will probably be necessary to regulate the exportation of military stores to the East-Indies, and also of naval stores in time of war.

11th. It is understood that the object of this proposition is to secure to the manufacturers of piece goods in India the continuance of regular and constant employment, under the same system of local management, for their benefit, which prevails at present. If that object is likely to be attained, without continuing the restrictions mentioned in this proposition, it certainly would be desirable that they should cease, except in so far as it may be necessary to regulate the importation of Indian piece goods, with a view to the protection of British manufactures.

12th. As no such restriction exists at present in the importation of silk by private merchants, and as the reasons which have hitherto been adduced, on the part of the Court of Directors, for establishing such a regulation, though entitled to much consideration, do not

appear

No. XX.

Hints and
Observations.*Hints.*

13th. The ships of private persons to be subject to the same regulations, in respect to convoys, &c. as those belonging to the Company.

14th. No private ship to be permitted to sail, either from Great Britain to India, or from India to Great Britain, of a less burthen than four hundred tons.

15th. The Company to be subject to no obligation with respect to Exports to India, except in common with the private traders.

16th. The Lascars and Chinese sailors brought home in private ships, to be placed under proper regulations. Not, upon any account, to be suffered to wander about the streets of London. Good treatment to be secured to them,

Observations.

appear to be conclusive, it will surely be deemed expedient to agree to proposal.

13th. This suggestion appears perfectly reasonable.

14th. It is understood, that proposition is founded on a principle of guarding against the dangers to which vessels of less burthen than four hundred tons would be exposed on a voyage to the East-Indies, and also of providing for the security of the revenue, which might be affected by permitting importations in smaller vessels. These reasons, though entitled to due consideration, do not appear to be sufficiently strong to justify the proposed restriction, or the making a distinction, in that respect, between ships trading to the East Indies and to other countries.

15th. This seems to be reasonable.

16th. It will be necessary to provide, by proper regulations, for the care and maintenance of these persons, and for their return to the East-Indies.

17th.

Hints.

them, and the Company to be enabled, by some summary process, to recover the expenses to which they shall be subjected, in the event of neglect on the part of the owners of such ships in these respects.

17th. The Company to be indemnified for their unexpired engagements for extra shipping, provided for the accommodation of the private traders.

18th. An unrestrained intercourse with India to be prevented, and the existing restrictions, with respect to residence in India, to be continued.

19th. The number of His Majesty's forces in India to be in future maintained by the East-India Company to be now fixed, and any troops sent beyond that number (except at the express requisition of the East-India Company) to be at the charge of the Public.

20th. The

Observations.

No. XX.

Hints and
Observations.

17th. This proposal would be wholly inadmissible, unless it were limited to such unexpired engagements as do not extend beyond March 1814, when the Company's present term of exclusive privileges will expire; but the Public may fairly look to the Company to bear this burthen, as a compensation, to a certain extent, for the continuance of the exclusive trade to China.

18th. It will be indispensably necessary, for the purpose of guarding against the inconvenience herein alluded to, that the existing restrictions shall be continued, with such alterations as may be requisite, in the new system of trade.

19th. The number of His Majesty's forces to be maintained by the East-India Company may, without inconvenience, be limited, as herein suggested. It will be necessary, however, in consequence of the increased extent of the British territories in India, since the passing of the Act by which the number is at present regulated, that a considerable

No. XX.

Hints and
Observations.*Hints.*

20th. The Company to be released from any future account with the Pay-Office, and to be henceforward charged, either so much per regiment of a given force, or so much per man.

21st. The present heavy current and postponed demands of the Pay Office against the Company to be arranged upon some footing of general equity, and some advertance in settling this account made to the share which the Company have been obliged to bear in foreign captures not retained by them, and to their having been constrained to maintain an European and native force, larger than what was required for the defence of the Peninsula, and other heavy expenses.

22d. The Proprietors to be secured, as at present, in the receipt of their dividend of ten and a half per cent., upon the faith of which dividend the capital in 1793 was raised.

23d. The whole of the surplus of the East-India Company to be appropriated to a diminution of their debts, until

Observations.

considerable addition should be made to it.

20th. It will be necessary that the present system of accounting between the East-India Company and the Paymaster General should be abolished, and new regulations enacted.

21st. These demands must necessarily be arranged on the principles suggested by the Committees of the House of Commons, who have reported upon the subject of the accounts herein referred to. If it were necessary or proper, in discussing the future regulations which it may be deemed advisable to establish, respecting the affairs of the East-India Company, there would be no difficulty in demonstrating that the amount of force maintained in India has not gone beyond what was requisite for the defence and security of the Company's possessions, and for other operations, intimately and inseparably connected with those objects.

22d. The Proprietors ought to be secured, as at present, in their dividend of ten and a half per cent.

23d. The whole of the surplus funds of the East-India Company, at home and abroad, ought to be applied, in the first

Hints.

until the debts be reduced to the sum of ten millions sterling.

24th. The sums required by the East-India Company to liquidate the debt transferred from India to Europe, and becoming payable in 1812 and 1813, to be funded by the Minister, the interest of which shall be regularly paid into His Majesty's Exchequer by the Company, together with any such per centage, for the gradual liquidation of the capital or redemption of the fund, as shall be deemed proper by His Majesty's Ministers.

The twenty-fifth article did not form a part of the propositions submitted to Lord Melville, but is now introduced by the Committee of Correspondence, and is as follows, viz.

25th. That, in order to give the utmost possible extension to the commerce of private merchants, and at the same time to secure the Company's exclusive trade to and from China, private ships be not permitted to go farther eastward than Point Romania, at the entrance

Observations.

first instance, to the reduction of debt, till it is reduced in India to the sum of ten millions, and the bond debt at home to the sum of three millions, after providing for a proportionate increase of the capital stock of the Company, if they shall think fit to avail themselves of the power now vested in them by law to that effect.

24th. It is intended to submit to Parliament a proposition to that effect, or similar in substance.

25th. If the object adverted to in this proposition can be obtained by exclusion from the dominions of the Emperor of China, and a prohibition to import the produce of that country without license from the Company, it will be preferable to the mode herein suggested.

No. XX.

Hints and
Observations.

Hints.

No. XX. entrance of the China Seas, and to the northward, not beyond the equinoctial line.

Hints and
Observations.

N. B. Should it be the intention of Government that private traders shall be excluded from the Spice Islands, the limits ought then to be for them not to go to the eastward of the Straits of Bally, nor to the northward of the Line.

Observations.

suggested. There seems to be no reason for excluding the private trade from the Spice Islands.

No. XXI.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 18th March, 1812.

No. XXI.

Secret
Committee

The Chairman acquainted the Committee, that the Deputy and himself had yesterday waited on Lord Melville, and that his Lordship had appointed tomorrow, at one o'clock, for a conference with the Members of the Deputation.

The Committee agreed to recommend to the Court to-day, that the Quarterly General Court, to be held on Wednesday, the 25th instant, be made special, for the purpose of laying before the Proprietors the Communications which have taken place between His Majesty's Government and the Court of Directors, respecting the renewal of the Company's Charter.

It was also

Resolved, That the papers containing the said communications be printed for the information of the Proprietors, and under the superintendence of the Assistant Secretary.

Draft

Draft of a Letter to Lord Melville, to be signed by the Members of the No. XXI. Deputation, requesting that a longer term than that which was fixed in 1793, may be granted for the renewal of the Company's exclusive privileges, was read and approved.

Secret
Committee,
18 Mar. 1812.

The Chairman calling the attention of the Committee to the correspondence which had passed between Lord Castlereagh and the Chairs at a former period, as to relieving the Proprietors of East-India Stock from the payment of the Income-tax on their dividends.

The same was read, viz.

Letters from the Chairs to Lord Castlereagh, dated the 2d December, 1803, and 7th July, 1804; and

Letters from his Lordship to the Chairs, dated 20th December, 1803, and 12th September, 1804.

Draft of a letter to be signed by the Deputation and addressed to Lord Melville upon that subject; and also submitting to his Lordship's consideration the expediency of providing that the additional dividend of ten shillings per cent. paid on the Company's stock under the Act of the 33d of his present Majesty, cap. 52, sec. 124, may be paid out of the general profits of the Company.

No. XXII.

CORRESPONDENCE with the Right Honorable Lord Viscount Castlereagh, noticed in the preceding Minute.

Letter from the Chairman and Deputy Chairman to the Right Honorable Lord No. XXII. Viscount Castlereagh.

MY LORD,

East-India House, Dec 2d, 1803.

We have waited until we had obtained a distinct legal opinion from the Company's law adviser, with respect to the power possessed by the Company of paying the Property tax out of the profits of the Company, previous to the declaration of a dividend to the Proprietors of East-India Stock.

Correspondence with
Lord
Castlereagh.

K

But

No. XXII.

Correspondence with
Lord
Castlereagh.

But that opinion having been lately returned to us in a shape unfavorable to our hopes and expectations, we have received the injunctions of the Court of Directors to submit this opinion to your Lordship's consideration, and, at the same time, to express their hopes, that your Lordship and the rest of His Majesty's Ministers will think it just and advisable, that the power to which we have above referred should be granted to the Company by some legislative provision.

Upon this occasion we have to observe to your Lordship, that as the law at present stands, the Company are obliged to deduct the full amount of the tax in question from all the dividends payable to foreigners or other persons, however small the amount of their capital stock may be; although it is fairly questionable, how far the former is legally chargeable to this tax, in respect to those profits that may be presumed to arise from the Company's foreign possessions, and whether the latter, in some cases, may not be entitled to a partial, and in others to an entire return of the tax so retained, in respect of the smallness of the proprietors incomes. We must also submit, that as the greater part of the other public Companies possess the power, and, as we understand, are disposed to exercise the means of discharging this tax out of their surplus profits, it must appear doubly irksome to the Proprietors of East-India Stock to seem an almost solitary exception to this general practice, particularly when they advert to the disposition which has, at all times, been evinced by them, cheerfully and voluntarily, to come forward for the service of the State, even when their own immediate interests have thereby been placed at stake.

We feel the more freedom in pressing this point, because we, in common with your Lordship, have entertained an expectation, that the Public (after a war which has existed almost since the last renewal of the Company's exclusive trade) would have been placed in possession of the share of the Company's profits, secured to them by the Act of 1793, if the enormous taxes which the necessities of the State have rendered it necessary to impose upon teas and the other articles of the Company's trade, and the inevitable expences of another war, had not placed a bar to those expectations, which we think might otherwise reasonably have been formed.

We therefore venture to express a sanguine hope, that under a proper consideration of all the circumstances of the present case, under a review of the

the

No.
XXII.Correspondence with
Lord
Castlereagh.

the very large sums annually paid to Government out of the Company's trade, amounting to not less than £3,200,000, as appears by the enclosed account, and which, in fact, ought in part to be considered as an anticipated partition of the Public out of the Indian revenues, since nothing short of a surplus in India would, we conceive, have enabled the Company to support them to the extent they are now imposed;—that, under a due attention to the benefits which even the Public themselves (when we advert to their interest, in the ultimate prosperity of the Company) may derive from an increased value to the price of the Company's stock, which may be affixed by such a measure, in case a commerce, extended beyond its present amount (an event not at all improbable), should hereafter demand additional funds to carry that commerce on;—and, finally, that under a consideration of what is due to the known and experienced liberality of the Company's efforts in the public service, your Lordship's interference, with the rest of His Majesty's Ministers, will be given, to assist what, we hope, may be considered in the light of the neither unjust or the unreasonable pretensions of the Court of Directors, in behalf of the body they represent upon the present occasion.

We have the honor to be, My Lord,

Your most obedient humble servants,

(Signed)

JACOB BOSANQUET,

JOHN ROBERTS.

The Right Honorable Lord Viscount Castlereagh,

&c. &c. &c.

Letter from the Right Honorable Lord Viscount Castlereagh, to the Chairman and Deputy Chairman.

GENTLEMEN,

Whitehall, 20th December, 1803.

I have to acknowledge the honor of your letter of the 2d instant, on the subject of which I have had a very full and deliberate discussion with Mr. Addington.

We should both feel anxiously disposed to lend our aid to the accomplishment of any measure which had a tendency to accommodate the holders of East-

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India

Lord
Castlereagh's
Letter.

No. XXII. played in or connected with their territories and affairs. These just observations acquire now a peculiar force, when, in duties and customs alone, the Eastern commerce pays to the State £3,226,000 per annum, and when the receipts of the Company, for the last twelve months, are diminished near a million sterling, in consequence of the new and excessive duties imposed on their trade.

Chairman &
Deputy's
Letter.

We are unwilling to urge the liberality which the Company has on all occasions manifested, to aid, according to its means, the exertions of the State; but, the duty imposed on us by our Constituents requires that liberality should be noticed on the present occasion. By subscribing for two millions of the Loyalty Loan in 1797, the Company lost the sum of £206,000. The three compleat and effective regiments of volunteers, which they have maintained for a number of years past, have cost them very large sums; and the last aid given by them in shipping, on the particular suggestion of Government, is a new instance of the promptitude and alacrity, with which they devote their funds to the support of the public interest.

After all these contributions, it has appeared ungracious to the Proprietors, that whilst other public bodies, which had not given so largely to the wants of the State, were allowed to defray the Property-tax out of their general funds, the Proprietors of East-India Stock were required to charge the modicum they received for the use of their own money, and for being the agents in such vast concerns, with a tax hard upon them, though unimportant in its amount to the Public, and from which, they conceive, the Act of 1793 ought to protect the dividend then accorded to them.

When our predecessors in office mentioned a reference to Parliament, they probably had no more in view than some supposed necessity of a modification of the Property-tax; but we humbly apprehend that, in order to exonerate the Proprietors, individually, from the payment of the tax, no such reference is necessary, since for engaging in the Loyalty Loan, for forming the three regiments of volunteers, and for the late aid of shipping, it was thought sufficient that His Majesty's Ministers should consent to the defraying of the charges arising from these measures, out of the general funds of the Company.

Wishing to state nothing upon this subject, but what appears to us naturally to grow out of it, we shall only add, that the effect of the imposed tax upon the value of the Company's stock must be very obvious, since the dividend receivable upon

upon any public fund is, in fact, the measure of its value in the market, and every reduction, by whatever means, effected in the produce of any stock, is in reality a reduction in the worth of the capital; and, accordingly, we find that the stock of the India Company, compared with that of the Bank, sells at a pricedisproportionably low.

Chairman
and Deputy's
Letter.

Upon all these grounds, with those which have been before urged, we cannot but request and hope, that as the determination of the point which our Constituents, not from interest only, but from various other motives, have so much at heart, seems not to depend upon any revisionary proceeding of Parliament (which however, if necessary, we should still urgently desire) but upon the acquiescence of His Majesty's Ministers, we cannot but earnestly request and hope, that it will seem expedient to your Lordship to add your own recommendation to this representation, and that you will have the goodness to submit both to the Chancellor of His Majesty's Exchequer.

We have the honor to be, My Lord,

Your most obedient humble servants,

(Signed) W. F. ELPHINSTONE,
CHARLES GRANT.

The Right Honorable Lord Viscount Castlereagh,
&c. &c. &c.

LETTER from the Right Honorable Lord Viscount Castlereagh to the
Chairman and Deputy Chairman.

Lord
Castlereagh's
Letter.

GENTLEMEN,

India Board, September 1804.

In compliance with the desire of the Court of Proprietors, as expressed in your letter of the 7th July last, I have reconsidered, with the most earnest disposition at all times to promote their wishes, the opinion which I before presumed to express, on the propriety of their dividends being discharged from any deduction on account of the late tax upon property, by causing the same to be paid out of the general funds of the Company, and I have also communicated with Mr. Pitt on this subject.

Notwithstanding

No XXII. India Stock, but under all the circumstances of the present case, regard being had to the existing appropriations under the act of 1793, the degree in which the funds at home and abroad may be affected by the peculiar circumstances of the present year, and the difficulty that must necessarily attach to the proposition, whether it be considered in the light of relieving from the tax a particular description of income arising from property, by throwing the same on other funds, or in that of a temporary and special increase of dividend to the Proprietors, we do not feel ourselves warranted in advising the Court to submit a bill for this purpose to Parliament.

We are further of opinion, that the relief sought by the measure is not of that magnitude, which should induce the Company to solicit this indulgence from Parliament, under the difficulties above stated; nor are we persuaded if, in point of fact, other corporate bodies have so relieved themselves from the tax, that the proceeding, on their part, however warranted by law, affords a precedent, which, in principle, the East-India Company, with an enlarged view to their own interests, should be solicitous to follow.

I have the honor to be, Gentlemen,

Your most obedient servant,

(Signed) CASTLEREAGH.

The Chairman and Deputy Chairman
of the East-India Company.

Chairman & Deputy's Letter.
Letter from the Chairman and Deputy Chairman to the Right Honorable Lord Viscount Castlereagh.

My Lord,

East-India House, the 7th July 1804.

It is in consequence of the instructions of a General Court of Proprietors which lately assembled, to take into consideration the tax levied, in virtue of the 43d of the King, on the dividends payable on East-India stock, that we now take the liberty to address your Lordship again on that subject.

Notwithstanding the answer returned by your Lordship to the application which our predecessors in office made to you, under date the 2d December last, for

for the aid of His Majesty's Ministers, in order to relieve the holders of the No. XXII. Company's stock from the payment of the Property-tax out of their dividends, the Proprietors still think, that whether regard be had to the design and spirit of the Act of 1793, to the general state and circumstances of the Company, or to the peculiar situation of the Stock-holders, they are aggrieved by the operation given, in their case, to the Act imposing a tax on property.

It was after a full consideration and adjustment of the interests of all parties, the Public, the Company, and individuals, that on the renewal of the Charter, the dividend of the Stock-holders was fixed at ten and a half per cent. per annum. The law then made, in allowing it to rise to that rate, forbade it to go higher; and the reduction of it below that rate was left to the discretion of the Proprietors themselves. This was, therefore, understood to be the fixed certain income assigned to the members of the Company, out of all its funds, territorial and commercial. And hence, we think, it may fairly be argued, that such a deliberate formal settlement cannot justly be disturbed, but by a proceeding equally direct and appropriate; and that no mere measure of taxation, having only a general aim, without any cognizance of the peculiar circumstances under which this arrangement was concluded, ought to defeat it, because if the contrary principle be once admitted, whilst the Public is still immensely benefited by Indian revenue and trade, and all the other classes of subjects connected with them continue to derive the advantages provided for them, the Proprietors of that stock, which has been the foundation and support of the whole, may absolutely be divested of all the dividend they were to receive from it. We think, therefore, it may be contended, that conformably to the spirit of the Act of 1793, the Property-tax should not operate upon the dividend, but be a charge upon the general funds of the Company.

This will appear more reasonable, if it be considered that very many of the Proprietors of India stock, who have held that stock long, receive no more on the cost of it than the common interest of money, namely five per cent, whilst their property is exposed to the influence of all the adverse contingencies to which the Company's affairs are liable; and whilst the Company, that is to say, those Proprietors in their collective capacity, serve as the channel, or medium, by which immense advantages are diffused through the nation, in its commerce, its revenues, and the wealth of all the successive races of British subjects, employed

No. XXII. Notwithstanding the very ingenious reasoning contained in your Letter, we are clearly of opinion, that a payment of this nature, directed to the individual emolument of the Proprietors of India Stock, and not in any respect to the public service of the Company, cannot be issued, under the existing appropriations affecting their funds, without the express sanction of Parliament.

Lord
Castlereagh's
Letter.

Had the tax been directly imposed on income, as under the former law, we apprehend it never would have suggested itself to the Court of Proprietors, that income derived from the dividends of the Company should enjoy any partial exemption. The policy of the Legislature has recently been, to apply the tax to the sources of income, rather than to levy it, as formerly, upon the statement of the possessor. It does not appear to us, that this change in the mode of assessment can justify a claim to personal relief from the tax itself. If not, the proposition resolves itself either into an increased dividend, or into a new appropriation of the net proceeds, enabling the Company to charge the tax on their funds generally, as some other Corporations have done, who are sole proprietors in such funds. This opens so large a question *in principle*, and for so small an object, either as it affects the interest of the Public or the individual Proprietors, that I should conceive, under all the circumstances, the Court will not feel disposed to press it at such a moment upon the attention of Parliament.

I have the honor to be, Gentlemen,

Your most obedient humble servant,

(Signed) CASTLEREAGH.

The Chairman and Deputy Chairman
of the East-India Company.

No. XXIII.

No. XXIII.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 18th March 1812.

The Chairman from the Committee of Correspondence laying before the Court draft of a letter to Lord Melville, to be signed by the Deputation, requesting that a longer term than that which was fixed in 1793 may be granted for the renewal of the Company's exclusive privileges, the same was read and approved; as was also

Draft of a letter to his Lordship, to be signed by the Deputation, submitting to his consideration the expediency of providing, that the additional dividend of ten shillings per cent. paid on the Company's stock, under the act of the 33d of his present Majesty, cap. 52, sec. 124, may be paid out of the general profits of the Company; and also, that authority may be given to make the Property-duty on the dividends a charge on those profits.

No.
XXIII.

Secret Court,
18 Mar. 1812.

No. XXIV.

LETTER from the DEPUTATION to the Right Honorable Lord Viscount MELVILLE, noticed in the preceding Minute.

East-India House, 18th March 1812.

MY LORD,

Although we are aware that this may not be considered the proper time to discuss the term of years for which the exclusive privileges of the Company should be renewed, yet, under the prospect of your Lordship's soon leaving the India Board, we are anxious to avoid any delay, in requesting your Lordship's attention to that point.

No.
XXIV.

Deputation
Letter.

On

No.
XXIV.Deputation
Letter.

On reference to the negotiations in 1793, we observe that the principal ground on which the Company founded their application for a renewal of their privileges for a long term, was, that sufficient time might be allowed for the liquidation of their debts at interest in India, the amount of which, at that period, was seven millions sterling. The term then granted was twenty years, from the 1st of March 1794, including the usual notice of three years, this term being considered adequate to the object in view.

The Company's debts at interest in India are now supposed to amount to twenty-five millions sterling, exclusive of the debt in Europe; we trust, therefore, it will be evident, that a longer term than that which was granted in 1793 is indispensable, to admit of the gradual reduction of the present debt, and the effectual operation of any measures which may be determined on for that purpose.

Without mentioning any particular term, we take the liberty of referring your Lordship to the Act of the 3d of George II. cap. 14, to shew that a longer period than that granted in 1793 has been conceded; and as, under every view of the subject, considering the contingencies of war, or other interruption, we are convinced of the necessity of a more extended term, for the purposes of liquidating debts of such magnitude, and of restoring the Company's affairs to that state of prosperity, which is essential both to them and the Public. We rely with confidence on your Lordship's concurrence in the opinion we have submitted.

We have the honor to be, with the greatest respect,

Your Lordship's most obedient humble Servants,

(Signed)

JACOB BOSANQUET,
HUGH INGLIS,
W. F. ELPHINSTONE,
EDWARD PARRY.

The Right Hon. Lord Viscount Melville,
&c. &c. &c.

No. XXV.

LETTER from the DEPUTATION to the Right Honorable Lord Viscount
MELVILLE, also noticed in the preceding Minute.

MY LORD,

East-India House, 19th March 1812.

No. XXV.

Deputation
Letter.

In addition to the subject on which we had the honor to address your Lordship yesterday, there are two points to which we are very desirous of calling your attention, before your Lordship leaves the India Board.

The first point, which is mentioned in the hints submitted to your Lordship on the 4th instant, is the dividend of ten shillings per cent. paid to the Proprietors, under the Act of the 33d of His present Majesty, cap. 52, sec. 124, from the separate fund of the Company.

When it was in contemplation to increase the capital stock of the Company in 1797, it was found that the payment of this dividend to the Proprietors of the new stock would have exhausted the separate fund, previous to the expiration of the present term of the Company's exclusive trade. To guard against this, a clause was inserted in the Act of 37th of His Majesty, cap. 31, authorizing the payment of a dividend of ten shillings per cent. to the Proprietors of the increased stock, from the annual profits of the Company's trade.

The additional stock has not been raised, and the separate fund has been found adequate to the payment of the dividend of ten shillings per cent. upon the existing capital hitherto, and will continue to be so until the year 1819, when it will be nearly exhausted.

As the Proprietors have derived from the dividends little more than five per cent. on the capital, it appears to us that, on the renewal of the Company's privileges, they may entertain a reasonable expectation of continuing to receive this addition of ten shillings to the usual dividend of £10 per cent.; and as the separate fund will not, as stated above, be sufficient for the purpose, during any probable term, for which the renewal may be granted, we take the liberty of submitting to your Lordship's consideration the expediency of providing for the additional dividend, out of the general profits of the Company.

No. XXV.

Deputation
Letter.

The other point to which we request your Lordship's attention is, the payment of the Property-duty on the dividends. The Court of Directors and the Proprietors have always considered it a hardship, that this duty was not allowed to be paid from the profits of the Company; we have the honor to enclose copies of letters on this subject, which were addressed to Lord Castlereagh in 1803 and 1804, and we flatter ourselves that the arguments they contain will induce your Lordship, when the question of renewing the privileges of the Company is under discussion, to recommend that authority may be given to make the Property-duty on the dividends a charge on the general profits of the Company.

As the profits of the Company were specifically appropriated by the Act of 1793, some difficulty may possibly, from that circumstance, have occurred in conceding this point; but as, in any new arrangement, the subject of appropriation will necessarily undergo considerable modification, we should hope that the objection formerly urged may easily be obviated.

If it should be finally determined, that the surrender of any considerable proportion of the exclusive privileges of the Company is to be made, it appears to be the more necessary, that some boon should be held out to the Proprietors, in alleviation of the sacrifices to which their consent may be required; we hope, therefore, we may be permitted to indulge a confident expectation of your Lordship's favorable consideration of the points now submitted.

We have the honor to be, My Lord,

Your Lordship's most obedient humble servants,

(Signed)

The Right Honorable
Lord Viscount Melville,
&c. &c. &c.

JACOB BOSANQUET,
HUGH INGLIS,
W. H. ELPHINSTONE,
EDWARD PARRY,
CHARLES MILLS.

No. XXVI:

AT A

SECRET COURT OF DIRECTORS,

Held on Tuesday, the 24th March 1812.

The Chairman from the Committee of Correspondence laid before the Court a letter from Lord Melville to the Chairman and Deputy, dated the 21st instant, stating his sentiments in reply to their letter of the 4th instant, and enclosing

No.
XXVI.Secret Court,
24 Mar. 1812.

A paper containing "Observations on the Hints suggested by the Deputation of the Court of Directors, 3d March 1812."

The Chairman also laid before the Court a letter from Lord Melville to the Chairman and Deputy, dated the 23d instant, in reply to the two letters which the Deputation from the Court of Directors addressed to his Lordship on the 18th and 19th instant.

The same were read.

The Chairman then moving the Court,

Ordered, That the several papers now read, together with the other correspondence, which has passed, respecting the negociation for the renewal of the Company's exclusive privileges, be laid before the General Court to be held to-morrow, and printed, as speedily as possible, for the information of the Proprietors.

No. XXVII.

LETTER from the Right Honorable Lord Viscount MELVILLE to the CHAIRMAN and DEPUTY CHAIRMAN, noticed in the preceding Minute.

GENTLEMEN,

India Board, 21st March 1812.

No.
XXVII.

I have delayed answering your letter of the 4th instant (received the 6th) until I could transmit to you, at the same time, replies to the several propositions

Ld. Melville's
Letter.

No.
XXVII.Ld. Melville's
Letter.

and manned with Indian seamen. This is undoubtedly an important consideration, as it involves in it, to a certain extent, a departure from the principles on which the navigation system of this country has hitherto been conducted. As far as the East-India Company is concerned, it will probably be necessary to leave the matter on its present footing, during the continuance of the war; but if the trade with India is to be opened to all British ships, in the manner already pointed out, there seems to be no sufficient reason for breaking in upon the system of our navigation laws, by permitting any other than British ships, with a due proportion of British seamen, to import colonial produce into the United Kingdom.

I have not thought it requisite, in this letter, to trouble you with any observations on several points adverted to in your's of the 4th instant, which are also noticed in the enclosed paper of hints and of replies to the several propositions. I shall abstain, also, from any remarks on the calculations detailed in your letter, and which are introduced more with the view, as I conceive, to vindicate the Company in their past management of the exclusive trade to India and the government of their territorial possessions, than to any practical results to be derived from your statement, in relation to the matters at present in discussion between His Majesty's Government and the Court of Directors. The Committee of the House of Commons on East-India Affairs have already submitted to the House detailed statements on that part of the subject, and in any further reports which they may present they will probably complete the investigation.

I am, Gentlemen such

Your most obedient humble servant,

To the Chairman and Deputy Chairman (Signed) MELVILLE.
of the East-India Company.

No. XXVIII.

OBSERVATIONS on the Hints suggested by the DEPUTATION of the COURT of DIRECTORS, 3d March 1812, adverted to in the foregoing Letter.

[* * These observations are printed with No. XX, page 62.]

No. XXIX.

LETTER from the Right Honourable Lord Viscount MELVILLE to the CHAIRMAN and DEPUTY CHAIRMAN, also noticed in the Minute above-mentioned.

GENTLEMEN,

India Board, 23d March 1812.

I have had the honor to receive the two letters which the Deputation from the Court of Directors addressed to me, on the 18th and 19th instant.

It is undoubtedly reasonable, that the further term now proposed to be granted to the East-India Company of their privileges of exclusive trade and the government of the British territorial possessions in India, should be for such a period, as may be sufficient, if unforeseen contingencies do not arise, to produce a considerable reduction of the debt, both in India and at home. The experience, however, of the last twenty years, has sufficiently demonstrated, that it is impossible to calculate, with any degree of accuracy, on what may be the state of the Company's affairs in India at the expiry of another period of the same duration. If they are prosperous, the same term as was granted in 1793 will be sufficient for the purposes described in your letter of the 18th; but if untoward events shall occur, and the Company shall be again engaged in expensive wars, it will be desirable that Parliament should have the opportunity of reconsidering the subject, and of making such new provisions as the case may appear to require. Under those circumstances, I do not think it will be advisable to propose a longer term than what was granted by the Act of 1793, viz. twenty years from the expiry of the existing period, with three years previous notice.

I have no hesitation in admitting that the suggestion in your Letter of the 19th instant, relative to the continuance of the dividend of ten shillings per cent. on the existing capital of the East-India Company, after the separate fund shall be exhausted, is reasonable, and that it will be proper to comply with it.

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Your

No.
XXIX.Ld. Melville's
Letter.

No. XXVII. positions brought forward by the Deputation of the Court of Directors, at our conference on the 4th instant.

Ld. Melville's
Letter.

In submitting to you these observations, however, I beg to be distinctly understood, as conveying to you only the present sentiments of His Majesty's Government on the several points to which the propositions relate. Public discussion on such an important question, may possibly produce an alteration of opinion on some of the details; and though the subject has been fully considered, it may be deemed necessary, in the further progress of the measure, to propose on some points, regulations of a different description from those which are suggested in the enclosed observations.

The Court of Directors are perfectly correct in supposing that it is now, as it has been for a considerable time past, the fixed intention of His Majesty's Government, to withhold their concurrence from any proposition which might be submitted to Parliament for continuing to the East-India Company their privileges of exclusive trade on their present footing. It is unnecessary now to discuss, whether the provisions of the Act of 1793 (by which the Company's monopoly was so far relaxed, as to admit the goods of private merchants to be conveyed in the Company's ships) have in any degree fulfilled the expectations or intentions of the Legislature. It will not be denied, that the facilities granted by that act have not been satisfactory, at least to the merchants, either of this country or of India. They have been the source of constant dispute, and they have even entailed a heavy expence upon the Company, without affording to the Public any adequate benefit from such a sacrifice. You will do me the justice to recollect, that in all our discussions on this subject, both recently and on former occasions, the admission of the ships of merchants in this country into the trade of India, in concurrence with those of the Company, has never been urged as a measure, from which much immediate benefit would, in my opinion, be derived, either to the country or to the individuals who might embark in the speculation; and I certainly am not without considerable apprehension, that, at least on the first opening of the trade, the public expectation, as to the British territories in India affording any considerable outlet for British manufactures, beyond the amount of our present exports, may be disappointed. On that admission, however, and on the necessity of guarding against the unrestrained intercourse of Europeans with the territories of the Company, or of the native States in India

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(in which also I fully concur), nearly the whole of the arguments adduced by the Court of Directors against any opening of the trade are founded. But it must be recollected, that in determining the question, as to continuing the whole or a part of the Company's monopoly, it will be the duty of Parliament to consider, not merely whether it may be safe to prolong it, but whether it may be unsafe to abridge or abolish it. As far as relates to the trade with India, and several other countries included within the limits of the Company's Charter, the Court do not appear to have succeeded in establishing the proposition, that any detriment will arise to the public interest, either in this country or in India, or ultimately even to the interest of the Company themselves, from the introduction of private adventurers. If the Company carry on their trade more expensively and with less activity and industry than private individuals, it is unjust to the country, as well as to the inhabitants of British India, that the exclusive monopoly should be continued; and in such a state of things, the trade is more likely to be advantageous to the country, and beneficial to the individuals in their hands, than in those of the Company: but if the latter shall conduct it with skill and enterprize, and with due and unremitting attention to economy, the extent of their capital, and the superior facilities which they must continue to possess of providing their investment in India at the cheapest rate, will undoubtedly afford them the means of successful rivalry with all other competitors.

In adverting, in your letter of the 4th instant, to the statement contained in mine of the 17th December, on the proposed transfer of the Company's army to the Crown, you do not appear to have understood accurately the purport of my suggestion. I entertained no doubt, as to the expediency of continuing to the Company's Government in India the supremacy of their military, as well as civil authority: but though various regulations may possibly be necessary, with a view to promote the discipline and efficiency of the army in India, I am not aware, that any legislative enactments are requisite, except as to the amount of force which His Majesty may be empowered to maintain in India, at the expence of the Company, and perhaps also some provisions, in regard to the relative powers of the Board of Commissioners and the Court of Directors.

In your letter of the 4th instant, you advert to the question as to how far it may be expedient to admit into the trade with this country, ships built in India

and

No. XXVII.
Ld. Melville's
Letter.

No. XXIX. Your proposition, in regard to the payment of the Property tax, requires much more consideration, and I cannot, at present, bring myself to concur in the expediency of agreeing to submit it to Parliament. A confident expectation may be entertained, from the state of the Company's revenues in India, and from the reduction of expense which has already taken place, or which may still be effected, both at home and abroad, by means completely within your power, that a large annual surplus will be available towards the reduction of debt; but when it is recollected, that though the amount of the debt in India has recently been considerably diminished, it has been proportionably increased at home, and considering, also, that provision must be made, for the possible contingency of the Company having to pay, in this country, the interest, not only of their large debt at home but also of the whole debt of India, I do not think that it would be wise or prudent, at least till after the experience of a few years, to make an addition to the permanent charges of the Company at home, to the amount of the Property tax upon their dividends.

Ed Melville's
Letter.

I am, Gentlemen,

Your most obedient humble servant,

(Signed) MELVILLE.

The Chairman and Deputy Chairman
of the East-India Company.

No. II.

FURTHER PAPERS

RESPECTING

THE NEGOCIATION

FOR A RENEWAL OF THE

EAST-INDIA COMPANY'S EXCLUSIVE PRIVILEGES.

London:

PRINTED BY ORDER OF THE COURT OF DIRECTORS, FOR THE INFORMATION
OF THE PROPRIETORS,

By E. Cox and Son, Great Queen Street, Lincoln's-Inn-Fields.

1813.

LIST OF FURTHER PAPERS

Respecting the Negotiation for a Renewal of the East-India Company's exclusive Privileges, printed by Order of the Court of Directors for the Information of the Proprietors.

No. XXX.

Note from the Right Honorable Lord Viscount Melville to the Chairman and Deputy Chairman, dated the 5th March 1812, enclosing Copy of a Resolution of a Meeting of Persons interested in the Tin Trade.

No. XXXI.

Letter from the Chairman and Deputy Chairman to the Right Honorable Lord Viscount Melville, dated the 21st March 1812, in reply to the preceding Note.

No. XXXII.

Minutes of a General Court of Proprietors, held on Wednesday, the 25th March 1812.

No. XXXIII.

Minute of a Secret Committee of Correspondence, the 31st March 1812.

No. XXXIV.

Minutes of a General Court of Proprietors, held on Thursday, the 2d April 1812.

No. XXXV.

Copy of a Petition from the East-India Company to the Honorable House of Commons, noticed in the preceding Minute.

FURTHER LIST OF PAPERS.

No. XXXVI.

Minutes of a Meeting of the Deputation, the 4th April 1812.

No. XXXVII.

Minutes of a Secret Committee of Correspondence, the 6th April 1812.

No. XXXVIII.

Minute of a Court of Directors, held on Monday, the 6th April 1812.

No. XXXIX.

Minute of a Court of Directors, held on Thursday, the 9th April 1812, renewing the Appointment of a Deputation to confer with His Majesty's Ministers.

No. XL.

Minutes of a Meeting of the Deputation, the 11th April 1812.

No. XLI.

Minute of a Meeting of the Deputation, the 13th April 1812.

No. XLII.

Minute of a Meeting of the Deputation, the 15th April 1812.

No. XLIII.

Minute of a Secret Court of Directors, held on Wednesday, the 15th April 1812.

LIST OF FURTHER PAPERS.

No. XLIV.

Letter from the Deputation to the Right Honorable the Earl of Buckinghamshire, dated the 15th April 1812, noticed in the preceding Minute.

No. XLV.

Minute of a Secret Committee of Correspondence, the 17th April 1812.

No. XLVI.

Minute of a Secret Committee of Correspondence, the 20th April 1812.

No. XLVII.

Minutes of a Secret Court of Directors, held on Monday, the 20th April 1812.

No. XLVIII.

Minutes of a Conversation between the Right Honorable the Earl of Buckinghamshire and Sir Hugh Inglis, held on Sunday Evening, the 19th April 1812, noticed in the preceding Minute.

No. XLIX.

Letter from Thomas Brown, Esq. to the Chairman and Deputy Chairman, dated the 21st April 1812, enclosing Resolutions of a Meeting of the Buyers of Piece Goods.

No. L.

Minute of a Secret Committee of Correspondence, the 24th April 1812.

No. LI.

Resolutions of a Meeting of the Merchants, Manufacturers, Traders and Others, interested in the Export Trade to India and China from the Port of London, held the 25th April 1812; and the Petition to both Houses of Parliament therein noticed.

LIST OF FURTHER PAPERS.

No. LII.

Minute of a Meeting of the Deputation, the 28th April 1812.

No. LIII.

Minute of a Secret Committee of Correspondence, the 23th April 1812.

No. LIV.

Minutes of a Secret Court of Directors, held on Tuesday, the 28th April 1812.

No. LV.

Letter from the Right Honorable the Earl of Buckinghamshire to the Chairman and Deputy Chairman, dated the 27th April 1812, noticed in the preceding Minutes.

No. LVI.

Minutes of a Secret Committee of Correspondence, the 29th April 1812.

No. LVII.

Minutes of a Secret Court of Directors, held on Wednesday, the 29th April 1812.

No. LVIII.

Letter from the Deputation to the Right Honorable the Earl of Buckinghamshire, dated the 29th April 1812, noticed in the preceding Minutes.

No. XXX.

NOTE from LORD MELVILLE inclosing Copy of a Resolution of a Meeting of Persons interested in the Tin Trade.

Lord Melville presents his compliments to the Chairman and Deputy Chairman, and transmits for their consideration, the inclosed copy of a resolution of a meeting of persons interested in the Tin trade, which was communicated to him by Mr. Tyrwhitt.

India Board,
5th March, 1812.

"Redruth, 24th February, 1812.

"RESOLVED,

"That Lord Falmouth, Lord De Dunstanville, the Lord Warden, the County Members, Davies Giddy, Esq., Mr. Unwin, and any other gentleman of the county, interested in the Tin trade, who may happen to be in London, be desired to use their endeavours to get a clause inserted in their charter, binding them to export a certain quantity of tin, not exceeding 1200 tons per annum, at a certain price, to be fixed at twenty per cent. under the average price of tin in London in each year."

No. XXXI.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the Right Honorable Lord Viscount MELVILLE, in reply to the preceding Note.

MY LORD,

East-India House, 21st March, 1812.

We have laid before the Court of Directors of the East-India Company, your Lordship's note dated the 5th instant, transmitting copy of a resolution of a meeting

No.
XXX.

Lord Melville's Note.

No.
XXXI.

Chairman and Deputy's Letter.

No.
XXXI.Chairman &
Deputy's
Letter.

see no reason whatever to hope, that the average prices which have been obtained for tin in the last twenty-two years will be exceeded in the ensuing twenty-one, so the Court would not be strictly justified in taking a higher sum for the future estimated sales than £84 per ton, or fifteen tales per pecul.

That it further appears, the average price of all the tin which has been received by the Company from the county of Cornwall has amounted to seventy-four pounds one shilling per ton, at which rate of cost the Court will state the price which the tin ought to produce in China, to reimburse the Company in the actual charges, except the freight, which the Court propose wholly to omit, they being ready to carry the tin out freight free.

Cost per ton, as above	-	-	-	-	-	-	-	-	£74	1	0
Freight	-	-	-	-	-	-	-	-	0	0	0
Insurance, 3 per cent. in time of peace, 6 per cent. in war, say											
4½ per cent.	-	-	-	-	-	-	-	-	3	6	8
Omit charges in England	-	-	-	-	-	-	-	-	0	0	0
Charges actually paid in China, 2 per cent. commission, besides											
boats and charges of the Factory, but say only 2 per cent.	-								1	9	8
Interest for four months, at 5 per cent. per annum.	-	-	-	-	-	-	-	-	1	4	8

Total cost of a ton of tin - - - - - £80 2 0

That it appears from the above calculation, the Company have hitherto received the difference between £84 per ton and £80. 2s. per ton, say £3. 18s., as a compensation for freight and charges of establishment; but as the Court have, in the present season, agreed to receive eight hundred tons of tin at the advanced price of £78 per ton, the computation will hereafter be as follows:

Cost price per ton	-	-	-	-	-	-	-	-	£78	0	0
Freight	-	-	-	-	-	-	-	-	0	0	0
Insurance 4½ per cent, average of war and peace	-	-	-	-	-	-	-	-	3	10	2
Charges in England	-	-	-	-	-	-	-	-	0	0	0
Ditto in China, 2 per cent	-	-	-	-	-	-	-	-	1	11	2
Interest, four months	-	-	-	-	-	-	-	-	1	6	0

£84 7 4

Total computation of tin brought forward £84 7 4
Estimated sale proceeds, on an average of twenty-two years, is 15

• tales 0 mace per pecul, or per ton - - - - - 84 0 0

Difference - - - - - £0 7 4

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being a loss of 7s. 4d. per ton, exclusive of freight and charges of establishment.

But as the Court are desirous of extending to the utmost the advantages which may arise to the county of Cornwall on the present occasion, they propose that the last price of tin in China known to the Court, viz. 15 tales 5 mace per pecul, should be taken as the standard of computation, although the Court are fully satisfied that that price will not be obtained for a series of years, in case of an enlarged exportation of twelve hundred tons.

The estimate will then be: cost and charges of a ton of tin, at

£78, as before	-	-	-	-	-	-	-	-	£84	7	4
Sale proceeds, at 6s. 3d. the tale, and 15 tales 5 mace the pecul	-								86	16	0

Difference - - - - - £2 8 8

which difference of £2. 8s. 8d. per ton is to defray freight and charges, as before.

That the Court having thus fairly and explicitly represented the experience of the past, and assumed the most favorable view of the future state of the trade in British tin to the countries within the Company's exclusive limits, the Court will revert to the effects which would probably be produced by the adoption of the proposition of the county of Cornwall, as to an exportation of twelve hundred tons of tin, at a price to be fixed, from time to time, at twenty per cent. below the London current price.

That the price of Cornish tin, in the year 1750, was about £74. 10s. per ton in London, at about which price it continued (with some fluctuations) until the year 1789, the date of the agreement with the Company, in which year the average price was £70. 10s. per ton in London.

That in consequence of the arrangement with the Company in 1789, where by the surplus quantity of Cornish tin has been taken out of the London

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Chairman
and Deputy's
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a meeting of persons interested in the tin trade of the county of Cornwall, held at Redruth, on the 24th ultimo, desiring the Noblemen and Gentlemen of that county to use their endeavours to get a clause inserted in the East-India Company's Charter, binding the Company to export a quantity of tin, not exceeding twelve hundred tons per annum, at a price to be fixed at twenty per cent. under the average price of tin in London each year; and we have been requested to inform your Lordship, that the Court have been uniformly actuated by the strongest wish to extend generally the sale of British manufactures and produce, within the limits of the Company's exclusive trade, and that the Court doubt not that the correspondence which has from time to time taken place, between them and the gentlemen interested in the British Mines, together with the increase of three pounds per ton which the Court have agreed to pay in the present year, have impressed those gentlemen with a full conviction, that the article of tin has been a very particular object of the Court's attention.

That in pursuance of the arrangement made between the East-India Company and the county of Cornwall, in the year 1789, there has been sold at the several factories in India and at China, in twenty-two years, the total quantity of sixteen thousand six hundred and fifty (16,650) tons of British tin, for the sum of one million three hundred and ninety-nine thousand two hundred (1,399,200) pounds sterling, which gives the average annual quantity of seven hundred and fifty-six (756) tons, and the average sale price of eighty-four pounds (£84) per ton.

That it is understood, the quantity of tin annually imported into Canton amounts to about eighteen hundred (1800) tons, and that the Court are most ready and desirous to use their endeavours, that the whole of the supply of that country, and also of the Peninsula in India, should be from the mines of Cornwall. But the Court fear, that the circumstances hereafter noticed will be found to be such, as to render it a matter of difficulty to maintain the export of British tin at its present average annual quantity of about eight hundred tons, and consequently, that a permanent annual export of twelve hundred tons will have a tendency, by overstocking the market, to reduce the sale price in Asia, and to produce a loss, even at the present rate of cost paid by the Company, but which being superadded to the increase of cost required by the resolution of the gentlemen

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gentlemen interested in the tin mines, would cause a loss of most enormous extent to fall upon the Company, and which the Court are satisfied could not have been in the contemplation of the gentlemen who framed the resolution which has been transmitted to the Court.

That it is well known to the gentlemen of the county of Cornwall, that Malacca, Banca, and other places in the eastern parts of India, produce tin in great abundance: and as some of these territories are now under the dominion and government of His Majesty; and as the restrictions which have lately checked the trade of others, which still remain under their native princes, will have been removed by the annihilation of the power of the Dutch and French in the Eastern Seas, and the withdrawing of the obstructions to free intercourse consequent to a state of war, it would seem to follow of course, that the exportable commodities of those countries will find a more quick circulation in the places where they are required, and that Malay tin will be sent to China in considerable quantities, as formerly.

That the Dutch Company are understood to have had a treaty with the chief of the island of Banca, by which that personage was bound to deliver to them the whole of the tin produced in his territories, at the price of twenty-seven florins per hundred pounds Dutch weight, which is equal to about forty-seven pounds ten shillings per ton, English weight; but which treaty being compulsory on the part of the Dutch, was evaded, whenever it was in the power of the native chief to obtain surreptitious sales at a higher price; and from the information which the Court have obtained, the fair current price of Banca tin may be stated at from sixty-seven pounds to seventy pounds sterling per ton. The Dutch Company obtained about one thousand tons of Banca tin annually, at the treaty price of £47 10s., part of which they sold in Asia, and part was sent to Europe, in the regular course of their trade. Tin is also produced, in considerable quantities, in the countries lying on the Western side of South America; and the Court could, at the present time, purchase a quantity of South American tin, now in Spain, but which of course they decline, not intending, on any account, to encourage foreign tin.

That as there does not appear to be any sufficient reason to expect that British tin will produce a higher price in China than Banca tin, and as the Court

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market, the price of that tin has risen to £100, £120, £150, and even £171 per ton, whereby the miners have been enabled to work their deepest mines, and to meet the pressure of the times, in as much that the agency of the Company, in this particular, has been termed the political salvation of the county.

That the price of British tin, this day, in London, is reduced to £133 per ton, although a parcel of prize Asiatic tin has now produced at the Company's sales as high a price as £187 per ton, the fall in British tin arising, the Court apprehend, from the markets here being overstocked, by reason that the miners have declined to deliver to the Company, in the last three years, the usual quantity of tin for exportation to China.

That it cannot be doubted but that the price of tin will again advance in London, so soon as the usual exportation to China shall take place; but the Court will assume merely, that it shall remain stationary, at the present price of £133 per ton.

That in this view of the case, which it cannot be supposed will happen, but that the price must greatly rise beyond its present rate, the proposition before the Court will operate to the Company's loss, as follows:

The future market price of tin, per estimate	-	-	-	£133	0	0
Deduct 20 per cent.	-	-	-	26	12	0
Leaves the price to be paid by the Company	-	-	-	106	8	0
Add, freight	-	-	-	0	0	0
Insurance, war,* 6 per cent	-	-	-	5	6	4
Charges in China actually paid, 2 per cent.	-	-	-	2	2	6
Charges establishments in England and China	-	-	-	0	0	0
Interest 4 months, at 5 per cent. per annum	-	-	-	1	15	5
Cost and charges of a ton of tin	-	-	-	115	12	3
Sale price in China, at the rate of 15 taels 5 mace per pecul,	-	-	-			
is per ton	-	-	-	86	16	0
Which leaves the loss on each ton of tin at	-	-	-	£28	16	3

* Peace Insurance, 3 per Cent.

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And supposing that twelve hundred tons are taken each year, the annual loss will be £34,575: and further, if it be contemplated that the contract shall be binding upon the East-India Company for twenty-one years, the gross loss in that time, at compound interest, will accumulate to upwards of £1,300,000.

That the Court are fully sensible of the obligation, which is imposed upon the Company, in return for the exclusive privilege of trade to China, to exert their utmost endeavours to extend the consumption of British manufactures and produce in that empire; a duty which they have most actively performed; and in the present instance with eminent success.

That the Court desire steadily to follow the same principles and will therefore carefully abstain from making any observations on the present occasion which may call for a reply; but as it has been demonstrated, that the present comparatively favorable condition of the tin miners has arisen entirely from the Company taking off their surplus tin, without any profit, or expectation of profit to themselves, it cannot be reasonably expected, that the success and stability which have been occasioned to the mining interests, should be urged as a cause to prove that the Company should embark in a new undertaking, which will most certainly be productive of the ruinous effects above-mentioned.

That as the gentlemen of the county of Cornwall have, during the whole course of the last arrangement (twenty-two years), expressed themselves satisfied with the justice, and indeed with the liberality of the Company's proceedings, the Court cannot but consider, that those gentlemen were not sufficiently informed of the actual state of the tin trade in Asia, when they drew up the resolution now under consideration.

That the Court cannot, therefore, consent to pledge the East-India Company to receive tin at the high price now contemplated, nor at any indefinite price dependent upon future contingencies; but that the Court will be ready to purchase of the county of Cornwall the annual quantity of eight hundred tons of tin, at the price of £80 per ton, payable by bills of exchange, at twelve months date, as at present, with interest for six months, at five per cent. per annum in time of war, and four per cent. per annum in time of peace, the estimated out-run of which will probably be as follows, viz.

No.	Cost of a ton of tin	-	-	-	-	-	-	-	-	£80	0	0
XXXI.	Freight	-	-	-	-	-	-	-	-	0	0	0
Chairman & Deputy's Letter.	Insurance, 6 per cent. in war*	-	-	-	-	-	-	-	-	4	16	0
	Charges in England	-	-	-	-	-	-	-	-	0	0	0
	Commission in China, 2 per cent.	-	-	-	-	-	-	-	-	1	12	0
	Charges Establishment in China, boats, and interest four months at 5 per cent. per annum.	-	-	-	-	-	-	-	-	1	6	8
	Total cost and charges of a ton of tin	-	-	-	-	-	-	-	-	£87	14	8
	Sale in China, estimated to be 15 tales 5 mace per pecul, or per ton	-	-	-	-	-	-	-	-	86	16	0
	Loss per ton	-	-	-	-	-	-	-	-	£	18	8

And that the Court will be ready to take a further annual quantity of four hundred tons, should the County see fit to offer the same, at the price of £75 per ton, payable as above.

But that should the newly acquired territorial possessions in the Indian seas, aided by the events which are passing in South America, open facilities for importing increased quantities of tin into China, so as to reduce the price there in any considerable degree, it is to be understood, that the sum of £80 and £75 per ton shall undergo revision, with a view to a just and proportionate reduction: on the contrary, should the price of tin be advanced in China, the Company will be ready to make an equivalent addition to the prices now conceded.

That should the county of Cornwall not approve the above propositions, the Court will be ready to receive annually twelve hundred tons of tin, and to consign the same to China, free of freight, there to be sold on account of the proprietors, deducting only the insurance and actual expence, agreeably to the plan suggested by Nicholas Downethorne, Esq. Chairman of the Quarterly Tin Meetings in Cornwall, in the year 1789.

. That

* In peace 3 per cent.

That the Court are desirous, that the County should adopt the latter proposition of receiving the actual sales in China, rather than the former, of selling the tin to the Company at £80 per ton; and as it may be desirable to the proprietors of the tin to receive the greater part of the estimated proceeds before the account sales can arrive in London, the Court will agree to advance bills, as at present, at the rate of £60 per ton, upon the delivery of the tin to the Company, in London, to be repaid with interest, at five per cent. per annum, out of the amount of the sales.

We have the honor to be,

My Lord,

Your most obedient humble servants,

(Signed) JACOB BOSANQUET,
HUGH INGLIS.

The Right Hon. Lord Viscount Melville, &c. &c. &c.

No. XXXII.

AT A GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Wednesday, the 25th March 1812.

The Chairman acquainted the Court, that it is made special, for the purpose of laying before the Proprietors the communications which have taken place between His Majesty's Government and the Court of Directors, respecting the renewal of the Company's Charter.

The following papers were then laid before the Court and read, viz.

Letter from the Right Honourable Robert Dundas to the Chairman and Deputy Chairman, dated the 30th September 1808.

Minute

Chairman & Deputy's Letter.

General Court,
25th March, 1812.

No.
XXXII. and

General
Court,
25th March,
1812.

Minute of a Secret Committee of Correspondence, the 12th October 1808;

Letter from the Chairman and Deputy Chairman to the Right Honorable Robert Dundas, dated the same day.

Minute of a Secret Court of Directors, held on Friday the 16th December 1808; and

Letter from the Chairman and Deputy Chairman to the Right Honorable Robert Dundas, dated the same day.

Minute of a Secret Court of Directors, held on Friday the 13th January 1809; and

Letter from the Right Honorable Robert Dundas to the Chairman and Deputy Chairman, dated the 28th December 1808.

Minute of a Secret Court of Directors, held on Tuesday, the 17th January 1809.

Letter from the Chairman and Deputy Chairman to the Right Honorable Robert Dundas, dated the 13th January 1809.

Minute of a Secret Committee of Correspondence, the 28th February 1809.

Letter from the Chairman and Deputy Chairman to the Right Honorable Robert Dundas, dated the 5th December 1809.

Letter from the Right Honorable Lord Viscount Melville to the Chairman and Deputy Chairman, dated the 17th December 1811.

Minute of a Secret Court of Directors, held on Monday, the 2d March 1812.

Letter from the Chairman and Deputy Chairman to the Right Honorable Lord Viscount Melville, dated the 4th March 1812.

Minute of a Secret Court of Directors, held on Friday, the 6th March 1812.

Hints approved by the Committee of Correspondence, and submitted to the consideration of the Right Honorable Lord Viscount Melville.

Letter from the Deputation to the Right Honorable Lord Viscount Melville, dated the 18th March 1812.

Letter from the Deputation to the Right Honorable Lord Viscount Melville, dated the 19th March 1812.

Minute of a Secret Court of Directors, held on Tuesday the 24th March 1812.

Letter

Letter from the Right Honorable Lord Viscount Melville to the Chairman and Deputy Chairman, dated the 21st March 1812.

Observations on the Hints suggested by the Deputation of the Court of Directors the 3d March 1812, adverted to in the foregoing letter.

Letter from the Right Honorable Lord Viscount Melville to the Chairman and Deputy Chairman, dated the 23d March 1812.

It was then moved, and on the question,

Resolved Unanimously, That the consideration of the above mentioned papers be adjourned till Thursday next, the 2d April.

No. XXXIII.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

the 31st March 1812.

Read again, and considered, letter from Lord Melville, dated the 21st March, and his Lordship's observations on the Hints.

No. XXXIV.

AT A GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING

TO THE EAST-INDIES,

Held on Thursday, the 2d April 1812.

Minutes of the last Court of the 25th ultimo were read.

The Chairman acquainted the Court, that it was assembled for the purpose
No. II. of

No.
XXXII.

General
Court,
25th March,
1812.

No.
XXXIII.

Secret
Committee,
31st March,
1812.

No.
XXXIV.

General
Court
2d April,
1812.

No.
XXXIV.

General
Court,
2d April,
1812.

of taking into consideration the papers which were laid by the Court of Directors before the General Court on the 25th ultimo.

It was then moved, and after a mature deliberation,

Resolved Unanimously, That this Court having perused the papers laid before them at the last General Court, desire to express the high sense which they entertain of the great ability, zeal, and fidelity, with which the Directors have maintained the interest of the East-India Company. They return them thanks for the powerful and convincing arguments by which they have shewn the danger which would await the British empire, from opening the trade of India, and the immense advantages which the nation has derived, in strength, revenue, territory, and character, from the capital and the exertions of this Corporation.

That although this Court will feel it their duty, on all occasions, to bow to the determination of the Legislature, they cannot but observe with extreme concern, that no proposition is suggested of an increased or further dividend, either now or hereafter, or advantage of any kind whatever, to the Proprietors of East-India Stock; notwithstanding the negotiation for the renewal of the Charter, in 1793, begun with a proposal for an increase of dividend of two per cent., which Charter opened the trade but in a limited and partial degree; and notwithstanding that, while such great and progressive advantages have been obtained for the public at large, the Proprietors themselves have made little more than common interest of their money. That now to be called upon to part with an undefined proportion of a trade thus established, and maintained hitherto at their sole expence, without any consideration for the same, seems to them to be wholly inequitable. Under these impressions, This Court confides to the Honorable Court of Directors the care of its interests in the farther negotiation for a new Charter, trusting to the justice of their fellow citizens, as well as to His Majesty's Government and to Parliament, that they shall receive that liberal treatment, which they regard themselves as so eminently entitled to at the hands of their country.

And that the Directors be requested to report their proceedings, from time to time, to this Court.

That this Court cannot contemplate the essential change proposed in the constitution of the Company, by an unrestrained trade to and from India, without

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XXXIV.

General
Court,
2d April,
1812.

out great concern and apprehension; not so much on account of the injury to which it will subject the Company in their commercial privileges and profits, as on account of the tendency which such a change must have to affect the system established by the Legislature, for the civil and political government of the Company's territorial possessions, whilst it is not at all likely to afford to the commercial interests of this country the advantages expected from it.

Should, therefore, the opening of the trade to India be the ultimate determination of Parliament, this Court cannot but express its hope, that all due care will be taken to accompany the enlargement which shall be given to individuals in the Indian trade, with such regulations as shall most effectually guard against the dangers to which those enlargements might expose the existing system of Indian administration.

Draft of a petition to the Honorable House of Commons was then read, being as follows. [See No. XXXV.]

It was then moved, and on the question,

Resolved, That this Court do approve the above petition,

The Court, then on the question, adjourned.

No. XXXV.

COPY of a PETITION from the EAST-INDIA COMPANY to the Honorable HOUSE of COMMONS, noticed in the preceding minutes.

To the Honorable the Commons of the United Kingdom of Great-Britain and Ireland in Parliament assembled.

The humble Petition of the United Company of Merchants of England trading to the East-Indies, •

SUBWETH,

That by an Act of Parliament made and passed in the thirty-third year of the reign of His present Majesty, entitled, "An Act for continuing

No.
XXXV.

Company's
Petition.

No.
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" in the East-India Company for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations for establishing further regulations for the government of the said territories, and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said Company, and for making provision for the better good order and government of the towns of Calcutta, Madras, and Bombay; " reciting, that it was expedient that the exclusive trade of your Petitioners, within the limits of their charter, which by an Act made in the twenty-first year of his Majesty's reign for establishing an agreement with your Petitioners and other purposes, was continued to them for a term thereby limited, should be further continued to them and their successors, under certain limitations and restrictions, for a term of twenty years, to be computed from the 1st day of March 1794, liable to be discontinued, at or after the end of such period, upon three years' notice previously given by Parliament for that purpose; and that, during the said further term, all the territorial acquisitions obtained in the East-Indies, which by an Act made in the seventh year of His Majesty's reign, for establishing an agreement for the payment of a certain annual sum, for a limited time, by your Petitioners, in respect of the said acquisitions and the revenues thereof, and by subsequent Acts were continued in the possession of the said Company, together with the territorial acquisitions then lately obtained there, with the revenues of the same, respectively, should remain in the possession of your Petitioners, without prejudice to the claims of the Public or of your Petitioners, subject to such powers and authorities, for the superintendence, direction, and controul over all acts, operations, and concerns, which related to the civil or military government or revenues of the said territories, as had been then already made or provided by any Act or Acts of Parliament in that behalf, and to such further powers, and under and subject to such other rules, regulations, and restrictions, relating to or concerning the said civil government and the appropriation of the said revenues, as should be then made and provided by the authority of Parliament; it was thereby enacted, that the said territorial acquisitions in the said former Acts mentioned, together with the territorial acquisitions then lately obtained in the East-Indies, with the revenues thereof respectively, should remain and continue in the possession of your Petitioners, for and during the

the further term by that Act granted to them in the said exclusive trade, subject nevertheless to the several regulations and provisions in that Act contained. And by the said Act His Majesty was empowered to nominate, constitute, and appoint during his pleasure, such Members of the Privy Council, of whom the two principal Secretaries of State and the Chancellor of the Exchequer for the time being should always be three, and such other two persons as His Majesty should think fit to be, and who should accordingly be and be stiled Commissioners for the Affairs of India. And the said Board of Commissioners were, by the said Act, invested with full power and authority to superintend, direct, and controul all Acts, operations, and concerns, which in any ways should relate to or concern the civil or military Government or revenues of the said territories and acquisitions in the East-Indies, subject nevertheless to such directions, rules, regulations and restrictions, and to such appropriations of the said revenues, as were by that Act made, provided, and established. And it was further enacted, that your Petitioners and their successors should have, use, and enjoy, and should continue to have, use, and enjoy, the whole, sole, and exclusive trade and traffick, and the only liberty, use, and privilege of trading, trafficking, and exercising the trade or business of Merchandize, in, to, and from the East-Indies, and in, to, and from all the islands, ports, havens, coasts, cities, towns, and places, between the Cape of Good Hope and the Straights of Magellan, and limits in an Act made in the ninth year of the reign of King William the Third, or in a certain charter of the fifth day of September, in the tenth year of the same King, mentioned, in as ample and beneficial manner as your Petitioners could thereby or otherwise lawfully trade, subject nevertheless to the several limitations, conditions, and regulations in that Act contained, and also subject to the proviso thereafter contained, for determining the same, any former Act or Acts, matter or thing, to the contrary notwithstanding. And it was further enacted, that your Petitioners should, at all times thereafter (subject as aforesaid) have, hold, and enjoy, and be entitled unto all and singular the profits, benefits, and advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suits, penalties, forfeitures, disabilities, provisions, matters, and things whatever, which by any former Act or Acts of Parliament, or by any Charter or Charters founded thereupon,

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upon, or by any clause or clauses in the said Acts or Charters contained, were enacted, given, granted, provided, limited, established, or declared, to, for touching, or concerning your Petitioners, either by the name of the General Society entitled to the advantages given by an Act of Parliament for advancing a sum, not exceeding two millions, for the service of the Crown of England, or the body politic and corporate, called by the name of the English Company trading to the East-Indies, or the body politic and corporate called by the name of the United Company of Merchants of England trading to the East-Indies, and not by that Act, or any other Act then in force, repealed or altered, according to the tenor and true meaning of the said Acts and Charters, and of that Act freed and discharged from all provisoes and conditions of redemption and determination, in any former Act or Acts contained; and the same, and every of them, were and was thereby ratified and confirmed, and to continue to be held and enjoyed, and be practised and put in execution by your Petitioners and their successors, for the better and more effectually settling and securing to them and their successors the whole, sole, and exclusive trade to the East-Indies and parts aforesaid. And for the preventing trade thereto, contrary to the true intent and meaning of that Act, and for securing also their possessions, estates, and effects, and governing their affairs and business, in all respects, as fully and effectually, as if the same profits, benefits, advantages, trade, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters, and things, were severally repeated and at large re-enacted in the body of that Act; subject nevertheless to such restrictions, covenants, and agreements, as were contained in the said Acts or Charters then in force, and not therein or thereby repeated, varied, or altered, and subject, also to the several enactments, conditions, limitations, and provisoes, in that Act contained. And it was thereby further enacted, that at any time, upon three years' notice to be given by Parliament, after the first day of March, which would be in the year of our Lord one thousand eight hundred and eleven, upon the expiration of the said three years, and upon payment made to your Petitioners of any sum or sums which, under the provisions of any Act of that present session of Parliament, should or might, upon the expiration of the said three years, become payable to your Petitioners by the Public, according to the true intent and

and meaning of such Act, then and from thenceforth, and not before or sooner, the said right, title, and interest of your Petitioners to the whole, sole, and exclusive trade to the said East-Indies and parts aforesaid, should cease and determine. And it was thereby further enacted, that nothing in the said proviso, last therein before contained, or in any proviso in the said Act of the ninth year of King William the Third, or in the said Charter of the fifth day of September, in the tenth year of his reign, or in any other Act or Charter contained, should extend, or be construed to extend, to determine the corporation of your Petitioners, or to hinder, prevent, or preclude your Petitioners or their successors, from carrying on, at all times after such determination of the right to the sole, whole, and exclusive trade, as aforesaid, a free trade into and from the East-Indies and parts aforesaid, with all or any part of their joint stock, in trade, goods, merchandizes, estate, and effects, in common with other the subjects of His Majesty, his heirs and successors, trading to, in, and from the said parts or limits. And by the said Act it is enacted, that for and during so long time as your Petitioners should be entitled to the whole, sole, and exclusive trade and traffic into and from the East-Indies, and other places within the limits of their Charter, subject to the provisions, regulations, and limitations in that Act contained, the clear profits arising from the said territorial acquisitions and revenues in India, after defraying the charges and expences of collecting the same, should be applied and disposed of to the uses and purposes therein mentioned and expressed; and also that during the continuance of the exclusive trade to your Petitioners, the nett proceeds of their sales of goods at home, with the duties and allowances arising by private-trade, and all other profits of your Petitioners in Great Britain, after providing for the payment of bills of exchange then already accepted by your Petitioners, as the same should become due, and for the current payment of other debts, interest, and other outgoings, charges, and expences of your Petitioners (their bond debt always excepted), should be applied and disposed of in the manner therein mentioned, as by the said Act, relation being thereunto had, may more at large appear.

That the notice required by the said Act of Parliament hath been given by the Speaker of your Honorable House, for determining the exclusive trade of your Petitioners, on the 10th day of April, one thousand eight hundred and fourteen.

That

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That since the said Act was passed, further territorial acquisitions, yielding a large revenue, have been obtained by your Petitioners, and such acquisitions have been annexed to the several governments of your Petitioners in the East-Indies, and sundry debts, to a large extent beyond what are mentioned in or referred to by the said Act, have been incurred by your Petitioners, in the defence and protection of the British possessions in India, and by reason of wars, in which the British nation has been engaged with European powers.

That such debts bear interest, and some of them are due in the East-Indies, and others of them have been discharged by your Petitioners, by means of money raised on their credit in this country, under the authority of Parliament.

That by virtue of the terms of the obligations for other part of such Indian debt, further sums, to a large amount, will be payable shortly in this country, for which purpose it will be necessary for your Petitioners to raise a further sum of money here.

That the system established by the said Act, for the government of the territorial acquisitions in the East-Indies, for the management of the revenues thereof, and for the general conduct of the affairs of your Petitioners, hath been approved by experience; but the appropriations made by the said Act of the profits arising from the territorial revenues in India, and of the profits of your Petitioners at home, appear to your Petitioners to be inapplicable to the present state of the Indian debts and resources, and of the concerns of your Petitioners.

That your Petitioners believe, that it is undeniable, that the exclusive trade carried on by your Petitioners has been a great positive advantage to the nation; and although they do not presume to state as an incontrovertible fact, that greater public benefit would accrue from its being continued in its present state, than from its being any further opened, yet your Petitioners do venture humbly, but confidently, to assure this Honorable House, that the trade with China could not be opened in any degree, without extreme danger.

That if it should not be seen fit to enlarge the term now held by your Petitioners in the whole of the trade which they now enjoy, without qualification, your Petitioners are ready to submit to such regulations as shall be just, and as Parliament, in its wisdom, shall enact, for the conduct of the commercial intercourse of His Majesty's subjects, with those places which are within the exclusive limits granted to your Petitioners.

That

That on account of the length and variety of the matters necessary to be considered and prepared, in relation to the subject of this petition, your Petitioners were unable to prepare a petition, praying leave to bring in a bill or bills, relative to the Indian territories and trade, until the time limited for presenting petitions for private bills was expired.

Your Petitioners therefore most humbly pray, that leave may be given to your Petitioners, now to present a petition to this Honorable House, praying that leave may be given to bring in a bill or bills, for continuing the possession, government, and management of the territorial acquisitions in the East-Indies, in your Petitioners, subject to regulation; and for altering the appropriations of the profits arising from the Indian revenues; and for enabling your Petitioners to raise such sums of money, or to contract such pecuniary obligations as their affairs may require, in respect of the payment, in this country, of debt originally contracted in India; and for settling the trade to the East-Indies and China, and other places from the Cape of Bona Esperanza to the Straights of Magellan; or that your Petitioners may have such other relief as their case may require.

And your Petitioners, as in duty bound, shall ever pray, &c.

MEMORANDUM: The Petition prayed leave to be presented is recited in the above Petition.

No. XXXVI.

AT A

MEETING OF THE DEPUTATION,

The 4th April 1812.

The Chairman stated, that himself and the Deputy had a conference yesterday, with the President of the Board of Commissioners.

Read again, and considered, the Hints and the Observations on them.

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No. XXXVII.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 6th April, 1812.

No. XXXVII.
Secret Committee,
6th April,
1812.

The Chairman stated to the Committee, that the Chairs had a conference yesterday with the President of the Board of Commissioners.

Letter from Lord Melville, dated the 21st March, was read, and further considered.

No. XXXVIII.

AT A

COURT OF DIRECTORS,

Held on Monday, the 6th April 1812.

On a motion.

No. XXXVIII.
Court of Directors,
6th April,
1812.

Ordered, That the Company's seal be affixed to their Petition to the Honorable House of Commons, which was approved in Court and in the General Court on the 2nd instant; also to a Petition for leave to present the same: and that such Members of this Court as are Members of the House of Commons be requested to present the said Petitions.

No. XXXIX.

AT A

COURT OF DIRECTORS,

Held on Thursday, the 9th April 1812.

On a motion,

No. XXXIX.
Court of Directors,
9th April,
1812.

Resolved, That agreeably to the Court's resolution of the 2d ultimo, appointing a Deputation of Directors to confer with His Majesty's Ministers, on the subject

subject of a renewal of the Company's exclusive privileges, the undermentioned gentlemen be appointed for that purpose, viz.

The Chairman,
Deputy Chairman,
The Honorable William Fullarton Elphinstone,
Jacob Bosanquet, Esq.
Charles Grant, Esq.
George Smith, Esq.
Edward Parry, Esq.
William Astell, Esq.

No. XXXIX.

Court of Directors,
9th April,
1812.

No. XL.

AT A

MEETING OF THE DEPUTATION,

The 11th April 1812.

The Chairman stated, that the Deputy and himself had a conference with the Earl of Duckinghamshire on Tuesday last.

Read again the Hints and Observations, and deliberated thereon, as far as Article 12:—

And adjourned to Monday next, at two o'clock.

No. XL.

Deputation,
11th April,
1812.

No. XLI.

AT A

MEETING OF THE DEPUTATION,

The 13th April 1812.

Proceeded in deliberating further on the Hints and Observations, and Adjourned to Wednesday next.

No. XLI.

Deputation,
13th April,
1812.

No. XLII.

AT A

MEETING OF THE DEPUTATION,

The 15th April 1812.

No. XLII. Draft of a letter to the President of the Board of Commissioners was read and approved ;

Deputation, 15th April, 1812. And the Chairman was requested to submit the same to the Court of Directors this day.

No. XLIII.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 15th April 1812.

No. XLIII. The Chairman from the Committee of Correspondence submitting to the Court draft of a letter to the President of the Board of Commissioners for the Affairs of India.

Secret Court, 15th April, 1812. The same was read and unanimously approved.

No. XLIV.

LETTER from the DEPUTATION to the Right Honorable the EARL OF BUCKINGHAMSHIRE, noticed in the preceding Minute.

MY LORD,

East-India House, 15th April 1812.

No. XLIV. The correspondence between the President of the Board of Commissioners, on the part of His Majesty's Government, and the Court of Directors of

Deputation Letter.

of the East-India Company, on the subject of the renewal of the Company's Charter, having been laid before the General Court of Proprietors, we now, in consequence of the resolutions of that body, propose to ourselves the honor of continuing the correspondence with your Lordship, and especially to reply to the letters of the late President, dated the 21st and 23d of March, and to his *Observations* accompanying the former of these letters.

In the first place, however, permit us to offer some remarks on the outlines of the negotiation, as far as it has hitherto advanced, and on the opposition which has begun to shew itself, to certain propositions, respecting the necessity and importance of which His Majesty's Government and the East-India Company appear to have entertained similar sentiments.

It is manifest, from the letters written on the part of the Court of Directors, that they have contemplated with the utmost reluctance such an enlargement of the trade to India, as seemed to be desired by His Majesty's Ministers, because they believed that the commercial advantages expected from it to this country, would not be realized, and feared that it might eventually endanger the security of the British possessions in the East. We must desire on the part of the Court of Directors, distinctly, and in the face of the country, to state this opinion, not as advanced without conviction, to serve a cause, but as the genuine result of such knowledge and experience as the Court possess, upon a subject respecting which they have better means of information, than any of those associations, who are now eager to take full possession of the Eastern trade, and upon which also it is certainly material that the Public should form just ideas. We have, indeed, yet seen no arguments advanced, in answer to those reasons which the Court have offered against the opening of the trade, and particularly against the expectation of the great increase to be produced by such a measure in the exports from this country to India, and the imports thence, Lord Melville has signified his concurrence with the Court, in thinking that the Public will be disappointed, at least at first, in this expectation; and though his Lordship has said, that "the Court do not appear to have succeeded in establishing the proposition, that any detriment will arise to the Public interest, either here or in India, or ultimately even to the interest of the Company themselves, from the introduction of private adventurers," we must beg leave to observe, first, that we cannot doubt

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doubt "the introduction of private adventurers," which his Lordship had in view, was less extensive than is now likely to be contended for by some portions of the public, and was connected, in his mind, with limitations and restrictions in the conduct of the trade, which those who claim the largest opening of it exclude; and, secondly, that several reasons which the Court have urged, to shew that much detriment would arise from a general opening of the trade, remain unanswered, either in his Lordship's letters, or in any of the public resolutions we have yet seen. Until of late, the general language held on the subject of the Indian trade, was rather, that the merchants of Great Britain should be allowed to apply their industry to such branches of it, and to such ports of the Indian Seas, as the commerce of the Company did not embrace, than that they should invade the portion of the trade which the Company carried on. But now little is said about the advantages to be derived from adventures to the unexplored parts of India, and the objects likely to be most warmly contended for, are not new accessions of commerce to the nation, but a transfer of much of those branches of trade, already carried on by the Company in London, to individuals in the outports. The large concessions at first required from the Company by His Majesty's government, appear only to have encouraged the merchants of the outports to make still further demands, regardless, as it would seem, of the political consequences that might ensue from a compliance with them, and apparently unaware, too, that the corporate capacity of the East-India Company is perpetual, and cannot be annulled, even if the qualified monopoly they have enjoyed were to cease.

We are confident, my Lord, it was not the intention of his Majesty's Ministers, that the East-India Company should be broken down and despoiled of those faculties, necessary to enable it to perform the important part assigned to it by the Legislature in the government of the British empire in the East; a part which probably it will be allowed to have performed well, and with more safety and advantage to the mother country, than any other system, hitherto thought of, could have done. The benefits accruing to that government by the reciprocal aids of revenue and commerce, the powers of which are united in the constitution of the Company, in a way peculiar to it, have been often seen and fully acknowledged, and were it necessary, it would be easy to enlarge upon them.

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them. These powers have now become so incorporated, that it is impossible to separate them, without essentially endangering the whole of a system that has proved in practice eminently useful. If, therefore, the commercial part of that system were now to be destroyed, the political functions exercised by the Company would be so weakened, as necessarily to bring into view questions of the last importance to the safety of the British empire in India, and of the British constitution at home.

We hence assuredly rely, that the wisdom of Parliament, and the good sense of the nation in general, will resist those rash and violent innovations upon the system of the Company, which the merchants of different towns, proceeding upon theoretical ideas, and overlooking most material facts, now appear to intend, without any certainty, even of extending the commerce of this country, but to the unavoidable detriment of its political interests abroad and its financial interests at home.

It was in contemplation of dangers less immediate and alarming than the designs now avowed threaten, that the Court so earnestly proposed, that the renewal of the Charter should proceed, with certain modifications, upon the basis of the Act of 1793, which made the Company the medium of the enlargements of private-trade; but having been forced to depart from this preliminary principle, which they still maintain consults the true policy of this country, and the sacrifice of which they may observe, by the way, inflicts great injury upon all the private interests and parties engaged in the Indian trade, as established by that Act, particularly on the commanders and officers of the Company's ships, whose professional merits are universally acknowledged, the Court are, however, perfectly satisfied, from the assurances already given by His Majesty's Ministers from the beginning, that any enlargements which may be given in the Indian trade shall be accompanied with such provisions, as will guard against the dangers to which such enlargements might otherwise expose the existing system.

Several of the precautions necessary in this view were suggested in the *Hints* submitted by the Deputation of the Court to Lord Melville, on the 4th March; and upon these, and the *Observations* made on them by him, we now feel ourselves called upon further to offer some elucidations to your Lordship.

On

the various and powerful considerations on which the propriety and necessity of the measure rest. These considerations relate to the usages resulting, unavoidably, from the nature of the Company, which for political, as well as commercial purposes, it is so material to preserve; from the law of the land; the existing rights of individuals; the conveniency of the re-exportation of Indian commodities; and the security of the public revenue.

From the first institution of the East-India Company, they have used the port of London only; and the practice of selling their imports by public auction only, is also almost coeval with the Company.

The utility which dictated the first of these practices is obvious: a little consideration will shew the other to be yet more necessary. If private bargaining and trafficking with individuals, and from day to day, were allowed in the sales of the great imports of the Company, how many doors would be open for collusion, imposition, and abuse! It would be impossible the business could go on in that way, and the very liability of it to suspicion, would be enough to destroy the confidence of the proprietors and the public. Besides, the importations of the Company coming in fleets at stated seasons, it suited the convenience of all parties, that the sales should also be only at stated seasons, and public, which would afford the opportunity to buyers to resort from all parts, foreign as well as domestic to those sales.

In the ninth and tenth years of King William the Third, the Legislature interposed to prohibit the sale of East-India goods, otherwise than by public auction: and in the next year of that prince it was also enacted, that East India goods should be sold only in London. Thus the law at present stands.

The immediate object of the Legislature, in these enactments, appears to have been the security of the revenue, then appointed to be derived from the customs laid on Indian goods imported.

And nothing so effectual could be devised for that security. To bring the imports to one place; to have them lodged

lodged under the keys of the Government officers: to have them sold publicly, in the presence of those officers; and, finally, to have the duties, thus carefully ascertained, collected through the medium of the Company, with hardly any charge: The whole of this practice is the most complete provision that can be imagined, against defect, fraud or expense, in realizing this branch of revenue to the public.

But if this was material in the time of King William, when perhaps the revenue from East-India Goods, including China, did not exceed £100,000, how essential must it be at present to the State, when that revenue exceeds four millions!

With all the care now taken, and when London is the only lawful place of importation, it is well known that teas, shawls, silks (prohibited for the encouragement of our own manufactures), and other articles, are at the present time to some extent, smuggled on shore from the East-India ships, notwithstanding the penalties of the Law; and when, in addition to the legal penalties, the offending parties, if the Company's servants, are liable to further fines and mulcts on all illicit trade. But the hope of evading the heavy duties will ever continue to operate on persons, who look no further than their own immediate profit or convenience.

Every deviation from the established usage would so far destroy its simplicity and efficiency, and open the way to abuses. Suppose the importations to be allowed to go only to one outport, a new establishment, new expence, new trouble, would be created, and a channel opened for smuggling, fraud, and abuse. What would it be, then, if several outports were opened for the landing and sale of Indian and Chinese goods?

But this still supposes the Company, either for itself or for private traders, to be the only medium of importation. If, however, all individuals were to be allowed to import, and into all the ports of the United Kingdom, especially if it were allowed to employ

On the very important head of the China trade, permit me, my Lord, to remark, that although the *security of the revenue* is doubtless a very fit consideration for His Majesty's Government and for Parliament, yet the Company do not understand that the continuance of their exclusive privilege in this trade is rested on considerations of revenue alone, nor that it ought to be affected by any varying circumstances in that branch of the public affairs. The Company have the actual possession of the monopoly of that trade, which was given them for national purposes, and by the perpetuity of their corporate capacity must be more capable of maintaining it against the competition of private merchants, than those merchants would be to drive them out of it. But such competition would be ruinous to the public interests; for the Company already supply the nation with as much as it wants of China commodities which are almost entirely used for home consumption, and exports woollens and metals of this country, to the amount of a million sterling annually, at a loss to themselves during war. By competition, the cost of teas, and other China articles would be enhanced, the prices of our staples lowered there and if individuals could possess themselves of the trade the exports in those articles which they could not sell to profit would be lost to the country. A struggle, therefore, between the Company and individuals, could only produce ruinous consequences to both. The jealousy of the Chinese government, which now allows only one port of that vast empire for all its foreign commerce, and subjects the European residents at Canton to a confinement to their factories for six months of the year, and to banishment to Macao for the other six months, would undoubtedly take alarm at the ingress of indefinite numbers of unconnected Englishmen from Europe; and if it did not at once exclude them, would soon be induced to do so, by the disorders which would not fail to follow, and which are on the

the present limited scale of intercourse, prevented or palliated only, by the extreme caution and established usages of the Company's supra-cargoes. Thus the trade would be entirely lost to the country, and with it not only the export of a million of its manufactures annually, but a revenue of four millions, with the fleet of excellent ships now employed in that commerce, to the great inconvenience of the people at large, the ruin of particular classes, and the complicated injury of the state. The resort of American ships to Canton, without either hindrance from the Chinese or consequent disorder, affords no parallel to the case of an open trade from Great Britain and Ireland to China. Those Americans, few in number, carrying thither only silver, and carrying away silk cloths as well as tea, derived their reception and protection very much from the orderly English factory long established there, who have endured treatment from the Chinese government, to which no representative of His Majesty could submit. We are satisfied, therefore, my Lord, that such provisions will be introduced into the new Charter, as will effectually secure this great branch of trade to the Company and the nation, in the manner it has hitherto been enjoyed.

4 — 4 We submit, that this observation ought to run thus: " This proposition ought to be acceded to; with the reservation, " however, that the Governments in India ought to be restricted " ed from " making any alteration in the rates of the duties sanctioned by the authorities in England, or that they may hereafter sanction.

5 — 5 To the concession on this head, we wish it to be added, that the Company shall have a fair price for all the saltpetre they shall supply to the Government.

6 — 6 As the confinement of the private trade to and from India to the port of London is an article of essential importance on the whole of the present question, involving the safety of the Company, it may be expedient, that we state somewhat fully the

trader being, as it always must be, to obtain prompt sales to meet the payment of bills, East-India goods are frequently resold, while they remain in the Company's warehouse, merely by a transfer of vouchers. The goods, when so sold, will produce from five to ten per cent. more than when in the hands of individuals. This is particularly the case as to drugs, which are subject to great adulteration.

The confidence that has been entertained of the Company's regularity and fair dealing has been such, that the foreign buyers have given their orders to their correspondents in London, on the faith merely of the descriptive marks; and goods, on their arrival on the Continent, frequently pass through various hands, before they are finally unpacked.

By the mode proposed, it is to be feared the foreign buyer will cease to be at any certainty as to his purchases and the quality of the commodities; and this may, eventually, lead foreigners to look directly to India, for the supply that has hitherto been furnished through the medium of this country.

To speak now of the effects of the proposed change upon the interests of the Company. And first, with respect to the East-India trade, properly so called, as contradistinguished from the imports from China. If the mode of private sale of Indian goods in every town in the kingdom were introduced, would not the stated and the public sales, to which the Company are restricted, be continually anticipated, and consequently the supply of the foreign markets be so also, though, on the whole, these markets could not take off more? Could these sales, then, secure a general assemblage of buyers? Could it be reckoned upon, that the Company's goods would go off, as they usually have hitherto done, at the sales? Could the prices be expected to indemnify the Company, when the market should be lowered by the necessity or impatience of private importers? Could the realization, in money, of the Company's
Indian

Indian imports be depended on: that realization, so necessary to the finances of the Company? and if not, how could the currency of their affairs be preserved? how could they pay for exports to India? how could they maintain the fleet of ships they now employ in their Indian commerce: a fleet so necessary for the transportation of troops and stores and warlike services in India? And if the Company's Indian commerce failed, and so much of the Indian imports were transferred to outports, what must become of many of the Company's wharfs, warehouses, and other articles of dead stock, formed at a vast expense, in consequence of this Indian trade? And where would be the benefit to the nation by the change? Would it be any thing else but transferring to Bristol, Liverpool, Glasgow, and Dublin, that which London now has? Would it be really any accession of benefit to the empire at large? And what, to look towards India, would be the effect of an unlimited trade from the outports of Great Britain and Ireland to all those regions? Would it be possible to enforce the regulations which His Majesty's Ministers think absolutely necessary, for preventing an uncontrolled intercourse with the East, and for averting the evils that would ensue from it?

These questions, to add no more, ought to be very clearly and satisfactorily answered, before so great a change is attempted; before an order of things that has subsisted so long, and done so well, is subverted and destroyed. If great and sudden innovations ought, at all times, to be regarded with caution and distrust, surely ought those in particular, which are proposed by men for their own immediate advantage.

But what are the arguments with which the merchants of the outports may be supposed to enforce their claim? Natural right; the freedom of trade; allowing every man to carry on his own business in his own way; the odium of the principle of monopoly; the disadvantage with which they would carry on
the

employ ships of small burthen, which drawing little water, could run into obscure ports in the remote parts of England, Scotland and Ireland, where would be the practicability of any safe control? Legions of Custom-House and Excise officers must be appointed, at a very great expense: and after all where the duties are so high as they are, especially on the articles of tea, silk, and fine muslins, smuggling without end must be expected. If private ships were allowed to go to the Eastern Islands, they could find means to procure tea; and if also allowed to return to the outports, smuggling in that article would be by far the most gaining trade.

At present the duties upon East-India goods are collected and paid in London, at a very small expense to Government, and, to the full extent to which they ought to be paid. This follows because the value of the goods is ascertained by competition at the Company's sales. Were every port to have its India House where would be this general competition? The same goods which pay the duty *ad valorem*, would be liable to one amount of duty at Fowey, to another at Dublin, to a third at Port Glasgow; all differing from each other, and from that paid at London. There would be no remedy for this inconvenience, whatever may be said by interested persons to the contrary. The endless variety of Indian commodities, renders it impossible that they should generally pay what are called *rated* duties, of so much per piece or so much per yard. Pepper may pay a fixed sum by the pound, and sugar by the hundred weight; but the staple article of piece goods, and many others, must ever be rated by the value, quantity being no just criterion.

It therefore follows, from what has been above observed, that were the trade to be carried to the outports of the United Kingdom, the revenue drawn from Indian goods must be greatly diminished, and the charges of collecting it greatly increased.

Let

Let it be next inquired, what would be the effect of such a change on different interests; the persons already possessed of valuable property employed for the Indian trade, the exporters of Indian commodities from this country, and on the East-India Company itself?

The City of London, in their corporate capacity, as conservators of the Thames, and all classes of persons in the metropolis, who are engaged in the building and outfit of ships, in the carriage, warehousing, sorting, buying, and selling of the Company's goods, have also a direct interest in the present discussion.

The East-India Dock Company have likewise a very great and obvious interest in keeping the Indian trade in the Port of London.

With respect to the re-export trade in Indian commodities, at least three-fourths of the imports from India have hitherto been for the supply of the continental markets. The foreign buyers repose confidence in the regularity and publicity with which the Company's sales are conducted. When the trade was solely in the hands of the Company, the particulars of their cargoes were published immediately on the arrival of the ships, and distributed all over the continent. Notices of the quantities to be sold, and periods of sale, were also published for the like distribution. The sales of each description of goods were made at stated periods, twice in the year. The buyers, of course, knew the state of the market at the time of coming to the sale, and the purchases were made under an assurance, that no more goods of such description, would be disposed of before the next sale. Hence they had a certainty of the market for six months. This established a solid confidence, which very much benefited the sales. Such confidence has, no doubt, been much weakened since 1793, when private persons were partially admitted into the trade. The chief object of the private trader

No. XLIV.	Hints. Observations.	
Deputation Letter.	7 — 7	In the time of King William, the Company were allowed five per cent. on the private trade.
	8 — 8	Many remarks made upon the sixth article will also apply to this, which might have properly formed a part of it. We need, therefore, only observe here, that the permitting of ships to sail from the outports, will go very materially to injure the interests of those who were let into the Indian trade by the act of 1793; to increase the danger of colonization abroad; and of injury to the revenue, by smuggling, at home, as well as another danger to be noticed in the next article.
	10 — 10	It is not only to all our Indian possessions that the exportation of military stores ought always to be prohibited, but also to the numerous islands in the Eastern Seas, inhabited by a vindictive race of people, who may be ready, not only to buy warlike stores, but to engage Europeans in their quarrels, and the sailing of ships from the outports will certainly increase the danger of these evils.
	11 — 11	The existing law, as to piece goods, enables the Company to confine the importation of that article to themselves. They have never availed themselves of this privilege; but yet it may be proper to continue it, because "the regular and constant employment of the manufacturers, under the existing system of local management," is a matter of consequence, not likely to be otherwise so well guarded, and that great importations of piece goods would operate against the home manufacturers, whilst a smaller select importation would be useful.
	12 — 12	There is a new reason for the same restriction in favor of the Company in the article of raw-silk, because such a general competition is now to be opened against them, and because they have, at great expense in a long course of years, by means of their own establishments, brought the raw-silk of Bengal, which they export, to a high state of perfection; and if that article is left to the competition of individuals, who will often have

have to resort to the agency of indolent natives, the quality of the article may be expected materially to fall, and the silk manufactures of this country to be much worse supplied than they are at present.

It is proper to add, on this subject, that the restriction in favor of the Company, in the article of piece goods, is by no means of the value it was at first, the demand for that Indian staple being now greatly diminished in this country.

14 — 14

Lord Melville has observed, on the reasons which he apprehends had influenced the Court, in proposing that ships of less than four hundred tons should not be allowed to sail to India, that "though entitled to due consideration, they do not appear to be sufficiently strong to justify the proposed restriction, or the making a distinction, in that respect, between ships trading to the East-Indies and to other countries:" it is therefore deemed necessary to discuss the proposition more at length.

In examining the subject of the sixth proposition, the facility which small ships would afford to smuggling, were the outports opened for the disposal of the homeward cargoes, has already been considered. In further support of the fourteenth proposition, respecting the least size of ships that should be permitted to go to India on account of individuals, the practice of the India Company, in the early part of their intercourse with the East, might be adduced, for they soon dropped the smaller class of ships for one of five hundred tons; but as this country, in its improved state of navigation and commerce, has few ships of that burthen, except those employed by the East-India Company, the limiting of ships to be now employed in the private-trade to India to four hundred tons, was supposed to afford facility to the most respectable houses, to benefit by the proposed enlargement of the trade.

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the trade, if they were obliged, to bring back their ships to London, instead of their own ports; the disadvantage to the country consumers.

To all this it may be replied, that supposing the whole true, are these arguments of weight and value sufficient to overturn the present long established system of the Company, and to endanger so large a portion of the public revenue? As to the arguments from natural right, &c., such arguments must always be limited by considerations of practical good. The only practical arguments that occur in favour of the outports, are the advantage to the merchants themselves and to the country consumers. Now what is the amount of this advantage? Let it not be forgotten, that at present it is problematical, at least, whether any great Indian trade can be established by the private merchants; that at any rate, the chief part of Indian goods imported into England is intended for re-exportation; that London is the fittest port and mart for the foreign trade, especially since the Warehousing Act; that there is really little consumption of Indian goods in the interior of this country; and that if no great accession of trade should be brought to the country by the private merchants, then they will have sacrificed the existing system, without obtaining even the object for which the sacrifice was made.

It may perhaps be said that the Hudson's Bay Company has public sales, and that yet there are sales on account of individuals of the same articles the Company import. But this will form no parallel case as to *Companies*, nor is there any great question of *revenue* concerned. The only article imported by the Hudson's Bay Company is *furs*. The sales of this article, on private account, are also by auction, and it is believed confined to London. The whole is comparatively a small affair, and can be of no weight in the present question.

Upon the whole, therefore, it seems most certain, that on such

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such slender grounds, with respect to advantage (and advantage as before mentioned only to be taken from London for the outports), with so little certainty of establishing any great trade to or from India, with such imminent hazard to the East-India Company and to the revenue, it would be contrary to the prudent policy which this nation has generally observed, and most unwise in itself, to venture upon so great an innovation, some of the effects of which were pointed out to the President of the Board of Commissioners three years ago (printed papers, page 30), effects which, by his silence, he seems to have admitted: and, in a word, it may be apprehended, that they would amount to the destruction of the Company's Indian trade, their Indian commercial establishments, their Indian shipping, and finally leave the China monopoly so insulated and unsupported, as to bring that also, at length, to its fall, and with it, the whole fabric of the Company, and the great revenue now so easily realized through its medium; nor can it be at all doubtful that, in such case, the China trade would also be lost to the nation.

It is not irrelevant to this subject to advert to a passage in the history of the Dutch East-India Company, under the year 1602. "The plurality of East-India partnerships or societies, at this time, formed in Holland, creating much disorder and clashing in that commerce, the States-General summoned before them the Directors of all those Companies, and obliged them to unite, for the future, into one, to which United Company the States granted the sole commerce to East-India for twenty-one years from the 20th March 1602." They had, in consequence, several *Chambers* of East-India Commerce in Holland, as Amsterdam, Middleburgh, &c. but they were all under one united Direction.*

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In

* See Anderson's Commerce, and Macpherson's Annals of Commerce, under 1602.

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hazardous adventures as might otherwise be carried on in any description of vessel, or under the conduct of characters not sufficiently responsible, and at the risk or cost of the underwriter.

If an honorable commercial intercourse with India be the object, such wholesome regulations will promote it; but if speculations of mere chance outward, and smuggling homeward, should be in the contemplation of any adventurers, protection to the fair trader, to the East-India Company, and to the revenue, can only be secured by some efficient law, respecting the size of the ships, and their consequent equipment in stores and force, under the conduct of able and responsible commanders and crews.

16 — 16

The regulations proposed with respect to Lascars, are only intended for a time of war. No Lascars should be brought to this country in a time of peace.

18 — 18

The existing regulations, as to ingress and settlement of unlicensed Europeans into the Company's establishments and territories, to be continued. No British subjects to be allowed to settle in any country within the Company's limits, and not under the government of the Company.

19 — 19

The King's forces, maintainable by the Company in India, not to exceed fifteen thousand men in all; and this number to be reduced, as may be found practicable.

20 — 20

If the proposition made by the Company, to be henceforth charged so much per regiment of a given force, or so much per man, be not adopted, we shall be glad to receive any specific proposition, for putting upon a clear and equitable footing the adjustment of accounts between the Pay Office and the Company. By any such arrangement, we cannot doubt, that, at least, the intricacies of the present mode of settlement, utterly unsatisfactory as it is to the Company, will be got rid of; even if the expence should not be diminished: but will it, for example, admit of any question, whether, when the Company have

have been charged, as they really have been, with the expense of an entire recruiting company at home, as constantly raising recruits, and whilst, in many instances, the recruits so raised have been sent, not to India, but to other quarters, the recruiting company having also been at all times available for internal service, it can come within the equity of the 127th clause of the Act of 1793, or ever could have been intended to charge the expense of such company to the Indian territories? Or is it just, that the expense of the colonel of a regiment, employed either at home or on the Continent, or perhaps on a furlough staff appointment, should be partly charged to the East-India Company, and his pay be drawn from them? As all parties, therefore, agree in the propriety of an alteration, the sooner it is made the better.

21 — 21

The Court of Directors have already objected, and must ever object, to the arbitrary mode adopted by a Committee of the House of Commons in 1805, for the settlement of the demands on the Company on Government. We think it a clear and equitable principle, that the expense of captures made, and not retained by the Company, but transferred to His Majesty, or by His Majesty restored to the enemy, should be charged to the Public.

The ordinary pay of the Company's troops employed on such services, and especially in places out of the sphere of India, as in Egypt, should also be placed to account of the Public.

On these grounds we beg leave to propose, that the balance of demands now made by the Pay Office on the Company, be set off, by the sums which they are yet unpaid for the capture of Ceylon and the Moluccas, and for the expedition to Egypt. Even then, the settlement will be greatly to the advantage of the Public, as the Company have made good to the Pay Office a sum exceeding two millions, in addition to which they have, since the year 1797, been charged for King's troops

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Every one will admit, that there is more of respectability in the larger class of ships; and this circumstance should not altogether be lost sight of with the inhabitants of India. The impression of the superiority of our maritime strength to that of other nations, and particularly of the Americans, who speak the same language, and who navigate very small vessels to and from the ports of the East, should be kept alive; and, as a reason of State, should have its due weight in the consideration of this subject.

It is not only the respectability of the *ship* that should be attended to, but there is also a degree of respectability and responsibility attached to the character of the commander and of the officers (of whom there is a greater establishment in the larger ships). Their information is pre-eminent, particularly in those essential articles of nautical science, the variation and the lunar observations, in the navigation of the Indian Seas, and to and from thence. By such men, a better discipline is established in those larger ships which suit them: the ships are also better armed, and less liable to capture, than vessels of the smaller class. The length of voyage requires, not only superior equipment and a stouter vessel, but in order to guard against contingencies of every kind, subordinate officers and their assistants are indispensable; because, in the event of the death of the principal officers, the knowledge and skill requisite to supply their places, especially in cases of emergency, could be derived from no other quarter. Small vessels cannot have these necessary advantages; an observation which applies, more particularly, to such petty officers as carpenters and caulkers, in respect to matters that concern the hull of the ship, and to medical men in respect to the crew.

It has been found by experience, that larger ships can be navigated at a less rate per ton than small ones: hence one of four hundred tons will require less rate of freight than two of

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two hundred tons; a point of economy in the conveyance of goods, which is not to be disregarded, even in a national view. As India is concerned, the smaller vessels will multiply a description of persons in the ports and throughout the country, whose conduct may have serious effects on the peace and quiet of the Asiatic Governments, from the causes before mentioned. The minor ports throughout the country will admit of an intercourse and connexion between Europeans and the natives, which the vigilance and power of our Governments cannot discover nor control.

The ships employed in private trade should be constrained to navigate with a certain number of Europeans outward, so as to prevent, as much as possible, the introduction of native seamen to this country: and hence, for the sake of humanity, a surgeon becomes a necessary person, the employment of whom may well comport with the size of ships of four hundred tons or upwards, but not with those of two hundred and fifty or less. If the health and lives of seamen be thought of consequence to the State, the larger class of ships should certainly be preferred. If the present superior class of West-India shipping are of four to five hundred tons, where the passage is not more than six weeks, it appears at least as reasonable, that those employed in an East Indian voyage, which may last many months, should be equally competent and formidable as the running ships, and not stand on a scale beneath those of the first class upon Lloyd's books, so that the premium of insurance upon the goods shipped may be kept at the lowest possible rate.

Whenever such enlargements, as may induce the subjects of this country to embark very large property in the Indian trade, shall be opened to them, it must be highly expedient that, for such time at least as may be sufficient for the return of one voyage, the utmost possible security, which the Legislature can devise, should be provided, in order to check such hazardous

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22 — 22

troops beyond the number for which the law obliged them to pay, at the average annual rate of about three thousand firelocks, besides the officers and serjeants requisite for that number of men.

As a supplement to this article, the Court cannot help again submitting to consideration, the earnest desire and hope of the Proprietors to be exonerated, out of the general funds of the Company, from the payment of the Property-tax. The dividends of other public Companies are thus exempted; and it is but a small consideration, in the immense concerns of the Company, from which the Proprietors have, on the whole, yet derived only the ordinary interest of money, in return for all the hazards their property has run.

23 — 23

The debt of which the Court of Directors meant to speak in the twenty-third proposition, was the whole of the Indian debt, part of which, to the amount of about seven millions, has been transferred to England. The observation of Lord Melville will coincide with this proposition, and the Court of Directors can have no material objection to his Lordship's proviso, respecting the reduction of the bond debt at home to three millions; but experience has shewn the inconvenience of confining within narrow limits, by parliamentary regulation, the amount of this debt.

25 — 25

Considering how probable it is, that private adventurers will desire to obtain a supply of the article of tea, in order to be smuggled into this country and to foreign parts, and considering also the importance of not endangering the commercial intercourse now permitted by the Chinese to the British nation, through its long established organ, the East-India Company, it is obvious, that effectual provision ought to be made, in some mode or other, for preventing both these evils; and we shall be glad to hear any propositions which were in Lord Melville's contemplation, or may be in your Lordship's, as more likely to
suit

suit that end, that the suggestion we have offered. In the mean time, we feel it incumbent upon us to request your Lordship's attention to some remarks on the question of admitting private ships to the Spice Islands. The demand of all Europe for the spices of the Moluccas is so limited, that one or two of the Company's ships may import a sufficient quantity for the supply of it: the division, therefore, of this supply among the Company and the Merchants in general of this country, will leave so little to the individuals of the latter class, as to form no object worthy of long and distant enterprize; not to mention, that spices are now rising up in other parts of the East, which renders these islands less important than they have been. The maintenance of the Molucca Islands, which produce no valuable commodity but spices, occasions to the Company a heavy expense, and can only be compensated by a monopoly of their trade; and if private merchants are to participate in that trade, they ought also to bear a proportionable share of the charge of establishment in those islands. But the spice trade is not the most interesting consideration belonging to this question. If in any of the islands in the Eastern Seas, not belonging to the Company, British subjects were to settle, (a thing which the Company, even if armed with legal powers, would find it difficult to prevent, after those seas should be open to all the ships of this country,) it would seem impossible to hinder them from obtaining, by one means or other, a supply of the teas of China, for the purpose of being smuggled into Europe. That object alone might be tempting enough to induce a settlement, where no other circumstance was sufficiently inviting. And if from this motive, or a concurrence of others which might be supposed, a number of Englishmen were once to unite themselves in that quarter, whither new individuals might continually resort, and whence, again, they might repair to all the ports of the Indian continent, it would seem scarcely practicable to preserve the efficiency of regulations formed either here or by the Indian

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Governments, for the exclusion of unlicensed persons from their territories. Such would be the danger, especially of any British settlement in the Eastern Archipelago, not subjected to the government of the Company; a danger very seriously to be deprecated: and even in those held by them, as the Moluccas, if they were open to all British ships, it may well deserve consideration, whether there might not be some liability to danger of the same kind. On all these grounds it really seems advisable, that British ships from Europe should not have access to the Spice Islands.

Having concluded our remarks upon the propositions and observations hitherto brought under discussion, we next beg leave to suggest some other regulations, growing out of the general subject now under consideration, and of our past correspondence. These, we trust, will be found so obviously proper and necessary, as to require no enforcing argument.

26th Proposition.—That no ships shall go from any British colony to the East-Indies or China, without the special license of the Company.

27th Proposition.—Private ships going from the United Kingdom to India, to sail direct from that kingdom thither, and from India to that kingdom, without pursuing any circuitous route.

28th Proposition.—Ships going from this kingdom to India, not to engage in the coasting trade of India, but to be permitted to go from one port of delivery of the original cargo, to another for the full discharge of it.

We have the honor to be, My Lord,

Your Lordship's most obedient humble servants,

(Signed) HUGH INGLIS,
ROBERT THORNTON,
JACOB BOSANQUET,
W. F. ELPHINSTONE,
CHARLES GRANT,
EDWARD PARRY,
WILLIAM ASTELL,
GEORGE SMITH,

The Right Honorable the Earl of Buckinghamshire,
&c. &c. &c.

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No. XLV.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 17th April 1812.

The Committee took into consideration the state of the negotiation for the renewal of the Company's exclusive privileges, and deliberated maturely upon several points connected therewith.

No.
XLV.

Secret
Committee,
17th April
1812.

No. XLVI.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 20th April 1812.

The Chairman laid before the Committee minutes of a conversation held yesterday evening, between the President of the Board of Commissioners and himself.

It was unanimously agreed, that the same be submitted to the Court of Directors to-day, together with a minute thereon, now read and unanimously approved being as follows, viz.

[Entered in the succeeding Minutes of Court, No. XLVII.]

No. XLVII.

AT A

SECRET COURT OF DIRECTORS,

Held on Monday, the 20th April 1812.

The Chairman from the Committee of Correspondence laying before the Court minutes of a conversation between the President of the Board of Commissioners and himself, held yesterday evening;

No.
XLVII.

Secret
Court,
20th April,
1812.

The

No.
XLVII.Secret
Court,
20th April
1812.

The Court, after deliberating thereupon, agreed unanimously to the following minute, *viz.*

The Chairman, having in a Secret Court of Directors, communicated the minute of a conversation which he held last night with the President of the Board of Commissioners, the Court learn from thence, with very great concern, that it seems to be the present disposition of His Majesty's Ministers, to extend to the merchants of this country the privilege of importing goods from India into all the outports of the United Kingdom, to which the Warehousing Act extends, which ports are in number. The Court, have, from the beginning of the negotiation, declared their firm conviction, that if the import trade from India were not confined to the port of London, the system of the Company's public sales, their trade to and from China, the dividend depending chiefly on that trade, and the political functions which, aided by these privileges, they exercise for the benefit of the nation, in the government of the Indian empire, would be destroyed; as well as the revenue of this country, by the extensive practice of smuggling, which would inevitable follow the proposed alteration, be essentially injured. The Court never having before received from His Majesty's Ministers any intimation that they differed with the Court upon this point; having stated their opinion, with their reasons for it, to their Constituents and the Public; having seen no argument advanced in opposition to it, and remaining still persuaded of its truth; they feel it impossible, as men of integrity, invested with public trust and responsibility, to recommend to their Constituents to abandon the proposition for restricting the import trade to London, and would most earnestly request His Majesty's Ministers to reconsider the communication made to the Chairman by the Earl of Buckinghamshire, and to give the Chairs, or the Deputation of the Court, an opportunity of waiting on them, before any final resolution, adverse to the Company, is adopted on this very important head.

No. XLVIII.

MINUTES of a Conversation between the Right Honorable the EARL OF BUCKINGHAMSHIRE and SIR HUGH INGLIS, held on Sunday Evening the 19th April 1812, concerning the Trade, and noticed in the preceding Minute.

Lord Buckinghamshire stated, that it had been determined to preserve the monopoly of the tea trade to the Company, but to permit the private traders to fill up and assort their cargoes with nankeens and other articles, the produce of China, which they would procure in India.

His Lordship then stated, that it was the determination of His Majesty's Ministers to recommend to Parliament to permit private ships to clear out from any port of the United Kingdom, but that they should only be permitted to import into those places where the warehousing system existed. Sir Hugh Inglis stated it as his opinion, that the Court of Directors, in the first instance, and the Court of Proprietors, when laid before them, would resist, by every means in their power, a measure so fatal to the vital interests of the Company and to the public revenue, as would be the measure of allowing the ships of individuals to import into any place but the port of London; and that, situated as he was, he should consider it his duty to resist, and recommend to the Court of Directors, and ultimately the Proprietors, to resist the proposition.

No. XLIX.

LETTER from THOMAS BROWN, Esq. to the CHAIRMAN AND DEPUTY CHAIRMAN, enclosing Resolutions of a Meeting of the Buyers of Piece Goods.

HONORABLE SIRS,

London, 21st April 1812.

I have the honor to hand you, by the direction of the Buyers of Piece Goods, a copy of the Resolutions they have agreed to this day, and have to request

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Conversation,
19th April,
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XLIX.Resolutions,
Buyers of
Piece Goods.

No.
XLIX.Resolutions,
Buyers of
Piece Goods.

request the favour of your support and influence with His Majesty's Ministers, to preserve to the port of London, alone, the import of India piece goods.

I have the honor to be, with the greatest respect,

Honorable Sirs,

Your most obedient and most faithful servant,

(Signed) THOMAS BROWN.

The Honorable the Chairman and
Deputy Chairman of the United
East-India Company.

*At a Meeting of the Buyers and Others, interested in the Sale of East-India
Piece Goods, held at the City of London Tavern, the 21st of April 1812.*

THOMAS BROWN, Esq. in the Chair.

Resolved Unanimously,

That it is our duty to watch the progress of the East-India Company's Charter, to prevent arrangements being made prejudicial to our interests, injurious to the public revenue, and detrimental to the British manufactures themselves.

That we see with pleasure, that the Directors of the East-India Company are impressed with the necessity of continuing the import of piece goods solely to the port of London, as their sale at an outport would bring a serious loss on the revenue, and be very hurtful to the cotton manufacturers of Great Britain.

That as piece goods are of an uncertain value, and depend very much on competition, it would not be possible to obtain the same prices for them at an outport, as they fetch in London; and, consequently, that we should be undersold at the outports, unable to carry on our business with the honour, respectability, and advantage we have hitherto done, and probably obliged to abandon the pursuit many of us have been engaged in for a great number of years, and driven to seek fresh undertakings, at a time when little benefit can be expected from them. And it is the opinion of this meeting, that it is the decided interest of the importers of piece goods themselves, that they should be continued to be brought

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XLIX.Resolutions,
Buyers of
Piece Goods.

brought to sale in the port of London (as the emporium of commerce) in the way they now are, where they will have the benefit of the Company's own assortment.

That the duty on muslins and
nankeens is £10 0 0 per cent on importation,
and 27 6 8 per cent. on home consumption,

Together £37 6 8 per cent.

On calicoes, dimities, and
shawls £ 3 6 8 per cent. on importation,
and 68 6 8 per cent. on home consumption,

Together £71 13 4 per cent.

That as these duties are paid on the prices obtained at the East-India Company's Sales, if a piece of muslin sell for fifty in lieu of hundred shillings, the revenue for home consumption is injured £37. 6s. 8d. per cent. on the difference, or 18s. 10d. per piece. If a piece of longcloth sell for 25s. in lieu of 36s., the revenue is injured £71. 13s. 4d. per cent. on the difference, or 7s. 10½d. per piece.

That in all silk and prohibited goods, and even in white goods, if not brought to the port of London, it is much to be feared, no restraints could prevent smuggling; which would occasion a loss of the whole duty to government, be seriously injurious to the fair trader, and especially to the manufacturers of silk goods in Spitalfields and elsewhere.

That the introduction of Indian piece goods to the consumption of this kingdom at low prices, in consequence of a total evasion of duty, or a payment of duty on reduced prices, would be a serious injury to the British cotton manufacturers.

That the same ill effects would occur to the manufacturers of Lancashire and Scotland, if sales of Indian piece goods were frequently to be made at Liverpool and Glasgow, or in any of the ports in the neighbourhood of the manufactories.

That it is of the greatest advantage to the great body of British cotton manufacturers to confine the import of Indian piece goods to one port, as it gives them

No. LI.

RESOLUTIONS of a Meeting of the Merchants, Manufacturers, Traders, and Others, interested in the Export-Trade to India and China, from the Port of London, held the 25th April 1812; and the Petition to both Houses of Parliament, therein noticed.

No. LI. *At a Meeting of Merchants, Manufacturers, Traders, and Others, interested in the Export-Trade to India and China, from the Port of London, held at the City of London Tavern, the 25th day of April 1812,*

Resolutions,
Merchants of
London.

JOHN ATKINS, Esq. Alderman, in the Chair.

It was moved by David Gordon, Esq. and seconded by Steward Majoribanks, Esq. and

Unanimously Resolved,

That this meeting, consisting of merchants, manufacturers, and traders of the port of London, who have been long established in the Export-Trade from thence to India and China, feel themselves called upon, in defence of their respective properties, to state the true situation of such trade to the country at large, in order to counteract any misrepresentations which may have the effect of misleading the public mind upon a subject of such magnitude to the Community at large, and in which their own vital interests are most deeply concerned.

That the anxiety expressed by the various manufacturers in the provincial towns of the United Kingdom, in regard to the quantity of exports to India and China, is grounded upon erroneous data, as will appear by reference to the actual export of such manufactures.

That it appears to this Meeting, from indisputable authority, that the quantity of tonnage engaged by the East-India Company for the private traders of the United Kingdom (exclusively of that allowed to be exported in the privilege of their own captains and officers) amounted, during the last six years, to sixty-three thousand tons; and that, during that period, only sixteen thousand tons of every species of manufacture (including beer and four thousand tons of wine) have been actually engaged and shipped to India.

That

No. LI.

Resolutions,
Merchants of
London.

That the fact contained in the foregoing resolution exhibits a striking and incontrovertible proof, that the Company and the Public at large have been disappointed in those hopes and expectations which led to the granting the extra tonnage, and which was done, upon the renewal of the present charter, by the desire and at the instance of manufacturers, and other persons, who at that time expressed similar feelings with respect to an extensive export, to those exhibited at the various meetings which have been so recently held throughout the country.

That the articles exported to India and China are various, but not extensive in any particular manufacture, and therefore require to be collected from every part of the kingdom, to one concentrated point for exportation, with any rational prospect of advantage either to the manufacturer or the exporter.

That the experience of the last six years impresses this Meeting with a decided conviction, that the market of India is not capable of extending the consumption of manufactures to the extent which the public mind has been led to expect; and therefore if the export-trade to India and China, as now confined to the Port of London, be made general to the outports, it will be of no benefit to them, but will prove ruinous to those extensive establishments formed by the persons composing this Meeting, and to the large capitals they have invested therein.

That should the export-trade to India and China be removed from the port of London, the coasting-trade of the United Kingdom, that best nursery for our seamen, and great bulwark of our national superiority and strength; the inland navigation, that new source of great national wealth, as affording incalculable facilities to the improvement of the general agriculture of the country; and lastly the revenue itself; would, with these, suffer very great injury.

That a petition be presented to both Houses of Parliament, in the names of the merchants, manufacturers, traders, and others, interested in the export-trade to India and China from the port of London, praying that the export-trade to India and China may be continued as heretofore to the port of London.

That this Meeting approves of the petition now read from the Chair.

That the same be now signed by the gentlemen present, and do remain at this house for eight days for signature.

No. LI.

Resolutions,
Merchants of
London.

That the Committee chosen at the general Meeting, held yesterday at this house, for the purpose of preparing the petition, be requested to continue permanent during the discussions in Parliament, and to use their utmost exertions to promote the object of this meeting: And that the committee have the power of increasing their numbers as they shall see necessary.

That the Members for the City of London, the Counties of Essex, Kent, Middlesex, and Surrey, for the City of Westminster, and for the Borough of Southwark, be requested to support the prayer of the petition in Parliament, when any discussion on the subject shall take place.

That the thanks of this Meeting be presented to Sir William Curtis, Bart, Mr. Alderman Combe, and Sir Charles Price, Bart, three of the representatives in Parliament for this City, and to George Byng, Esq. one of the representatives in Parliament for the County of Middlesex, for their attendance this day, and for their kind attention to the important objects of this Meeting.

That the thanks of this meeting be given to the Committee for convening the same, and for the great zeal and attention to the interests thereof.

That these resolutions, and the Petition of the merchants, manufacturers, traders, and others, of the port of London, (after such petition shall have been presented to Parliament) be published in the morning and evening papers.

That all communications upon the subject of the present Meeting be addressed to the committee, under cover to Mr. Teasdale, Merchant-Tailors' Hall, Solicitor to the Meeting.

That a subscription be now entered into by this meeting, for the purpose of defraying the expences of the petition to both Houses of Parliament, and of such other measures as may be deemed necessary for the protection of the rights and interests of the exporters from the port of London to India and China.

(Signed) JOHN ATKINS, Chairman.

John Atkins, Esq. Alderman, having left the Chair, the same was taken by Christopher Smith, Esq. Alderman, whereupon it was moved, seconded, and unanimously resolved,

That the thanks of this meeting be given to Mr. Alderman Atkins, for his judicious and able conduct in the Chair.

(Signed) CHRISTOPHER SMITH.

PETITION to PARLIAMENT, noticed in the preceding Resolutions.

To the Right Honorable the Lords Spiritual and Temporal in Parliament assembled:

The humble Petition of the undersigned Merchants, Manufacturers, Traders, and Others, interested in the Export Trade to India and China from the Port of London,

SHEWETH,

That your Petitioners are merchants, manufacturers, and traders, residing in the port of London, and have been long engaged in the export trade from thence to India and China.

That such export trade to India and China has, from the first period of its existence, under the sanction of various Charters, successively confirmed and regulated by the Legislature, been exclusively carried on from the port of London, to the great advantage of the manufacturing towns of the United Kingdom, inasmuch as the various articles of manufacture are thereby drawn to the Port of London as an emporium, and brought to one concentrated point for exportation, and the coasting trade and inland navigation of the Kingdom, which have always been considered as a nursery for seamen and assistance to the public revenue, and an improvement of the agricultural interests of the kingdom, are thereby encouraged and materially benefited.

That under the sanction of the various Acts of Parliament passed relative to such trade, and particularly under the sanction of that of the thirty-third of His present Majesty, and in obedience and conformity to the regulations and restrictions therein contained, your Petitioners have enjoyed the advantage of such exports, and in the faith and confidence that no alteration would take place in such trade, have constructed extensive manufactories, and kept up large stocks of various sorts of merchandize, peculiarly and exclusively adapted for the India and China markets, and have formed large establishments in the port of London; and have otherwise embarked large capitals, for the purpose of carrying on the export trade from thence to India and China.

That

No. LI.

Petition of
Merchants of
London to
Parliament.

No.
XLIX.

Resolutions,
Buyers of
Piece Goods.

them the opportunity of viewing them, and regulating their manufactories, according to the quantity and sorts intended for sale; whereas, if individuals were allowed to import piece goods, and sell them at an outport, the British manufacturers would never know what quantity might be brought into the market, or how to regulate his manufactory.

That the principal factories in India for muslins, calicoes, and silk goods, being in the hands of our East-India Company, and the greatest attention being paid to maintain the qualities and fabrics of each sort, it is reasonable to conclude, that the same influx of foreigners, who purchased very large quantities of the national manufactures, will attend the sales at the India House (whenever the politics of Europe will allow them to come) as used to resort here for a series of years, provided the quantity exposed to sale by the East-India Company is of sufficient importance to draw their attention.

That the plan now pursued, of having periodical half yearly sales of piece goods, and publishing a declaration, every three months previous to the sale, prevents every merchant and manufacturer from being suddenly surprized by an excessive quantity being brought on, and enables the foreign buyer to make his arrangements to attend the sale, or to send his orders.

That a Committee be now appointed to carry into effect the above resolutions, and add thereto any others they may concur in; and that the following gentlemen be chosen of this Committee, with power to add to their numbers.

Thomas Brown, Esq. Chairman,

Mr. George Ranking,

Thomas Gould,

James Cazenove,

Frederick Mölling,

L. M. Fles,

S. M. Farnworth,

Thomas Wilson,

Robert Brown,

No.
XLIX.

Resolutions,
Buyers of
Piece Goods.

That the foregoing resolutions be signed by the Chairman, and that an interview be asked of the Right Honorable the Chancellor of the Exchequer, to lay the resolutions before him.

That a copy of the foregoing resolutions be handed to the Chairman and Deputy Chairman of the East-India Company, with a request that they will continue their strenuous efforts, in securing the importation of India piece goods to the Port of London alone.

(Signed) THOMAS BROWN,
Chairman:

No. L.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 24th April, 1812.

No. L.

The Committee deliberated on the several points at issue in the present Negotiation with His Majesty's Ministers.

Secret Committee, 24th April, 1812.

No. II.

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No. LI.

No. LI.

Petition of
Merchants of
London to
Parliament.

That your Petitioners have seen in the printed votes of your Right Honorable House, that numerous applications have been made from the outports and other towns and places in the United Kingdom, that the trade to India and China may be allowed to be carried on from such outports, in the event of the trade being still further laid open at the expiration of the East-India Company's present Charter.

That the anxiety expressed by the various manufacturers in the provincial towns of the United Kingdom, in regard to the exports to India and China, is grounded upon erroneous data, as will appear by reference to the actual export of such manufactures, whereby it can be most clearly and satisfactorily shewn to your Right Honorable House, that not one more than one fourth of the tonnage offered by the East-India Company to private traders has been applied for, and that the Company have, by their printed notices (circulated generally throughout the trading interests of the community) held out encouragement to private adventurers in the export of British manufactures to a still larger extent; and that, notwithstanding such additional stimulus and encouragement, on the part of the Company, to private individuals, experience has proved, that even the quantity now allowed to be exported has never been applied for, thereby proving most satisfactorily, that the Indian market is trifling in its demand, and already abundantly supplied, and, as will be most satisfactorily shewn to your Right Honorable House, very frequently, to the great loss, and oftentimes to the serious injury, of those who have engaged in such private export trade.

That should the export trade to India and China, which is now confined to the port of London, be extended to the outports, great and extensive injury would not only be occasioned to your Petitioners, but also very manifest injury and inconvenience would be sustained by the revenue and the country at large.

That not only have large establishments been formed, extensive warehouses and manufactories built or provided, and large stocks of merchandize laid in, exclusively adapted to the India and China markets, but docks and wharfs have been formed, and workmen engaged by your Petitioners, to such an extent, and at such an expense, as will, in the event of the removal of the export trade to the outports, tend to the utter ruin of many individuals and their families, who are now, and have been long embarked in this trade, under the sanction of the Legislature of the Country.

Your

Your Petitioners therefore humbly pray, that on any renewal of the East-India Company's Charter, the export trade to India and China may be continued, as heretofore, to the port of London.

No. LI.

Petition of
Merchants of
London to
Parliament.

No. LII.

AT A
MEETING OF THE DEPUTATION,

The 28th April, 1812.

Read and considered a letter from the Right Honorable the President of the Board of Commissioners for the Affairs of India, dated the 27th instant.

No. LII.

Deputation.
28th April,
1812.

No. LIII.

No. LIII.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 28th April, 1812.

No. LIII. The Chairman laid before the Committee a minute of a conference held on Saturday last, which was read and approved; and the Chairman was desired to lay the same before the Court.

Secret
Committee,
28th April,
1812.

MEM. *This minute is contained in the succeeding Minutes of the Court,*
No. LIV.

No. LIV.

AT A

SECRET COURT OF DIRECTORS,

Held on Tuesday, the 28th April 1812.

No. LIV. The Chairman from the Committee of Correspondence reports to the Court, that in consequence of the request contained in the minute of the 20th April, which was communicated to Lord Buckinghamshire, the Chancellor of the Exchequer and his Lordship favoured the Deputation with an interview on Saturday, the 25th instant, at which Mr. Wallace was also present.

Secret Court,
28th April
1812.

At that meeting various points belonging to the present negotiation were touched upon; but the discussion mainly turned on the important question of permitting the ships of private merchants generally to import goods from India,

at the outports of the United Kingdom. The Deputation urged every thing which occurred to them in support of the proposition of the Court upon this subject, as involving the essential interests of the Company; but they found with regret, that the impressions which His Majesty's Government had received respecting it, since the date of Lord Melville's letter of the 21st March, were not in consonance with the sentiments of the Court of Directors. The Chancellor of the Exchequer, however, and Lord Buckinghamshire, expressed their intention of communicating, in writing, the judgment they had formed on the subject in question; and Lord Buckinghamshire having accordingly addressed a letter to the Chairman and Deputy Chairman, dated the 27th instant, that letter is now laid before the Court.

No. LIV.
Secret Court,
28th April,
1812.

No. LV.

LETTER from the Right Honorable the Earl of BUCKINGHAMSHIRE, to the Chairman and Deputy Chairman, referred to in the preceding Minute.

GENTLEMEN,

India Board, April 27th 1812.

IN communicating to you the sentiments of his Majesty's Government, after a full consideration of the several points which have been brought under their view, in consequence of the conferences and explanations I have had with you and the Deputation, since I had the honor of receiving your note of the 3d instant, it is unnecessary for me to enter upon the discussion of the Hints and Observations which have been the subject of the correspondence between the late President of the Board of Control and yourselves, as far as those Hints and Observations have been sanctioned by the General Court.

It was to have been expected, that upon a question involving the various interests of so large a body as the merchants and manufacturers of the United Kingdom, as well as of the East-India Company, that considerable differences of opinion should arise, and that reasons should be alleged of sufficient weight,

No. LV.

Lord Buck-
inghamshire's
Letter.

No. II.

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to

No. LV. to suggest the propriety of revising any plan which might originally have been concerted.

Lord Buck-
inghamshire's
Letter.

Under such an impression, Lord Melville, in his letter of the 21st ultimo, desired it to be distinctly understood, that public discussion, in the further progress of the measure, might possibly produce an alteration in some of the details, as well as regulations of a different description from those which were then suggested.

You would therefore, not have been wholly unprepared for the communication made by me to the Chairman at a personal interview, when he was informed that the representations which had been brought before His Majesty's Government, since the publication of the correspondence already referred to, had led them to entertain an opinion, that they would best consult the public interest, by not confining the import trade from the East-Indies to the port of London.

The arguments adduced by you and the other members of the Deputation, and which had been urged with much ability, and at considerable length, in your letter of the 15th instant, have received the most serious attention of His Majesty's Government; but I have to acquaint you, that although they think that the great interest of policy and of revenue, as well as of the East India Company, will render it their duty to propose to Parliament, that the existing restraints, respecting the commercial intercourse with China, should continue, and that the exclusive trade in tea should be preserved to the Company, for whatever term the charter may be renewed, yet that they remain of opinion that the import trade from the East-Indies should not be confined to the port of London.

They are not, however, insensible to the danger and mischief to which the revenue, as well as the East-India Company, might suffer, if under the cover of that trade, an illicit commerce in tea were to be successfully carried on; but they conceive, that regulations, both in India and at home, may be so framed, as to guard against that danger, and to protect the Company and the revenue, whose interests in this respect equally require such protection, from the effects of it.

In submitting, therefore, the propositions to Parliament in this shape, the Government are persuaded, that whilst they would thus be supporting interests justly

justly entitled to public consideration, they would, at the same time, be pursuing a course, essential to the collection of a revenue of nearly four millions sterling, without breaking in upon that system, under which the salutary provisions of the Commutation Act secure the people of the United Kingdom against any failure in the regular and constant supply of an article, which has become a necessary of life.

In considering the terms proposed for the renewal of the Charter, as they would stand, should the suggestions I have conveyed to you in this letter be adopted, you will be sensible of the high importance of bringing to a conclusion an arrangement in which the interests of the Company and the nation at large are so deeply implicated, with as little delay as may be deemed compatible with a mature consideration, and satisfactory adjustment, of the several claims and pretensions of the parties concerned.

I have the honor to be, Gentlemen,

Your most obedient humble servant,

(Signed) BUCKINGHAMSHIRE.

To the Chairman and Deputy Chairman
of the Court of Directors.

No. LVI.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 20th April, 1812.

Read a letter from the Right Honorable the President of the Board of Commissioners, dated the 27th instant.

Read also and approved draft letter to the President of the Board of Commissioners, in reply.

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No. LV.

Lord Buck-
inghamshire's
Letter.

No. LVI.

Secret
Committee,
20th April,
1812.

No. LVII.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 29th April 1812.

- No. LVII. The letter from the Right Honorable the President of the Board of Commissioners, dated the 27th and read in Court the 28th instant, was again read.
 Secret Court, 29th April, 1812, The Chairman from the Committee of Correspondence laid before the Court draft of a proposed letter in reply thereto;
 And the same was read and unanimously approved.

No. LVIII.

LETTER from the DEPUTATION to the Right Honorable the EARL OF BUCKINGHAMSHIRE, noticed in the preceding minutes.

- No. LVIII. My Lord, East-India House, 29th April, 1812.
 Deputation Letter. The letter which the Chairman and Deputy Chairman had the honor of receiving from your Lordship on the 27th instant, was the day following laid before the Court of Directors, and engaged their most serious attention. It has again been considered by them this day, and we have now to submit to your Lordship the answer which they have instructed us to make to it: an answer which, from having before well reflected on the principal subject of your Lordship's letter, delivers their mature opinion, and as they presume to hope, in the least time possible, being sensible with your Lordship that, in the present critical period of the negotiation, all unnecessary delay is to be avoided.

It

It is with extreme concern the Court find, that since the publication of No. LVIII. the correspondence between the President of the Board of Commissioners and the Court of Directors on the momentous question of the renewal of the Company's Charter, His Majesty's Ministers have been led, by the representations which have been made to them, "to entertain an opinion, that they would best consult the public interest, by not confining the import trade from the East Indies to the Port of London," and that they still hold this opinion.

Deputation Letter.

Not having been made acquainted with the particulars of those representations, and having urged various arguments which remain unanswered against the measure of opening the outports to the trade of India, the Court, under the disadvantages of such a situation, are imperiously called to the consideration of the circumstances in which the Company are now placed, and in which, according to the best judgment they can form, the Company would be placed, if the new Charter should open the outports of the United Kingdom to the returns of the Indian trade.

Whatever may be thought, my Lord, by the merchants of this country of their right to enter into the possession of a trade, acquired and maintained through long struggles and vicissitudes, at immense expence, by the East-India Company; a trade still intimately connected with the security of the vast empire which the same Company have gained, and administer for the benefit of the nation at large; the Court of Directors are of opinion, that the sacrifices they agreed to make of that trade to the public feeling, or if they may be permitted to express their idea more accurately, the public prejudice, were very large; and they yielded to them undoubtedly in a firm belief, not at that time discouraged by His Majesty's Ministers, that the importations from India would be confined to London, as well as that the exclusive privilege of the China trade would be carefully secured to the Company. But the concessions frankly made by the Court of Directors and Proprietors, who regard themselves always as a part of the Public, and wish, as much as possible, to be in unison with it, have, it appears, only encouraged farther demands; and if the tide of prejudice, of popular clamour, of most extravagant expectation and unbounded pretension, which have been more industriously than fairly excited, were now to determine the public counsels, not a vestige would remain of that great fabric, which has been

No. LVIII. Deputation Letter. been reared in the course of two centuries, uniting with commerce an imperial dominion, which would be shaken to its foundation by the destruction of that system which has acquired and preserved it.

It is no surprize, my Lord, to the Court, though it is undoubtedly a great consolation, that His Majesty's Ministers unite with the "great interests of policy and of reveque," those of the East-India Company, and that it must hence be their object to continue the political functions of the Company, and the means which are necessary for the maintenance of those functions. On this basis, the Court are happy to have the honor of meeting His Majesty's Ministers, and to continue the present discussion.

It is perfectly known, that for a series of years past, since the Indian territory has been loaded with an immense political debt, the Company have derived no surplus from the revenues. They have carried on the currency of their home affairs, they have even aided the political concerns of India, and above all, they have made good the dividends to the Proprietors from the profits on their commerce; and, of late years, these profits have been derived chiefly from the China trade. From the still existing territorial debts of the Company, and the scale of their Indian expenditure, after all endeavours to reduce it, the Court of Directors have no prospect of pecuniary acquisitions, except through the same medium of commerce, for many years to come; and, as already intimated, it is the commercial profits of the Company which enable them to discharge the political functions assigned to them in the management of the Indian empire. Without this resource, or some equivalent one, not within their power, the dividends could not be continued, the value of the stock would diminish, and the Company be brought to a state of dissolution.

It is the extinction, or material diminution of the commercial profits, arising chiefly, as we have said, from the China trade, that we apprehend from the opening of the outports to the returns of the Indian commerce. If this extinction of diminution, were to take place, your Lordship will doubtless agree with the Court, in admitting, that the fatal consequences they cotemplate, would follow; and that, after going on a few years on the new plan, the Company would be so impaired in its resources, as to be inadequate to the important part allotted to it in the system of Indian administration.

When

No. LVIII. Deputation Letter. When the Court of Directors thus view the consequences of opening the outports, His Majesty's Ministers will not blame the anxiety with which they respectfully contend against that measure. The duty they owe to their Constituents, to their own characters, and to the Public; requires them, in such a case, to act with the greatest circumspection, in order to obtain a reasonable assurance, that the terms of the new Charter will be such, as will enable the Company to go on efficiently in the performance of the political functions it has hitherto discharged.

We do not apprehend, my Lord, that there is any difference in principle on these points, between His Majesty's Ministers and the Court of Directors. The main difference, in respect to the question of opening the outports, is as to the practical effects of that measure. It appeared, in the conference we had the honour of holding with the Chancellor of the Exchequer and your Lordship, to be his opinion, that checks could be devised to prevent an indefinite extent of smuggling tea, ruinous to the Company, which we fear from opening the outports to the Indian trade. We have already given many reasons for thinking, that the practice of smuggling would, in such case, be uncontrollable. Those reasons, which need not be repeated here, we believe it will be difficult for the parties most adverse to the Company to refute; but the subject being so important in the present discussion, we beg leave to add a few more observations on it.

It is a fact notorious, that tea has been smuggled, by the way of India, into this Country, even when the duty was comparatively small; when the Indian import trade was confined to eight or ten Company's ships and to the river Thames. How much more, then, is smuggling, beyond all bounds, to be expected, when the ships shall be unlimited in number and size, and may resort to the outports of England, Scotland, and Ireland? This practice would be much facilitated, because, in the numerous Eastern Islands, not subject to any European power, where we have said tea might be brought for English ships from China, there is no usage of clearing out vessels, or giving them papers or manifests. It would thence be easy for them to break bulk in the passage home, and as they approached the coasts of Britain and Ireland, to put tea, as well as other articles chargeable with duty, on board of ships and cutters, destined

No. LVIII. destined either for the ports of the Continent, or the remote coasts of Scotland and Ireland, on which, for a hundred miles together, every where accessible from the sea, there is scarcely a custom-house, and where custom-houses could not be sufficiently multiplied. Vessels of very small size being allowed in the Indian trade, they could enter into ports and bays little frequented, and run goods to be carried inland and there dispersed. In some of the northern and western ports of the United Kingdom, we have heard that collusive practices between the revenue officers and the smugglers are not unusual. If this is the case in respect to articles which pay a comparatively small duty, what would it be, where the articles of tea and Indian goods were in question? Ships might stop at intermediate ports for orders, and there smuggle; as those bound to the western coast, at Cork and Falmouth; those to the eastern coast, at Falmouth and the Downs; those going north about, on the Irish and Scotch coasts. Ships having several ports of discharge, would thereby obtain facilities in smuggling; and the state of relations between this country and parts of Northern Europe may be such, as to afford the means of running goods into those parts, which, from their proximity, may again be able to smuggle the goods into our remote ports. In a word, we are led to apprehend, that the means and the temptation of smuggling tea, when an unlimited trade is permitted to India and the Eastern Islands, must be, in a very great degree, uncontrollable by any checks which His Majesty's Government can, in such circumstances, interpose. Nor is it to be overlooked, that a class of Indian goods, styled in the revenue language *prohibited*, because excluded altogether, as interfering with the manufactures of this country, will by all the openings which the new trade will produce, be every where unavoidably brought into use. It is true, that even if the return trade of India were confined to the Channel, as we proposed, smuggling might be expected, but certainly not, in our opinion, at all to the same extent. And had we conceived otherwise, the same objection we now advance against opening the outports, would have been urged against that enlargement of trade, in which the Court have acquiesced, and for the same reason, to prevent the ruin of the Company; which did His Majesty's Ministers apprehend, they would doubtless, in either case, have desired to prevent, even by refusing the required concessions to the British merchants.

With

No. II.

No. LVIII. With these views, my Lord, deeply impressed on the minds of the Directors, acting as they are in a most responsible situation, is it too much for them to expect and to request, that they may be honored with the knowledge of those means which His Majesty's Government may think would be effectual to prevent the practice of smuggling, under the new circumstances, to any ruinous or great extent? could they have a reasonable persuasion of the practicability of such prevention, that would, undoubtedly, so far lessen their fears and the arguments on which they now feel it their duty to insist. They hope not to be misunderstood in this proposition. Assured both of the desire of His Majesty's Ministers, as well on account of the Company as of the revenue, to prevent smuggling, and of their belief of the practicability of doing so, feeling also, as the Court do, the delicacy of seeming to interfere in any of the revenue regulations of Government, they are yet so circumstanced, in the present critical conjuncture, as to find this enquiry most interesting to the cause of the Company.

It is indeed true, that the Public appear to have a greater concern at stake here than the Company. The Public may lose the greater part of a revenue of four millions per annum, whilst the Company can have only to the extent of one million at hazard. But then this one million is all the Company's certain income: if they lose that, they lose the foundation on which their efficiency rests; unless, in the new arrangements, some other resource should be provided, which should secure the dividend to the Proprietors; a provision which, undoubtedly, would also materially affect the views the Court of Directors now entertain from contemplating the dangers of the Company's China trade. And suffer us, my Lord, since the assailants of the Company's privileges are so loud in representing their interests as those of the nation at large, to add this remark concerning the national interest in the present question, that if the revenue of nearly four millions, now so easily collected from tea, should fall, or fail to the extent of only two millions, other taxes must be laid upon the public, to compensate for that loss: and whether the nation will gain so much otherwise, by the proposed enlargements of trade, may be a serious question with those who have to decide on this momentous concern; with us it is none. It may deserve also to be recollected, that with the fall of the Company's China trade will fall the exports of woollens and metals, to the extent of a million annually, by which the prosperity

No.
LVIII.
Deputation
Letter.

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No.
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Letter.

perity of the counties of Cornwall, Devon, Somerset, Dorset, and Gloucester, and Norfolk in some measure, have been upheld, during the arduous struggle of eighteen years in which the country has been engaged; the excellent fleet of ships employed by the Company, with all the long detail of interests connected with them, must decay; whilst the nation will lose that certain and regular supply furnished by the Company of the article of tea, an article, as your Lordship justly observes, now become a necessary of life.

Before we dismiss this topic, may we be allowed to bring under your Lordship's inspection a succinct view of the capital and interests concerned in the Indian and China trade from the port of London?

There are about fourteen hundred commanders and officers belonging to the ships of the East India Company (besides the seamen, who may be about eight thousand). The tradesmen engaged in the supply of the Company's shipping in the river Thames are about twelve thousand; and the labourers employed in their warehouses are about three thousand. All these, with their families and dependants, making an aggregate of upwards of thirty thousand persons, would by the removal of the Indian trade from the port of London, be generally reduced to great distress, and many of them become burthensome to their parishes.

The capital now employed in the Indian trade may be moderately computed as follows.

The Company's capital stock of £6,000,000, at the price at which many Proprietors purchased, will amount to	- - - - -	£10,800,000
Capital in warehouses	- - - - -	1,000,000
Capital in ships	- - - - -	3,800,000
Capital in docks	- - - - -	400,000
Capital of individuals in the metropolis may be moderately estimated at	- - - - -	5,000,000

£21,000,000

The trade in which this large capital is employed produces, as we have had occasion repeatedly to observe, an annual revenue to Government of more than four millions sterling; and the net saving to Government, from the present mode of collecting the duties, may, we conceive, be fairly estimated at £150,000

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Letter.

per annum. By means of direct and indirect taxation, the capital itself, and the profits upon it, yield a farther sum of large amount to Government; but the productiveness of the capital, in this respect, depends wholly upon the solidity of the basis on which it rests.

These, my Lord, are the sentiments and observations which we are directed to communicate to your Lordship. The reflection upon them has, we trust, been mature, though the expression of them, in the short time allowed for the preparation of this letter, may require indulgence. But we are further specially directed to add, that this is a concern of too great moment for the Court to trust to its own judgment, or to act on its own responsibility; the Directors have therefore summoned a General Court of Proprietors to meet on Friday next, when the correspondence with your Lordship, including this letter, will be laid before them for their consideration.

We have the honor to be, my Lord,

Your Lordship's most obedient humble servants,

(Signed)

HUGH INGLIS,
ROBERT THORNTON,
JACOB BOSANQUET,
W. F. ELPHINSTONE,
EDWARD PARRY,
CHARLES GRANT,
GEORGE SMITH,
WILLIAM ATELL.

The Right Honorable the Earl of Buckinghamshire,
&c. &c. &c.

No. III.

FURTHER PAPERS

RESPECTING

THE NEGOCIATION

FOR A RENEWAL OF THE

EAST-INDIA COMPANY'S EXCLUSIVE PRIVILEGES.

London :

**PRINTED BY ORDER OF THE COURT OF DIRECTORS, FOR THE INFORMATION
OF THE PROPRIETORS,**

By E. Cox and Son, Great Queen Street, Lincoln's-Inn-Fields.

1812.

No. LIX.

AT A GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Tuesday, the 5th May 1812.

Minutes of the last Court of the 1st instant were read.

The Chairman acquainted the Court, that it is met by adjournment, for the purpose of taking into further consideration the papers which were laid by the Court of Directors before the General Court on the 1st instant.

And the Court having considered the same accordingly,

It was, on a motion,

Resolved Unanimously, That this Court has learnt with deep concern and surprize, that His Majesty's Ministers have been induced to change the view they first entertained of the propriety of confining to the Port of London the returns of the trade to India, now to be permitted to all British subjects. That the measure of opening the Outports to vessels of all descriptions from India, comprehending in that term the Eastern Islands, appears to this Court to be fraught with consequences ruinous to the Company, and all the long train of interests connected with it; by removing from the Port of London the greater part of the Indian trade, which it has hitherto enjoyed; by rendering useless many of the expensive establishments formed there for the merchandize and shipping of that trade, and throwing out of bread many thousands of persons who now derive constant employment from it; by deranging the practice and frustrating the end of stated public sales, which are useful and important, both to the Country and the Company, who are necessarily restricted to this practice; but, above all, by affording facilities for the smuggling of teas into the ports and harbours of England, Scotland, and Ireland, to an extent unlimited, and as this

No. LIX.

General
Court,
5th May,
1812.

No. IV.

FURTHER PAPERS

RESPECTING

THE NEGOCIATION

FOR A RENEWAL OF THE

EAST-INDIA COMPANY'S EXCLUSIVE PRIVILEGES.

London :

PRINTED BY ORDER OF THE COURT OF DIRECTORS, FOR THE INFORMATION
OF THE PROPRIETORS,

By E. Cox and Son, Great Queen Street, Lincoln's-Inn-Fields.

1813.

No. LIX.

Minutes of a General Court of Proprietors, held on Tuesday, the 5th May, 1812.

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No. LXVIII.

Minutes of a Secret Committee of Correspondence, the 28th December 1812.

No. LXIX.

Minutes of a Secret Court of Directors, held on Monday, the 28th December 1812.

No. LXX.

Letter from the Right Honorable the Earl of Buckinghamshire to the Chairman and Deputy Chairman, dated the 24th December 1812, noticed in the preceding Minutes.

No. LXXI.

Minute of a Secret Committee of Correspondence, the 30th December 1812.

No. LXXII.

Minute of a Secret Court of Directors, held on Wednesday, the 30th December 1812.

No. LXXIII.

Letter from the Chairman and Deputy Chairman to the Right Honorable the Earl of Buckinghamshire, dated the 30th December 1812, noticed in the preceding Minutes.

No. LX.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 27th November, 1812.

The Chairman reported to the Committee, that he and the Deputy Chairman had this morning a conference with the President of the Board of Commissioners, on the subject of the Renewal of the Company's Charter, at which his Lordship declared it to be the intention of His Majesty's Ministers, not to abandon the proposition they had made, for allowing a direct trade between India and the outports of the United Kingdom; but that the proposition might be modified, by confining the ports to which ships shall be allowed to import goods from India, to a number less than that to which the Warehousing Act now extends. Lord Buckinghamshire, however, was desirous, before resuming the correspondence relating to it, that the Committee of Correspondence should hold a conference with Lord Liverpool and himself upon the subject.

The Chairman further stated, that, in reply to Lord Buckinghamshire, the Deputy Chairman and himself declined making any observation at present, but stated their intention to communicate the substance of his Lordship's remarks to the Committee of Correspondence, and also expressed their wish, that the Committee might have the honour of waiting upon his Lordship, previously to the proposed conference with Lord Liverpool, to which Lord Buckinghamshire consented.

The Committee, in consequence, resolved to assemble at eleven o'clock on Tuesday next, for the purpose of deliberating upon the subject of the above communication, previously to waiting upon Lord Buckinghamshire, at the hour of two on that day.

No. LX.

Secret
Committee.
27th Nov.
1812.

No. LXI.

No. LXIII. privileges, when it was agreed, that no minutes should be then taken, in order to afford the most unreserved mode of carrying on the discussion; at the conclusion of which it was understood, that His Majesty's Ministers would communicate, in writing, their sentiments upon the whole of the subject.

Secret Court,
24 Dec. 1812.

No. LXIV.

AT A

SECRET COURT OF DIRECTORS,

Held on Tuesday, the 15th December 1812.

No. LXIV. Minutes of the 2d instant were read and approved.

Secret Court,
15th Dec.
1812.

The Chairman stated, that two conferences between His Majesty's Ministers and the Committee of Correspondence had taken place since the 2d instant, viz. on the 5th and 12th instant, but that he had nothing further to communicate to the Court in consequence.

No. LXV.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 16th December 1812.

No. LXV.

Secret Court,
16th Dec.
1812.

The Court advertent to the statement which the Chairman had, with their approbation, made to the General Court to-day, as to the late conferences with His

His Majesty's Ministers, upon the subject of renewing the Company's exclusive privileges, and this Court deeming it a proper mark of respect to His Majesty's Ministers, that they should be apprized of the same as early as possible,

No. LXV.
Secret Court,
15th Dec.
1812.

The Chairman and Deputy Chairman were requested to wait on the President of the Board of Commissioners for the Affairs of India to-morrow, to communicate to his Lordship what had passed in the General Court this day, and to state to his Lordship, that the Court of Directors continue decidedly to entertain the opinion which they have formerly expressed to His Majesty's Ministers, as to the ruinous consequences of admitting the imports from India to the outports of this kingdom.

No. LXVI.

AT A

SECRET COURT OF DIRECTORS,

Held on Friday, the 18th December 1812.

The Court having resolved itself into a Committee of the Whole Court, And being resumed, the following report from the Committee of the Whole Court was read:

No.
LXVI.

Secret Court,
18th Dec.
1812.

"The Committee taking into consideration the present state of the negotiation with His Majesty's Ministers for the renewal of the Company's exclusive privileges, deem it to be highly important, that the sentiments of the Court of Directors, upon the proposition brought forward for admitting the imports from India to the outports of this kingdom, should be unequivocally known."

"The Committee therefore recommend to the Court to pass a resolution, stating that the proposition in question is, for various reasons already set forth.

B

No. LXI.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the Right
Honorable the EARL OF BUCKINGHAMSHIRE.

MY LORD, *East India House, 29th November, 1812.*

No. LXI.

Chairman &
Deputy's
Letter.

We have the honour to acquaint your Lordship, that we have communicated to a Secret Committee of Correspondence the substance of the conversation which we had yesterday the honour of holding with your Lordship, Mr. Wallace, and Mr. Sullivan, and in which it was notified to us, that the opinion of His Majesty's Government remains unaltered, regarding the expediency of not confining the import trade from the East-Indies to the port of London.

The Committee received this communication with the deepest concern and regret, its Members unanimously concurring with us in opinion, that should the proposed extension of the trade, even to a small number of the outports of the kingdom, be sanctioned by the Legislature, the measure will be highly prejudicial to the public revenue, injurious to the East-India Company, and detrimental to the prosperity of the merchants, manufacturers, traders, and other numerous bodies interested in the commerce with India, as now carried on through the channel of the river Thames. The Committee being still desirous of an opportunity of renewing their representations to your Lordship upon this important question, before any communication is made to the Court on the subject, have directed us to request the honour of a conference with your Lordship for that purpose. Should it be perfectly convenient to your Lordship to receive the Deputation on Tuesday next, at two o'clock, we shall be able to lay the result of the conference before the Court on the following day.

We have the honour to be, my Lord,

Your Lordship's most obedient humble servants,

(Signed)

HUGH INGLIS,
ROBERT THORNTON.

The Right Hon. the Earl of Buckinghamshire,
&c. &c. &c.

No. LXII.

LETTER from the Right Honorable the EARL OF BUCKINGHAMSHIRE
to the CHAIRMAN.

India Board, 28th November, 1812.

SIR,

I had the honor of receiving your letter of this day, proposing that the Secret Committee of Correspondence should wait upon me at this Board on Tuesday next. No. LXII.

Lord Buck-
inghamshire's
Letter.

I shall be happy to have the honor of seeing them; but as I am desirous that Lord Liverpool, and other Members of the Board, should be present at the interview, and as I find that twelve o'clock will be more convenient to them than two, you will, I hope, have no objection to make the appointment for the former hour.

I have the honor to be,

Your most obedient and faithful humble servant,

(Signed) BUCKINGHAMSHIRE.

Sir Hugh Inglis, Bart.
&c. &c. &c.

No. LXIII.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 2d December 1812.

The Chairman acquainted the Court, that a meeting took place yesterday, at the Board, between several of His Majesty's Ministers and the Committee of Correspondence, upon the subject of the renewal of the Company's exclusive privileges, LXIII.

Secret Court
2d Dec. 1812.

No. LXVI. " forth in the Court's writings, pregnant with ruin to the affairs of the Com-
pany, inasmuch as it would render them incapable of performing the
functions allotted to them, as well in their commercial as in their political
capacity, and that the Court cannot therefore, consistently with their duty to
their Constituents, recommend to them the adoption of such a proposition."

Secret Court,
15th Dec.
1812.

And it was, on the question,

Resolved Unanimously, That this Court approve the said report.

And the Chairman and Deputy Chairman were requested to wait on the
Right Honorable the President of the Board of Commissioners for the Affairs of
India, and to communicate to His Lordship the above proceedings of this day.

No. LXVII.

AT A

SECRET COURT OF DIRECTORS,

Held on Tuesday, the 22d December 1812.

No. LXVII.

The Chairman acquainted the Court, that in obedience to their resolution
of the 18th instant, the Deputy and himself, on Saturday last, waited on the
Right Honorable the President of the Board of Commissioners for the Affairs
of India, with a copy of the minutes of the Secret Court of the 18th instant.

Secret Court,
22d Dec.
1812.

No. LXVIII.

No. LXVIII.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 28th December 1812.

Read a letter from the Right Honorable the President of the Board of
Commissioners for the Affairs of India to the Chairman and Deputy Chairman,
dated the 24th instant; and

Paragraphs proposed to form part of the draft of a letter to his Lordship,
in reply.

No. LXVIII.

Secret
Committee,
28th Dec.
1812.

No. LXIX.

AT A

SECRET COURT OF DIRECTORS,

Held on Monday, the 28th December 1812.

Minutes of the 15th, 16th, 18th, and 22d instant, were read and approved.

Read a letter from the Right Honorable the President of the Board of
Commissioners for the Affairs of India to the Chairman and Deputy Chairman,
dated the 24th instant; also,

Paragraphs proposed to form part of the draft of a letter to his Lordship,
in reply.

No. LXIX.

Secret Court,
28th Dec.
1812.

No. LXX.

LETTER from the Right Honorable the EARL of BUCKINGHAMSHIRE
to the CHAIRMAN and DEPUTY CHAIRMAN, referred to in the
preceding Minutes.

GENTLEMEN,

India Board, 24th December, 1812.

No. LXX.

Lord Buck-
inghamshire's
Letter.

The conferences held at this Board with the Committee of Correspondence, having had for their object the most unreserved and candid discussions upon points of the greatest importance, with respect to the renewal of the East-India Company's Charter, and it having been understood that no further steps should be taken upon the subject, until a communication was made by me, in an official shape, to the Court of Directors, it was not without some surprize that the copy of their resolution of the 18th instant was received by His Majesty's Government, because that resolution, adopted under such circumstances, appeared to them to have for its object an abrupt termination to all discussion.

They cannot, however, consider it the less incumbent upon them, through you, as the proper official channel, to bring before the Court of Directors the principles upon which the opinions I have to apprise you of have been formed, in order to present to the Proprietors and the Public a correct view of a subject to which so much importance is attached.

I shall, therefore, convey to you the sentiments of His Majesty's Government, precisely in the terms I should have done, if no intimation had been made of the resolution of the Court of Directors of the 18th instant; and with that object I proceed to inform you, that with regard to those points, to which the attention of the Committee of Correspondence has been chiefly directed at the conferences held at this Board, the principle uniformly maintained, as the basis of any arrangement for the renewal of the East-India Company's Charter, viz. that the merchants of this country have as substantial claim to as much liberty of trade as they can enjoy, without injury to other important national interests, cannot be departed from.

It

No. LXX.

Lord Buck-
inghamshire's
Letter.

It was in the hope that the opening of the export trade with India to the merchants of the city of London and of the outports, whilst the import was confined to the port of London, might not be found inconsistent with this principle, that a disposition was felt by the Government to propose an arrangement to that effect.

In consequence, however, of the promulgation of such an intention, several persons, interested in the commerce of the outports, represented in the strongest terms, that the proposed limitation of the import trade from India, rendered the extension of the export of no value to them; and they declared themselves prepared to maintain, that this limitation was not called for by any adequate motive of public interest.

They urged their claim to an equal participation in the general trade to India, and their conviction, that the ground upon which the exclusion in favour of the port of London was defended, viz. the additional danger of smuggling, could not be supported, and they were satisfied that the alleged danger might be obviated by revenue regulations. They also entered largely into the subject of the China trade, contending strenuously against the renewal of the Company's exclusive Charter; and stated their reasons for believing, that measures might be adopted by which that trade could be opened, without injury to the revenue, and without hazarding the continuance of the intercourse with the Emperor of China's dominions.

The importance attached to these representations, induced His Majesty's Government to revise the arrangement which had been in contemplation; and although they did not see cause, under all the circumstances bearing upon this question, to alter the opinion they had entertained, of the propriety of continuing the existing restrictions upon the commercial intercourse with China, and of preserving to the Company the monopoly of the tea trade, they nevertheless felt, that the merchants belonging to the outports had established a claim against an absolute restriction of the import trade to the port of London.

Under this impression, I addressed my letter to you on the 27th of April ultimo.

The observations made by the Committee of Correspondence, in their reply of the 29th of the same month, did not fail to engage the serious attention of His Majesty's Government, but after the best examination of those ob-
servations,

No. LXX. —
Lord Buck-
inghamshire's
Letter. servations, aided by all the information they have obtained from the Boards of Customs and Excise, they are not enabled to concur in the opinion, that the proposed extension of the import trade from India would be productive of any great encrease of smuggling, and certainly not to the extent stated by the Court of Directors.

It is conceived, that the apprehensions entertained on this account might be obviated by various regulations, such as confining the trade to those ports which are, or may be so circumstanced, as to afford security to the due collection of the revenue; by the limitation of it to vessels of four hundred tons burthen; by attaching the forfeiture of the ship and cargo to the discovery of any illicit articles on board; by an extension of the manifest act; by regulations for checking the practice of smuggling in the ships of the Company; as well as by other provisions, too minute to be entered into at present, but which will, of course, be attended to, in discussing the details of the subject.

I am persuaded it will not escape your observation, that from obvious considerations, the English Channel must, at all times, especially in time of peace, afford facilities and inducements for smuggling, which do not occur elsewhere to the same extent, on account of the clandestine traffic already established, and the ready communication with the opposite shore.

But, with respect to the whole of this part of the question, it is impossible to lose sight of the deep interest which the Government must feel in the prevention of smuggling. The interests of the Company are, no doubt, involved in it; but those of the Government are still more concerned: and it cannot be supposed that they would bring forward any proposition, which appeared to them likely to endanger a revenue of from three to four millions; or that, if a defalcation should unexpectedly arise, they would not immediately take measures for applying a remedy. The Company have, therefore, an ample ground of confidence, not only in the disposition of Government, but in their effectual co operation on those points, on which the Court of Directors appear to feel the greatest anxiety, and on which they urged their strongest objections to the proposed arrangement.

The several articles which may be imported from the countries within the limits of the Company's Charter, and which are charged with an *ad valorem* duty, although, with the exception of tea, they bear a very small proportion to

to the whole of the revenue collected from the Trade from India and China, are No. LXX. —
Lord Buck-
inghamshire's
Letter. nevertheless of sufficient importance to demand the attention of Government, as the question may affect the interests of the East-India Company, as well as those of the public revenue.

With this view, it will be necessary to consider whether, with respect to some of them, a rated duty might not be substituted, and whether regulations may not be made for the security of the duty *ad valorem* on those articles which shall continue to be so charged, and which, at the same time, shall prevent their being purchased at a price, likely to operate injuriously to the manufacturers of this country.

The justice of the observations, respecting the additional number of Europeans that would find their way to India in consequence of the extension of the trade, must be admitted to a certain extent; but it is obvious, that this danger would arise from the extension of the export trade to India, and would scarcely be lessened by confining the import trade to the Port of London. Every individual, during his residence in India, would of course be subject to the existing regulations of the local Governments.

The situation of Lascars, who are occasionally employed in the navigation of ships from India to this Country, would demand the humane interposition of the Legislature; and there can be no doubt that effectual provision for their maintenance while in England, and for their return to India, will be made.

Having gone through the principal points to which our recent conferences have related, it may be proper for me to apprise you, that His Majesty's Government are of opinion, that the establishment of King's troops, which may be requisite for the preservation of the peace and security of the British possessions in India, must depend upon circumstances that it would be difficult to anticipate; but as the financial situation of the Company may render it necessary, that the numbers to be maintained at their charge should be limited, there can be no objection to propose to Parliament, to specify that number by legislative enactment.

I have thus endeavoured to bring the sentiments of His Majesty's Government before you, with the same candor that has been evinced in our recent discussions; and I can venture confidently to assure you, that my colleagues,

No. LXX. as well as myself, are most anxious to promote such an adjustment between the Public and the Court of Proprietors, as may be satisfactory to all parties.

Lord Buck-
inghamshire's
Letter.

The expediency of adhering to that system, by which the Government of India has been administered through the intervention of the Company, is strongly felt by His Majesty's Government; but it must not be supposed, that there are no limits to that expediency, or that there are no advantages which might result from a different course.

It is for the Court of Proprietors to decide, whether their own interests, as well as those of the numerous persons depending upon them, both at home and abroad, can best be preserved by their rejection of, or acquiescence in, those conditions, upon which alone, consistent with their public duty, His Majesty's Government can submit a proposition to Parliament for the renewal of the Charter.

You, Gentlemen, must be aware, that from its approaching expiration, provision must be made, without delay, for the future government of India; and that His Royal Highness the Prince Regent, in his speech at the opening of the present session, has called upon Parliament to make such provision.

I have the honor to be,

Gentlemen,

Your most obedient and faithful humble servant,

(Signed) BUCKINGHAMSHIRE.

The Chairman and Deputy Chairman
of the Court of Directors.

No. LXXIII.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 30th December 1812.

Draft of a letter to the President of the Board of Commissioners, in reply to his Lordship's letter of the 24th instant, was read and unanimously approved.

No.
LXXIII.

Secret
Committee,
30th Dec.
1812.

No. LXXII.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 30th December 1812.

Draft of a letter to the President of the Board of Commissioners, in reply to his Lordship's letter of the 24th instant, was read and unanimously approved.

No.
LXXII.

Secret Com.
30th Dec.
1812.

Not
LXXIII.

Chairman
and Deputy's
Letter.

of those representations which first led His Majesty's Ministers to entertain, and which induce them still to adhere to the opinion, that the public interest will be best consulted, by not confining the import trade from the East-Indies to the port of London. It would occasion much satisfaction to the Court, should such a communication have the effect of obviating their objections, even in part, to a measure, which the most imperative considerations alone could have influenced them to oppose: and were it unfortunately to fail in producing this effect, it is nevertheless desirable, that the Court of Directors shall have an opportunity of reviewing the question with all the intelligence that can be brought to bear upon it. Your Lordship has, indeed, been pleased to favour us with a brief summary of some of the arguments used by the merchants on this subject,—arguments, we must own, not in the least convincing to us: and we assure ourselves, that in adverting to them, your Lordship does not mean that the Company should be concluded, or their fate determined, by what those who oppose their interests choose to advance; although their representations appear to have so far influenced His Majesty's Ministers, as to lead them to think, that the merchants "have a claim to as much liberty of trade as they can enjoy, without injury to other important national interests." In those interests, we may presume, are comprehended both the consideration of the public revenue, and the maintenance of the East-India Company. But what that extent of trade is, "which can be granted with safety to those interests," is still a question undetermined. We confess that the regulations contemplated by His Majesty's Ministers, so far as your Lordship has been pleased to explain them to us, appear by no means calculated to remove our fears. The comparative interest which the Public and the Company have in preventing the smuggling of tea, was described in our letter of the 29th April; and though it be true, as your Lordship observes, that the stake of the Public in this concern is numerically greater than that of the Company, yet the importance of the Company's inferior stake is, to them, infinitely greater, than would be to the Public the importance of the loss the revenue might sustain; because, as matters now stand, the Company have no certain dependance but the China trade, for resources essential to their subsistence. We do not the least question, that His Majesty Ministers would be thoroughly disposed to frame additional regulations

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Chairman
and Deputy's
Letter.

lations to prevent smuggling tea, should those now in contemplation be tried, and be found insufficient. But, besides that we extremely distrust the practicability of preventing smuggling to a large extent, where the temptations would be so great, we must entreat your Lordship and His Majesty's Ministers seriously to consider, what would be the situation of the Company, if they obtained a charter upon no better terms than those now proposed, and upon trial it should be found that their commercial income failed, and that their dividend should be unprovided for or lowered:—their stock would immediately fall: their credit would be diminished; the currency of their affairs, in their payments particularly, would be impeded; general alarm and dissatisfaction in all parties connected with this great establishment would be felt; and there would be a necessity for going to Parliament again, when evils great, perhaps irretrievable, would have been experienced. It is the duty of the Executive Body of the Company to carry their views forward to such contingencies, and to seek provision against them: and we must beg leave to add, that whatever rights the merchants may claim, or the nation be pleased to bestow on them, it cannot be equitable to make concessions to them which should destroy the Company, who acquired the Indian empire, and who are as much the owners of the chief seats of European trade in that empire, as they are of their freeholds in London.

With respect to the resort of Europeans to India, if we do not misunderstand the scope of your Lordship's observation, it seems to imply, that their numbers might be in proportion to the export trade from this country. If, indeed, they were to be regulated by this scale, our apprehensions would be the less; but we have no difficulty in acknowledging, that in addition to all our other arguments against admitting importations to the outports, we think that the granting of this privilege would increase the spirit of rash speculation from Great Britain and Ireland, and thereby the number of adventurers in search of fortune in India; for it is to be remembered, that those adventurers would naturally seek for new establishments, even out of the Company's territories, and there endeavour to acquire real property.

But, my Lord, this is only one of many points which require particular regulations; and, at the stage at which we are now arrived in the negotiation,

we

No.
LXXIII.

Chairman
and Deputy's
Letter.

we cannot but state to your Lordship, the anxious wish of the Court to be made acquainted with the whole plan which His Majesty's Government may have it in contemplation to recommend to Parliament for a Renewal of the East-India Company's Charter; including such amendments in the system of the Company's territorial government and administration, as past experience may have indicated; the regulations deemed necessary for promoting the discipline and efficiency of the Indian army; the amount of force which His Majesty may be empowered to maintain in India at the expense of the Company; and the provisions that may be thought requisite for settling the relative powers of the Board of Commissioners and the Court of Directors. Though these topics were specifically mentioned in the letters from Lord Melville to the Chairs, of the 30th September 1808 and the 21st March 1812, the Court are still, in great measure, uninformed of the arrangements, in regard to them, which His Majesty's Government may have in view to propose. And we entreat, also, that your Lordship will enable us to lay before the Court of Directors, and ultimately the Proprietors, in any shape that you may judge fit, the information, additional to that of the merchants already solicited, on which the determination of His Majesty's Ministers rests, as to the extension of the trade to the outports, and their intentions upon the other parts of the arrangement to which we have now adverted.

The requests we now make appear to us the more reasonable, from the weighty intimation conveyed in the concluding part of your Lordship's letter. It brings into view (to repeat an expression used in our letter of the 15th April), "*questions of the last importance to the safety of the British Empire in India, and of the British Constitution at home.*" This is a solemn subject for the Country, as well as the Company. If, indeed, it should ever come under actual discussion, we have that confidence in the equity and wisdom of the nation, that notwithstanding all present clamours, they will wish to do the Company justice, and to guard all the other great interests which must come into question. But prepared as we shall be, if forced into this situation, to maintain the rights and claims of our Constituents, we must yet express our hope, that the Company will not be reduced to the hard alternative, of thus having to contend for all that

is

is dear to them, or to accept a Charter, on terms which will not enable them to execute the part hitherto assigned to them in the Indian system.

We have the honour to be,

My Lord,

Your Lordship's most obedient humble Servants,

(Signed) HUGH INGLIS,
ROBERT THORNTON.

The Right Honorable the Earl of Buckinghamshire,
&c. &c. &c.

No.
LXXIII.

Chairman
and Deputy's
Letter.

No. V.

FURTHER PAPERS

RESPECTING

THE NEGOCIATION

FOR A RENEWAL OF THE

EAST-INDIA COMPANY'S EXCLUSIVE PRIVILEGES.

London:

PRINTED BY ORDER OF THE COURT OF DIRECTORS, FOR THE INFORMATION
OF THE PROPRIETORS,

By E. Cox and Son, Great Queen Street, Lincoln's-Inn-Fields.

1813.

LIST OF FURTHER PAPERS

*Respecting the Negotiation for a Renewal of the East-India Company's
exclusive Privileges, printed by Order of the Court of Directors for the
Information of the Proprietors.*

No. LXXIV.

Minute of a Secret Court of Directors, held on Tuesday, the 5th January 1813.

No. LXXV.

Letter from the Right Honorable the Earl of Buckinghamshire to the Chairman and
Deputy Chairman, dated the 4th January 1813, noticed in the preceding Minute.

No. LXXIV.

AT A

SECRET COURT OF DIRECTORS,

Held on Tuesday, the 5th January 1813.

The Chairman laid before the Court a Letter from the Right Honorable the President of the Board of Commissioners for the Affairs of India, dated the 4th instant, which was read.

No.
LXXIV.
Secret Court,
5 Jan. 1813.

No. LXXV.

LETTER from the Right Honorable the EARL OF BUCKINGHAMSHIRE to the CHAIRMAN and DEPUTY CHAIRMAN, noticed in the preceding Minute.

India Board, 4th January, 1813.

GENTLEMEN,

I had the honor to receive your Letter of the 30th ultimo, and proceed to convey to you the sentiments of His Majesty's Government, as far as it would seem advisable, under present circumstances, to continue the discussion.

With respect to your observation, that the representations which induced His Majesty's Government to form their opinions upon the subject of the extension of the Import Trade, have been withheld from the Court of Directors, and that your objections to that extension have not been "adequately answered," you must allow me to avail myself of this occasion to apprise you, that although His Majesty's Government have shewn a strong disposition to enter into the most frank and unreserved explanations with the Court of Directors, they

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inghamshire's
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have not felt that it was within the range of their duty to engage in a controversy upon the points at issue. That duty has been sufficiently discharged, in stating, for the information of the Court of Proprietors, the conditions upon which they were prepared to submit a proposition to Parliament for the renewal of the Charter, accompanied by such reasons as are conveyed in the communications they have authorized me to make.

I can, however, have no difficulty in acquainting you, that the claims of the Merchants connected with the outports have not been brought before Government by written documents; that they have been urged and discussed at personal conferences with individuals, interested in their success; and that you have already been informed of the grounds upon which they were supported; but that it does not appear to His Majesty's Government, that you can be warranted in expecting that they should give a more particular account of the arguments adduced at those conferences.

I may add, however, that as the merchants and manufacturers connected with the outports, considering themselves entitled, at the expiration of the Charter of the East-India Company, to carry on that trade, from which they had been excluded for a limited time, had entered into a statement of their case, by petitions presented to Parliament in the course of the last session, you may obtain from those records that further information which you appear desirous to possess.

With regard to those points to which you have alluded, as requiring particular regulation, the Ministers of His Royal Highness the Prince Regent having signified to you, that consistently with their sense of public duty, they can submit no arrangement to Parliament, that does not include an extension of the import trade, and the Court of Directors having, with a knowledge of their opinions upon that point, by their resolution of the 18th ultimo, declined to recommend to the Court of Proprietors to agree to such an extension, it would seem premature to enter into details, until that question shall have been finally determined.

You are apprised of the disposition of His Majesty's Government to adhere to the present system of administration in India, and I am not aware that, if circumstances should admit of its continuance, it would be necessary to propose any

any material alteration in the existing provisions for carrying it into execution, except such as may arise from the opening of the trade.

The confidence you express in the wisdom and justice of Parliament will, I am persuaded, not be disappointed; nor is it to be supposed, that in the consideration of this great question (to use your own words) "the safety of the British Empire in India and the British Constitution at Home" will be overlooked, either by the Legislature or the Ministers of the Crown.

If the Government of India cannot be carried on with safety to the Constitution, except through the intervention of the Company, the propositions of the Court of Directors, whatever they may be, must unconditionally be admitted.

It will be for Parliament to determine, whether the Nation is, in this respect, without an alternative; or whether, if a change of system should be rendered necessary by the decision of the East-India Company, measures might not be taken for opening the trade, and at the same time providing such an administration of the government of India, as might be found compatible with the interests and security of the British Constitution.

I have the honor to be,

Gentlemen,

Your obedient and faithful humble Servant,

(Signed) BUCKINGHAMSHIRE.

The Chairman and Deputy Chairman
of the East-India Company.

No. VI.

FURTHER PAPERS

RESPECTING

THE NEGOCIATION

FOR A RENEWAL OF THE

EAST-INDIA COMPANY'S EXCLUSIVE PRIVILEGES.

London:

PRINTED BY ORDER OF THE COURT OF DIRECTORS, FOR THE INFORMATION
OF THE PROPRIETORS,

By *L. Cox and Son, Great Queen Street, Lincoln's-Inn-Fields.*

1813.

LIST OF FURTHER PAPERS

Respecting the Negotiation for a Renewal of the East-India Company's exclusive Privileges, printed by Order of the Court of Directors for the Information of the Proprietors.

No. LXXVI.

Minutes of a General Court of Proprietors, held on Tuesday, the 5th January 1813.

No. LXXVII.

Resolution of a General Court of Proprietors held the 5th May 1812, noticed in the preceding Minutes.

No. LXXVI.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING TO
THE EAST-INDIES,

Held on Tuesday, the 5th of January 1813.

The Chairman acquainted the Court, that it is specially summoned for the purpose of there being laid before them further papers respecting the negotiation for a renewal of the Company's exclusive privileges.

The said papers were then read, being as follow, viz.

Minutes of a Secret Committee of Correspondence, the 27th November 1812. (No. LX.)

Letter from the Chairman and Deputy Chairman to the Right Honorable the Earl of Buckinghamshire, dated the 28th November 1812. (No. LXI.)

Letter from the Right Honorable the Earl of Buckinghamshire to the Chairman, dated the 28th November 1812. (No. LXII.)

Minute of a Secret Court of Directors, held on Wednesday, the 2d December 1812. (No. LXIII.)

Minutes of a Secret Court of Directors, held on Tuesday, the 15th December 1812. (No. LXIV.)

Minutes of a Secret Court of Directors, held on Wednesday, the 16th December 1812. (No. LXV.)

Minutes of a Secret Court of Directors, held on Friday, the 18th December 1812. (No. LXVI.)

Minute of a Secret Court of Directors, held on Tuesday, the 22d December 1812. (No. LXVII.)

Minutes of a Secret Committee of Correspondence, the 28th December 1812. (No. LXVIII.)

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Minutes

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General
Court, 5th
Jan. 1813.

No.
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Resolutions
General
Court.

That the proposed object for which the professed changes are to be made, and such immense sacrifices hazarded, namely, the increase of the commerce of this kingdom, cannot be in any great degree attained, there being no practicability of extending materially the use of our manufactures among the Indian people, the tonnage allotted by the Company, or afforded by Indian ships in the management of individuals, for such exports, not having been fully occupied. Neither does it appear practicable largely to augment the importation of profitable commodities from thence; of all which the example of the American trade to the East is a proof, British Manufactures which they could easily have procured, making no part of it, nor their returns exhibiting any new articles of importance. That therefore the trade now enjoyed by the Company and individuals will be the only certain trade to which new adventurers can have recourse. And this will be no addition to the commerce of the Country, but only a transfer from one set of hands to another: so that, old establishments will be subverted, without substituting any thing equally good in their place; and, to all appearance, with great detriment to the nation, particularly in the defalcation of a large part of the duties now collected on tea, to the amount of four millions sterling per annum; for all which defalcation, whether, one, or two, or three millions, new taxes must be laid on the people.

That the cause of the Company has been deeply injured by prejudice, ignorance, erroneous assumptions, and of late by extensive combinations, and by unfair representation, canvas, and intimidation: in all which the merits and rights of the Company, the political interests of British India, and of this country as connected with them, have been left out of sight, and the single object of the extension of commerce, an object too only of speculation, in opposition to past experience, is the governing principle.

This Court however confidently hope, that Parliament will not decide the fate of the Company, on the representations and demands of private interests, but on just and comprehensive views of national policy; and the Court must also believe that His Majesty's Ministers are too enlightened and equitable, finally to adopt any measure calculated to destroy the commercial profits of the Company, and thereby to disable them from performing their political functions. This Court therefore entirely approving, both of the firmness which their Directors have shewn in maintaining the interests of the Company, and of the manner in

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in which they have, in the papers now produced by them, defended those interests, doth recommend it to them to persevere in the negotiation with His Majesty's Ministers upon the same principles; assured of the determination of this Court to support them to the utmost, in maintaining the permanence of the Company and the national interests which are involved in their stability.

Resolved Unanimously, That the thanks of this Court be given to Randle Jackson, Esq. for his very luminous and excellent speech this day; for the great zeal, ability and industry he has on various occasions, and particularly on this, displayed for the honor and advantage of this Company.

Resolved Unanimously, That the warmest thanks of this General Court be offered to the Chairman, Deputy Chairman, and Court of Directors of this Company, for their very able conduct in the negotiation with Government for the renewal of the Charter; alike evincing the most luminous ideas of the best interests of this Company, and their most honorable conduct in the management of so important a concern.

No. LXXVI. Minutes of a Secret Court of Directors, held on Monday, the 28th December 1812. (No. LXIX.)

General
Court,
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Letter from the Right Honorable the Earl of Buckinghamshire to the Chairman and Deputy Chairman, dated the 24th December 1812, noticed in the preceding Minutes. (No. LXX.)

Minute of a Secret Committee of Correspondence, the 30th December 1812. (No. LXXI.)

Minute of a Secret Court of Directors, held on Wednesday, the 30th December 1812. (No. LXXII.)

Letter from the Chairman and Deputy Chairman to the Right Honorable the Earl of Buckinghamshire, dated the 30th December 1812, noticed in the preceding Minute. (No. LXXIII.)

Letter from the Right Honorable the Earl of Buckinghamshire to the Chairman and Deputy Chairman, dated the 4th January 1813. (No. LXXV.)

The Chairman acquainted the Court, that the above papers are printing, and will be ready to be delivered to the Proprietors to-morrow.

The Court then proceeded to take the same into consideration, when the resolutions of the General Court of 5th May last were called for and read.

It was then moved, and on the question,

Resolved, That this Court do highly approve the vigilance, attention, and able conduct of the Court of Directors, in their negotiation with His Majesty's Ministers for the Renewal of the Charter, and that, for the purpose of taking the important subject now submitted to them into their most serious deliberation, the Court do adjourn unto Tuesday the 19th instant.—

And the Court adjourned accordingly.

No. LXXVII.

RESOLUTIONS of a GENERAL COURT OF PROPRIETORS, held the 5th May 1812, referred to in the preceding Minutes.

Resolved Unanimously, That this Court has learnt with deep concern and surprize, that His Majesty's Ministers have been induced to change the view they first entertained of the propriety of confining to the Port of London the returns of the trade to India, now to be permitted to all British subjects. That the measure of opening the Outports to vessels of all descriptions from India, comprehending in that term the Eastern Islands, appears to this Court to be fraught with consequences ruinous to the Company, and all the long train of interests connected with it; by removing from the port of London the greater part of the Indian trade, which it has hitherto enjoyed; by rendering useless many of the expensive establishments formed there for the merchandize and shipping of that trade, and throwing out of bread many thousands of persons who now derive constant employment from it; by deranging the practice and frustrating the end of stated public sales, which are useful and important, both to the Country and the Company, who are necessarily restricted to this practice; but, above all, by affording facilities for the smuggling of teas into the ports and harbours of England, Scotland, and Ireland, to an extent unlimited, and as this Court apprehend, uncontrollable. That the consequences of this must be, the destruction of the Company's China trade, their best source of commercial profit; the failure of their dividend; the depreciation of their stock; and unless a fund is provided from some other source for the payment of the dividend, inability on their part to continue to perform the functions assigned to them in the Government of British India. That if the constitution by which the Indian Empire is now administered should thus be subverted, the excellent system of civil and military service formed under the Company, and maintainable only by such a body, will be broken down; the tranquillity and happiness of the vast population which that empire contains, the interests of this country in Asia, and its constitution at home, will be imminently endangered.

No. LXXVII.
Resolutions
General
Court.

That

LIST OF FURTHER PAPERS

*Respecting the Negotiation for a Renewal of the East-India Company's
exclusive Privileges, printed by Order of the Court of Directors for the
Information of the Proprietors.*

No. LXXVIII.

Minutes of a General Court of Proprietors, held on Tuesday, the 19th January 1813.

No. LXXIX.

Minutes of a General Court of Proprietors, held on Friday, the 22d January, 1813.

No. LXXX.

Minutes of a General Court of Proprietors, held on Tuesday, the 26th January 1813.

N^o. VII.

FURTHER PAPERS

RESPECTING

THE NEGOCIATION

FOR A RENEWAL OF THE

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London:

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1813.

No. LXXVIII.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING TO
THE EAST-INDIES,

Held on Tuesday, the 19th of January 1813.

Minutes of last Court of the 5th instant were read:—

The Chairman acquainted the Court, that it is met by adjournment, for the purpose of taking into further consideration the papers laid before them at their last meeting.

The following motion was then made and seconded, *viz.*

“ That this Court perceives with deep regret, that after a long correspondence and discussion, conducted with exemplary firmness, temper, and ability, on the part of the Court of Directors, and with much difference of opinion among the several Ministers who have represented His Majesty’s Government in the discussion, and closed on the part of His Majesty’s present Ministers with a reference to the petitions lately presented to Parliament, as a ground of their new determination, the parties have at length arrived at a point when decision is absolutely required, between the ruin of the Company and the disappointment of the petitioners against their Charter.”

And after a debate of considerable length,

The question of adjournment of the said debate was moved and seconded;

But it having been signified by a Proprietor, that an amendment to the first motion was prepared and intended to be made,

The question of adjournment was, by consent of the Court, withdrawn.

It was then moved and seconded, pursuant to the intimation already given, to amend the first motion, by leaving out all the words after the word “ that,” in order to substitute the following words, *viz.*

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Court, 19th
Jan. 1813.

" That this Court, deeming it prudent and proper to acquiesce in the principles and preliminaries stated by His Majesty's Ministers, through the President of the Board of Control, in the papers laid before the Court, respecting the renewal of the Company's Charter, with certain provisions in favor of the merchants and manufacturers of Great-Britain and the Outports of these realms."

" *Resolved*, That it be referred back to the Court of Directors to continue their negotiation for the carrying these principles into effect, this Court relying on due attention being paid to secure to the Company as great advantages in their commerce, as are consistent with their claims upon the public, and the prosperity and interests of the country at large; and for that purpose, by proper regulations, to guard against the mischiefs that might arise from disputes in India or in England, between those engaged in the commerce, to protect the trade from smuggling, and those consequences which are now dreaded by a departure from the present established system; and particularly to prevent the residence or interference of Europeans in any part of India, so as to endanger the Company's governments there, in their exclusive administration of the territorial possessions which they now have or may hereafter obtain, as well in their revenue as in their judicial and military departments. That the Directors be instructed to endeavour to obtain from His Majesty's Ministers a guarantee to the Proprietors of India Stock, for their capital stock and dividends, in case the trade and territories should, at any future period, be taken under the immediate management of His Majesty's Government, or not afford the necessary supply for the discharge of the same. That as the Company consider themselves guardians of the prosperity of the empire in India, and protectors of the liberty and happiness of the millions of people who live under their government, they repose confidence in the abilities of their Directors and the wisdom of the Legislature, that every possible safeguard will be provided, to prevent danger to the empire and injury to its people."

And a debate having arisen on the proposed amendment,

It was moved, and on the question,

Resolved, That the further debate on the said questions be adjourned till Friday next, the 22d instant.

And

And it was then moved, and on the question,
Resolved, That this Court do now adjourn till Friday next, the 22d instant.
And the Court adjourned accordingly.

No. LXXIX.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND, TRADING
TO THE EAST-INDIES,

Held on Friday, the 22d January 1813.

Minutes of last Court of the 19th instant were read:—

The Chairman acquainted the Court, that it is met by adjournment, for the purpose of taking into further consideration the papers which were laid before them on the 5th instant.

The Court then proceeded to take into consideration the motion made at the last General Court, and the amendment proposed thereto.

And after a debate of very considerable length,

It was moved, and on the question,

Resolved, That the further debate on the said motions be adjourned till Tuesday next, the 26th instant, and that a General Court be summoned to meet on that day, at eleven o'clock in the forenoon, precisely.

And then the Court, on the question, adjourned till Tuesday next accordingly.

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No. LXXX.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND, TRADING
TO THE EAST-INDIES,

Held on Tuesday, the 26th January 1813.

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General
Court, 26th
Jan. 1813.

Minutes of last Court of the 22d instant were read:—

The Chairman acquainted the Court, that it is met by adjournment, for the purpose of taking into further consideration the papers which were laid before them on the 5th instant.

The motion made on the 19th instant, and the amendment proposed to be made thereto, were read.

It was then, after a debate of considerable length, moved, that the words in the original motion, proposed to be omitted, stand part of the question.

And the question thereon being put,

The same was carried in the Affirmative.

The main question being then put,

It was

Resolved,—That this Court perceives with deep regret, that after a long correspondence and discussion, conducted with exemplary firmness, temper, and ability, on the part of the Court of Directors, and with much difference of opinion among the several Ministers who have represented His Majesty's Government in the discussion, and closed on the part of His Majesty's present Ministers with a reference to the petitions lately presented to Parliament, as a ground of their new determination, the parties have at length arrived at a point, when decision is absolutely required, between the ruin of the Company and the disappointment of the petitioners against their Charter.

Resolved

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Court, 26th
Jan. 1813.

Resolved,—That on former discussions relative to the renewal of the Company's charter, and particularly in 1793, His Majesty's Government were prepared, at the outset, to state the precise extent of concession which could safely be allowed to the petitioners against the Company's charter; and their mature conviction appeared then to be, that the requested monopoly of the Company was essential to the interests of the country, and that this consideration alone was a sufficient answer to all pretences for interference with that monopoly.

That the territorial possessions of the Company in India are their certain right, and that the system provided for the Indian Government by the wisdom of Parliament, together with the disinterested spirit in which it has been administered by the Company, have extended and consolidated the British Empire in the East, and added to the strength and glory of the British Empire at Home.

That the trade of the Company has long ceased to bear the character of a strict monopoly; and that, by some further modifications, if thought indispensable, in addition to the arrangements of 1793 and of 1802, it may be rendered as much an open trade, as will be consistent with the security of revenue and the prosperity and safety of the Indian empire.

That it is the opinion of the ablest Indian statesmen, as well as of the generality of persons acquainted with India, that no large or sudden addition can be made to the amount of British exports to that country or China; that this opinion is confirmed by the practice of the Americans, who export chiefly bullion, and by the overloaded state of the Indian markets; that the habits and religion of the natives are hostile to any such extension; and that the Company actually suffer a loss in this department of their concerns, with the view of employing the capital, and encouraging the industry of their countrymen at home.

That so far as relates to the ordinary produce of India, the import trade is now carried to the full extent of the demand, as appears by the value of three millions and a half sterling of private property at this moment remaining in the Company's Warehouses; and that to open the Outports to that trade, would be no other than a ruinous transfer of it into new channels, to the destruction of immense and costly establishments, and the beggary of many thousands of industrious individuals.

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That an extension of the trade in other products, the *supposed* effect of opening the Outports, could be realized only by a large transfer of capital to India, and its consequent colonization; that, if realized, it might fatally interfere with the manufactures of England, or with her commerce to countries where similar products are already raised by British capital, imported in British shipping, and paid for by British manufacturers, and that thus, such extension would deeply injure those very persons who are most impatiently petitioning for it.

That any unrestrained intercourse of Europeans with our Indian Empire is highly to be deprecated; that the unlimited competition of commercial agents would, from the peculiar circumstances of the country, produce "a boundless scene of confusion and fraud, and ultimately the ruin of the manufacturers themselves;" and that tempting opportunities would be held out to the agents to maintain illicit intercourse with the Native Powers, and to conduct a dangerous system of communication with China from the Eastern Islands.

That this Court do most highly approve the conduct of the Directors upon the vital question of admitting the Outports to the import trade from India; and that the confusion and hazard from irregular sales at the Outports, the loss to the revenue from smuggling, and the consequent ruin of the Company's China trade, are decisive obstacles to the policy of such a measure; they are therefore firm of opinion, that the Court of Directors should, on no consideration whatever, cede this point in the discussion.

That it also appears, from numerous petitions presented to the last parliament, that on the faith of approved and long established practice, an immense capital has been invested in establishments, peculiarly adapted to the export trade between India and China; and that many heavy engagements have been entered into by persons in the city of London, and on both banks of the Thames, from London-bridge to Gravesend, the very subsistence of many of whom depends upon the continuance to the port of London of the export trade to India and China; and that nearly 10,000 industrious artificers, together with their families, would be in danger of beggary, in proportion as they would be thrown out of employment, by the removal of the export trade from its accustomed channel. This Court therefore conceives, that it is of vital importance to the city and port of London, that the export trade to India and China should continue to be carried on as heretofore.

That

That since the high duties on articles imported would still remain, the abatement in the price of freight expected by the petitioners to ensue from the subversion of the present system, would be productive of trifling relief to the consumer; and that this relief would be purchased at the extreme hazard of the revenue of Customs and Excise, now collected easily by the Company, as well as imminent danger to all the sources of their wealth in India.

That there is no foundation, in fact, for the statement which ascribes to the Company's charter the advantages enjoyed by neutral foreigners over British merchants, in the admission of the former to a trade from which the latter are excluded; for that the profit with which that trade has been carried on by those foreigners, has been entirely owing to the facilities necessarily belonging to their neutral character, and which, of course, cannot belong to the merchants of a belligerent state.

That the discharge of the political functions of the Company depends on the continuance of its commercial privileges. That the propositions of His Majesty's government, by giving a fatal blow to the commercial interests of the Company, will, if insisted on, eventually terminate in its political dissolution; and that political advantages, of the highest importance, will thus be lost to the country, among which the following deserve to be distinctly noticed, as much too valuable to be sacrificed for a trifling reduction in the freight of Indian goods to Europe.

1. A marine of 100 large ships, containing a tonnage of 103,333 tons, employing 1400 officers and 10,000 seamen, of acknowledged skill and bravery, and which has been found ready and able, at all times, to minister to the national convenience and to augment the national glory.

2. An extensive establishment of yards, which has often rendered large and seasonable assistance to the Royal Navy, and might, in cases of necessity, be made available to the national defence.

3. The remittance of the fortunes accumulated by above 3,000 officers of the Company's military service, and some hundreds of civil servants, which are transferred to the capital, and stimulate the industry of Britain.

That, in addition to these considerations, the liberal disbursements of the Company for national enterprizes, and the meritorious contribution of their

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service to the National Fund of strength and glory, are entitled to a just and honorable remembrance, in the preparation of any measure which may vitally affect their interests.

That connected with this department of the subject, is the extreme danger to which, in case of the Company's dissolution, the balance of the Constitution would be exposed, by the transfer of the Indian Patronage to the Crown, and the enormous burden which would be entailed on the public, in satisfying the claims of compensation on behalf of the Company, and of all the complicated interests which would be involved in its fate.

That, by the destruction of the Company, a vast number of those Proprietors, amongst whom its capital of twelve millions sterling is divided, would be reduced to extreme distress; and nearly forty thousand persons, directly employed by the Company, with many others indirectly concerned in its prosperity, would be brought to a state of absolute beggary.

That, from the tenor of the preceding considerations, it appears to this Court, that no case of political or commercial delinquency has been established against the Company, to justify the ruin with which they are threatened, or to forfeit their claim to a continuance of their Charter: that, on the contrary, their commercial management has been frequently deranged and interrupted by costly enterprises, to which they were compelled on grounds of imperial policy, and which no temporary possession could have induced them to execute: that their remonstrances against these undertakings were silenced by reference to future and distant recompense, in the improved prospect of permanent peace, revenue, and commerce, and that, by arguments which implied little less than a pledge that their privileges should be continued, at least until their indemnity should be complete: and that it is manifestly unjust to allege against them, as a proof of commercial mismanagement, pecuniary difficulties arising out of this forcible diversion of their commercial funds to national purposes.

That, with a view to their financial difficulties, thus incurred on the Public account, the Directors, in the year 1803, apprehending the consequences of the transfer of the Indian territorial debt to England, proposed methods to meet and provide for those consequences; but that His Majesty's Ministers refused to forward those propositions to India, and have not substituted any other proceeding for the same end.

That

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Court, 26th
Jan. 1813.

That the Court appeal confidently to the following particulars, from the close of the Fourth Report of the Committee of the House of Commons appointed in the late Parliament, for a proof, not only that the Company have carried on their affairs without any expence to the finances of this country, but that the operations of their system have been in manifold ways beneficial to its interests.

1st. That since 1791, British industry has been encouraged by the employment of £46,000,000.

2d. That the produce and manufactures of India, purchased with this sum, together with those of China sold in England, realized in sale amount nearly £140,000,000.

3d. That the purchase of the produce and manufactures of England amounted to £29,200,000.

4th. That the employment of British shipping amounted to £25,000,000.

5th. That the duties on imports, collected through the Company at a trifling expense to Government, amounted to £39,300,000; and on exports to £660,000;—together, £39,960,000.

6th. That the combination of these, and other sums, producing £185,960,000, shews that, on an average of the last seventeen years, £10,900,000 has been diffused in various channels through the whole circulation of the British Empire, &c.

That, for proof of the moral and political benefits derived to the population of India from the government of the Company, this Court appeals to the Fifth Report of the Committee of the House of Commons, which exhibits the gratifying picture of a people raised from the lowest disorder and degradation, to a state of industry, security, and freedom; and that his Court confidently hopes, the improvement in the condition of fifty millions of natives will not be interrupted, by the pernicious experiments to which the sanction of Parliament is now so loudly solicited.

That the interests of the Company are now become so interwoven with the political and commercial system of Britain, that, by their sudden dissolution, the credit and grandeur of this country would receive a shock, which *must* be perilous, and *might* be fatal: and that the measures proposed by Government are therefore anxiously to be deprecated, inasmuch as they must have the effect of bringing the Company to speedy destruction.

That,

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That, with such a case in favor of the Company, the Court is assured they may approach Parliament with confidence, and without the smallest alarm from the misrepresentations with which they have been assailed; and they are persuaded that the wisdom of that enlightened body will never countenance the sacrifice of clear and positive interests of one class of men, to the contingent and uncertain advantage of another; nor demolish a mighty practical system, which has been raised by such immense exertions, in order to place its materials at the disposal of interested speculation.

That this Court approves, most highly, the firm exertions, by which the Directors have now enabled the Company, if necessary, to bring their case in its integrity before the tribunal of Parliament. They tender their warmest thanks to the Chairman, the Deputy Chairman, and the Court of Directors, for their zeal and ability in support of this important cause; and they trust that, if any opening should present itself for a renewal of the discussion between the Company and His Majesty's Government, upon the principles detailed in this resolution, it will be conducted by them with the energy and moderation which they have hitherto displayed.

And the Court, on the question, adjourned.

No. VIII.

FURTHER PAPERS

RESPECTING

THE NEGOCIATION

FOR A RENEWAL OF THE

EAST-INDIA COMPANY'S EXCLUSIVE PRIVILEGES.

London:

PRINTED BY ORDER OF THE COURT OF DIRECTORS, FOR THE INFORMATION
OF THE PROPRIETORS,

By E. Cox and Son, Great Queen Street, Lincoln's-Inn-Fields.

1813.

LIST OF FURTHER PAPERS

Respecting the Negotiation for a Renewal of the East-India Company's exclusive Privileges, printed by Order of the Court of Directors for the Information of the Proprietors.

No. LXXXI.

Minute of a Secret Committee of Correspondence, the 27th January 1813.

No. LXXXII.

Minute of a Court of Directors, held on Wednesday, the 10th February, 1813.

No. LXXXIII.

Report of the Committee of Correspondence, dated the 9th February 1813, noticed in the preceding minute.

No. LXXXIV.

Letter from the Chairman and Deputy Chairman to the Right Honourable the Earl of Buckinghamshire, dated the 10th February 1813, also noticed in the preceding minute.

No. LXXXI.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 27th January 1813.

THE Committee adverting to the following passage in Lord Buckinghamshire's letter of the 4th instant, *viz.*

" I may add, however, that as the merchants and manufacturers connected with the Outports, considering themselves entitled, at the expiration of the Charter of the East-India Company, to carry on that trade, from which they had been excluded for a limited time, had entered into a statement of their case, by petitions presented to Parliament in the course of the last session, you may obtain from those records that further information which you appear desirous to possess."

And the Committee deeming it proper, in consequence, to enter into the consideration of the petitions above referred to,

Ordered, That the said petitions be laid before the Committee.

No. LXXXII.

AT A

COURT OF DIRECTORS,

Held on Wednesday the 10th February 1813.

A report from the Committee of Correspondence, dated the 9th instant, being read, detailing at considerable length their observations and opinions on the arguments urged in the petitions from the Outports, that the East-India trade may be thrown open, and the Committee also submitting draft of a letter to the Earl of Buckinghamshire, transmitting a copy of the said report for his Lordship's information,

Resolved unanimously, That this Court approve the said report and draft of the letter therewith submitted, and that the said letter and report be transmitted to the Earl of Buckinghamshire, for his Lordship's information, accordingly.

Draft

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Draft of a petition to the Honorable House of Commons, praying a renewal of the Company's exclusive privileges of trade, was read and unanimously approved; whereupon

The draft of an advertizement, giving notice that a General Court will be held at this House, on Wednesday next, the 17th instant, for the purpose of taking into consideration the said petition, was read and approved.

No. LXXXIII.

REPORT of the COMMITTEE of CORRESPONDENCE, dated the 9th February 1813, noticed in the preceding Minute.

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The President of the India Board having, in his recent letter of the 4th January, referred the Court to the petitions presented to Parliament in the course of last session, from the Merchants and Manufacturers connected with the Outports, for fuller information than had been then imparted to the Court, concerning the representations which had induced His Majesty's Ministers to be of opinion, that the import trade from the East-Indies should not be confined to the Port of London, your Committee determined on examining those petitions, as they stand recorded in the votes of the House of Commons. But, in going into this task, your Committee found, that it involved a review of all the petitions lately preferred against a renewal of the Company's Charter, because the arguments in favour of the Outports were interspersed through them. The whole of those petitions have, therefore, been perused; and one remark which immediately presents itself on that perusal,—a remark entitled, in the opinion of your Committee, to particular attention,—is, that those arguments in behalf of the Outports are, in a very material degree, the arguments which are directly urged for the abolition of the whole of the Company's exclusive commercial privileges; and the claims of the Outports are contended for, as a part of the entire freedom in the Eastern trade, which is demanded for all the subjects of the empire. The places, especially, which are strictly Outports, proceed in their petitions upon principles which arraign every species and degree of monopoly; and it is chiefly from those principles that they deduce, as a consequence,

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consequence, the right of the Outports to a free participation in Indian imports. But as, in the deliberate and just opinion of His Majesty's Ministers, those principles and arguments are not valid for the main claim of the petitioners, it is to be presumed, that neither can they, in the same opinion, be valid for the subordinate claim of the Outports, so far as it is rested on the same foundations, which, however, are the foundations built on by the generality of the petitions. The few remaining arguments on this question, relate, principally, to the facility and certainty with which the revenue may be collected at the Outports, and to the safety with which the honorable men, composing the commercial class of this country, may be admitted to all the settlements and countries of the East. But these are mere assertions of opinion, to be classed with the "untried theories" of the time, and, as far as the light of experience goes, opposed by it. If they were even proved, which they are in no degree, they would not, by any means, satisfy all the great interests abroad and at home, which are involved in the question of the Outports; and therefore your Committee are entirely at a loss to discover, how the arguments in favor of those ports, as they stand in the petitions to Parliament, resting chiefly on principles which His Majesty's Government do not admit, have so presented themselves to the Ministers, as, in their view, "to establish a claim against an absolute restriction of the import trade to the port of London;" or how, from the *ex-parte* representations of those petitions, which proceed on the demand of an entire liberty of trade to India and China, a demand resisted by His Majesty's Government, any clear definite idea is to be obtained of that degree of "liberty of trade, which the merchants may enjoy, without injury to other important national interests." And hence your Committee humbly conceive, that this problem, so important in its nature, namely, the measure of further liberty, which may be safely granted, still remains to be solved, and requires deliberate and accurate investigation.

These remarks may, perhaps, receive some confirmation, from the succinct view which your Committee, enlarging somewhat their first design, are now about to submit, of the principal matters contained in the petitions for the abolition of the Company's commercial privileges, and of the answers to which they are obviously liable. Although the same allegations, which are thus urged, have often been combated, it may be proper, on account of the channel in which they

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they now come forward, and of the publicity of the present discussion, to give some distinct reply to them, which will, at least, further evince the disposition of the Court to shrink from no charge, and to shun no inquiry.

All the material objections which appear in those petitions to the renewal of the Company's Charter, may be comprised under the following heads:—

1st.—That commercial monopolies, especially if extensive and long continued, are, in their nature, and according to the experience of past ages, inexpedient, impolitic, and unjust; and that the monopoly of a joint stock company must be managed with negligence, waste, and prodigality, unlikely to be practised by private merchants. (Some of the petitions admit, that monopolies may be tolerated in the beginnings of trade.)

2d.—That the monopoly of the East-India Company has been injurious to the nation, great evils having resulted from it:—that it is inadequate to an extended trade; has locked up national capital; has retarded improvement; has not advanced trade, nor carried it to many countries within the Company's limits:—that it cools the ardour of generous and liberal competition; has deprived the woollen manufacturers of Gloucester, Wiltshire, Exeter, Shrewsbury, and the manufacturers of other places; some, of supplying an immense population; others, of preparing articles for China, on lower terms than the Company allow; others, of carrying on trade with India and the countries north of it; others, of receiving orders, infinitely beyond what they now obtain from the East-India Company:—that it is (particularly in the opinion of the Staffordshire potters) unfavourable to the introduction of *new articles*:—that its exports to the East do not amount to a fifth of the exports of this country to America:—that all ideas of participation in the profits of a monopoly trade, by payment into the exchequer, ever will be vain and illusory; of which the disappointment of the nation, in regard to the Company, is a complete illustration:—that the intention of opening the trade will be frustrated, by leaving the Company any control over private-trade:—that it is proved, by undeniable documents, that if the trade be allowed to remain under its present restrictions, it will languish, decay, and pass into the hands of other states:—that it must, if continued, *diminish* the sources of private wealth and national

national revenue:—that the reasonings in favor of the monopoly proceed from narrow partial views, have been demonstrated fallacious, and will apply equally to every other branch of British commerce:—that it is humiliating to individuals, degrading to the national character, and a national grievance.

3d.—That, notwithstanding the *increase* of the Company's territories, their trade has *decreased*, though protected from enemies and hostile rivalry:—that, since the renewal of the Charter in 1793, they have added greatly to their debt:—that the pecuniary participation held out to the country in 1793, has not been realized, but has been converted by the East-India Company into repeated claims on the public purse and credit, for enormous sums to support their establishments; and that further, and still greater pecuniary assistance is now required, to avert embarrassments, in which they may be soon involved.

4th.—That a full and free right to trade to and with all countries and people in amity with His Majesty, and more particularly those countries *acquired and maintained by the efforts and valour of the forces of His Majesty*, is naturally the undoubted birthright and inheritance of the people of this empire, of every subject of it, and every port in it; and that the unrestrained exercise of that right is essentially necessary to the maintenance of the manufacturers, and prosperity of the commerce of this country:—that the confinement of the Eastern trade to the port of London would be a violation of that right, at once unnecessary, unjust, and impolitic:—unnecessary, because the duties may be collected with greater ease and less loss by pilferage in the Outports, the taxes on West-Indian and American produce being now collected with known safety:—unjust, because every mercantile place in the United Kingdom is entitled to the same privileges:—and impolitic, because the superior economy and dispatch that prevail in the Outports, are requisite to secure an equality with foreign nations. In these claims for the Outports, there is a general concurrence in the petitions from Plymouth, Glasgow, Paisly, Dundee, Arbroath, Leith, Edinburgh, Belfast, Bristol, Liverpool, and Hull; of which three last-mentioned places, Bristol and Liverpool state, that they have, in contemplation of the opening

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bring all the produce of the East to its proper level in the home market, to the great benefit of this country; would enable our manufacturers, with more advantage, to exert their skill and industry to produce new articles of trade, and to give full employment to the operative classes of the community; would circulate the trade, now confined to London, through every part of the United Kingdom; would be the means of increasing our maritime strength, our financial resources, and the wealth and glory of the British Empire. Such is the general tenor of the petitions on this head; but the language of the one from Sheffield is so animated and sanguine, that it may not be improper to transcribe a part of it. "The petitioners are fully persuaded, if the trade to the East-Indies were thrown open to all His Majesty's subjects, such new and abundant markets would be discovered and established, as would enable them to set at defiance every effort to injure them, by that sworn enemy to that it is a perity and the peace of Europe, the present unprincipled rule, there were; and that the petitioners doubt not, if the trade of this United Kingdom were permitted to flow unimpeded over those extensive, luxuriant regions, though it might, in the outset, like a torrent repressed by obstruction, when its sluices were first opened, break with an uncontrollable impetuosity, deluging, instead of supplying the district before it, yet that very violence, which, at the beginning, might be partially injurious, would, in the issue, prove highly and permanently beneficial; no part being unvisited, the waters of commerce, that spread over the face of the land, as they subsided, would wear themselves channels, through which they might continue to flow ever afterwards, in regular and fertilizing streams; and that, to the wealthy, enterprising, honorable, and indefatigable British merchant, conducting in person his own concerns, no obstacle would prove insurmountable, no prejudice invincible, no difficulty disheartening: wants, where he found them, he would supply; where they did not exist, he would create them, by affording the means of gratification."

9th. That the imagined hardship of depriving the Company of the only lucrative branch of their trade, that to China, will be alleviated, by the

the wealth, influence, knowledge, and experience, which, in their united capacity, they will still be enabled to oppose to the unassisted efforts of private merchants:—that if, indeed, the Company can carry on trade to greater advantage than the private merchant, they have nothing to fear; they will reap their merited reward by the benefit of competition; and without competition, neither would commerce have risen to its present standard, nor will it increase to bear the increasing expenses of the nation:—And with respect to the danger of excessive speculation, it is said by Glasgow to be imaginary, because the enterprize of individuals is uniformly limited by their means and success; because any evil of this nature is temporary, and checks itself; and that, *the very worst that can occur, in the event of the abandonment of the trade by the public, would be, that matters would again return to their present state.* On all the grounds, therefore, stated in the petitions, they in general require a full and entire freedom of trade to the Eastward of the Cape of Good Hope, including China, and all the countries within the Charter of the East-India Company; and, for the means of indemnifying or remunerating the claims of the Company, one petition proposes, "a fair and equal impost on the trade in question"

Your Committee having thus submitted an abstract, under different heads, of the contents of the petitions, in which abstract, they are persuaded, nothing material is omitted, will now proceed to offer some observations on each of those heads.

And first, —With regard to the doctrine of monopolies in general, your Committee do not conceive, that they are much called upon to enter into any discussion of it; because, what is termed the monopoly of the East-India Company is, as it now exists and has long existed, an institution of a singular nature, formed upon principles peculiar to itself, not merely or chiefly for the purposes of trade, and must be examined with reference to the ends of its institution, and the importance of those ends, which will be the subject of the next article. In the mean time, it may be observed upon this first head, that the ablest writers on political economy, and the most strenuous against monopolies, have not condemned them simply and universally, as most of the petitions

of the trade to India, enlarged their docks; and Hull, that there should be no restraint as to the size of vessels to be admitted into the Indian trade.

5th. That no satisfactory reason can be assigned, why the trade to China should not be opened:—that the difficulty apprehended in collecting the tea duties is ideal:—that the British character forbids injurious suspicions, as to inconveniences in India and China from opening the trade:—that, in the avowed opinion of one set of petitioners, the merchants of this country should be allowed to trade directly from the East to the British West-Indies; and another set claim, that the products of the East shall, without being first landed in this kingdom, be transported to the British West-Indies, the American colonies, and all other countries south of Cape Finisterre, and within the Mediterranean.

6th. That the existing monopoly has, contrary to reason and justice, led to a singular peculiarity,—the concession of privileges to foreign nations in amity with His Majesty, which are rigorously denied to merchants of the British empire; or, according to others, that the trade is open to *all the world* except British merchants:—that the American States have long enjoyed this trade, at the expense of our own people, employing British capital, and compelling the Company to shrink from competition:—that they have engrossed a great part of this trade, and also of that to China, which the Company formerly possessed:—that the American merchants, being unfettered, have undersold the Company in the markets of Europe, have deprived them of those markets, and also the markets of South America, the West-Indies, the Mediterranean, and Malta, whilst the English trade has become less extensive and profitable:—that the example of the citizens of the United States, who have evinced the superiority of individual industry, when opposed to the negligence and prodigality of a joint stock company, and the delays and abuses of their concerns, proves the competency of British individuals to carry on an extensive commerce to the East-Indies, China, and other countries within the Charter of the Company:—that the monopoly is favorable to foreigners, injurious to British subjects, and its abolition necessary, to enable British merchants to meet neutrals, and other foreigners, in fair competition with the products of the East

East in their own markets; or at least, according to others, that British subjects should be put on a footing with foreigners in this trade.

7th. That the distresses and privations of the manufacturing and trading classes (distresses aggravated, say some, by the monopoly of the East-India Company), under the continental system of Buonaparte, the disputes with America, the exclusion from usual markets, the stagnation or decline of trade, are grievous:—that the mercantile, manufacturing, and shipping interests, all suffer:—that the country is burthened with great naval and military establishments:—and that, under such hardships, pressures, and exclusions, every possible relief is wanted, and new sources of trade ought to be looked for; and that, on account of the existing war, and for the maintenance of our naval superiority, and the preservation of our commercial, maritime, and financial interests, an open trade is necessary.

8th. That it is a well ascertained fact, that during the time of the Protectorate, there were men who boldly violated the Company's Charter, and carried on the trade with such success, that they were able to sell the commodities of the East in the different markets of Europe, on lower terms than had ever been known; and, at this day, individual merchants have traded to India with profit, even under all the difficulties, delays, and taxes imposed upon them by the Company:—that the private trade has continued to increase, although fettered with many restrictions; but that these restrictions deter people, unacquainted with India, and residing at home, from engaging in the trade:—that a free trade to the East would be a measure admirably calculated for removing present evils, would be a substitute for the loss of European commerce, an equivalent for all other markets, and would necessarily open new and extensive markets; a field greater than any other country offers, and beyond the grasp of the enemy; a field to British skill, industry, and enterprize, and to capital, otherwise useless, whilst the national resources are stunted:—that thousands, who are now reduced to idleness and poverty, might be actively engaged:—that the capital, spirit, and knowledge of British merchants, are unbounded:—that a free trade to India would turn the wealth acquired by the foreign merchant into the pockets of the subjects of this country; would excite a fair emulation to

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petitions now in question do. Even, Dr. Adam Smith acquiesces in the establishment of the chartered Banks of England and Scotland, which are a species of monopoly; and he praises the Act of Navigation, which is founded on the principle of exclusive privilege. He admits, also, the propriety of a temporary monopoly of new machines and new books; and what is more immediately to the present purpose, he grants, in agreement with Montesquieu and others, as some of the petitioners seem also candidly to allow, that "when a company of merchants (to use his own words) undertake, at their own risk and expense, to establish a new trade with some remote and barbarous nation, it may not be unreasonable to incorporate them into a joint stock company, and to grant them a monopoly, in case of their success, for a certain number of years. It is the easiest and most natural way in which a State can recompense them for hazarding a dangerous and expensive experiment, of which the public is afterwards to reap the benefit." But, even in this proposition, it may be observed, that the interests of the two parties, the company of merchants and the public, seem scarcely to be equally cared for. The privilege given by the State is a privilege for its own benefit, which is to cost it nothing should the experiment fail; and of which it is to enjoy the permanent advantage, if the experiment succeed. It is safe from loss; and besides its share of what present advantage there may be, is to have ultimately the fee-simple of all the gain that may result. Undoubtedly, in this case, the term of enjoyment by the merchants, after all the season of hazard and vicissitude is past, should be ample; and it were to be wished, that those who are now so eager to take gratuitous possession of all the commercial establishments, formed at such immense risks and expense by the East-India Company, would consider more equitably than the language of their petitions does, the fair claims of a body, even if regarded merely in a commercial light, who have hitherto been working through a long series of time, of difficulties, and dangers, to the vast benefit of the nation, whilst their own fair compensation yet remains to be obtained.

Secondly,—With respect to that species of exclusive privilege, called the East-India Company's monopoly, your Committee cannot begin their remarks upon the accusations brought against it, without lamenting the surprising want
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of information which the generality of the petitioners discover, relative to the Company's System, conduct, and affairs; and, your Committee are compelled to add, a mortifying defect of attention, also, regarding things that could not possibly be unknown to the petitioners. They treat the whole question of the *monopoly*, as if it were purely a commercial question; as if it involved no high question of policy; as if it stood unconnected with the acquisition, the government, and the preservation of a great Indian empire; and as if, from its political relations, the question concerning it had no bearing on the British constitution. Thus, say some of the petitioners, "the reasonings in favour of the monopoly proceed from narrow partial views, demonstrated to be fallacious, and which will apply equally to every other branch of British commerce;" whereas it is abundantly obvious, that the exclusive commercial privileges enjoyed by the Company in the Indian trade (however well entitled they are to them on other accounts) are contended for by them, and have been continued by the Legislature, mainly because deemed to be necessary for the political government of India, and not at all on account of any pecuniary participation, which one of the petitions erroneously assumes to be now in question. The same cause also was understood to require the continuance of the China monopoly, though that privilege stands upon other irrefragable grounds, as the unlimited admission of British ships into any quarter of the Eastern Seas could not be thought compatible with the system adopted for the security of our eastern territorial possessions. The commercial monopoly therefore is, in a word, an instrument in the hands of the Company, for the political government of India. Such it has been maintained by them, and admitted by Ministers, in the discussions respecting the Charter, to be; but this great truth, either as a fact or as a principle, is unnoticed in the petitions. Some of the petitioners are, indeed, so just as to recollect, that the India Company have territorial rights, and to say that it is not their wish to trench on them; but they do not seem to be aware, that those rights can be enjoyed only through the medium of commercial privileges, or that any provision can be made for securing them, compatibly with their own claims for an universal opening of the Eastern trade. The petitioners proceed, not only as if the renewal of the privileges in the Indian trade were merely a question of commerce, but as if it were a question of strict monopoly,

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monopoly, such as was agitated in King William's time. To the admission given to private merchants into the Indian trade by the act of 1793, enlarged by the arrangement of 1802, and in practice occasionally still farther extended (not to speak of the considerable privileges enjoyed by the commanders and officers of the Company's ships), the petitioners do not advert, except to blame the Company for the alleged inefficiency of all those concessions, which, in reality, greatly relaxed the monopoly, and made it what the late Lord Melville called a regulated, or qualified monopoly. In thus censuring the Company, the petitioners resort to some representations formerly brought against them, and sufficiently answered on their part; except in respect to the irregular dispatch of the extra ships from India, a matter originating with the governments there from the political circumstances of the times: but that controversy is now past, and quite irrelevant to the present state of things; for another point to be held up to particular attention is, that the Company have lately acquiesced in vastly larger concessions, that is, in a general trade between the United Kingdom and India, through the port of London. Yet this new and great change in the Indian system, the petitioners too generally overlook. That it has ever attracted their notice, is only to be inferred from their contending, that the trade shall be general to all the ports of the kingdom; but in their attacks upon the Company, they act as if the whole original structure of the monopoly were still standing and obstinately defended, and when the Company acquiesce in large relaxations, the petitioners nevertheless persist in charging them with all the evils of the most rigid monopoly, for the purpose, as it would seem, of aggravating the case against the Company in the eyes of Parliament and of the public, and strengthening the prejudices, which so much pains have been taken to diffuse. Thus the political part of the Company's system, and its intimate connexion with the commerce, is left entirely out of sight; and the present state of the Company's commercial privileges is not accurately represented, nor the actual state of the question, concerning the future measure of those privileges, fairly brought into view.

But it ought to be again and again pressed upon the public attention, that the first and great object, in any new arrangement for India, is not commercial, but political; and that the safe and beneficial administration of that empire is a consideration

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consideration paramount to all others. No one has denied, either that the Company have conducted, and do conduct the administration, to the great improvement of the security and happiness of the vast population that empire contains; or that the government of it should remain with them, and consequently that the means requisite to enable them to continue to execute so great a trust, should also be afforded. The nature and extent of those means form, therefore, the precise question now at issue: but on this important point, as has been already intimated, the petitions in general are quite silent, and the propositions contained in them go to deprive the Company wholly of those means, particularly the monopoly of the China trade, the reasons for continuing which will be explained in a subsequent head.

With regard to the effects of the monopoly on the manufactures, trade, and other interests of this country, if any thing said in these days to the discredit of the Company could occasion surprize, it would be the representations given in the petitions on that head. The Company are accused of obstructing the export of the manufactures of this country, even by some (with an honorable exception of the rest) of those woollen manufacturers, who have owed their chief employment to the Company's commissions, continued for the benefit of the nation, under a certainty of deriving no profit from the exported article.

Of those "undeniable documents," by which one of the petitions, in an authoritative style, affirms, "it is proved, that if the trade be allowed to remain under its present restrictions, it will languish, decay, and pass into the hands of other states; that the monopoly must, if continued, diminish the resources of private wealth and of national revenue;" your Committee have never heard, and they cannot conceive, that any such documents exist. It is more probable, that the Petitioners have put their own sense upon the statements of the Company, which furnish the most authentic materials in this case, and if fairly examined, with a reference to other relative circumstances, will lead to conclusions directly opposite. The subject of the American trade to India, which seems chiefly alluded to, will be discussed in the sequel. That trade, as will hereafter more fully appear, has owed its increase essentially to the state of war, in which this nation has been placed for a long

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series of years past. If the American trade with India were still going on, a much easier and juster remedy for the alleged evils of it could be found, than the extinction of the Company's remaining commercial privileges. But these heavy forebodings are pronounced, when America, and every European nation (the distressed one of Portugal excepted) are actually wholly excluded from the Indian Seas.

There seems to be a general and deplorable delusion, respecting the practicability of a vast extension of the sale of the manufactures of this country in India and China, and of the productions of those countries here. This question will be the immediate subject of a following article; but your Committee may, in the mean time, confidently say, that the Company have, in a long course of years, made more numerous, persevering, costly experiments, in attempting to push the vent of British commodities, particularly woollens and metals, in the East, than the means, the resources, the safety of private merchants, are likely to enable them to make. The correspondence of the Company with their servants abroad, at different periods, on this interesting concern, would fill many volumes. That the East-India Company, far from impeding the prosperity of the country, as the petitions, in opposition to history and experience, allege, have, by means of their monopoly, essentially contributed to its wealth and its greatness, it will be much more easy to shew, than to discover, accurately, where the limit of the advantages resulting from their institution is to be fixed. They gave a very early impulse to the manufactures and trade of this country. They opened a new commerce, not with the East only, but, by means of their returns from thence, with foreign Europe. They soon increased the ship-building, and improved the navigation of the kingdom; both which they have, in latter times, carried to a degree of advancement, that has made their fleets serviceable in the wars of the nation, and the commanders successful, in adding to the naval glory of their country. Against the jealous rivalry of the Portuguese and Dutch, they, through a long course of hostilities from a superior force, maintained for this nation a share in the India trade; they preserved it from being totally lost, amidst all the convulsions of the civil wars; they outlived, even the more dangerous innovations of subsequent periods; they upheld, in India, the national interests, against the ambitious

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ambitious designs of European enemies, and the despotic violence of native powers; and, in a long and arduous struggle, maintained, with little exception, at their own expence, they acquired a territorial empire for the mother country, which exalted its rank in the scale of nations. They have, since, expelled every European nation, except our ally of Portugal, from the Indian Continent and Ocean; and they have given a better government to an immensely extended empire, than the East ever saw before.

In all this progress, not the ability and wisdom of their civil servants only have been conspicuous, but the talents and valour of their military officers have signally added to the glory and renown of the British nation. By those officers a grand army has been formed of native troops, in discipline, attachment, and efficiency, a just subject of admiration; and from the time of the first Clive downward, the exploits performed by the Company's military servants in India equal, in brilliancy, those recorded in any period of modern history.

To all these public benefits is to be added the direct wealth, with which the Company have been the means of enriching the nation. The amount of these contributions, consisting in the profits of manufacturers, ship-builders and tradesmen, ship-owners and officers, servants and labourers, miners, re-exporters of Eastern productions to foreign parts, and other descriptions of persons gaining by the Company's trade, in dividends to proprietors, payments to Government, and the influx of private fortunes acquired in India, especially in the last fifty five years, may perhaps be moderately estimated at one hundred millions sterling. Such are the injuries, the grievances, the evils, such the degradation, which the East-India Company have brought on the country.

Thirdly.—The charges under the third head are nothing more than groundless accusations, calculated to render the Company unpopular; and, except the first article, which is new, have been often answered. As to this article, it is not true that, on the whole, the Company's imports have decreased, although the sales have, in some years, fallen off, by the exclusion of British commodities from the European Continent; an evil common to all the merchants of this country, but now the occasion of a charge against the Company. And what virtue can the expulsion of enemies and rivals from the Indian Seas have to increase trade, if, when merchandize is brought to Europe, there is only a

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were admitted: so that the whole of the danger will follow from the first step, and ought to be contemplated accordingly. It may just be observed, that the quality ascribed to certain countries, as giving the petitioners more particularly a right to a free trade with them, the quality of having been "acquired and maintained by the efforts and valour of the forces of His Majesty," properly appertains neither to Hindostan nor to China, and that the territories held by the Company were acquired under exclusive powers and privileges received from the Legislature.

Upon the same ground of natural inherent right, and of the necessity of the exercise of that right, as essential to the maintenance of the manufactures and commercial prosperity of the country, is placed the claim of the Outports to a free importation of goods from India and China. Under the fourth head, therefore, your Committee have collected the strength of the arguments contained in the petitions in support of this claim; arguments to which the President of the India Board was pleased to refer the Court. The argument of inherent right has been already considered: the other arguments, which may be given in the words of the Glasgow petition, are, "that the confinement of the Indian imports to the port of London would be unnecessary, impolitic, and unjust:—unnecessary, because, first, the ideal difficulty of collecting the taxes is fully obviated, by the known safety with which the duties are levied on articles of West-Indian and American produce; and secondly, because the duties may be collected with greater ease, and less loss from pilferage, in the Outports; unjust, because every mercantile place in the kingdom is entitled to the same privileges; and impolitic, because the superior economy and dispatch that prevail at the Outports, are requisite to secure an equality with foreign nations."

On the second of these three arguments it may be observed, that the claim of all the Outports to a participation in the Indian trade, as matter of equal right, stands upon the same principle as the claim of all individuals, which has just been considered, and must be determined in the same way and order; it therefore demands no farther notice here. If it shall be judged, that no larger interest than that of the Outports opposes their claim, then, and then only, will it be entitled to attention.

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The first argument is, the known safety, and greater facility, with which duties are collected at the Outports. Whether that facility be, in fact, greater or not, it is needless to examine. If it were indeed so, it would still leave undecided a much more important question,—the danger, of smuggling. On that danger the Court have enlarged, in their letters to the President of the India Board, of 13th January 1809, and 15th and 29th April 1812. Your Committee cannot but hope, that these letters will be perused by Members of Parliament, as their contents are material to a just consideration of the subject. The Court have respectfully stated to Lord Buckinghamshire, that no adequate answer has been given to these letters: his Lordship, in addition to what he has himself said, has referred the Court to the petitions. The argument just quoted is the most direct, and indeed the only one to the point, which your Committee have discovered in all the petitions. But it does not meet the main objections of the Court, taken from the dangers of smuggling: they remain untouched and unnoticed. Those dangers were contemplated, upon the supposition that only the opening of the Indian trade was in question; and in this way your Committee will now consider them, reserving to a future article some remarks on the still greater danger of smuggling which would follow, if the China monopoly were abolished, and which would be experienced, whilst our merchants were permitted to visit China at all. It is from the facilities of smuggling tea, that ships cleared out for, or from India, would find in the Eastern Islands, in the voyage home, and on the coasts of Scotland and Ireland, that the Court have apprehended the chief dangers would arise. In the Eastern Islands there are no custom-houses, clearances, manifests. There are great ranges of coasts in the remoter parts of the United Kingdom where there is no custom-house: bulk might be broken, and no detection follow where the ship should afterwards be regularly entered. It does not in the least follow, that these evils might not happen, though it should be true, that the taxes on West-Indian and American commodities are safely collected; for these commodities come generally in very large unwieldy casks or packages, are, in proportion to their bulk, of much less value than tea, which is also packed in small portable cases, and they come from countries abounding with regular custom-houses, whence they cannot sail without manifests and clearances: yet, with all these safeguards, your Committee are credibly informed,

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tardy and diminished sale for it? Again, is it a thing of course, that recently acquired provinces, impoverished, unsettled, containing a people every way dissimilar to us, should purchase our commodities, when the inhabitants of other parts of Hindostan, where we have been settled for ages, have still so little relish for them? The stipulation in the Act of 1793, for a pecuniary participation by the Public, was a conditional stipulation, depending on a contingency, which has never become a reality, but in one year that immediately following the last renewal of the Charter. The long war, in which, with hardly any intermission, this country has been engaged, ever since 1793, has, by increasing the Company's expences, beyond the most extravagant supposition that could have been previously formed on that head, absorbed all the expected sources of accumulation. Of this, every Administration since 1794 has been sensible; but the same utterly groundless charge continues to be repeated. This "promised participation," say some of the petitions, "has been converted by the Company into repeated claims on the public purse and credit for enormous sums, to support their establishments:" a most unfounded statement. The Company have never had occasion to apply for aid to support their establishments; their applications to Parliament have either been in consequence of levies by Government, on the score of participation in the territorial revenues, or for re-imbursement of immense sums expended for the state in military expeditions, sums very tardily acknowledged, and not yet fully paid: or to enable the Company to meet the transfer of Indian territorial debt to this country; a debt not increased by their order, or according to their wish, though the petitions charge the increase to them, but sanctioned by His Majesty's Government and by Parliament; a debt which, every intelligent person knows, it never was, or can be possible, in the nature of things, to discharge out of the Company's commercial funds, and therefore most unjustly made a ground of accusation against them.

Fourthly.—The claim to a full and free trade, as the right, by birth and inheritance, of every subject of this realm, and the arguments in favor of extending it to the Outports, are contained under the fourth head.

With regard to the general position on which the arguments are founded, a little need be said. It is an obvious principle, that men, living in society, must submit to the laws of the society, and to restraints upon their natural liberty,

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liberty, when the public interest, in the opinion of the legislative authority, requires it. The Indian monopoly was at first established, because it was thought beneficial to the commercial interests of the country. It was long continued on the same principle: now it is more a political than a commercial question. It may be stated thus: Whether it be more for the interest of the nation, to maintain the Indian empire under the system which has hitherto preserved and improved it,—a system greatly relaxed as to the trade with India, and which has also preserved a lucrative commercial intercourse with China,—or to adopt a system of entirely free commercial communication with both countries, at the hazard of losing that empire and the China trade, or of rendering the tranquillity and retention of the one, and the enjoyment of the other, less secure? Until this question, or one reduced to still lower terms, namely, Whether it would be prudent, for the sake of the object in view, to run any hazard, where the stake is so great? is solved in favor of an open trade, the plea of natural inherent right has no title to be heard. No such solution has yet been produced. It has, on the contrary, been shewn, that dangers and disadvantages, both in the East and at home, would attend the opening of the trade; but it has not been shown, that any measures, which have been suggested as preventives, would be at all effectual. No adequate provision, therefore, against those dangers and disadvantages is yet proposed; hence, it may fairly be presumed, none has been found. But, until such a remedy is discovered, the present system ought not to be overturned. The opening of the Outports would, according to the unanswered reasonings of the Court, have this effect. The opening of a part of the Outports would lead to the same effect, though perhaps by a somewhat slower progress; for it would immediately reduce and derange the periodical public sales of the Company, which is the master-wheel in the mechanism of their import trade. His Majesty's Ministers, in not proposing to open all the Outports, both admit the contingency of danger from such a measure, and set aside the argument of universal inherent right: but it remains utterly unproved, that danger would not result from opening even a few Outports, especially if the export trade is allowed to all; and that, after any had been so privileged, which would be in effect a monopoly against the rest, those others would ever be quiet, until they also were

informed, that the Americans find means to smuggle tea into this country. But, even supposing ships came direct to an Outport, without having broken bulk, what comparison is there between the collection of duties at any port, provincial or metropolitan, and the collection of tea duties with perfect certainty, facility, and a very trifling expence, at the India-House? The objections stated at large in the Court's letters, your Committee beg leave to repeat, remain without any sound answer; and it is extremely material to observe, that the opinions maintained in them, on this subject, are corroborated, by the reports which the Boards of Customs and Excise have made to His Majesty's Ministers, respecting the danger that would arise to the revenue, from the adoption of the new system: a danger which, in their judgment, would be inevitable.

The third argument urged in the petitions is taken from the necessity of securing an equality with foreign nations, which, it is said, the superior economy and dispatch at the Outports will do. If this alleged advantage of the Outports were admitted, it would, in the opinion of your Committee, weigh but little in the general question. The difference cannot be material in itself, and its effect little, in a trade so unlikely to become of any magnitude.

There are, however, other considerations of great weight belonging to the question of opening the Outports, to which the petitions do not advert. One of these is, the immense interests which the port of London, with all its descriptions of merchants, tradesmen, tea dealers, factors, brokers, dyers, packers, callenders, inspectors, labourers, ship-builders, ship-chandlers, rope-makers, ship-owners, mariners, and all their train of establishments, warehouses, wharfs, docks, yards, premises, shipping, formed in the course of two centuries, in which the Company's privilege, and the law of the land, have made the metropolis the sole seat of the eastern commerce: all these interests, with the Corporation of London, have represented to Parliament, the ruin in which they would be involved by the opening of the trade to the Outports. The Company's periodical public sales, on which so much of the order and success of their business depend, would be interfered with, and their very large property in warehouses and other buildings deteriorated: in short, all the institutions, public and private, of the capital, for carrying on the eastern trade, would be shattered or broken down. The removal of the trade would effect this, although the new speculations and enter-prises

prises would establish nothing equivalent in other places; far less compensate the losses of the supplanted parties. Your Committee cannot go into this subject, sufficiently to give a just sense of the magnitude and importance of it; but they may seriously ask,—Is the case equal between the people of London and those of the Outports? Would it be right to expose to privation and ruin one set, by withdrawing from them what they have long enjoyed, in order to add to the comfortable provision the other set already possess: and this only to save them the slight inconvenience of bringing their Indian imports to the port of London?

Let it never be forgotten, too, that the Indian people are concerned in this question. The Court have already, in their letters to Lord Melville and Lord Buckinghamshire, stated their apprehensions, that the opening of the Outports to imports from India might increase the resort of European adventurers to India. It has been advanced, in return, from some quarters, that the police of India is so excellent, as to obviate every danger of this kind. Your Committee are sorry to observe, that they find in the records of the Bengal Government, informations concerning the police, which do not warrant them to conclude quite so favorably of it; for, in fact, with all the progressive improvements in the system of the government there, they have not yet been able to bring the police into a state of perfect efficiency. The Fifth Report of the Committee of the House of Commons has entered much into this subject, and one quotation from the conclusion of it may suffice to justify this observation. "It does not, therefore, appear to have been from any want of information, in regard to the imperfect state of the police, that the Government was unable to prevent its becoming worse, but rather, as your Committee should suppose, from the difficulties which presented themselves to the application of an efficacious remedy."

Fifthly,—on the China monopoly. Besides the connection already noticed of the China monopoly with the policy of our Indian system, the uniting of this trade under one head is necessary, both on account of the extreme caution required in the conduct of our intercourse with so jealous and inflexible a government as the Chinese, and of the security of the large revenue derived by the British public from this branch of commerce. The habits of the Chinese nation are known to be as fixed as they are peculiar. Their government is a pure des-

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potism, jealous of the smallest tendency to insubordination or innovation; the people are guided by a principle of implicit submission to their superiors; and both government and people hold all disorderly conduct in the utmost abhorrence. Foreign trade is held in low estimation, and the commerce which Europeans have been permitted to carry on is subjected to manifold and rigorous restrictions, intended to prevent the intermixture of strangers with the natives, and to guard against their entrance into the interior of the country, and the hazard of their becoming, in any way, troublesome to the government. The ships of European nations are allowed to resort to only one port in an empire of so vast extent; and there, even, no stranger is permitted a constant residence, without credentials from the sovereign of the state to which he belongs. When a factory is established, for which one spot is fixed, the factors are confined to very narrow precincts around it; they dare not make an excursion beyond those precincts into the open fields, nor enter into the closely adjoining city of Canton. The government of China does not allow to its own subjects freedom of trade, or unrestrained intercourse with foreigners;—both are interdicted; and the restrictions imposed, together with the sumptuary laws in force, oppose the strongest obstacles to any great extension of the sale of our manufactures among the Chinese. The trade with Europeans is given in monopoly to a company of ten or twelve Chinese merchants, styled the Hong; and these merchants become responsible to the government for the conduct of the foreigners with whom they deal. After the ships are dispatched for the season, the factors are obliged to withdraw to the island of Macao, a low Portuguese settlement, till the ships of next year arrive. And, with respect to the ships, they are, whilst in harbour, under the controul of the Chinese officers, who are empowered by law to take the custody of their guns:—and if, in the intercourses, and consequent frays, between the natives and our English sailors, one of the former happens to meet his death, *by accident*, from an unknown hand, it may produce the most serious consequences; for the Chinese government has been known, in such a case, to claim the life of an European in expiation, and for an occurrence like this the Company's establishment is held responsible, and their trade liable to be stopped. With a government so absolute, in requiring implicit conformity to its peculiar laws and usages, and so marked with pride, suspicion, and, despotism, British subjects

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subjects have the utmost difficulty to act; and the Company's agents frequently submit to caprices and humiliations, to which the honour of a sovereign would not allow any representative of his to yield. Is it, therefore, in the least probable, that the Chinese would tolerate the indiscriminate ingress of numberless unconnected, unaccredited Europeans? or, if they did give them admission, that their multiplied, irregular, desultory visits and intercourses with the natives, would not be attended with disorders, with violations of Chinese usages, (with smuggling for instance, a high offence in China), which would soon end in the utter expulsion and exclusion of these strangers, or in such injustice and humiliating punishments, on the part of the Chinese Government, as might call on the honor of this country to demand redress? The splendid embassy which His Majesty sent by Lord Macartney to the Emperor of China had, with all its imposing attendant circumstances, and all the skilful address of that nobleman, no influence to induce the Chinese Government to relax from their rigid restrictions on the commerce and intercourse of British subjects with its territories; and it may be safely concluded, that all which that Government must have since heard, respecting the revolutions in Europe, will make it adhere still more obstinately to its jealous precautionary system. To all these probable dangers, the Petitioners oppose nothing but the honorable character of Britons, and the example of the American adventurers to China.—Frail dependance! British sailors carry to every shore their habits of excess, as is too often found in the Company's ships, notwithstanding the strict discipline established in them. The American seamen are a much more sober and quiet class of people, and the adventurers of that nation have derived in China a sanction from the pre-establishment and credit of the English factory, to which, from their language and manners, they appeared to be related. It is, indeed, by the prudent, respectable conduct of the Company's representatives there, in the management of their own trust, and the controul exercised by them over other British subjects; it is by this means, and by the extent and regularity of the Company's dealings; by their probity, now so famed, as to pass the bales which have their mark, without inspection, though the Chinese empire, that this jealous and supercilious people have been at length greatly conciliated:—but the Company's establishment could not, on the principles now proposed, retain either its credit or position. To expose a trade,

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trade, of such value and importance to the nation and the revenue, to hazards so great; to break down the present system, with the immense establishments and property connected with it, particularly the China fleet of the Company—a thing unparalleled in the commercial annals of the world,—would, therefore, in every view, commercial, financial, and political, be utterly unwise: and if this desperate risk were run, further evils would await the new system at home. Upon the supposition of a general resort of British ships to China, how would it be possible to prevent the smuggling of tea on the coasts of England, Scotland, and Ireland, with the facility which exists of receiving that article on board in many of the Eastern Islands, where there are no custom-houses, and with the temptation of evading a duty of ninety-five per cent at home? The petitions offer not the least satisfaction on this point; a point highly interesting, as has already appeared, if the question were only about opening the Indian trade to the Outports; but yet more interesting, in respect to the proposal for laying open the China trade, which is, at the best, a proposal to incur the most imminent risk of losing that trade, and the great revenue arising from it, merely in order to change the hands through which it shall pass; for supposing it to be preserved to the nation, there is no reasonable ground to think that it could be increased, because the Chinese now *take our woollens only in barter* for tea, and the present importations of tea are as large as the country requires.

Sixthly.—On the complaints of the superior advantages enjoyed by neutrals, particularly the Americans, in the Indian trade. The vessels of the American States first appeared in the Indian Seas about the year 1785. At that time several European nations possessed settlements on the continent of India, in virtue of grants from the native sovereigns, recognised by this country, after the Company obtained territorial dominion. It had not then been disputed, that those settlements might receive other European flags, as well as their own (though the Company have, within these few years, properly held, that the original grant gave a right of trade only for the ships of the nation to whom the grant was made); therefore the Bengal Government thought it politic to admit the American ships into the British ports, rather than oblige them, by refusal, to carry their custom to the French, Dutch, and Danes. This was, however, merely a gratuitous license, revokable at pleasure. But, in 1794, the Govern-
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ment of this country, induced by the political circumstances of the time, gave to the United States, by treaty, a right to a direct trade between their own ports and those of British India, on the terms of the most favoured nation; and, in 1797, the privilege of free ingress to the British ports in India was conferred on all friendly nations. By the long continuance of the war which followed the French revolution, these concessions proved of unforeseen high advantage to the subjects of the American States. The settlements on the Indian continent, of the French, and of the Dutch and Danes, who had fallen under French influence, were successively captured by the English. The Portuguese and Americans were then the only neutrals who frequented the Indian Seas; and the troubles of Portugal at length left the neutral trade very much in the hands of the Americans, who succeeded, in effect, to the excluded traders of foreign Europe, and supplied their wants, as well as those of the increasing population of the United States and the demands of Spanish America. The subjects of those states, undoubtedly, abused the privileges conceded to them by His Majesty's Government, in the Indian trade. They were, by treaty, restricted to a direct trade between America and India; but they visited the ports of foreign Europe, going and returning, and became the general carriers. They even supplied our own West Indian and North American colonies with eastern commodities, and they entered actively into the China trade, deriving a facility of admission there from being viewed as a cast of Englishmen; perhaps also a sanction, from the countenance of the British establishment there.

For several years after the appearance of the Americans in the Indian Seas, they were, no doubt, assisted by British capital; partly by that which wanted a remittance to Europe, but to no very great amount. They exported from Bengal in ten years, through which their trade, on the whole, was considerably progressive, and which ended with 1804-5, goods to the amount of Sicca Rupees 3,71,50,029 (£4,643,575), or £464,357 per annum; and they imported to the amount of Sicca Rupees 3,12,48,544 (£3,906,068), or £390,606 per annum. The excess of exports above the imports, being in ten years £737,507, or £73,750 per annum, may be supposed to be the property of British residents in Bengal remitted by the way of America. Whether they were furnished with British capital from London, and to what amount, it is difficult to ascertain; but

but it appears evident, that as they proceeded in the trade, their imports to Bengal more nearly equalled their exports, which shews they were better able to do without Indo-British assistance, and probably it was the same as to European assistance.* Upon this trade, however offensive to our private merchants, and in some views also, to the Company, it may be justly observed, that it was favorable to British India. It carried seasonable and large supplies of bullion to that country from year to year, not above a seventh of its imports being in goods, and these chiefly wines and other articles for the consumption of Europeans. It also carried the commodities of India to foreign Europe, to Spanish America, and other places to which British ships, on account of the war, could have no access; and when, by the policy and increasing power of Buonaparte, the produce of this country and its colonies were nearly shut out from the Continent, the Americans still continued to introduce the commodities of India there, and with the returns of their adventures they probably purchased English manufactures to carry to the American continent: so that this country, also, eventually benefited by their Indian trade. And however much their large participation of that trade became a matter of complaint among English merchants connected with India, it is certain, that whilst we were engaged in war with almost all Europe, those merchants could not, even by circuitous means, have occupied the place which the Americans filled in the Indian commerce: of which position no other proof is necessary, than the frequent want of sales for the goods, public and private, actually brought into the India House, during the period in question. The great progress and profit made by the Americans in the Indian trade, therefore, proceed

* Other Averages of the American Trade with India, from Statements before your Committee, may also be here noted.

	In Six Years, from 1802-3 to 1807-8.			In Three Years, from 1808-9 to 1810-11.		
	Goods.	Bullion.	Total.	Goods.	Bullion.	Total.
	£.	£.	£.	£.	£.	£.
Imports into all India. . .	957,224	6,528,250	7,485,474	351,602	4,531,233	4,882,835
Exports . ditto	6,901,209	25,099	6,926,308	5,107,818	9,625	5,117,443

proceed essentially, not from their activity, or the advantage of individual enterprise, but from their neutral character, which besides giving them access to countries from which belligerents are shut out, enables them to navigate more cheaply, easily, and expeditiously: and it may be taken as a certainty, that whenever war ceases, all their advantages will cease with it, and their power of entering into competition with us, in the trade of our own settlements, be very greatly reduced. The cry that has been raised, and continued against the Company, on this account, confessedly with the view of obtaining a general admission of Indian ships into England, is therefore altogether unfair. If a circuitous trade in Indian commodities, from Britain to foreign parts, has been prevented by the rivalship of the Americans, the Company have suffered as well as individuals; they have suffered, also, by the smuggling of eastern articles from America into our West Indian and North American colonies. They were anxious to check the abuses of the treaty of 1794, and when it expired, they obtained the consent of His Majesty's ministers to impose a double duty on the neutral trade with India, which then applied almost solely to the Americans; but, if the complaints against the rivalship of the Americans in the Indian trade had been well founded, what was the natural and proper remedy? Was it, that the Company, part of whose own trade had, during the war, passed into American hands, should sacrifice the rest of their exclusive privileges, and, by the extinction of them, endanger the territorial possessions? Or was it not, obviously, that the Americans should be excluded from a trade, supposed to be carried on at the expence of Great Britain? Yet this cry is still unaccountably kept up, even when we are at war with America; and the flag of the United States dares not be seen in the Indian Seas! Nay, it is kept up to injure the cause of the Company, after they have actually agreed on enlargements of the trade to England, greater than ever were contemplated, even by the private merchants of India, before the present negociation; and, if enlargements could effect the object, more than sufficient to bring the whole Indian trade of the Americans to the port of London.

It is singular, that the party who complains of the large share that has been engrossed by the Americans of the Indian trade, should be the same party who

who complain, also, of the large share which the Americans, in a state of neutrality, enjoyed of the British trade between Great Britain and foreign nations. It is well known, that previously to the rupture between England and the United States, it was urged as a grievance, that though America exported from this country to the amount of twelve millions sterling annually, the country was *not* benefited to the utmost possible extent from this export trade, because the British merchants and manufacturers were, by the intervention of America, deprived of the carrying, and of the second selling profit upon the manufactures. America, it was alleged, bought from us to a great extent, and Great Britain was, to a certain degree, a gainer, to the extent of the American purchases; but, because America sold our goods at second hand (to the Spanish Americans for example) it has been alleged, that had it not been for the intervention of the North American States, *we* should have supplied Spanish America, and, in addition to the profits we have received, would have engrossed all the advantage which has accrued to the merchants of the United States from the carrying and circuitous trade. But may it not, on the other hand, be argued, that if the British manufacturers in an open trade, and during a state of war, have found the assistance of America necessary to the circulation of their own manufactures, the same assistance was wanted by the manufacturers of India to the circulation of their productions: that the large exports from India, as well as the large exports from Great Britain, by the Americans, were owing to their neutral character: that if the trade between India and England had been as open as is now contended for, the quantity of Indian goods, circulated through the world, could not have been greater than it has been, under the competition that has actually existed between the merchants of the United States and the East-India Company: and that a greater share in the export trade from India could only have been obtained for the free British traders in one of these ways, either by America abandoning, or Great Britain returning to her pacific relations with other countries. If a free trade has the virtue that is imputed to it, why under complete freedom of trade, has this country been rendered tributary to America for a vent to the produce of British industry? and, if the pacific relations of States pass for no account in such a question, whence

whence the congratulations we so often hear, upon what we have gained, and may yet gain, by the rupture with America? *

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Seventhly,

* The following statement, which has been received from an intelligent merchant who resided a number of years in America, shews the advantages under which the trade of that country was carried on in a state of peace.

The advantages which Americans, as ship-owners, enjoyed in a state of neutrality, are obvious, not only from their free communication with belligerents, but from other causes.

Their first-rate vessels do not cost one half what those of the same tonnage, built in Britain, generally cost: hence, the capital employed is *one half less*, and one half the insurance is sufficient to cover the property at stake.

The premium of insurance on an American neutral, from Britain to America, was less than half what was given on an English vessel for the same voyage. On Americans the premium was from two to two and a half per cent., on English vessels from five to six per cent.

The countervailing duties in America, induced shippers always to give a preference to American vessels. Goods arriving in America, paid twelve and a half to fifteen per cent. duties; whilst the same goods, by a British vessel, not only paid the same rate of duty, but an additional ten per cent. on the amount of those duties, which is one and a quarter to one and a half per cent. increased duty.

The freight of goods from America to England, in American bottoms, was never, in the best times, higher than one shilling and six-pence per foot; and many times the whole freight of an homeward bound American of three hundred tons (that is to say, an American going from this country) could have been had for £300 or £400. The cargoes of three-fourths of Americans homeward consisted either of crates of ware, salt, or coals, which are well known to yield but a very small freight indeed, taking the whole difference betwixt the purchase and sale as freight.

The provisioning a ship in America, did not certainly cost more than one half that provisioning the same ship in Britain would have cost. Bread at 16s., beef at 30s. to 36s., pork at 45s. to 50s., rum at 2s., I believe will not be more than half the British prices for the same articles; and these were the current rates in 1800 to 1805.

Upon a calculation of all these advantages, it will be found that an American, in war time, could make a saving voyage from any of these ports to this country and home, when an English vessel would inevitably have brought her owner into debt; and that an American could actually import goods into the United States from this country, and sell them at their average wholesale importation profit to others, as low as a British merchant could send them to America in a British ship, and deliver them over to be transhipped, without any profit at all.

The American ships, being of a lighter construction than ours, they sail with at least one-third fewer hands.

The following statement will better elucidate these remarks. An American, of 250 tons, is employed

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Seventhly. That the distresses of the manufacturers, the exclusion of our trade from the continent of Europe and from North America, its consequent great decline, and the support of the war, require new channels of enterprize, and therefore an open trade.

Every British heart must lament the obstructions to which our commerce has been subjected; must wish for the removal of all continental exclusions, as well as of our differences with America, and that commercial freedom and activity may be restored. It is also extremely desirable, that new sources of trade should be discovered; and natural for those who are now suffering under privations and hardships, to catch eagerly at the flattering prospects and promises, so confidently held out to them from opening the trade with the East. But can the Court of Directors, thoroughly convinced, as they are, that all such expectations are groundless and delusive; that those who should act upon them, if

employed in a voyage to Britain and back. Her value, as a first rate vessel for that trade, is £2,000, and the voyage occupies five months. A ship of 250 tons would carry 3,000 barrels of flour, at 9s. which was the ordinary freight - - - - - £1,350
The average freight home of such vessels could not exceed - - - - - 600

£1,950

American Charges.	£.	s.	d.	British Charges.	£.	s.	d.		
Insurance out and home, £2,000, at 4½ per cent.	-	95	0	0	Insurance out and home, vessel valued at £4,000 at 9 per cent.	-	360	0	0
8 men, 5 months, at £5	-	200	0	0	12 men, 5 months, at £5	-	300	0	0
Captain and mate, £10 each	-	100	0	0	Captain and mate	-	100	0	0
2,400 lbs. bread, at 16s.	-	19	4	0	360 lbs. of bread for 14 people, 5 months, at 32s.	-	57	12	0
Beef, 10 barrels, at 32s.	-	16	0	0	15 barrels of beef, at £4	-	60	0	0
Pork, 10 ditto, at 50s.	-	25	0	0	15 ditto, pork, at 90s.	-	67	10	0
150 gallons rum	-	16	17	0	220 gallons rum, at 5s.	-	55	0	0
Interest of £2,000, 5 months	-	41	13	4	Interest of £4,000, 5 months	-	82	6	8
	£513	14	4			£1083	8	8	

These are not to be understood as the total charges on the voyage, but are those which shew the advantages which Americans have enjoyed.

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if the trade were opened, would be sure to experience ruinous loss and disappointment, and that the abolition of the Company's commercial privileges would be, in effect, the extinction of the whole of the present Indian system; can the Court, with these convictions, lend themselves to promote a dangerous deception, already too prevalent, at the sacrifice of so much individual interest, and of that public interest, the care of which is entrusted to them? If it were, indeed, probable that by a slow process, the commercial intercourse between this country and the East could be enlarged, the effect would be far too distant to relieve present pressures, and the first adventurers be more likely to plunge the trading world into fresh difficulties, as proved to be the result of the general rush into the trade of Buenos Ayres, where it was easy to send exports, but difficult to find sale or return. It will, perhaps, now be said, that the trade with Buenos Ayres has become a regular one: but it can be a regular one only to a very limited extent, being, indeed, partly what subsisted with Lisbon before it was turned into a different channel; it may not, in a long time, replace the vast sums at first lost there, and, at any rate, it displaced no important system existing before. From the late very favorable change in the affairs of Europe, a better prospect of relief now appears; from the East, it will be found that no hope of any can be rationally entertained.

Eighthly. That a free trade to the East would be a substitute and cure for all present commercial evils; would open an unbounded field to British manufactures, British capital, skill, enterprize, and knowledge, which would not only supply the wants of the vast population of the East, but create wants where they did not exist.

The practicability of extending, in any great degree, the commerce of this country with the natives of the East, in exports and imports, is undoubtedly a vital question in the whole of the discussion respecting the renewal of the charter; for, if no such extension be indeed practicable, to what end should the present system, with all the establishments which have grown out of it, be destroyed? The British merchants appear to entertain the most extravagant ideas of a new world for commercial enterprize; ideas upon which they are ready to risk their own property, and to sacrifice all the interests of the existing Indian system. The Company, backed by the great mass of British subjects

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now in Europe, who are acquainted with the countries of the East, maintain, in direct opposition to all such imaginations, that it is not now possible greatly to extend among the inhabitants of the East the consumption of British productions; or, in this country, the sale of Asiatic commodities. On the side of the merchants there is, in truth, nothing but a sanguine theory. On the side of the Company there is the experience of all the nations of Europe for three centuries; there is the testimony of ancient history; there are the climate, the nature, the usages, tastes, prejudices, religious and political institutions of the Eastern people. If the discovery of the passage by the Cape of Good Hope, and the account of the first Europeans sent by that route to the shores of India, were only just announced to us, some explanation might be given of the enthusiasm with which the hope of unbounded commerce thither is entertained; but that, after all the knowledge which successive ages have afforded upon this subject, men of general intelligence and cultivation should, in opposition to the usual course of human affairs, adopt the fond idea of entering, at once, into the enjoyment of a new world of commerce, is a most striking instance of credulity, and of the power which interest and imagination united have to impose upon the understanding. The theory of Dr. Adam Smith did not anticipate any such sudden burst of new commerce, when he pronounced, that "the East-Indies offered a market for the manufactures of Europe, greater, and more extensive, than both Europe and America put together." Eminent as Dr. Smith certainly was in the science of political economy, he was not infallible. His information respecting India was very defective, and erroneous; his prejudices against the East-India Company extreme, and his prognostics concerning their Indian government, wholly mistaken. In the period which has elapsed, of near forty years, since he first published his work on the *Wealth of Nations*, the endeavours of all Europe and America have made no discovery of that immense market for European manufactures, which, he said, was offered by the East-Indies: yet the same doctrine seems to be still in the minds of some of the Partisans, who make it a serious charge against the Company, that its exports to the immense regions of the East do not amount to a fifth of the exports of this country to North America. But, as well might it be a matter of charge against the merchants of England, that their exports to the great continent of Africa, which

which contains so many millions of inhabitants, less influenced by religious prejudices, and more inclined, by taste and manners, than the people of the East, to use our productions, do not equal their exports to our remaining American colonies. The reason is obvious in both cases. All the North American colonists are the same people as ourselves, live under a climate nearly similar, and have a variety of commodities, valuable to us, to exchange: the Africans live under a tropical sun, are poor, and have little means of purchasing even such of our manufactures as they would like to use. It has been already noticed, that the Americans have been in the habit of carrying our commodities into other countries.

A profound observer of human affairs, the President Montesquieu, had, before the time of Dr. Smith, who however overlooks his opinion, reasoned more agreeably to nature and experience on this subject. "Although," says he, "commerce be liable to great revolutions, it may happen that certain physical causes, such as the quality of soil and climate, shall for ever fix its character. In the commerce which we carry on with India in modern times, the export of money thither is indispensable. The Romans carried to India, every year, about fifty millions of *Sesterces*. That money, as ours now is, was exchanged for goods, which they brought back to the West. Every nation which has traded to India has uniformly carried the precious metals thither, and brought back goods in return. Nature herself produces this effect. The Indians have their arts, which are adapted to their manner of life. Our wants are essentially different from theirs; and what is luxury to us, never can be so to them. Their climate neither requires, nor permits the use of almost any of our commodities. Accustomed to go almost naked, the country furnishes them with the scanty raiments they wear; and their religion, to which they are in absolute subjection, instills into them an aversion to that sort of food which we consume: they, therefore, need nothing from us but our metals, which are the signs of value, and for which they give in return the merchandize that their frugality, and the nature of the country, supply in abundance. Ancient authors, who have written upon India, represent the country precisely such as we now find it, as to police, to manners, and to morals. India always has been, and India always will be, what

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" what it now is; and those who trade to India will carry money thither and
" bring none back."

As the Court have, in their letter of the 13th January 1809 to the President of the India Board, given the same views, and in some detail, on this subject, not deriving their opinion from any single authority, but from the broad page of history and practice, it is unnecessary for your Committee again to enlarge upon it. But may not the attention of the manufacturers of woollens, metals, cotton fabrics, potteries, be still called to the habits of the Indian people, the bulk of whom live all their days upon rice, and go only half covered with a slight cotton cloth; the rice and cotton both produced by their own soil? The earnings of the common labouring classes, and consequently their expenses may be estimated, on an average, not to exceed* £4 10s. per man per annum. They are indolent by nature, frugal by habit, under manifold religious restrictions:—what demand of the manufactures from Europe is to be expected from these? Of the better classes few are rich, unless those connected with Europeans: and *even these* during a course of near three centuries, in which they have lived in European settlements, have adopted none of our tastes or fashions, unless perhaps in a few articles of jewellery and hardware, looking-glasses, and carriages, with the use of a mantle of broad cloth in the cold season. As to the north of India, though the climate there be less dissimilar to ours, the people are extremely so: and in poor, ill-governed countries, where property is insecure and concealed, what hope can there be of a vent for foreign luxuries? The persons who now imagine that region to present a great field for commerce, have no conception of the difficulty of carrying goods there from the sea; the delays, expense, and insecurity, that must be experienced when the boundaries of the Company's government are passed; and in finding and bringing back returns if the European commodities could be disposed of. With respect to China, it is not denied that it might, in

* In a late statistical account of Dinagepore, a province of Bengal, there are statements of the annual expenses of different classes of society, and among them one of the expenses of a labouring man, with a wife and two children. The amount is only Rupees 22.10.11, or near £3 per annum, being at the rate of fifteen shillings per head. The article of clothing for this family of four persons is only six shillings per annum.

in all probability, take off many of our manufactures, if the Chinese government would allow the free dissemination of them. The jealous restrictions of that Government, however, which though they have been already stated, it may be proper to notice again here, prevent their own subjects, in general, from any dealings with Europeans: and it has been seen, that the magnificent style of Lord Macartney's embassy, which bespoke the grandeur of the British sovereign, with the refined diplomatic talents of that nobleman, which even struck the Chinese courtiers, were incapable of moving the Government to depart, in the smallest degree, from its established policy. If, instead of the regulated, long experienced organ for European trade, the Company's Canton establishment (under whose respectability, in fact, the Americans were admitted), a swarm of unconnected private-traders were to be let loose upon that country, it is altogether probable, that the Chinese would either shut their doors entirely upon them, or contract even the present narrow entrance.

If so many proofs of want of knowledge on Indian subjects did not croud on your Committee, they might express surprize, at finding any persons still so uninformed, as to hold up the trade carried on by individuals, in the time of Cromwell, as gainful to the parties and useful to the nation. The fact is now ascertained to have been notoriously otherwise. The competition of the traders led them to undersell their exports in India and their imports in England. The public, indeed, for a little time, got Indian goods remarkably cheap; but the adventurers could not go on, and Cromwell, induced by the representations made him, in which several of those very adventurers joined, restored the Company, *in order to save the Indian trade to the nation.*

Parliament is now told by the Petitioners, that the private-trade, to which individuals were admitted by the Act of 1793, enlarged by the arrangement of 1802, has succeeded and produced a profit, even whilst the Company have been trading to a loss. The Court have very substantial reasons to believe, that although some articles of private-trade may, at certain times, have sold to a profit, yet that large importations of other articles, both into India and into England, have repeatedly sold to a loss, or have remained long on hand for want of sale.

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The nature of this trade should be considered. The numerous commanders and officers of the Company's ships (a very superior class of nautical men) have no adequate provision from direct pecuniary allowances: their compensation has always been given in the privilege of trade, and a certain allowance of tonnage freight free. This has generally made them traders; and as they are to look to trade for their emolument (for but few, comparatively, make money by passengers) they continue to adventure, though often with little success: and your Committee are assured, that though they pay no freight nor commission, being their own agents, they still find it, on the whole, a precarious unproductive business. Now, if these men do not succeed, it can hardly be expected that those, who have freight and commission to pay, can fare better.

But it will be said, that of the commodities do nevertheless embark in this trade. To this it is to be answered, that the manufacturers of indigo in Bengal, an article originally promoted, and what is fostered by the Company, generally send their produce to England, and this is a matter of necessity, because the great bulk of the article cannot otherwise be disposed of. Again, there is a certain annual amount of acquisition by Europeans in India; and as this, doubtless a large amount in all, is, in one way or another, to be remitted to England, merchants in India may find their account tolerably well in taking up such money in India, investing it in goods, and granting bills, at a rate favorable to the drawer, payable from the sales in this country. A sort of new transit capital arises in this way every year; and men may be seen, occasionally, to seek to make an advantage of it, who would not regularly use a capital of their own in the trade. There is also a third sort of trade from India, which men of large capital speculate in, when favorable occasions seem to offer; and, in this way, sometimes cotton piece goods, sometimes cotton wool, sometimes indigo and raw-silk, have been adventured in. But your Committee suppose it to be an undisputed fact, that these larger adventures have repeatedly been attended with heavy losses to individuals; particularly the very great importations of piece-goods, exceeding in value two millions sterling, in 1802: the large importations of cotton, and even of indigo, since that time: and what may be sufficiently decisive on this head is, that very large quantities of these have remained long in the Company's warehouses without a sale, or uncared after sale. The following abstract account will sufficiently exhibit these facts.

*Value of Private Goods from India remaining in the Company's Warehouses.*No.
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	SOLD.	UNSOLD.	TOTAL.
On 1st January 1809	£1,576,185	£845,000	£2,421,185
- - - 1810	1,870,958	1,057,750	2,928,718
- - - 1811	2,513,761	1,002,000	3,515,761
- - - 1812	2,547,668	1,002,932	3,550,600
- - - 1813	2,411,259	1,008,000	3,419,259

Of the Sold Goods remaining in Warehouses, 1st January 1813.

246 bales cotton wool have been in warehouse ten years	£2,460
112 - do. - - - - five -	1,120
6,600 - do. - - - - four -	66,000
30,000 - do. - - - - three -	300,000
6,000 - do. - - - - two -	58,930
42,958 bales cotton-wool, value	£428,510
71 chests of indigo remaining seven years	£4,828
722 do. - - - - six -	49,096
424 do. - - - - five -	28,832
230 do. - - - - four -	15,640
5,121 do. - - - - three -	358,228
1,593 do. - - - - two -	108,324
9,080 do. - - - - one -	613,838
17,241 chests indigo, value	£1,178,786
	1,607,296

Piece Goods Imported in 1803, 1804, and 1805.

Remained in warehouses in 1809	£276,784
Do. - - - 1810	152,891
Do. - - - 1811	132,094

But it will still be said, the private-trade between Europe and India has greatly increased since the enlargement of 1793 was granted.

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To explain this it is to be remembered, first, that, as already stated, the commanders and officers of the Company's ships are, in a manner, obliged to be traders, and that they have greatly increased in number since 1793: they are forced to carry out goods, and therefore to bring goods back, because, *in general*, specie would be a losing remittance. Secondly, that the number of Europeans in India has been very greatly increased in India since 1793. Every class has increased; the civil, military, and medical servants of the Company; the King's troops, from a few regiments to twenty thousand men; the naval servants of the Crown; ladies, lawyers, free-merchants, free-mariners, and the mixed race of European descent, now become a great multitude, who imitate, as far as they can, the fashions of their fathers. For all these descriptions of persons, every thing required for use or luxury is sent from this country: thus the exports are necessarily enhanced; and exports being made, returns for them in the commodities of the country become necessary, whether they are sure to answer or not.

A brief view of the state of the private trade between England and India may here be given from the Indian Registers of External Commerce, commencing with 1795-6, when the act of 1793 began to operate in India, to the year 1810-11. But it is to be remarked, that only the Bengal registers commence in 1795-6: those for Madras and Bombay not till 1802-3.

Statement of the Private-Trade between London and Bengal, from the Year 1795-6 to 1801-2, both Years inclusive.

	IMPORTS INTO BENGAL.			EXPORTS FROM BENGAL.
	MERCHANDIZE.	BULLION.	TOTAL.	MERCHANDIZE.
	<i>Sicca Rupees.</i>	<i>Sicca Rupees.</i>	<i>Sicca Rupees.</i>	<i>Sicca Rupees.</i>
1795-6 - - - -	17,91,623	4,81,538	22,73,161	84,08,800
1796-7 - - - -	15,49,906	2,33,026	17,83,002	50,79,310
1797-8 - - - -	11,88,041	3,46,176	15,34,219	69,71,529
1798-9 - - - -	10,13,103	7,30,209	17,43,314	41,07,834
1799-1800 - - -	31,50,696	16,36,403	47,87,101	67,66,649
1800-1801 - - -	40,98,360	3,74,112	44,72,472	81,87,336
1801-1802 - - -	36,51,650	3,24,019	39,75,669	1,31,97,420
	1,64,42,333	41,25,555	2,05,68,938	5,30,18,878

Statement of the Private-Trade between London and British India, from the Year 1802-3 to 1810-11, both Years inclusive.

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	IMPORTS.			EXPORTS.		
	STORES AND MERCHANDIZE.	BULLION.	TOTAL.	MERCHANDIZE.	BULLION.	TOTAL.
	<i>Sicca Rupees.</i>	<i>Sicca Rupees.</i>	<i>Sicca Rupees.</i>	<i>Sicca Rupees.</i>	<i>Sicca Rupees.</i>	<i>Sicca Rupees.</i>
Bengal, in nine Years, from 1802-3 to 1810-1811.	3,35,33,443	52,19,768	3,87,53,211	7,62,87,574	2,540	7,62,90,114
Madras - -	1,14,96,218	50,17,839	1,65,14,057	93,72,303	5,867	93,78,170
Bombay - -	1,48,03,575	29,65,079	1,77,68,654	93,18,775	53,644	93,72,419
Total - -	5,98,33,236	1,32,02,686	7,30,35,922	9,49,78,652	62,051	9,50,40,703

This is the comparative state of the private-trade with Bengal and India, in former periods, beginning with 1795-6 and at the present time. But the increase is, by no means, to be conceived as merely the result of the enlargement given by the Act of 1793, or afterwards. It is (let it be again observed) most materially to be ascribed to the increase in the number of Company's commanders and officers; to the necessity of making returns in goods from India for their exports; to the great increase of Europeans and their descendants in India; to the vast increase in the culture of indigo, cherished by the Company and permitted to come in their ships before the Act of 1793; and what the enlargements of that Act and subsequent measures have opened the way for, has been occasional large speculation in cotton piece goods, raw cotton, and indigo, which speculations have more often failed than succeeded. But the great conclusion to be derived from the account of the trade, since 1793, is this: in all the period, of nearly twenty years, from that time to the present, in which, undoubtedly, facilities and enlargements, never enjoyed before, have been given for private enterprize and adventure, in which the private trade has considerably increased, and on the whole a very ample experiment has been made, *not one new*

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article for the consumption of the natives of India has been exported, and little perceivable difference in the few articles of metals and woollens of which they participated before. This is a very remarkable fact, and ought to make a deep impression on all persons who, in any way, interest themselves in this subject. Let us not hear of that unfair charge, so often repeated, that the Company's restrictions have prevented persons from availing themselves of the privilege held out by public regulations. Would the commanders and officers, not restrained by high freight, or any uncertainty of getting tonnage, not have carried out articles for the use of the natives, if they had found that any such were saleable? Would not European residents in India, keen merchants, and acquainted with the dispositions and tastes of the natives, have commissioned for such articles, if they had seen any vent for them? Would not native merchants, who buy and sell European commodities, have recommended the importation of things for the natives, if they had seen any chance of a sale? Yet, of 84,000 tons allotted for the private trade since 1793, only 21,806 tons have been actually used by private merchants, and these filled wholly with commodities for the use of Europeans. On the whole, then, this may be pronounced a decisive experiment: a decisive proof that there is no opening, nor any material opening to be expected, for the sale of European articles for the use of the natives of India.

Of the import trade from India on private account, since 1793, after what has already been said, it may be sufficient to present the following abstract.

IMPORTS FROM INDIA IN PRIVILEGE TRADE.

	Piece Goods.	Raw Silk.	Cotton Wool.	Indigo.	Sugar.	Saltpetre.	Pepper.	Drugs.	All other Articles.	TOTAL.
	£	£	£	£	£	£	£	£	£	£
1793-4	83,439	34,938	—	47,038	12,465	—	—	3,830	—	181,710
1794-5	296,058	17,069	11,054	105,346	6,286	32,706	—	1,320	—	469,879
1795-6	134,046	3,058	5,693	235,013	8,610	13,084	—	10,283	—	409,787
1796-7	319,053	3,315	30,148	273,654	15,525	17,169	—	19,885	—	678,749
1797-8	167,210	3,684	67,674	283,893	77,594	33,527	—	13,200	—	646,782
1798-9	214,616	—	58,109	440,275	105,200	13,168	—	61,484	8,810	881,662
1799-800	295,658	—	445,413	782,449	94,959	—	18,077	102,804	7,779	1,747,139
1800-1	197,732	53,009	395,372	491,472	222,118	12,483	40,041	130,009	24,736	1,566,972
1801-2	394,890	36,660	142,480	636,046	36,172	62,326	70,400	151,354	193,889	1,724,217
1802-3	861,872	37,588	180,915	789,314	41,414	101,871	120,673	206,054	246,870	2,586,581
1803-4	884,467	44,963	67,006	602,582	44,643	18,495	37,488	142,858	18,232	1,860,734
1804-5	673,797	65,218	93,242	811,214	65,391	11,220	33,718	92,479	6,781	1,853,050
1805-6	633,911	12,184	18,201	939,861	—	—	1,376	111,875	5,564	1,722,972
1806-7	164,111	165,839	122,072	549,871	—	—	572	24,230	2,067	1,028,762
1807-8	69,314	178,128	125,636	1,434,236	9,171	—	19,918	90,506	4,774	1,931,685
1808-9	18,199	89,085	158,032	510,406	—	—	—	19,372	2,135	797,229
1809-10	64,918	12,780	208,190	764,203	—	—	—	62,491	16,826	1,129,408
1810-11	48,043	85,498	550,078	1,382,767	10,827	1,982	38,533	58,791	22,813	2,199,332
1811-12	149,079	90,335	257,545	425,074	20,924	8	19,921	178,366	27,690	1,169,023
Total.	5,670,443	933,351	2,916,860	11,504,716	771,309	318,120	400,717	1,481,191	588,966	24,585,673

IMPORTS FROM INDIA IN PRIVATE TRADE of COMMANDERS and OFFICERS.

	Piece Goods.	Raw Silk.	Cotton Wool.	Indigo.	Sugar.	Saltpetre	Pepper.	Drugs.	All other Articles.	TOTAL.
	£	£	£	£	£	£	£	£	£	£
1793-4	98,190	—	37,921	218,841	5,954	—	5,280	76,640	3	441,929
1794-5	162,967	—	—	140,974	9,834	—	—	60,093	—	373,868
1795-6	127,146	—	—	202,218	3,807	29	2,593	121,823	925	458,541
1796-7	55,303	—	—	148,659	1,324	—	11,163	57,455	910	274,812
1797-8	25,254	—	21,740	141,506	499	—	—	96,389	7,772	293,160
1798-9	29,499	—	—	166,176	6,197	—	1,768	129,372	3,715	448,061
1799-800	40,077	—	—	220,908	4,140	3,060	8,041	64,990	12,220	370,808
1800-1	91,387	46,615	8,889	280,886	17,332	—	4,378	50,222	36,710	546,419
1801-2	34,965	274	—	168,588	7,211	97	12,501	41,326	3,465	268,427
1802-3	207,799	—	8,151	89,261	827	—	18,367	102,530	29,117	456,052
1803-4	174,848	11,164	—	100,052	924	—	8,388	18,411	1,516	315,303
1804-5	180,934	60,233	593	269,926	—	1,058	7,471	5,811	45,852	570,986
1805-6	138,089	31,007	16,737	182,997	—	144	7,395	84,445	5,360	728,110
1806-7	36,401	88,535	15,882	274,515	135	14	980	47,529	9,556	424,846
1807-8	42,229	74,902	18,104	419,580	—	377	—	45,960	16,724	617,876
1808-9	47,334	12,696	35,220	300,152	—	48	271	83,503	41,379	520,603
1809-10	12,646	90,423	22,021	231,735	—	156	4,762	66,414	5,108	433,275
1810-11	76,335	121,585	7,626	360,180	1,602	194	17,664	91,676	13,422	690,396
1811-12	51,112	148,867	—	47,637	—	28	1,398	60,494	19	309,555
Total.	1,631,615	586,181	209,258	4,290,591	58,886	5,205	112,420	1,315,091	233,773	8,543,027

SHORT ABSTRACT.

Total Privilege	-	-	-	-	-	£24,585,673
Private Trade	-	-	-	-	-	8,543,027
						<u>33,128,700</u>

Which contained—Indigo £11,504,716

4,290,591

£15,795,307

Cotton £2,916,860

209,258

£3,126,118

£18,921,425

All other articles - - - 14,207,275

It may be proper to point out to attention, the great proportion which the articles of indigo and cotton bear to the whole of these imports; and likewise to refer to the great quantities of these two articles which, it has already appeared, remain still in the Company's warehouses, either unsold or uncleared. Of the practicability of enlarging the imports into this country of Indian productions, fit for the European market, it was formerly stated by the Court, that the diligence, not only of the different East-India Companies of Europe, but of individual Europeans trading through the whole extent of the Indian Seas, has been excited, during three centuries, to discover articles which might be profitably exported to Europe, and, after all the experience thus acquired, particularly in the present day, when the coasting and internal trade of India has been greatly enlarged, it is not reasonably to be assumed, upon merely theoretical ideas, that there is any source of materials, raw or manufactured, in India, yet undiscovered, by which the imports from India into this country can be profitably augmented: and, with respect to those articles which may now be considered as the staples of India, namely, cotton piece goods, raw silk, indigo, raw cotton, and sugar, the demand for the first is reduced and limited, by the vast growth and excellence of the cotton manufacturers of Britain and Europe; the second, to whatever extent demanded, can be brought home in the

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ships of the Company; the third, already imported to an extent that nearly supplies the consumption of Europe, may also be easily carried home in the same channel; and the article of raw cotton, brought from a great distance, at an unavoidably high freight, which renders it incapable, when this country is engaged in war, and North America and Portugal at peace with us, of entering into competition with the cottons of Georgia and Brazil, both superior in quality, and brought to this market more expeditiously, to meet the fluctuations of price and demand, and at a far cheaper rate of freight. As to sugar, if it could be imported to this market, so as to rival the produce of our West-India colonies, which it cannot be in time of war, surely this is not a trade which could be, on the whole, profitable to the nation: and no other great article of Indian produce has ever been thought of; except hemp, of which the culture is still in an early stage in India, not capable of standing a competition with Russia, whenever our intercourse with that country is open. It is in this state of things, when the Company cannot find vent for more exports in the East, when their warehouses are filled with goods from the East for which there is no demand, and when they suffer from the continental restrictions in common with all His Majesty's subjects, that the Petitioners, whose chief complaint is of a general stagnation of trade, censure the Company for not enlarging their's.

Ninthly. The demand of a full and entire freedom of trade to the Eastward of the Cape of Good Hope, including China, and all the countries within the Charter of the East-India Company.

Such are the views of the Petitioners: professedly no less than a complete subversion of the fabric of the East-India Company, and all the great commercial establishments connected with it; involving, also, the hazard of the political interests of the British Empire, Indian and European. Certainly it must be presumed, the Petitioners expect such advantages to follow from all these changes, as shall compensate for the immense sacrifices which they require; but, your Committee hope, it has sufficiently appeared from the preceding discussion, that all such expectations are illusory and vain. If, however, they are not indeed the offspring of sanguine theories, but the result of sober rational consideration, might not the same sobriety of thought be expected to pay an equitable regard to the ruin which would be inflicted on existing interests, and to look to some suitable provision against the possible contingency of final disappointment? Yet these important objects seem to have received no adequate attention. Against the
alleged

alleged danger of excessive speculation (a danger which is, in fact, a public concern) it is argued, "that the enterprize of individuals is uniformly limited by their means and success." But, if they involve all their friends, and sink in their attempts, and this should be the case of many, would not the result be a general calamity? The argument of the Petitioners assumes, that the new trade will be finally successful; but the foregoing review deprives them of all right to go upon this supposition.

For the deep injuries which all the London establishments connected with the Eastern trade would receive, there is absolutely no relief or reparation of any kind adverted to; and, for the Company, they are told, first, of their wealth, knowledge, and experience (all which have been before disparaged), as enabling them to oppose unassisted private efforts; that, if they can carry on trade to greater advantage than individuals, they have nothing to fear, and that they will reap their reward in competition. All this is particularly applied to the China trade, which is not a new trade, nor, as has been shewn, either susceptible of increase, or likely to be preserved at all as a general trade. The transfer of it to other hands would add nothing to the nation, whilst the entire benefit of it is necessary for the support of the political interests of the Company. Secondly, it is proposed, that for indemnifying and remunerating the claims of the Company, they "shall have a fair and equal impost on the trade in question." If the trade and rate of impost were both likely to be considerable, which your Committee see no reason to suppose, the idea of an indemnification for the whole, by giving afterwards a part (and probably a small part), can hardly be treated as a serious idea.

But for the detriment which the Company, in their political capacity, might sustain, for all the ill consequences that might ensue to the government and immense population of India, no provision whatever is proposed. And against an entire failure of the vast prospects, now so sanguinely entertained, this consolation is at last administered, that "the very worst that can occur, in the event of the abandonment of the trade by the public, would be, that matters might return again to their present state."

But can it be seriously supposed, that after the fabric of the Company, and its immense dependent and connected establishments, in England, in India, and
No. VIII. China,

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No. LXXXIV. would be attended with those dangers, which the Court have, in their former letters, described.

Chairman and Deputy's Letter. And, *Fourthly*. That all the former reasonings of the Court against the practicability of enlarging the consumption of British manufactures in India or China, or of extending profitably the imports of those countries into Britain, are confirmed by the result of the large experiment which has actually been made by private merchants and traders, in the course of near twenty years past; from which experiment, accurately recorded, it appears that *not one new article for the consumption of the natives of the East* has, in all that time, been sent from Great-Britain.

And, *from this very important fact*, new perhaps to your Lordship and the public, though long existing in the records of the Company, the Court of Directors join with their Committee of Correspondence in hoping, that as the views of the Petitioners are unlimited, going, in the first place, to the subversion of all the existing establishments in the India and China trade; as this ruin would be immense, and the compensation which would be due for it would be immense also; as the political evils which would thence follow, as detailed in the former letters of the Court (evils still to be pre-eminently regarded) would fatally affect the interests of the whole empire; and as the means are now offered of making the fullest and fairest further experiment of the practicability of enlarging the trade to and from India, upon so great a scale as shall admit the whole nation to participate in it; as this is an experiment, which may be made without breaking down the present system and all its establishments; as it affords a method of ascertaining all the good that is attainable, without hazarding the dreadful evils that are otherwise to be apprehended; we say, my Lord, the Court of Directors do, under these momentous circumstances, earnestly hope, that His Majesty's Ministers will still see fit to stop at a safe point, which will give the utmost reasonable concessions to one set of men, whilst it will preserve the interests of British India, of all parties now connected with it, and of the empire at large, from the disastrous consequences of unbounded innovation.

We have the honor to be,

My Lord,

Your Lordship's most obedient humble servants,

(Signed) HUGH INGLIS.

ROBERT THORNTON.

The Right Honorable the Earl of Buckinghamshire,
&c. &c. &c.

No. IX.

FURTHER PAPERS

RESPECTING

THE NEGOCIATION

FOR A RENEWAL OF THE

EAST-INDIA COMPANY'S EXCLUSIVE PRIVILEGES.

London:

PRINTED BY ORDER OF THE COURT OF DIRECTORS, FOR THE INFORMATION
OF THE PROPRIETORS,

By E. Cox and Son, Great Queen Street, Lincoln's-Inn-Fields.

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China, should have been set aside, and left to decay and ruin; when India should have been laid open and the China establishment superseded, and so much capital sunk, that things could be brought back to their former state? The possibility of such a mighty convulsion, and the ease with which it is contemplated by the Petitioners, may be sufficient to excite a salutary fear of the rage of theory, speculation, and innovation; may suggest the prudence of stopping short of the precipice to which they would conduct us; of at least resting at some point, so far safe, as not to expose the whole of the empire, Indian and European, to the terrible alternative here brought into view. A great extension of the trade to or from the East, the object for which such dangers are to be run, is shewn, in the preceding pages, to be impracticable; and it has been also shewn, that in the prosecution of the attempt to obtain it, the interests of British India, and of the finances of this country, would be endangered: but if an experiment is still required to be made in the vast continent of Hindostan and its adjacent islands (for to push the experiment into China would be to risk the trade of that country, and all its advantages, without the chance of any benefit) the means of making a large ample experiment, in which the whole nation may participate, through the port of London, are now offered; means which shall give the fairest opportunity to ascertain the practicability of extending the trade, without breaking down present establishments, or exposing the empire, in case of failure, to the most disastrous consequences. At the safe point, therefore, here described, your Committee humbly hope the wisdom of His Majesty's Ministers and of Parliament will still see fit to rest.

(Signed)

HUGH INGLIS,
ROBERT THORNTON,
JACOB BOSANQUET,
WM. F. ELPHINSTONE,
THEOPHILUS METCALFE,
JOSEPH COTTON,
CHARLES GRANT,
GEORGE SMITH,
EDWARD PARRY,
SWENY TOONE,
WILLIAM ASTELL.

No. LXXXIV.

Letter from the CHAIRMAN and DEPUTY CHAIRMAN to the Right Honorable the Earl of BUCKINGHAMSHIRE, also noticed in the preceding Minute.

MY LORD,

East-India House, 10th February, 1813.

By the desire of the Court of Directors of the East-India Company, we have the honour to submit to your Lordship a Report of the Committee of Correspondence, and respectfully to entreat your serious attention to it.

It contains an answer to the matter of the petitions which were last session presented to the House of Commons against the renewal of the Company's Charter, and particularly to those arguments to which your Lordship was pleased to refer us, in support of the claims of the Outports to be opened to the import trade from India and China:—it also enters into a review of all the principal questions of a commercial nature, which have been agitated by those persons who demand the abolition of the Company's exclusive privileges: and in this minute, my Lord, the Court hope you will find the following positions, among many others, well established.

First. That the Petitioners have not correctly described the present state and effects of the Company's exclusive privileges and trade, nor at all appreciated the evils, political and commercial, which would result from withdrawing those privileges; but have arraigned the monopoly, as if it retained all the strictness given to it a century ago, as if no considerable relaxations had been made in it within the last twenty years, and as if still larger relaxations were not now acquiesced in by the Company.

Secondly. That the clamours which have been raised against the Company, on account of the trade of neutrals, particularly the Americans, with India, are wholly unjust; that no such trade, unless with the Portuguese, now exists; and that the prevention of injury from it is easy.

Thirdly. That the Petitioners have, by no means, obviated the objections advanced by the Court against the opening of the Outports, nor, in the least, proved the expediency or safety of that measure; and that the adoption of it would

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Chairman
and Deputy's
Letter.

LIST OF FURTHER PAPERS.

*Respecting the Negotiation for a Renewal of the East-India Company's
exclusive Privileges, printed by Order of the Court of Directors, for the
Information of the Proprietors.*

No. LXXXV.

Minutes of a General Court of Proprietors, held on Wednesday, the 17th February, 1813.

No. LXXXVI.

Letter from the Right Honourable the Earl of Buckinghamshire to the Chairman and
Deputy Chairman, dated the 15th February 1813, noticed in the preceding
Minutes.

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No. LXXXV.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING TO
THE EAST-INDIES,

Held on Wednesday, the 17th February 1813.

Minutes of last Court of the 26th ultimo were read.

The Chairman acquainted the Court that it is assembled for the purpose of taking into consideration the Draft of a Petition to the Honourable House of Commons, respecting the Renewal of the Company's exclusive Privileges.

The said Petition was then read.

The Chairman also acquainted the Court, that the Court of Directors had prepared the Draft of another Petition to the Honourable House of Commons, for payment of a Debt due by the Public, and for relief by way of Loan.

The same was also read.

And the Court proceeding to take the above-mentioned petitions into consideration,

It was moved, and on the Question,

Resolved, That the further consideration of the said Petitions be adjourned till Tuesday next.

The Chairman then acquainted the Court that the Petitions will lie at this House for the perusal of the Proprietors.

The Chairman further acquainted the Court, that the Committee of Correspondence had prepared a Report on the subject of the Petitions presented to Parliament during the last Session against the renewal of the Company's Charter, which Report was laid before the Court of Directors and unanimously approved by them on the 10th instant; and that the said Report is now printing for the information of the Proprietors.

The title of the Report was then read, as was also

Draft of a Letter to Lord Buckinghamshire, transmitting copy of the above-mentioned Report, and

Letter from Lord Buckinghamshire in reply.

The Court then on the question adjourned.

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General
Court, Feb.
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No. LXXXVI.

*LETTER from the Right Honorable the EARL of BUCKINGHAMSHIRE
to the CHAIRMAN and DEPUTY CHAIRMAN, noticed in the preceding
Minutes.*

No.
LXXXVI.

GENTLEMEN,

India Board, 15th February, 1813.

Lord Buck-
inghamshire's
Letter.

I had the honor of receiving your letter of the 10th instant, enclosing
a Report of the Committee of Correspondence to which you desire my serious
attention, and you may be assured that the Report will receive that serious
and deliberate attention which has been given to every part of the important
subject to which it relates.

I have the honor to be, Gentlemen,

Your obedient and faithful humble servant,

(Signed)

BUCKINGHAMSHIRE.

The Chairman and Deputy Chairman
of the East-India Company.

LIST OF FURTHER PAPERS

*Respecting the Negotiation for a Renewal of the East-India Company's
exclusive Privileges, printed by Order of the Court of Directors, for the
Information of the Proprietors.*

No. LXXXVII.

Minutes of a General Court of Proprietors, held on Tuesday, the 23d February 1813.

No. LXXXVIII.

Copy of a Petition from the East-India Company to the Honourable House of Commons,
noticed in the preceding minutes.

No. LXXXIX.

Copy of a further Petition from the East-India Company to the Honourable House of
Commons, also noticed in the preceding minutes.

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No. LXXXVII.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING TO
THE EAST-INDIES,

Held on Tuesday, the 23d February 1813.

Minutes of last Court of the 17th instant were read.

The Chairman acquainted the Court, that it is met by adjournment, for the purpose of taking into further consideration the drafts of the petitions to the Honourable House of Commons, which were laid by the Court of Directors before the General Court on the 17th instant.

The draft of the petition, praying a renewal of the Company's exclusive privileges, in which some amendments have been inserted, as proposed by the Court of Directors, since the last General Court, and now submitted to this Court, was read.

It was then moved to amend the said petition, by leaving out the following words, viz. "Your Petitioners submit, that they would not be justified in becoming parties to any system, which, on consideration, should appear to them likely to prove an illusion."

And the question being put, that the words proposed to be left out stand part of the petition, the same was carried in the affirmative.

It was then moved, and on the question,

Resolved, That this Court approve the above petition.

The draft of the petition to the Honourable House of Commons, for payment of the debt due from the Public to the Company, and for other pecuniary

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pecuniary relief, in which petition sundry amendments, as also proposed by the Court of Directors since the last General Court, and now submitted to the General Court, was read.

It was then moved, and on the question,

Resolved, That this Court approve the above petition.

Drafts of petitions to the Honourable House of Commons, for leave to present the above petitions, were also read and approved.

And it was, on a motion,

Resolved, That the Company's seal be affixed to fair transcripts of all the said petitions, and that they be presented to the Honourable House of Commons accordingly.

The Court then on the question adjourned.

No. LXXXVIII.

Copy of a Petition from the EAST-INDIA COMPANY to the Honourable HOUSE OF COMMONS, noticed in the preceding Minutes.

No. LXXXVIII.
Petition for renewal of Privileges.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled,

The humble Petition of the United Company of Merchants of England trading to the East-Indies,

SHewETH :

That your Petitioners, in approaching this Honourable House with an application for a continuance of the system by which the relation between Great Britain and the East-Indies is now regulated, hope they may be permitted to state the outlines of the history of the establishment of your Petitioners, as well as their present situation, as to their property and rights, their functions and obligations.

That the first adventurers in a trade from England to the East-Indies, by the way of the Cape of Good Hope, were incorporated by Her Majesty, Queen

Queen Elizabeth, by her royal letters patent, bearing date the 31st day of December 1601* by the stile of "The Governor and Company of Merchants of London trading into the East Indies," to whom, by the same instrument, the exclusive right of trading to that country was granted by Her said Majesty for a term of fifteen years from Christmas then last past.

That the corporate capacity of the said Governor and Company of Merchants of London trading into the East Indies, with the privilege of the exclusive trade, was renewed, revived, and confirmed to them, in perpetuity, by several charters, or letters patent, granted respectively by their Majesties, King James the First, King Charles the Second, King James the Second, and King William and Queen Mary† : subject, nevertheless, to a provision, that if the continuance of any of their charters, in the whole or in part, should not be profitable to the realm, that, upon three years warning to be given to the said Company, all the said charters should cease, determine, and be void||.

That the said Governor and Company were empowered by their Charters to establish factories and settlements in the East Indies‡ ; to have the government of such factories and settlements, and to appoint governors ; with a judicial power to equip and maintain military forces, by sea and land, for the defence of their settlements ; with the power of making peace and war with any princes or people who were not christians, within any places of their trade ; to make reprisals from those persons, in those parts, from whom they should sustain any loss or injury ; to erect castles, fortifications, forts, and garrisons ; and also to coin Indian money§.

That, by virtue of these powers, the said Governor and Company made settlements, and built forts and factories at different places in the East Indies, at a very great expence ; which settlements, forts, and factories, with some territory annexed to them, were purchased from the native princes of the countries within their limits. The sovereignty remained with their respective chiefs, but the immediate government of those acquisitions was exercised by the Company, under

* Printed Charters, 4to edition, page 3.

† Ibid. 31st May 1609, page 27 ; 3d April 1661, page 54 ; 5th October 1677, page 108 ; 9th August 1683, page 116 ; 12th April 1686, page 125 ; 7th October 1693, page 141 ; 11th November 1693, page 152. || Ibid. 28th September 1694, page 181.

‡ Ibid. 3d April, 13th Charles II. 1661, page 54.

§ Ibid. 5th October, 28th Charles II. 1677, page 111.

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under the powers which are before mentioned to have been granted to them by charter; and the said Company also made a settlement in the Island of St. Helena, on its being abandoned by the Dutch, about the year 1651.

That the property and sovereignty in and over the port and island of Bombay having been ceded by the King of Portugal to His said Majesty, King Charles the Second, as part of the dowry of the Infanta of Portugal on her marriage with King Charles, His said Majesty, by his royal letters patent, bearing date the 27th day of March 1669*, granted and conveyed unto the said Governor and Company, their successors and assigns, the property thereof, with all the rights, profits, territories, and appurtenances, and constituted them the true and absolute lords and proprietors of the port and island, in the most unlimited manner; saving to His Majesty, his heirs and successors, his royal sovereignty of and over the inhabitants there: but His Majesty granted the authority of immediate civil and military government of the place to the Company. And St. Helena having been taken from the said Company by the Dutch, in the war of 1674, was retaken by a force belonging to King Charles the Second, who, by his royal letters patent, bearing date the 16th day of December 1674†, regranted that island, with all the rights, profits, territories, and appurtenances whatsoever, unto the said Governor and Company, their successors and assigns; and His Majesty constituted them the true and absolute lords and proprietors thereof, saving the allegiance due to His Majesty, his heirs and successors: and the said charter contained powers and authorities for the government and defence of the said island.

That, by an act of parliament, passed in the ninth year of the reign of His late Majesty, King William the Third‡, for raising a sum of two millions, by loan, for the public service, it was enacted, that all the subscribers to the said loan should be entitled to traffic, and use the trade of merchandize, in such places, and by such ways and passages, as were then already frequented, found out, or discovered, on which thereafter should be found out or discovered, and as they severally should esteem to be fittest or best for them, into and from the East Indies, in the countries and parts of Asia and Africa, and into and from the islands, ports, havens, cities, creeks, towns, and places of Asia, Africa, and America

* Printed Charters, page 80. † Ibid. page 96. ‡ 9 and 10 William III. cap. 44. sect. 61.

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Asia, or any of them, beyond the Cape of Bona Esperanza to the Streights of Magellan, where any trade or traffic of merchandize was, or might be, used or had, and to and from every of them. And, by the said act*, His Majesty was empowered to incorporate any of the subscribers, who should desire it, to trade with a joint stock: and it was enacted†, that at any time, upon three years' notice, after the 29th day of September 1711, upon repayment by Parliament of the said sum of two millions, or such part thereof as should be advanced, all the corporations to be created in pursuance of that act, and the benefit of trade thereby given, should absolutely cease and determine: and it was enacted‡, that all such persons as should have a right of trading by virtue of that act, should have the sole and exclusive trade within the limits before mentioned.

That the said sum of two millions was subscribed within the time limited by the said act; and thereupon, by a charter, bearing date the 5th day of September 1698§, His said Majesty was pleased to incorporate the larger part of the subscribers to the said loan, by the stile of "the English Company trading to the East-Indies;" and, by the said charter, powers of making settlements, and governing them, and maintaining military forces for their defence, were granted to the English Company, similar to those which are before stated to have been granted to the Old Company, since distinguished by the appellation of the London Company, the sovereign right, power, and dominion over all the settlements to be made, being reserved to His said Majesty.

That the above act of parliament and charter would have operated to have extinguished and determined the corporate capacity and privileges of the London Company, but the act contained a provision, that they should have liberty to trade till the 29th of September 1701: and the London Company having subscribed the sum of £315,000 towards the sum of £2,000,000 to be raised, became intitled to trade in respect of it; and therefore, by an act of parliament passed in the twelfth year of the reign of His said Majesty, King William the Third||, their corporate capacity was continued to them, subject nevertheless to be determined upon the redemption of the fund established by the said act of the ninth of His said Majesty's reign.

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* Sect. 62. † Sect. 79. ‡ Sect. 81. § Printed Charters, page 188. || Private Acts, 12 Wm. III. cap. 28.

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That the said English Company acquired and settled several factories in the East-Indies at a very large expence *.

That previous to the erection of the English Company, the London Company had carried on their trade with the East-Indies in competition with the Portuguese and Dutch and French Companies, and also in competition with unlicenced adventurers from Great Britain, who traded there, notwithstanding the exclusive grants which the London Company was in possession of, and which unlicenced adventurers, at times, acquired considerable ascendancy amongst the native powers †; and after the incorporation of the English Company, they became also competitors in the said trade:—And no European nation having then acquired any considerable territorial dominion, the whole of the trade by Europeans was carried on entirely at the despotic will and sufferance of the native princes of the Mogul empire, the government and officers of which almost constantly shewed their favour and protection to such of the competitors from whom they could obtain the largest presents; and, in proportion as they protected one of them, they oppressed the others: as an instance of which your Petitioners shew, that the servants of the English Company in India, by means of corrupt influence with the ministers and servants of the Mogul, procured all the principal officers and members of the presidency of the London Company at Surat, then the chief seat of their trade in India, to be imprisoned for several seasons, and wholly to interrupt their commercial transactions ‡.

That the London Company and the English Company finding that, if their competition had continued, ruin must have ensued to both, agreed, about the year 1702, to unite together. The union was effected by force of two several indentures, dated respectively the 22d day of July 1702; one being an indenture tripartite made between Her late Majesty, Queen Anne, of the first part, and the said London Company of the second part, and the said English Company of the third part §; and the other being an indenture quinquartite made between the said London Company of the first part, the said English Company of the second part, and certain persons, trustees of property belonging to the London

* Indenture quinquartite, page 316, they were made over to the United Company for £70,000.
† See Annals of the East-India Company.
‡ Annals, vol. III. pages 549, 543, 563.
§ Printed Charters, page 243.

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Company, of the third, fourth, and fifth parts *; and by force of an act of parliament passed in the sixth year of the reign of Queen Anne †, and of an award of the Earl of Godolphin, the Lord High Treasurer of Great Britain, dated the 29th day of September 1708.

By the terms of the Union, all the property and rights belonging to both Companies, at home and abroad, including the settlements, forts, factories, and territories which they had acquired, as is above stated, were valued, and in consideration of the value of the property of the London Company being paid or allowed in account to them, they, by proper legal instruments, transferred and made over all their property to the English Company: and the English Company were allowed in account the value of their property, and the property and rights of both Companies were thenceforth vested in them, for the benefit of the united concern. And the London Company having completed the transfer of its property, surrendered its corporate capacity; and from thenceforth, the English Company took the stile of “the United Company of Merchants of England trading to the East-Indies,” which is now the stile of your Petitioners.

Your Petitioners crave leave to draw the attention of the House to some part of the subjects, of which the property of your Petitioners consisted at the time of the union of the two Companies in 1702, and which they derived by transfer from them, with the cognizance and sanction of Her Majesty, Queen Anne, and of the Parliament. Amongst other things, your Petitioners were then entitled to, and possessed of, the Islands of Bombay and St. Helena, the sovereignty of which was vested in the Crown of Great Britain: they were entitled to, and possessed of, the factories of Surat, Swally, Broach, Amadavad, Agra, and Lucknow: on the coast of Malabar they were entitled to, and possessed of, the forts of Carwar, Tellicherry, and Angengo, and the factory of Calicut: on the coast of Coromandel they were entitled to, and possessed of, the fort St. George, with the castle, fortifications, and territory thereto belonging, on which a large city, called Madras, was built, the houses of which belonged to, and paid rent to, your Petitioners; Fort St. David, being a strong fort

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* Printed Charters, page 316.

† 6th Anne, cap. 17.

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fort and factory, and about three miles compass of the circumjacent country, on which several small towns and villages were erected; the factories of Codolore, Porto Novo, Pettipollee, Madapollam, and the fort and factory of Vizagapatam. In Bengal, your Petitioners were entitled to, and possessed of, Fort William, and the town of Calcutta, with a large territory thereto belonging; the factories of Ballasore, Cossimbuzar, Dacca, Hughly, Maulda, Rajamaul, and Patna. All these possessions were subject to the sovereignty of the Great Mogul. On the Island of Sumatra your Petitioners were entitled to, and possessed of, York Fort at Bencoolen, and a factory, with a territory of about five miles thereto belonging, and a factory at Indrapore.

That after the union of the two Companies, your Petitioners conducted themselves so as to conciliate and acquire the confidence of the natives of India, and for a considerable period of time they had no occasion to use the right which they enjoyed, of maintaining a military force, except for purposes little beyond those of police, and as guards of their fortifications against surprise; but, near the middle of the last century, it became necessary for your Petitioners to enlarge their military force, and to exercise the power of war, and of making political engagements with some of the native powers, to support the British interests in India, and in order to counteract the intrigues of the French, who had become auxiliaries to other native powers, with the design of driving your Petitioners out of the East Indies, and of excluding the British nation wholly from Asiatic commerce; but, by means of the forces raised and maintained by your Petitioners, and at their sole expence, your Petitioners completely defeated those objects, so that, at the conclusion of the war, which ended in the year 1763, the French were left without one single settlement, and almost without influence in any part of Asia.

In the year 1757, the Nabob of Bengal permitted your Petitioners to establish a mint at Calcutta*; and, in the same year, the said Nabob made over to your Petitioners the property in certain lands in Bengal, generally called the twenty-four Purgunhas†, and the saltpetre lands of the whole province of Bahar‡: and, in the year 1758, your Petitioners obtained a grant from the said Nabob

* Printed Treaties, page 9.

† Ibid, page 10.

‡ Ibid, page 12.

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Nabob for the free tenure of the town of Calcutta, discharged from the rent to which, to that time, it had been subject.* In the year 1759, the Soubah of the Decan made over to your Petitioners the whole of the circar of Masulipatam, with eight districts, as well as the circar of Nizampatam, and the districts of Condavir and Wacalmanner.† In the year 1763, the Nabob of Arcot made over to your Petitioners several districts of land surrounding Madras,‡ which lands have since been called the jaghire of your Petitioners; and such transfer was confirmed, in the year 1765, by the said Nabob, and also by the Great Mogul.§ In the year 1764, the Mogul made over to your Petitioners the country of Gauzepoor and the rest of the Zemindary of Rajah Bulwant Sing||. In the year 1765, the Great Mogul granted to your Petitioners the country called the Northern Circars,** and in the following year, such grant was acceded to by the Soubah ††: and, in the year 1765, the Great Mogul appointed your Petitioners, in perpetuity, to the office of Dewan of the provinces of Bengal, Bahar, and Orissa, such appointment being made as a free gift ††; and, by virtue of such grant, your Petitioners, in the execution of the office, acquired the right of collection of all the revenues of the said provinces, for their own use, free from any account thereof to be rendered.

Your Petitioners crave leave to remark, that no part of the property in any of the forts, factories, or territories, which became vested in your Petitioners at the time of the union of the two Companies, nor any of the territories nor rights, lastly hereinbefore mentioned to have been granted to your Petitioners, were acquired by conquest, but by purchase, by means of pecuniary payments, or by services rendered to, or other good considerations moving the grantors.

That, about the year 1767, a claim was made, on the part of the Public, to the beneficial interest in the territorial acquisitions and revenues then lately obtained there; and thereupon agreements have been made, from time to time, that the possession of such acquisitions and revenues should remain with your Petitioners, upon a participation of the profit of the revenue between the Public and your Petitioners, as mentioned in several Acts of Parliament made and passed

* Printed Treaties, page 23. † Ibid, page 347.

‡ Ibid, page 37.

** Ibid, page 361.

† Ibid, page 348.

†† Ibid, page 367.

§ Ibid, page 362.

‡‡ Ibid, page 43.

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passed at different times since 1767,* without prejudice to the claims of the Public or of your Petitioners.

That previous to the year 1773, the government of the settlements and acquisitions in India was conducted under the uncontrouled direction of your Petitioners, by virtue of the powers of government which they derived from their charters; but ever since the year 1773, the mode of the immediate government of India has been regulated by Parliament†: and from that time to the year 1784, in pursuance of directions of acts of parliament, the Lords Commissioners of His Majesty's Treasury, and one of His Majesty's principal Secretaries of State, in their several departments, were made acquainted with the correspondence and orders sent to and received from India by your Petitioners, in any way relating to the management of the revenue, or civil or military affairs and government of your Petitioners in that country: and from the year 1784 to the present time, all acts, operations, and concerns, which in any ways have related to, or concerned the civil or military government or revenues of the territories and acquisitions in the East Indies, have been placed under the superintendence and controul of certain Commissioners appointed by His Majesty, in pursuance of acts of parliament passed for that purpose‡; and your Petitioners have been restrained from giving any orders or directions relative thereto, without the concurrence of the said Commissioners: and in cases in which the said Commissioners have been of opinion, that the subject matter of any of their deliberations, concerning the levying war or making peace, or treating or negotiating with any of the native princes or states in India, communicated in orders to any of the governments in India, have been of a nature to require secrecy, such orders have been sent through the medium of a Secret Committee of three of the Court of Directors of your Petitioners, according to the provisions in that case made by Parliament, without any privity of your Petitioners or of their Court of Directors, and without any discretionary authority on the part of the Members of such Secret Committee.

That

* 8 Geo. III. cap. 57; 9 Geo. III. cap. 24; 13 Geo. III. cap. 64; 19 Geo. III. cap. 61; 20 Geo. III. cap. 56; 21 Geo. III. cap. 65; 33 Geo. III. cap. 52.

† 13 Geo. III. cap. 63. ‡ 24 Geo. III. cap. 25; 28 Geo. III. cap. 8; 31 Geo. III. cap. 10; 33 Geo. III. cap. 52.

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That between the period when such claim, as herein before mentioned, was first made, on the part of the Public, to the territorial acquisitions in the East-Indies, and the year 1793, a further acquisition of territory was made in India.

That the term, heretofore granted to your Petitioners in the exclusive trade to the East Indies, being about to be redeemed in the year 1794, an act of parliament was made and passed in the thirty-third year of the reign of His present Majesty*, whereby it was enacted, amongst many other things, that† the territorial acquisitions in certain former acts mentioned, together with the territorial acquisitions then lately obtained in the East-Indies, with the revenues thereof respectively, should continue in the possession of your Petitioners, during the further term by that act granted in the said exclusive trade; and that‡ your Petitioners should have the exclusive trade within the limits mentioned in the said act of parliament passed in the ninth year of the reign of King William the Third, subject nevertheless to such right of trading as is thereby given to individuals, to be carried on in the manner therein mentioned, and subject to a proviso to determine such right at any time, upon three years notice to be given by Parliament, after the 1st day of March 1811, upon the expiration of the said three years, and upon payment made to your Petitioners of any sum or sums, which, under the provisions of any act of that session of Parliament, should or might, upon the expiration of the said three years, become payable to your Petitioners by the Public, according to the true intent and meaning of such act: but it was enacted§, that nothing in that proviso, or in any proviso in the said act in the ninth year of the reign of King William the Third, in the said charter of the 5th of September in the tenth year of his reign, or in any other act or charter, should extend to determine the corporation of your Petitioners; and by the said act|| certain appropriations were made of all the profits arising from the territorial acquisitions and revenues in India, and also from the sale of goods, and all other profits of your Petitioners in Great Britain, during the time of the exclusive trade thereby granted to your Petitioners.

That the notice required by the last-mentioned act of parliament hath been given by the Speaker of your Honourable House, for determining the exclusive trade of your Petitioners, on the 10th day of April, 1814.

* 33 Geo. III. cap. 52. † Sec. 1. ‡ Sec. 71. § Sec. 74. || Sec. 107. to 112.

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That since the passing the said last mentioned Act, a further acquisition of territory and revenue in India has been made, and is now in the possession of your Petitioners. And your Petitioners also shew, that they have taken all the forts and factories which belong to the French, Dutch, and Danes in Hindostan: and your Petitioners are now in possession, as well of the territories mentioned in the said last-mentioned act of parliament, as of those which have been since acquired; and the British dominions in India, without a rival or any enemy, now consist of a very large proportion of the peninsula, besides very extensive provinces in the north of Hindostan, and contain, as it is supposed, above fifty millions of inhabitants, and have been acquired wholly at the expence and risk of your Petitioners, without any charge whatever to the British exchequer: for though land forces belonging to His Majesty have been employed in conjunction with the forces raised by your Petitioners; yet the whole of the expence of such forces of His Majesty, whilst they have been employed in such service, as well as for their passage out and home, and in recruiting, has been defrayed by your Petitioners: besides which, for a considerable length of time, your Petitioners furnished or paid for victualling and stores for the use of His Majesty's ships of war in the East-Indies.

Your Petitioners beg leave humbly to represent, that the welfare and happiness of the inhabitants of the countries which have come under the care of your Petitioners, have been their chief object; and they have reason to hope and believe, that the amelioration of the condition of the people is most eminently conspicuous. When Hindostan was first visited by British traders, and long after the union of the two Companies before-mentioned, when the opposition, not only of British subject against British subject, but of European against European, and the corrupt and impolitic attempts which were constantly made by one party, to raise the despotic powers of the Indian States against other parties, had in some measure ceased, the character of the native governments, as well as of the native individuals, remained unchanged; the ill usage which they had received from individual and associated Europeans, roaming about without responsibility or controul, raised a jealousy and animosity against every stranger without distinction, and the internal state of the country, where justice and injustice were equally articles of traffic to be bought and sold, left the rights of persons and property entirely at hazard.

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Your Petitioners found the country divided into many different states, all feudatory to the Mogul, who was considered the sole proprietor of the whole. These states were again divided amongst Zemindars and chiefs, with other designations, under whom there were sub-infeudations down to the Ryots, who were the actual cultivators of the soil, and no man held any land, and scarcely a crop, but at the will of another of superior power: there were no effectual means of resort for the support of any right or the avenging any wrong, and the will of the strongest was the only practical rule of conduct which was established. Under the management of your Petitioners, the scene has been entirely changed. By fixing certain permanent and invariable rents, a new and valuable property has been, as it were, created to the natives. By the establishment of courts of justice, and the appointment of liberal emoluments to those who devote their lives to the study and administration of laws adapted to the usages, customs, and religions of the inhabitants, they have removed temptations to corruption, and have provided the means for the inhabitants to be insured in the enjoyment of property thus created for them. Courts of criminal judicature have also been universally erected, which have effectually provided for personal liberty and security. By the alterations which have taken place, the practical means of foreign commerce, of traffic from port to port and internally, have been facilitated, very greatly to its increase.

That it may not be supposed that your Petitioners have assumed merits which they are not entitled to, they beg leave to refer to the Fifth Report of the Select Committee of this Honourable House on the Affairs of the East-India Company, which was presented to this Honourable House on the 28th day of July last.

Notwithstanding the ameliorated condition of the natives of India under the government of your Petitioners, to which they have been accustomed, yet the tranquillity of the country is not maintained by a physical force, but chiefly by moral influence, and in a great degree even by prejudice; any change would alarm them; and their submission to British authority would be greatly endangered by an unrestrained resort of Europeans in search of wealth, either by commerce or other means, at distances from the principal seats of government, or in such numbers at those seats, as to be beyond the controul of the governors; and by the resort of persons who may not have such connection with, and interest to uphold, the authority of the ruling power, as will insure the utmost care in

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their conduct, not only not to irritate, but positively to conciliate the natives with whom they may have dealings.

Your Petitioners beg leave to represent, that their military establishments, artillery, and marine, have been of other most important advantages to this nation, inasmuch as in the several European wars in which this society has been engaged since the peace of Aix-la-Chapelle, the forces of your Petitioners alone, or in conjunction with the forces of His Majesty, at the expence of your Petitioners, have taken all the settlements belonging to the Europeans on the continent of India, with whom this nation has been at war; and such captures have formed part of the price of national peace, without any compensation to your Petitioners: and, upon the suggestion of His Majesty's Ministers, your Petitioners sent a large force from India into Egypt, by the Red Sea, to co-operate with His Majesty's forces against the French, in the year 1801; and, in the present war, by expeditions equipped from India, all the possessions of the French, Dutch, and Danes, in the East, have been conquered: and though, as to such of those expeditions, the accounts of which have been settled, your Petitioners have been allowed considerable sums on the part of the Public, yet such allowances were calculated to reimburse only a part of the vast expenditure actually advanced by your Petitioners for those great national objects.

Your Petitioners humbly hope, they will be found to have been as attentive to, and as successful in the cultivation of the trade with China, as they have been with respect to the concerns in India. The peculiarities of the Chinese, and the delicacy attendant upon any intercourse with them, must be too well known, as matter of history, to every Member of this Honourable House, to require any statement of it in this Petition: it will be sufficient to inform this Honourable House, that it is but a little more than one hundred years since any trade whatever has been carried on between this country and China, and that, at this time, about forty-six thousand tons of shipping are employed by your Petitioners therein, and that your Petitioners entertain in China, for the purposes of that trade, a regular establishment of servants, called supra-cargoes, and others of inferior ranks, whose business it is to keep up a connection with the few merchants, or more properly mercantile officers, of the Chinese government, who are deputed to manage, on the part of the Chinese, all the commercial transactions between Great Britain and China. By this means, the trade has been

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been cherished and preserved through, and notwithstanding, many perils arising from circumstances apparently trivial, and the fatal consequences of which could only have been averted by the most delicate conduct, and by the whole commercial concerns of the British nation being confided to one united authority.

Your Petitioners feel it incumbent upon them to submit to this Honourable House an abstract of their financial operations since the arrangement contained in the above-mentioned act of the thirty-third year of the reign of His present Majesty was made. At that time the capital stock of your Petitioners amounted to the sum of £5,000,000: since that period, in pursuance of an Act of parliament passed for that purpose, the capital stock has been increased by the sum of £1,000,000, contributed by the subscribers at the rate of £200 per cent.

At the time when the act of the thirty-third of His Majesty* was passed, sundry debts, incurred in the defence and protection of the British possessions in India, bearing interest, were then due and owing by your Petitioners, amounting to seven millions of pounds sterling, or thereabouts. Since that period the said debt has been very much increased for the same purpose, and great part of such increased debt was raised upon loans, by the terms of which the creditors were entitled to the option of being paid off in India, or by bills of exchange to be drawn upon London; and upon such obligations becoming due, your Petitioners have been obliged to provide, out of their funds and credit at home, the means of paying bills of exchange drawn upon them since the year 1807, to the amount of £10,902,924 sterling, in discharge of Indian debt: and the debt contracted for political purposes, now remaining due in India, according to the latest advices from thence, amounts to the sum of £26,000,000, or thereabouts over and besides the sum of £3,000,000 Reduced three per cent. Annuities, and the sum of £1,400,000 Consolidated three per cent. Annuities, on which the sum of £2,500,000 sterling was raised, in pursuance of an act passed in the last session of Parliament, to enable your Petitioners to pay bills of exchange which had been drawn upon them from India, in part discharge of the Indian debt, as herein-before mentioned, and also over and besides the sum of £2,202,000, or thereabouts, now owing by your Petitioners upon bills of exchange not yet due,

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* 33 Geo. III., cap. 52, sec. 108.

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due, but payable in London, which have been drawn in India, in further part discharge of the said Indian debt.

That the revenues of the territorial acquisitions in India in the possession of your Petitioners in the year 1793, amounted to the annual sum of £8,000,000, or thereabouts; and, by the latest accounts and estimates received from the East-Indies, the revenues of the territorial acquisitions, now in the possession of your Petitioners, amount to the annual sum of £16,000,000, or thereabouts: but the civil and military expences of the government have proportionably increased.

That the profits of the trade carried on by your Petitioners since the year 1793, to the latest period to which the accounts can be correctly estimated, have amounted to the sum of £6,289,405, over and above the commercial charges of your Petitioners, and beyond the payment of interest on their bond debt in England, and besides the dividends from time to time paid on the capital stock of your Petitioners, according to the directions of the said act of parliament passed in the thirty-third year of the reign of His present Majesty.

That in 1793 the bond debt in England of your Petitioners amounted to the sum of £3,200,000, or thereabouts: since which, by an act of parliament passed in the year 1797*, they have been empowered to raise money, by increasing their capital stock by the amount of £2,000,000; but your Petitioners have not availed themselves of that resource, but under the authority of several acts of parliament†, they have raised money upon bond, and their bond debt in England now amounts to the sum of £5,409,325; but your Petitioners are intitled by law to issue bonds, to the amount of £7,000,000 in the whole.

That the annual interest upon the present amount of the Indian debt now amounts to the sum of £1,600,000, or thereabouts: and as, by the terms of the loans on which such money was raised, the creditors are entitled to receive their interest by payment of money in India, or by bills of exchange to be drawn and made payable in London, at rates favourable to the holders, and judging from the amount drawn within the last half year, your Petitioners estimate that the annual sum of £1,500,000, or thereabouts, will be necessary to be

* 37 Geo. III. cap. 31.
Geo. III., cap.

† 34. Geo. III. cap. 41; 47 Geo. III. cap. 41, sess. 2; 51

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be provided annually in London, for the payment of such interest: besides which, although the several sums of money payable in respect of the reduced and consolidated annuities (on which the said sum of £2,500,000 was raised by virtue of the said act of the last session of Parliament), for interest and sinking fund attendant thereon, amounting altogether to the annual sum of £242,820, are expressly charged upon the revenues of the territorial acquisitions in the East-Indies, yet your Petitioners are bound by the said act, at all events, to pay such sums of money into the Bank of England, in manner in the said act mentioned; and your Petitioners will also be obliged to provide in London the interest and other charges which may be attendant upon any further loan which may be necessary, in consequence of the said further sum of £2,202,000, part of the Indian debt, for which bills of exchange drawn upon your Petitioners are now outstanding; and it is estimated, that political charges (including payments to be made to the creditors of the late Nabobs of the Carnatic) consequential upon the Indian territory, to the annual amount of £910,000, or thereabouts, will be to be defrayed in England; and as, from the best estimates which can be made, there appears but little reason to expect (without a considerable reduction of the military expences of your Petitioners in India) that there should be any sufficient surplus revenue to be remitted for those purposes, your Petitioners apprehend that the punctual discharge of the pecuniary obligations of your Petitioners, in relation thereto, as well as the payment of the interest upon their bond debt in England, and the dividends on their capital stock, will depend most essentially upon the trade to be carried on by your Petitioners.

That in pursuance of several acts of parliament since 1807*, your Petitioners have increased their bond debt in England, by the sum of £2,409,325; and, in pursuance of an act of parliament passed in the fiftieth year of the reign of His present Majesty, your Petitioners have borrowed exchequer bills of the public to the amount of £1,500,000; and, by virtue of an act passed in the last session of Parliament, as hereinbefore mentioned, your Petitioners raised on loan, by way of reduced and consolidated annuities, the sum of £2,500,000: and all such sums of money, together with the said sum of £6,289,405, which has arisen from

* 47 Geo. III. sess. 2, cap. 41; 51 Geo. III. cap. ; 50 Geo. III. cap. ; 52 Geo. III. cap. 135.

from the surplus profits of the trade carried on by your Petitioners, as hereinbefore mentioned, have been absorbed, by payment of debts and expences incurred in respect of the territorial acquisitions in India.

That in the expeditions on the part of the British nation against the European enemies of His Majesty, and by advances for His Majesty's navy, and other public services, your Petitioners have incurred very large expences, which, they submit, they are entitled to be reimbursed by the Public: and your Petitioners compute, that after allowing such sum as your Petitioners are indebted to the Public for the loan of exchequer bills, to the amount of £1,500,000, as hereinbefore mentioned, pursuant to an act for that purpose passed in the last session of Parliament,* and after allowing such sums as your Petitioners are indebted to His Majesty for troops in India, and for recruiting, the sum of £2,294,426, at the least, will be found due to your Petitioners.

Your Petitioners have now exhibited, they hope with candour, the real situation of their affairs, and of the British trade and relations with the East-Indies and China. Your Petitioners do not presume to offer an opinion, whether any other arrangements, than those which have taken place, would have led to results equally, or more advantageous, than have arisen to their country: but they apprehend it to be quite undeniable, that the privileges entrusted to your Petitioners have produced a large quantity of positive benefit to the British empire; and they submit, that any material change in the Indian system would be matter of experiment, for which there can be no sufficient data from which its success can be calculated.

Your Petitioners feel it to be their duty to express to this Honourable House their sincere opinion, that the public interest cannot be better consulted, than by continuing your Petitioners as the sole organs and channel, both for the trade with and the government of India, upon the principles established by the act of the thirty-third year of His Majesty's reign, with such variations, as to the financial appropriations, and in some other points of detail, as present circumstances require and experience has pointed out. Your Petitioners ask not for an exclusive trade upon the narrow principles of monopoly, for the mere purpose of commercial gain; they have under their care interests of a much more

* 50 Geo. III. cap. 135; 52 Geo. III. cap.

more extended and liberal nature, which it is their duty to attend to. Your Petitioners are ready to become parties to any arrangement, which shall be consistent with the rights of your Petitioners and the security of British India, and which will not deprive your Petitioners of the means of fulfilling their pecuniary engagements with the Public and individuals, or the performance of the functions which may be continued or allotted to them. They hope they will not be deemed presumptuous, in humbly submitting their opinion, considered and reconsidered, that the opening the trade with China, in any degree, would endanger its existence altogether; and your Petitioners have, at no time, contemplated any alteration even in the export trade to the East-Indies, without considerable doubt and hesitation: but your Petitioners are firmly of opinion, that the unrestrained liberty of importation from that country, otherwise than through the medium of the establishments of your Petitioners in London, would produce effects, which every well-wisher to his country must deprecate, and which would put to extreme hazard any pledge, on the part of your Petitioners, for the good government of India or the performance of their obligations. Your Petitioners submit, that they would not be justified in becoming parties to any system, which, on consideration, should appear to them likely to prove an illusion.

As your Petitioners do not venture to anticipate what may be the determination of this Honourable House upon the question hereby submitted to its decision, your Petitioners hope, that they will be excused for humbly stating what, in the event of the dissolution of the present system, they conceive would be found to be the rights of your Petitioners, as well as their fair pretensions upon the justice and liberality of Parliament. The absolute right of your Petitioners, for their own use, to a considerable part of the forts, towns, islands, territories, and rights, which they have acquired abroad, never has been questioned, and your Petitioners believe it to be unquestionable; and notwithstanding the claim made for the Public to other parts of the territorial acquisitions and revenues of your Petitioners, they entertain a strong hope, that the property, as well in those parts which were acquired by conquest, under the powers of peace and war lawfully exercised by your Petitioners, as in those parts which were otherwise acquired, would be found to belong to your Petitioners, in the same way as any other property within His Majesty's dominions belongs to the owners thereof, subject to the

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the sovereignty and allegiance due to His Majesty: but even supposed to be determined, contrary to the sense and expectations of your Petitioners, that those places were not the property of your Petitioners. Petitioners submit, that, in that case, if the possession were to be assumed by part of the Public, your Petitioners would have a just right to reimbursement of the expenses which they have incurred in acquiring and maintaining them, and in making the fortifications, and civil and military buildings and works which your Petitioners have erected and improved upon them, with a compensation for the services and risk of your Petitioners, during the long time which they have had the possession and government of such territories, under the confirmation of Parliament, and all other charges incurred by your Petitioners, relative to such territories. These expenses and charges amount to many millions of money. Your Petitioners also submit, that they have a just claim to be reimbursed all the sums they have paid, in discharge of debts contracted on account of the territories, and to be indemnified against all other debts in respect of them, and which now remain undischarged.

Your Petitioners do not question, as an abstract principle, the right of any of His Majesty's subjects, to trade with any part of His Majesty's dominions; but your Petitioners humbly submit, that it cannot be contended, that any persons can have a right, except with the consent of your Petitioners, to use the settlements, factories, and seats of trade, or to avail themselves of the means and facilities, moral and physical, which your Petitioners, at a great expence and risk, have created or acquired, and now, at great current charge, maintain, for the purposes of commerce and civil intercourse.

Your Petitioners, therefore, most humbly pray, that this Honourable House will take the premises into its consideration, and make such provision as, in its wisdom, it shall see fit, for continuing the government of the territorial acquisitions in the East Indies in your Petitioners, and for settling the trade to the East Indies and China and other places, from the Cape of Good Hope to the Streights of Magellan, according to the present system; or that your Petitioners may have such relief in the premises as their case may require.

And your Petitioners, as in duty bound, will ever pray, &c.

No. LXXXIX.

Copy of a further PETITION from the EAST INDIA COMPANY to the Honourable HOUSE OF COMMONS, also noticed in the preceding Minutes.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled,

The humble Petition of the United Company of Merchants of England trading to the East Indies,

SHEWETH,

That loans of very large sums of money have heretofore been raised in India, on the credit of your Petitioners, for the defence and protection of the British possessions there, by the terms of which loans the creditors were entitled to the option of being paid off in India, or by bills of Exchange to be drawn upon London; and upon, and in consequence of such obligations becoming due, bills to the amount of £13,104,924 have been drawn, since the year 1807, upon your Petitioners, payable in London, and the sum of £10,902,924, part of the said sum of £13,104,924, has been discharged by your Petitioners, and £2,202,000, residue thereof, now remains outstanding, and the larger part of the bills drawn for the same will become due previous to the month of March 1814.

That, for the purpose of enabling your Petitioners to pay the said bills of exchange which they have so discharged to the amount of £10,902,924, they borrowed Exchequer Bills of the Public, to the amount of £1,500,000, in pursuance of an act of parliament passed in the fiftieth year of the reign of His present Majesty, entitled "An Act for granting to His Majesty a Sum of Money to be raised by Exchequer Bills, and to be advanced and applied, in the Manner and upon the Terms therein mentioned, for the Relief of the United Company of Merchants of England trading to the East-Indies:" and your Petitioners also raised the sum of £2,500,000 upon reduced three pounds per

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centum,

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FURTHER PAPERS

RESPECTING

THE NEGOCIATION

FOR A RENEWAL OF THE

EAST-INDIA COMPANY'S EXCLUSIVE PRIVILEGES.

London:

PRINTED BY ORDER OF THE COURT OF DIRECTORS, FOR THE INFORMATION
OF THE PROPRIETORS,

By E. Cox and Son, Great Queen Street, Lincoln's-Inn-Fields.

1813.

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centum annuities and consolidated three pounds per centum annuities, respectively, transferrable at the Bank of England, in pursuance of an act of parliament made and passed in the fifty-second year of His Majesty's reign, entitled "An Act for advancing £2,500,000 to the East-India Company, to enable them to discharge part of the Indian Debt."

That, by another act of parliament, made and passed in the fifty-second year of the reign of his present Majesty, entitled "An Act to amend an Act of the fiftieth year of His present Majesty, for granting a Sum of Money to be raised by Exchequer Bills, to be advanced and applied, in the Manner and upon the Terms therein mentioned, for the Relief of the United Company of Merchants of England, trading to the East Indies," it is enacted, that it shall be lawful for the Commissioners of His Majesty's Treasury, or any three or more of them, to carry to the credit of your Petitioners, in repayment of the sums advanced under the provisions of the said act of parliament of the fiftieth year of the reign of His present Majesty, any sum or sums of money which should have been advanced or disbursed by your Petitioners in the East-Indies for His Majesty's navy or any public services.

That your Petitioners compute that, after allowing in account such sum as your Petitioners are indebted to His Majesty for the loan of the said Exchequer Bills, that the sum of £2,294,426, at the least, is now due to your Petitioners, in respect of Money which has been advanced or disbursed by your Petitioners in the East-Indies for His Majesty's navy and other public services.

That, by virtue of an act of parliament passed in the thirty-seventh year of the reign of His present Majesty, entitled, "An Act to enable the East-India Company to raise money by further increasing their capital stock, and to extend the provisions now existing, respecting the present stock of the Company, to the said increased stock," your Petitioners are now authorised to raise money, by increasing their capital stock by the sum of £2,000,000; but your Petitioners have not raised any money in exercise of the powers contained in the said act.

That your Petitioners are now authorised by law to raise money in England upon bonds, to the amount of seven millions, and your Petitioners have now issued bonds to the amount of £5,409,325, and are at liberty to issue further bonds

to

No.
LXXXIX.Petition for
payment of
Money due by
the Public.

to the further amount of £1,590,675: and by an act passed in the fifty-first year of the reign of His present Majesty, entitled, "An Act to enable the East-India Company to raise a further sum of money upon bond, instead of increasing their capital stock, and to alter and amend an act passed in the forty seventh year of the reign of His present Majesty relative thereto," it is provided, that when your Petitioners shall have raised, under and by virtue of the said act of the thirty-seventh year of the reign of His present Majesty, and of the said act of the forty-seventh year of the reign of His present Majesty and of that act, such sums of money as together should amount to the sum of four millions sterling, from thenceforth it should not be lawful for your Petitioners to raise any further sum of money upon bond; and all money which, from thenceforth, should be raised by increase of capital stock, under and by virtue of the said first-mentioned act, should be applied in discharge of the said bond debt, until the said bond debt, created by virtue of the said act of the forty-seventh year of the reign of His Majesty, or of that act, together with the money to be raised by increase of capital, as aforesaid, should be reduced to the sum of four millions sterling.

That, upon an estimate of the probable receipts and payments of your Petitioners in England, including amongst the receipts the said sum of £2,294,426 so due from the Public to your Petitioners, as herein-before mentioned, it appears that it will be advantageous and necessary to the concerns of your Petitioners, that they should be authorised to raise the sum of £2,500,000 on loan, in a different manner from that in which they may now raise money, for the purpose of enabling them to discharge the said bills of exchange, to the amount of £2,202,000, drawn in liquidation of the Indian debt, to provide for their other current payments, and to enable your Petitioners, as circumstances may render it advisable, to reduce the amount of their bond debt, without increasing their capital stock.

Your Petitioners therefore most humbly pray, that this Honourable House will be pleased to direct the payment of the said sum of £2,294,426, so due by the Public to your Petitioners, as hereinbefore is mentioned, and to grant to your Petitioners such relief in the premises, as to this Honourable House shall seem meet.

And your Petitioners, as in duty bound, will ever pray, &c.

LIST OF FURTHER PAPERS

Respecting the Negotiation for a Renewal of the East-India Company's exclusive Privileges, printed by Order of the Court of Directors, for the Information of the Proprietors.

No. XC.

Minute of a Court of Directors, held on Friday, the 12th March 1813.

No. XCI.

Letter from Messrs. Pellatt and Wilks, Secretaries to the Protestant Society for the Protection of Religious Liberty, to the Chairman, dated the 11th March 1813, noticed in the preceding Minute.

No. XCII.

Resolutions of a Special Meeting of the Protestant Society for the Protection of Religious Liberty, inclosed in the preceding Letter.

No. XCIII.

Letter from the Chairman to Messrs. Pellatt and Wilks, Secretaries to the Protestant Society for the Protection of Religious Liberty, dated the 12th March 1813, in reply to their Letter (No. XCI.)

No. XCIV.

Minute of a Court of Directors, held on Friday, the 19th March 1813.

No. XCV.

Letter from the Chairman to Sir George Staunton, Bart., dated the 27th February 1813, to which No. XCVI. is a reply.

No. XCVI.

Letter from Sir George Staunton, Bart. to the Chairman, dated the 15th March 1813, noticed in the preceding Minute (No. XCIV.)

No. XCVII.

Paper entitled "Considerations upon the China Trade," enclosed in the preceding Letter from Sir George Staunton, Bart.

No. XCIII. throughout India, the holy religion which they profess, and should enjoy the equal protection of the State.

Resolutions
of Society of
Religious Li-
berty.

VI.—That to effectuate a result which they deem interesting and most desirable, this Committee will renew their application to His Majesty's Government, and intreat their interposition and assistance; will, if necessary, express their wishes by petitions to both Houses of Parliament; and will, by the public avowal of their sentiments, endeavour to excite the attention of the benevolent and the pious, to an object deserving of their best consideration and ardent support.

VII.—That this Committee cannot but communicate the pleasure with which they perceived that, stimulated by their former efforts, various other associations displayed, during the last session of Parliament, considerable solicitude and zeal for the establishment of these invaluable rights, and cannot but invite their renovated exertions and continued aid.

That these resolutions be transmitted to the President of the Commissioners for the Affairs of India, and to the Chairman of the East-India Company, for the information of the Directors, and be advertised, signed by the Secretaries, in the public papers, and in those periodical publications which most extensively circulate.

(Signed) THOMAS PELLATT, } Secretaries.
JOHN WILKS, }

No. XCIII.

LETTER from the CHAIRMAN to Messrs. PELLATT and WILKS,
Secretaries to the Protestant Society for the Protection of Religious
Liberty, in reply to their Letter (No. XCI).

No. XCIII.

GENTLEMEN,

East-India House, 12th March, 1813.

Chairman's
Letter.

I have this moment had the honour to receive your letter of yesterday's date, transmitting several resolutions adopted by the Committee of the

the Protestant Society for the Protection of Religious Liberty, and I will take the earliest opportunity of submitting the same to the consideration of the Court of Directors. No. XCIII.

Chairman's
Letter.

I am, Gentlemen,

Your most obedient humble servant,

(Signed) HUGH INGLIS.

Thomas Pellatt and John Wilks, Esqrs.

No. XCIV.

AT A

COURT OF DIRECTORS,

Held on Friday, the 19th March, 1813.

On reading a Letter from Sir George Staunton, Bart., dated the 15th No. XCIV. instant, transmitting a copy of the paper submitted by him to the Earl of Buckinghamshire on the subject of the China trade, in compliance with His Lordship's wishes,—(See Nos. XCVI. and XCVII).

Court of
Directors,
19th March,
1813.

Ordered, That the said letter be referred to the consideration of the Committee of Correspondence.

No. XCV.

LETTER from the CHAIRMAN to SIR GEORGE STAUNTON, Bart., to
which No. XCVI. is a reply.

SIR,

East-India House, 27th February, 1813.

In the present situation of the Company, with respect to the renewal of their exclusive privileges, and when even the China trade is attacked, it is very
No. XI.

No. XCV.

Chairman's
Letter.

No. XCI.

Messrs.
Pellatt and
Wilks's
Letter.

The attainment of an object so desirable as the intellectual, moral, and religious instruction of the vast population of Asia, who are subject to your controul, by the disinterested labours of Christian Missionaries, they cannot but believe that yourself and the other Directors will consent to promote, by exempting such Missionaries from all those restrictions, which, as to other persons, you may deem it expedient to perpetuate.

They therefore anticipate with pleasure, that they shall be favoured by a reply, which may prevent their future and extended exertions, and which may enable them immediately to gratify their numerous and anxious friends, by assurances, that with their wishes you will certainly and liberally comply.

We have the honor to be, Sir,

Your most obedient humble servants,

(Signed) THOS. PELLATT, } Secretaries.
JOHN WILKS, }

To Sir Hugh Inglis, Bart.
&c. &c. &c.

No. XCII.

RESOLUTIONS of a SPECIAL MEETING of the Protestant Society for the Protection of Religious Liberty, inclosed in the preceding Letter.

At a

SPECIAL MEETING of the Committee of "the Protestant Society for the Protection of Religious Liberty," convened at the New London Tavern, "to consider the Propriety of renewing their Exertions to diminish the Difficulties which have impeded the Freedom of Christian Missionaries in India," on March 2d, 1813.

No. XCII.

SAMUEL MILLS, Esq. Chairman.

The Committee having referred to the proceedings adopted by them in March and April 1812, and to their correspondence with the late Right Honourable Spencer Perceval upon the same subject,

Resolved,

No XCII.

Resolutions
of Society of
Religious Li-
berty.

Resolved, I.—That this Committee including members of the National Church, and representing many hundred congregations of Protestant Dissenters in England and Wales, of all denominations, must primally exert their vigilance and energy for the protection of religious freedom within the United Kingdom; but that principle and sympathy must equally impel them to approve, to desire, and if possible, to obtain the enjoyment of that liberty in every part of the British Empire throughout the world.

II.—That as men, as Britons, and as Christians, this Committee continue to regard with anguish and with horror, the moral depression and religious ignorance of very many millions of immortal beings, who people the plains of India, subject to British power. That their "hearts are pained" at the fearful penances, licentious rites, female degradation, human sacrifices, and horrible infanticide, which there prevail: and that, convinced by history, observation, and experience, that Christianity would afford inestimable benefits, and that their diffusion is practicable, wise, and imperative, they cannot but persevere eminently to desire its speedy and universal promulgation throughout the regions of the East.

III.—That motives, urgent and irresistible, must therefore induce this Committee still to deplore and to condemn every obstacle which has been interposed, to prevent the dispersion of gloom so lasting and so profound, by the irradiating beams of Christian truth.

IV.—That they esteem the power possessed and exercised by the East-India Company to prohibit Christian Missionaries from residing within the vast dominions under their controul, as the greatest impediment which has recently existed to the progress of Christianity in India, and as inconsistent with the religious freedom which this Committee must invariably defend.

V.—That although this Committee would deprecate and abhor any intolerant interference, either with Mahommedans or Hindoos, and do not advocate any ecclesiastical establishment, they must continue strenuously to contend, that on the renewal of a Charter to the East-India Company, their former powers of exclusion should not be renewed, but that Christians of every sect should be permitted, unlicensed, to explain, and peaceably to promulgate, throughout

No. XCV. very desirable that we should be furnished with every document that can throw
Chairman's light upon that important subject, and show to the Public the danger likely to
Letter. arise from opening the trade with China to individuals in this country; I
will, therefore, be much obliged to you for any communication that you may
be able to make upon that subject, and which you think may be useful.

I have the honor to be, Sir,

Your very faithful and obedient servant,

(Signed) HUGH INGLIS.

Sir George Staunton, Bart.

No. XCVI.

LETTER from SIR GEORGE STAUNTON; Bart., to the CHAIRMAN,
noticed in the preceding Minute (No. XCIV).

No. XCVI.

Sir George
Staunton's
Letter.

SIR,

Devonshire Street, 15th March, 1813.

I beg leave to lay before you a copy of a paper on the China trade,
which, in compliance with a letter from Lord Buckinghamshire, expressing to
me his wishes for information on this subject, I had the honor of submitting to
his Lordship early in December last.

I am now induced to take the liberty of laying this paper before you,
conceiving that I cannot, in any other manner, more readily meet the wishes
you have done me the honor to express in your letter of the 27th ultimo: and
although I can scarcely presume that this paper can contain any novelty of argu-
ment or information, to entitle it to your particular attention, I beg leave to
express my anxious hope, that the general view I have taken of the subject may
meet your approbation.

I have only to add, that should it be in my power, on a consideration of
circumstances which have subsequently appeared, to make some additions to the
above

above paper, I shall not fail to have the honor of submitting them to your No. XCVI.
consideration.

I have the honor to be, with great respect, Sir,

Your most faithful humble servant,

(Signed) GEO. THOS. STAUNTON.

Sir George
Staunton's
Letter.

Sir Hugh Inglis, Bart.

&c. &c. &c.

No. XCVII.

PAPER entitled " CONSIDERATIONS upon the CHINA TRADE," enclosed
in the preceding Letter from Sir George Staunton, Bart.

There are several circumstances peculiar to the China Trade, which place No. XCVII.
in a strong point of view the extreme importance, if not absolute necessity, of
continuing it substantially upon its present footing.

These are, principally, the peculiar nature and objects of the trade itself;
the peculiar character of the Chinese people and government; and lastly, the
peculiar measures for promoting the prosperity and security of the trade, which
however essential to its welfare, neither could nor would be taken by any, but
a great commercial body, such as the existing East-India Company.

In regard to the peculiarity of the national character and habits of the
Chinese, one of the most important features to be remarked is the principle of
strict subordination and controul, and of the most extensive individual responsi-
bility, which in China pervades, not only the system of government, but every
relation of private life. Thus, in the same manner as the magistrate controuls
and is responsible for the conduct of the inhabitants of his district, the master
of each family is supposed to controul, and required to be responsible for, his
relations, connections, and dependants: and however despotic and oppressive
the operation of this principle may appear in our eyes, in those of the Chinese

Sir G. Staun-
ton's Consid-
erations on the
China Trade.

it

No. XCVII. it has invariably been considered as one of the first requisites of a good government, and one of the surest tests of a civilized people.

Sir G. Staunton's Considerations on the China Trade.

Nothing, therefore, upon the commencement of the present commercial intercourse of foreigners with the empire of China, so much contributed to render them odious, both to the government and to the people in general, as their apparent disposition and tendency, upon almost all occasions, to a state of anarchy and disorder. The casual and unconnected adventurers who first traded to China were entire strangers to the habits, customs, and language of the natives, as well as irreconcilably different from them, in respect to all their national characteristics.

It was obvious that, to maintain order amongst such persons, and to regulate their intercourse with the natives, the ordinary rules and routine of Chinese justice would be, in most respects, utterly inadequate and inapplicable. As far, also, as the Chinese were enabled to judge, these foreigners were wholly without any internal government, or system of controul and subordination, peculiar to themselves, which might have been capable of supplying the place, or, at least, of coming in aid of the national laws, and which might, accordingly, have been accepted by the local authorities in China, as a sufficient substitute for those laws, in all cases in which their partial suspension or relaxation in favour of strangers was found unavoidable.

Under the existing circumstances, therefore, the Chinese government deemed it necessary to supply the deficiency, by the enactment of various new regulations and restrictions; and these were framed, as might naturally have been expected, with little regard to the feelings or interests of individuals, who were not yet sufficiently powerful and united to command respect, nor sufficiently guarded and blameless in their general conduct, to overcome prejudices and conciliate esteem.

Thus, although the Chinese government did not absolutely prohibit foreign commerce, they resolved to provide against every hazard of ill consequences from its toleration, by the adoption and enforcement of the most jealous and vexatious precautions.

By the strict letter of these regulations, the continued residence of foreigners in China, from year to year, was totally forbidden; and during even the short period

period for which they were allowed to remain on shore, for the necessary purposes of their trade, they were required strictly to confine themselves to the small district which was allotted to them in the suburbs of the city of Canton.

No. XCVII.
Sir G. Staunton's Considerations on the China Trade.

As a further security against turbulence and disorder, it was ordered that all foreign ships should be disarmed, upon their arrival, of their guns and other warlike stores, and that such articles should be retained in the custody of the government during the stay of the ships in port, and restored only at the moment of their departure. This order, although it has probably been but seldom enforced, and that only at a very early period of the trade, appears nevertheless to this day unrepealed upon the Chinese statute books.

Instead of foreigners being permitted to engage in any thing like a free trade and intercourse with the natives generally, the whole of the foreign trade at the port of Canton was specially limited to ten or twelve Chinese merchants; and these merchants were required, in return for the licenses granted them, to undertake, jointly and severally, the most extensive responsibility to the government, not only for the due payment of all the duties and port charges to which the foreigners might render themselves liable, but also generally for their orderly behaviour and good conduct.

Besides these licensed merchants, a few other persons were permitted to attend upon foreigners, in the capacity of linguists (interpreters) or *compradores* (victuallers); but, with the exception of these persons and the individuals in their immediate employ, the natives in general were withheld, by the denunciation of very severe penalties, from either frequenting the houses of foreigners, or holding any species of intercourse with them.

On the other hand, and as some compensation for the imposition of such restrictions and disabilities, it appears that foreigners have, almost from the first, been admitted to be personally exempt, excepting only in cases of capital offences, from the direct operation of the penal code of the empire.

The security of the property of foreigners was also, at an early period, guaranteed to them, not only by severe laws against frauds and other malpractices, but also by a special regulation for the satisfaction of their claims, either by the licensed merchants in a body, or else by the government itself in all cases of individual insolvency.

It cannot be asserted, that these regulations for the security of the persons and property of foreigners in China have been always found adequate and effectual, but their influence has certainly been material in mitigating the evils and inconveniences to which foreigners have, in other respects, been subjected; and, indeed, without their operation in a certain degree, the European trade to China must necessarily have long since been abandoned.

When the above sketch of the restrictions and disabilities, originally imposed upon foreigners and foreign trade in China, is compared with the actual state of things, in these respects, in that country, it will be perceived, that several changes have taken place, which are not a little satisfactory, as well as important.

Some, indeed, of the objectionable regulations, it must be acknowledged, are still subsisting in full force; but the greater number have been, at different periods, either expressly repealed, suffered to become obsolete, or modified in practice, in a manner so judicious and beneficial, as to render their ultimate effect upon the trade rather advantageous than otherwise.

This beneficial change is, perhaps, chiefly perceptible, in the increased facility and expedition with which the trade generally is at present carried on, and the infinitely more advantageous and honourable terms upon which all differences, when such have arisen, between the Europeans and the Chinese, have been negotiated and adjusted. The fact, however, may be easily illustrated, also, by particular instances. Thus, the ships of foreign nations have long ceased to be required to surrender up their means of defence: the permanent residence of foreigners, from year to year, at Canton, is no longer objected to: their intercourse and ordinary communications with the different classes among the natives, though still, no doubt, embarrassed with obstacles and restrictions, are considerably more open and free than formerly; and of late, it may be added, advances have been made at Canton to a direct and confidential intercourse with the representatives of the East-India Company by the government itself, which, if suitably improved, may well be expected to lead to very important results. But, upon this part of the subject, it cannot be necessary to enlarge. It must be notorious to every one, who is at all acquainted with the history

history of the foreign, and more especially, the British trade to China, that in spite of every difficulty, and occasionally of occurrences of the most untoward nature, it has been advancing in a regular and almost uninterrupted course of improvement for the last half century.

What then, it will naturally be enquired, are the causes of this progressive amelioration in the circumstances of our commercial intercourse with the Chinese people?—It will hardly be imputed to the removal or abatement of any of the ordinary grounds of the jealousy and suspicions entertained by the Chinese, in respect to foreign nations in general. These feelings of the Chinese, in regard to foreigners, so far from having been likely to subside, have been, and necessarily continue to be, subject, on various accounts, to constant and increasing provocation. Instead of the trade being carried on, as formerly, by a few small vessels, and by a limited number of unconnected and unprotected individuals, it now occupies the tonnage of large and well-armed vessels, having on board, and bringing annually to the Chinese coasts some thousands of foreigners, in the several capacities of mercantile agents, marine officers and sailors; and a very great proportion (perhaps nine-tenths) of this powerful and respectable body of men is now known to the Chinese to be avowedly subject to one head, and consequently ready and united, under that authority, for all purposes, either of offence or defence.

Instead of the appearance of armed vessels of any description continuing to be a rare and remarkable occurrence, the entrance of the river of Canton has latterly become, from the necessities of war and other causes, almost a regular naval station. British ships of war now visit the Chinese coasts at all seasons, and they have, in some recent instances, exercised the rights of search, and otherwise displayed their power, almost within the range of the Chinese batteries: and what precludes the possibility of the Chinese Government having remained in ignorance of these proceedings, it is known, that harsh and aggravated representations, on the subject of British interference, were formally made on those occasions to the principal authorities at Canton, both by the Portuguese and by the Americans.

Again, instead of the foreigners, who engage in the China trade, continuing to be, as at first, without any ostensible support or countenance from the countries from

No. XCVII. from whence they came, and supposed accordingly by the Chinese to have scarcely any other homes beside their ships, the greatest portion, if not the whole * of the foreign trade, is now known by the Chinese to be subject to, and to be under the vigilant protection of the sovereign of a great and powerful nation.

Sir G. Staunton's Considerations on the China Trade.

Indeed, however generally ignorant and unmindful the Court of Peking may be supposed to be in regard to foreign transactions and remote events, the reputation of our arms, both in India and the Eastern Archipelago, has of late been carried to such a height, that it would seem to be impossible for the Chinese Government to have remained insensible to it. But even if this could be supposed; if the various evidences of our power and reports of our successes, that have found their way over every part of the East, can be imagined to have failed to excite the suspicions and alarms of so jealous a government, recently, at least, the Chinese have had experience of our warlike means and resources, in a way which is quite unequivocal, and which in their eyes, must have been, of all others, the most striking and impressive. The circumstance here alluded to is, of course, the forcible occupation and retention by a British force, during the last three months of the year 1808, of the settlement of Macao, in absolute defiance of all the local forces and authorities, Chinese as well as Portuguese.

Yet, even on this very trying occasion, the Chinese evinced a degree of placability and forbearance, which few persons, acquainted with their ordinary language and conduct, under circumstances of much less provocation, could venture to hope for; and so favourably disposed did the government appear to the renewal of the accustomed commercial intercourse with the English, which that event had unhappily interrupted, that they allowed the trade to recommence, and fall into its ordinary channels, from the first moment that the intelligence was communicated to them of the evacuation of the island by the British forces.

In alluding here to this and other occurrences of a similar tendency, nothing is, however, more remote from the intention of the writer, than to assert, that they have been in themselves favourable to the British commercial interests in China.

* In the event of the continuance of the war with America, absolutely the whole of the foreign trade of the port of Canton will, in all probability, center in Great Britain and its dependencies.

China. It is not through, but in spite of the various events which have thus occurred to rouse the jealousy and suspicions of the Chinese, that we to this day retain the possession of a trade, and of a great and flourishing trade with the Chinese empire. These occasions of jealousy and suspicion are, no doubt, for the most part, unavoidable: they are among the natural consequences of the proud pre-eminence which we enjoy in the scale of nations; of our inquisitive, adventurous, and dauntless character; and, more particularly, of the widely diffused and long protracted warfare, in which the state of European politics has engaged us.

But we must not be blind to the difficulties and dangers to which this state of things has exposed, and continues to expose, our commercial interests in China. Though we may safely admire the wisdom or the good fortune, by which we have been hitherto extricated from them, we must recollect, how the Japanese, (a nation in many respects similar to the Chinese), to this day exclude from their ports all those nations of Europe (a remnant of the Dutch excepted) whom they once so readily admitted: how, more recently, the Chinese themselves have excluded our own ships from the port of Chusan, and the Russian ships from all the Chinese ports, and this upon occasions of apparently little or no provocation.

We must, further, recollect all the various characteristic traits of the Chinese, which conspire to tell us, that the prosperity of a distant province, and the comparatively small contribution which our trade makes to the national revenue, would be esteemed by them as nothing in the scale, when weighed against the hazard of continuing to permit any species of foreign intercourse, which was supposed capable of detaching the people from their government, and from the usages and institutions of their ancestors, or of, in any other way, disturbing the existing order of things in the empire.

Upon this view of the subject, we shall be disposed to infer, not that the danger is doubtful or remote, but that the means by which it has been averted are excellent, and that those means ought, accordingly, to be diligently traced and carefully adhered to.

In other words, since we have, under circumstances so little calculated to allay the jealousies and fears of the Chinese, in so great a degree succeeded in conciliating their good-will; since the agents of British commerce in China

No. XCVII. China have not only struggled successfully against such considerable and continually increasing difficulties, but have at length brought the trade, which had commenced so disadvantageously and inauspiciously, to its present state of prosperity and comparative security; it cannot but be useful, as well as instructive, to trace the several steps by which this desirable end has been attained: nor is it unreasonable to assume, that an attentive consideration of them is likely to afford us the surest guide for the future management of these important interests.

Sir G. Staunton's Considerations on the China Trade.

If we look back to the past history of the trade, we shall see that the principal events which have marked its progress are the following.

The first is, the adoption by all, or nearly all, European nations trading to China, of the measure of placing their respective commercial interests with the countries eastward of the Cape of Good Hope in the hands, and under the authority, of exclusive companies.

The second is, the approximation to a political connection with the Government of China, which, with different degrees of success, the several states of Europe, chiefly interested in the trade, have endeavoured to effect, by means of representative ministers, bearing letters and presents to the Court of Peking.

The third is, the recent consolidation, by the events of the present war and other contingencies, of the greatest portion (probably at this time at least nine-tenths) of the foreign commerce of the Port of Canton under the British flag; and the increase, consequently, to a very considerable extent, of the weight and influence of the actual representatives of the British nation and Company at that port.

It is but the natural result of such events, that the real value and importance of the British commercial connection with China not only begins to be, in a certain degree, felt and recognized by the Chinese on the one side, but is also more duly and generally appreciated by ourselves on the other; as is, indeed, fully instanced, by the additional degree of anxiety and attention which has been given, of late years, both by the Company's authorities at home, and by their servants abroad, to the consideration and the adoption of the measures, and the system of conduct, best calculated for its preservation and improvement.

Thus, while the power and consideration naturally arising from the possession of a great and flourishing trade, when such trade is concentrated and drawn

drawn into a focus, by being committed to the hands of the representatives of an exclusive Company, necessarily command respect, the general wisdom, propriety, and uniformity of the measures and line of conduct which this system has put it into our power to adopt, have happily been found to conciliate, in no inconsiderable degree, both regard and confidence.

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The Chinese, seem, at length, to see cause to retract in favour of the British nation, their generally unfavourable opinion of foreigners. Their experience of our character, sustained, as it has for the most part been, by the general tenor of our proceedings, must indeed have convinced them, that our good faith is unimpeachable; and that, while we amply possess both the power and the resolution to maintain all our just claims, we are equally far from being deficient in that wisdom and prudence, which forbid the pursuit of such as are unreasonable and indefensible.

The beneficial effects of the high character and augmented influence which the East-India Company thus possess, at present, at the port of Canton, are felt, both by the peculiar trade of the Company, and also by the remaining part of our national trade with China, which is carried on, under the Company's auspices and controul, either in their own ships, by their own marine servants, or in the ships trading from, and belonging to, their several settlements in India, by the private merchants residing there, under the Company's authority. The same effects are even felt, in a certain degree, by the whole of the foreign trade generally. The exertions, for instance, which the Company's servants are continually called upon to make for the maintenance of privileges and the resistance of acts of encroachment, and perhaps oppression, must, when successful, be more or less profitable to all who are concerned in the trade: but it should always be recollected, that the acts of justice or of favour which, in consequence of such exertions, and in cases of a general nature, may be imparted to all, would, without such exertions, (exertions, of course, presupposing a power lodged somewhere, capable of, and interested in making them,) in all probability be imparted to none.

It is also further true, that the credit and character acquired by the Company, and by the Company's servants in China, may, to a certain extent, have had the effect (which was equally undesigned as unlooked for) of shelter-

No. XCVII. ing and countenancing some of the foreign traders of other nations, and those especially of America.

Sir G. Staun-
ton's Consider-
ations on the
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There have been, without doubt, some instances, in which the undistinguishing and ill-informed Chinese, relying on external appearances and on apparent uniformity of manners, have (very unfortunately sometimes for themselves) placed those foreign traders much too nearly on a level in estimation with those of the English nation, of whose honour and probity they had already had so much more certain experience.

The eyes of the Chinese are, indeed, now more open, both to the personal and the national distinctions of the foreigners who frequent their coasts; and misconceptions, in these respects, can therefore scarcely occur again to any serious extent. But it is necessary, here, to advert generally to what has thus occurred, as it has so happened, that this partial and incidental participation by the Americans, and others, in the advantages so variously resulting from the flourishing credit and exalted reputation in China of the British East-India Company, has, very preposterously, been adduced as an argument against the expediency and utility of the system itself which produced them; a system, which, as we have seen, is mainly the cause of that general prosperity of foreign commerce in China, the benefits of which, if not exclusively, must always be, for the most part, our own.

In fine, the English, when they first adventured in the trade to China, presented themselves to the notice of the Chinese, necessarily, under the double disadvantage of being foreigners and being merchants: nevertheless, since they have been invested with the character of representatives and servants of a great Company, enjoying the declared and immediate protection of the sovereign of their nation, they have succeeded, by sure, though gradual advances, in raising the British trade to a pitch of prosperity, and themselves personally, to a degree of respectability in the estimation of the Chinese, which the most sanguine expectations, under a due knowledge of the circumstances of the case, would hardly have anticipated.

Though foreigners, they have approved themselves just in their dealings, and, generally speaking, wise and consistent in their proceedings.

Though merchants, or agents of merchants, such as they have always professed

fessed themselves, the Chinese have found them to possess substantially all the power, as well as much of the dignity, which the highest rank and office are capable of conferring.

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Though they lay claim to no direct authority from their sovereign, it is obvious to the Chinese, that they are especially protected and regarded by him, and that they are intimately connected with his immediate officers and servants.

Though they may not personally, or individually, have had access to the throne of the Chinese emperor, the emperor's officers and subjects well know, that they have already been once virtually represented at the Court of Peking by their King's ambassador; and they therefore naturally suppose, that they, and the interests of the trade, will be so represented again on future similar occasions.

If, then, we are content to persevere in the system which we have found upon trial so safe and so efficacious, taking only such further steps towards the improvement and completion of that system, as the knowledge and experience acquired in the course of our intercourse with the Chinese may be found to suggest; if, in short, we do not think it too much to continue to employ the means which are reasonable and in our power, of soothing the prejudices and conciliating the good-will of a people, with whom we maintain so beneficial and so important a connexion, taking care always, more especially, that their increasing jealousy of our power find a regular and sufficient counterpoise in their increasing respect and esteem for our character, it may safely be pronounced, that there are no limits to the improvement and the extension, of which our commercial relations with China will be found susceptible. Upon the most moderate calculation, they will always prove a fruitful and important source of compensation for those embarrassing restrictions and impediments, to which, owing to events of a political nature, so much of our trade is at present subjected in the western world.

On the contrary, if we invert this order of things, if we are rash enough to break up that wholesome system of control and subordination, that moderate, but effectual coercive influence, which, directly or indirectly, the Company possess over every British individual and every British transaction in China, and which, consistently with our laws and liberties, it is obvious could not possibly be made to subsist upon any other than its present basis; if, led away by a theory, which, however true in general, the peculiar circumstances of the case render

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render wholly inapplicable, we at once throw open this trade, equally and indiscriminately, to the experienced and the inexperienced, the honest and the dishonest, the wary and the unwary; if, ceasing to interpose the present conciliating medium, we hazard the consequent collision of such opposite characters and habits as those of the Chinese and the natives of Great Britain, especially in such increased numbers, on the one side, as a trade in the hands of individuals, even less in extent and value than the present, might probably employ, we shall, there is every reason to suppose, have the mortification to witness, not perhaps the immediate extinction of the trade, but certainly its progressive decline into a state of unprofitableness and insignificance, by strides far more rapid, probably, than those by which it has attained its present prosperity.

A connexion which, in so many ways, is beneficial to the British community at large, and which, at best, is so precarious, the worst and most ungovernable part of that community would be thus put in a situation, at any time, to suspend, if not altogether to destroy, by their criminal excesses, or even by their follies and imprudence.

The peculiar circumstances under which foreigners are received in China are, in fact, such, that the body or nation suffers from individual offences, almost equally, whether those offences are subjected to punishment, or permitted to escape with impunity. The latter event naturally tends to render foreigners objects of hatred and aversion, while the former invariably entails upon them humiliation and disgrace.

Extreme cases of this description have, happily, as yet rarely been known to occur, as the East-India Company's servants, by means of the powers, either directly vested in them, or indirectly arising out of their situation, have hitherto, in every instance of difficulty, actively interposed, either for the preservation or the restoration of harmony. But were this resource taken away, it is difficult to say which of the probable consequences would be most to be deprecated; the license and disorder ensuing from the frequent impunity of offences; or the still more intolerable and humiliating grievance, of the abandonment of British subjects to struggle for their lives, unassisted, against false or unproved charges, and amongst all the mazes of Chinese injustice and chicanery.

To obviate the hazard of either of these unpleasant alternatives, in the event

event of an unrestricted trade, the appointment of a King's Consul at Canton has been suggested; and it has been supposed by some, that such a public functionary would be fully competent to the discharge of all the *political* duties, at least, which can now fall to the lot of the servants of the East-India Company.

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Whether it might, or might not, be advisable to engraft such an appointment upon the existing system, is a question which it may be difficult to decide; but one thing is certain, that the creation of such an appointment would not, of itself, in the smallest degree, remove the difficulties above adverted to.

Whatever the consular character might add to the dignity, it can add nothing whatever to the power already enjoyed by the British authorities under the present establishment. It is from the trade that that power is derived. It is the trade, for instance, which confers on the Company's representatives their present power of controuling, not only the marine service of their employers, but also, in a certain degree, all other shipping whatever, importing from India or elsewhere, under the British flag.

It is the trade which, by reason of its great extent, has often given them means, peaceable as well as legitimate, of either favoring or counteracting the views of the Chinese Government, and this upon occasions, when the possession and exertion of such a power have proved of vital importance to the British interests in that quarter. It is, lastly, also the trade, which proves the great engine of power for influencing the proceedings of the licensed Chinese merchants, a class of men, upon whose conduct and disposition, in respect to foreigners in China, much more depends than is commonly suspected.

The trade being, therefore, in point of fact, the only real and available source of power and influence in the present case, such power and influence can, of course, reside with none but the representatives of those who carry it on. The King's Ambassador at the Court of Peking, and also the Captains of His Majesty's Navy, when they have powerful ships under their command, are capable, no doubt, of exerting an influence distinct from the trade; but a King's Consul at Canton, without much greater powers than those with which Consuls are usually entrusted, must necessarily, whatever his nominal dignity, be little more than a cypher.

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No. XCVII. losses, but which, of course, the wisdom of a well-regulated trade can never admit of. Purchases are also often made by individuals upon the principle of barter, or upon credit, or late in the season, or from merchants under temporary distress, or of goods of a deceptive kind, which, while they are nominally cheaper in price, are, in a still greater degree, inferior in quality. From any such cases as these, no general inferences, it is obvious, can justly be drawn: but it is believed with confidence, that it has been generally admitted, by all those who have had an opportunity of making the comparison, that when the parallel is fairly made, between the trade of the Company and that of Americans and other private adventurers, the advantages on the side of the former are found to be both important and unquestionable.

In regard to the disposal in China of our British manufactures and productions, the advantage accruing to the Public from the establishment of an exclusive Company are no less conspicuous, than those already stated to arise in other instances.

It is notorious, that the Company, by the means, or through the influence of the trade reciprocally carrying on at the same time in articles the produce of China, has been enabled to export, and has also succeeded in inducing the Chinese merchants to receive, large and increasing proportions of our staple manufactures and productions, and at prices excluding all ideas of profit, either to the Company, who are the last sellers on the part of the English, or to the licensed Canton merchants, who are the first purchasers on the part of the Chinese.

The advantage to us, in the latter respect, is obvious; and, in the former, though it may be doubted, in a general point of view, how far actual pecuniary sacrifices, on the part of the Company, can of themselves be beneficial to the nation at large, yet in the cases in which they have been made, as here quoted, it may easily be shewn, that they actually have been thus beneficial, and that in a very considerable degree.

The leading articles amongst our manufactures and productions, which we have already succeeded in introducing into China, are our woollens and our metals. The latter have found, hitherto, but little sale, otherwise than in their raw or unmanufactured state; and if it had not been for the great and persevering exertions

exertions of the East-India Company, there is great reason to suppose, that the sale of our woollen trade would have remained equally limited.

In a country in which the people have been so long accustomed to rely for all the necessities, and even conveniences of life, upon its internal resources, where almost every species of ostentation and splendour is precluded by sumptuary laws and frugal habits, and where the prejudices against novelty and innovation of every kind have been often found to more than counterbalance the most convincing proofs of superior excellence and utility, there was surely little reason to hope, that had things been left to take their natural course, our manufactures and productions could have ever obtained any thing like an extensive or general consumption.

The Company, nevertheless, now sell in China, annually, not less than about one million sterling in value of British woollens alone. To this height they have succeeded in carrying the trade, by previously submitting, from year to year, to very considerable losses, and by regularly binding the Chinese merchants, by the tenour of their annual contracts, to receive these goods in part payment for their tea, and upon terms which, low as they were, in comparison with those upon which the woollens had been originally purchased in England, were still, almost always, considerably higher than could have been warranted or expected, upon the mere consideration of the then state of the demand in China.

Thus the sacrifices made by the Company, with the view of reducing our British prices more nearly to the level of the Chinese market, and the exertions to which the Chinese merchants have been at the same time stimulated, in order to effect, without actual loss, the disposal of a stock constantly imposed on them in superabundance, have gradually conspired to effect the dispersion of our manufactures, to a great extent, over the country, in spite of every kind of predilection and prejudice.

The taste for British goods has been introduced, and seems now pretty well established. The superior quality of our cloths seems to be very generally felt and acknowledged: but what has, perhaps, most of all contributed to their present favourable reception throughout the interior of China, is the uncommon care and attention bestowed by the Company in preventing the introduction of any

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The foregoing observations have a reference chiefly to the circumstance under which the British trade to China is placed, by the peculiar character and temper of the government of the country where it is carried on. But there are several other important features peculiar to this trade; features more purely commercial, which will be found strongly to confirm the inference which has already been drawn, that it cannot exist, in any thing like its present extent and flourishing condition, otherwise than at this time, through the medium of an exclusive Company.

It is necessary to consider a little more particularly, both what the objects of the trade are, and with whom it is carried on.

It is well known, that it is not a free trade with the Chinese people generally, and to all the various ports of the Chinese empire. If such a trade could be procured to us by negotiation, it would, under certain modifications, be no doubt infinitely desirable. The possession of such advantages, and of so firm a footing in the country, might perhaps render it less unsafe, at least in a commercial point of view, to try the experiment of allowing a free competition on one side to meet a free competition already existing on the other. But while we are confined to one port, and to eight or ten merchants, who although they are permitted to deal with foreigners individually, are nevertheless, to many purposes, incorporated together, and obliged to act as a body, the case evidently is widely different.

Nothing, it is most probable, could have prevented combinations, and the exercise of arbitrary and dictatorial powers over the trade, on the part of the Chinese merchants, but the present system, by which we bid singly in the market for the greatest portion of the articles of China produce, through the agency of the East-India Company.

The effect of the commercial preponderance we thus enjoy is such, that the richest Chinese merchants have been unable to contend against it, while the poorer ones have been placed by it, in a great measure, at the disposal of the Company.

The Company's servants are thus enabled to regulate the prices of most of the articles of our trade, rather upon the general principles of expediency, and the real state of the internal market of the country, than the mere circumstance of

of the greater or less liberality or fairness of those eight or ten individuals, to whom the trade has been, by the Chinese Government, thought proper to be restricted.

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Nothing can be a stronger evidence of this fact, than the uniformity in the Canton prices of teas, which while the nominal value of all articles of consumption have, in almost all parts of the world, been more or less rapidly increasing, and while the Chinese Government has been supposed to be constantly augmenting its taxes and impositions, have experienced a rise scarcely worthy of notice.

In point of fact, the Company have seldom failed to obtain with readiness, not only fair market prices, but the absolute preemption of all China goods brought to sale at Canton for foreign consumption. The competition which, in the purchase of some particular species of teas, and in that of some other articles of comparatively trifling consequence, has been occasionally met with by the Company from Americans, or from their own marine officers, is small indeed, in comparison with the endless and ruinous competition which would ensue, from throwing the whole into the hands of individuals, and thus dividing, as it were, the British public against itself.

To prove that we should, under such circumstances, be obliged, generally speaking, to pay higher to the Chinese for teas and other articles, the produce of China, than we do at present, seems scarcely to require an argument. But it is here further to be observed, that when, through the superior weight and influence of the Company, the prices are once reduced to, or retained within reasonable limits, and a standard thus established, the portion of foreign trade which is in the hands of private individuals is naturally governed, in great measure, by the same rule. It may even, in a few instances, happen, that individuals appear, under particular circumstances, to be favored still more than the Company themselves; but this, when it really exists in the fair course of trade, is altogether casual, and it is oftener the result of fraud, or a mere fallacy, founded on wrong calculations.

Exceptions, moreover, to the general rule, will, no doubt, occasionally be the result of those hazardous and irregular speculations of individuals, which, however generally pernicious, sometimes lead to great gains as well as to great losses.

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any thing like deception or suspicious inequality into the packages of goods issued from their warehouses. In this respect, the Company have been successful in commanding the admiration and confidence of the Chinese, in a degree that has probably no parallel. It is notorious, that the Company's mark, like the impression upon a coin, is now admitted, in almost all parts of the vast empire of China, as a testimony of the quantity and quality of the article on which it appears, so unquestionable, as to preclude the necessity of further examination. How beneficial such a confidence must be, in facilitating the dispersion of the goods, and how impossible, under any other system, it must be (however highly we may be disposed to rate the general probity of our private merchants) to maintain such a confidence unbroken, must be obvious to every unbiassed judgment. There is no doubt that, under the present circumstances, the trade in British woollens is at length becoming a gainful one to all parties. The Company are, on the one hand, in a fair way to reap some portion of the benefits of its sacrifices and its exertions (sacrifices and exertions, such as none but a Company could have made or submitted to), while, on the other hand, the remaining and most important portion of these benefits, namely, the increased and still increasing vent for British produce, necessarily fall to our manufacturers and to the nation at large.

Another, and a still more important view, in which the trade to China is to be considered, is the supply which it affords us, and is alone capable of affording, of an article in such general use, as to be nearly equivalent to a necessary of life. The consumption of tea in the British dominions is now estimated at twenty-five millions of pounds weight, upon an average, per annum; and it will scarcely be doubted by any who consider the nature and the universality of the consumption of this article, even amongst the lowest classes in this country, that any material reduction in the quantity, or deterioration of the quality, would be productive of very considerable distress and inconvenience. It is impossible not to foresee, that so general a privation, so material a diminution of the daily and domestic comforts of the poor, as must ensue, in a proportionate degree, from the total, or the partial failure in the supply of tea, would, wherever the evil extended, be calculated to excite new discontents, as well as to embitter those which the unavoidable pressure of the war might already have occasioned. The national

national interests would, moreover, it is obvious, suffer no less in another way, by the consequent defalcation in the public revenue, of which the portion derived from this source now amounts to about four millions sterling: and, lastly, by the corresponding diminution, at the same time, of the fair profits of the East-India Company, that is to say, in fact, the profits, directly or indirectly, of a very large portion indeed of the British community.

From these evils the nation is secured, as far as human prudence and foresight can be supposed capable of securing it, by the operation of the chartered privileges of the East-India Company.

The national interests require more, in fact, from this branch of trade, than it could, by any possibility, attain to, if left altogether to itself. They require, in the first place, that the supply it affords us of the article in question should be uniformly adequate, but not much more than adequate, to the demand, not only in the aggregate, but also in respect to the several varieties and kinds, of which it is necessary that that aggregate should consist.

There is, probably, no article of commerce, whose value requires to be determined by such nicety of previous examination, and the due discrimination of which requires such matured judgment and experience; no article, of which the quality, and consequently the credit and the consumption, is so liable to be affected by improper admixture and adulteration. It has accordingly been found requisite, among other regulations, that all damaged teas, though often saleable (for the purposes, no doubt, of deception and adulteration) for considerable sums, should be destroyed; and barges are, in consequence, frequently sent down by the Company to the mouth of the Thames, with such teas on board, for the express purpose of discharging their contents into the sea. There are other teas which, though not actually damaged, are of an inadmissible and objectionable quality. Whenever these, contrary to the intentions of the Company, have been imported, they have, if necessary, been returned back on the hands of the owners; and, at all events, the repetition of such practices has been discouraged, by deducting the full amount of the loss upon such teas from the accounts of the respective Chinese merchants. To these, and similar charges, though made after an interval of two or more years, the Chinese merchants (such is their confidence in the

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There are, on the other hand, kinds of tea in China, a certain portion of which it is essentially requisite to provide for the annual investment for England, though, upon a comparison of the sales of these teas at home with the prices that must be given to procure them abroad, they are found sometimes to yield little or no immediate profit. The Company, accordingly, give a degree of encouragement to the growth and manufacture of such teas, which individuals, having only a limited and temporary interest in the trade, never could think of, but which the longer, and more extended experience of a public body, teaches to be beneficial, both to the nation and to itself; because it is found, that a certain admixture with some others of that particular kind of tea (the introduction of a suitable supply of which is secured by the above means) by the retail dealers in England materially contributes to maintain the credit, and extend the sales of the article generally.

In a word, upon the present system, the quality, the quantity, and the appreciation of our annual supply of this important article of consumption is evidently carried to the greatest pitch of perfection, that the circumstances under which foreigners are received in China will admit of. The whole of the produce for foreign consumption of each season, passing, with little exception, regularly under the review of the Company's servants, nothing can be conceived more free and unconfined than their choice: and in this they are determined, not like individual traders, by some casual and immediate advantage and temptation, but by general views of the superior excellence or suitability of the article tendered to meet the existing demand, and thereby to promote, as well the interests of the nation, as those of their own immediate employers.

In regulating, also, the extent of the supply, they are too well acquainted with the importance and nature of the interests under their charge, to permit those variations and irregularities to occur, by which individual traders are too often known to endeavour to influence the state of the market, and to seek to render it subservient to their particular views and interests. And if it were even possible to suppose the Company, or their representatives, to act

act ever under the influence of such a policy, the Legislature, by determining by law the amount of the stock of teas to be kept up permanently in their warehouses, and by such other acts as its wisdom may suggest, has always the power (which in the case of an open trade it could not have) of interfering and controuling them. As to the appreciation of the teas in China, the reasons have already been stated, why, under the present system, it must necessarily be the lowest, which the nature of the case and the state of the market will permit.

To recapitulate:—It has been endeavoured to shew, in what manner the present prosperity and comparative security of the China trade have arisen out of the system under which it has been conducted; a system which, through the medium of an exclusive Company, diffuses the profits and advantages of a great and well regulated commerce, in equitable proportions, directly or indirectly, over the whole of the British community; first, by its regular and secure contributions to the revenue (by which so much equivalent taxation of a different description is avoided); secondly, by its satisfactory and amply abundant supply of an universally desired article of daily consumption; thirdly, by its distinguished success in extending the sales, and maintaining the credit of British manufactures and productions; and lastly, by the support and employment it gives to multitudes in the marine, and other services of the Company, exclusive of that large and important portion of the British community primarily interested in it, under the denomination of East India-Proprietors.

It has further been pointed out and exemplified, in what manner the Chinese have recognised and become accustomed to the existing system, and how, in fact, while it has had the effect of reconciling them to our principles of government, it has enabled us, in a great degree, to counteract the worst features of their own.

Finally, therefore, it is inferred, that by a dereliction of the system in question, the trade cannot be improved, though it may probably be ruined: that though it may thus be put into other hands, there is no probability, in the nature of things, that into whatever hands it may fall, it can benefit as advantageously employ, a larger portion than it does at present, of the British public.

It is probable, that the truth of these positions is already so far admitted, that

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No. XCVII. that there are not now many persons who would venture to recommend the total and immediate subversion of a system, which time and circumstances have so essentially connected, in various ways, with our national interests. But a much greater, and more respectable number of persons, appear to have assented to propositions for the admission, under certain circumstances, of a general trade in China produce: by which propositions the exclusive privilege of the Company to the trade to that empire is equally assailed, though in a more indirect manner: and the ultimate tendency being the same, the consequences are necessarily to be deprecated and resisted in a similar manner.

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In fact, without an exclusive trade in the articles the produce of China, the exclusive admission to the ports of that empire might soon become little better than a nominal privilege, and of very doubtful advantage. If the private trader is placed in a situation to obtain, either openly or clandestinely, any material participation in the existing trade for the supply of Great Britain and Ireland with the staple commodities of the Chinese empire, it is obvious, that all further calculations on the part of the Company, either for suiting the tonnage to the supply, or the supply to the demand, must be perfectly nugatory.

Circumstances might put it into the power of private traders to defeat the Company's wisest provisions for the regular accommodation of the British consumer, while they always would render less certain and practicable the continuance of such measures as are now taken by the Company for the relief of the British manufacturers.

The speculations of individuals might, no doubt, be hazardous and irregular, and generally ruinous, perhaps, whenever they were legal; but, in either case, the trade of private individuals, through indirect channels, would necessarily entail the introduction of inferior and objectionable teas into the British market, and thus, by discrediting the article, reduce the consumption, and finally bring ruin and disorder into that trade, in which they had so unworthily participated.

To enable the Company to sustain, in the manner they do at present, the difficulties attending the maintenance of a commercial intercourse with China, they must be allowed the fair advantages of that intercourse.

If private ships, on the contrary, fitted out from British ports, are allowed to navigate directly to and from the Eastern Islands, where Chinese vessels and

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Chinese colonists are every where to be found, they will certainly succeed, in some degree, and possibly in a very great degree, in securing to themselves a participation in that trade, which has been heretofore exclusively confined to the port of Canton. The article which they will be enabled to procure will, most probably, be neither so good, nor so suitable to our taste, as that imported directly from China; but as it will have been procured under an evasion of a considerable portion of the Chinese export duties, and sold, possibly, under an entire evasion of the English import duties, the Company's regular and lawful trade in the same article must necessarily be undermined by such a competition, as far as it may extend.

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As the experiment has never yet been tried, it is impossible to say how far it would prove successful, how far, in short, it would be practicable, to supply the British market with Chinese produce by indirect channels, even if opened by us to private adventurers in the freest manner.

It is most probable, however, that the supply, though very prejudicial in its effects to the Company's interests and arrangements, would be but inconsiderable and contemptible in itself. The advantage to the individual trader would, almost in any case, be but small and precarious; while the injury to the Company and to the regular China trade (and consequently, as has been already shewn, to the nation at large), would be certain, and also, possibly, of serious magnitude.

No. XCVIII.

AT A

COURT OF DIRECTORS,

Held on Tuesday, the 23d March 1813.

The Chairman laid before the Court a copy of the resolutions submitted to the House of Commons yesterday by Lord Castlereagh, which copy was then delivered by his Lordship to the Deputy Chairman.

And the said propositions were read (See No. CIII).

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Court of
Directors,
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No. XCIX.

AT A

COURT OF DIRECTORS,

Held on Wednesday, 24th March 1813.

No. XCIX. A note from T. P. Courtenay, Esq. to the Secretary, dated 22d March, was read, transmitting, by direction of the Commissioners for the Affairs of India, for the information of the Court of Directors, copies of the several resolutions intended to be proposed on that day in the House of Commons, and which resolutions were accordingly submitted to the House of Commons on that day by Lord Castlereagh, and were read in Court the 23d instant.

Draft of the Secretary's letter to Mr. Courtenay, in reply, was read and approved.

The Court then adjourned to attend the General Court. (See No. CII.)

And being again met,
Draft of a petition to the House of Lords, similar to that presented to the House of Commons on the 23d ultimo, was read and approved; (see No. CVII.) as was also,

The draft of a petition to the House of Commons, praying leave to examine evidence at the bar of the House. (See No. CVIII.)

No. C.

NOTE from T. P. COURTENAY, ESQ. to Mr. Secretary RAMSAY, noticed in the preceding Minutes.

No. C. Mr. Courtenay presents his compliments to Mr. Ramsay, and by direction of the Commissioners for the Affairs of India transmits him, for the information of the Court of Directors, copies of the several resolutions intended to be proposed to-day in the House of Commons. (See No. CIII.)
Whitehall, 22d March 1813.

Mr. Courtenay's Note.

No. CI.

LETTER from Mr. Assistant Secretary CORB to T. P. COURTENAY, Esq. in reply, also noticed in the preceding Minutes.

SIR,

East-India House, 24th March 1813.

No. CI.

Assistant Secretary's Letter.

I have it command from the Court of Directors of the East-India Company to acknowledge the receipt of your note of the 22d instant, transmitting, by direction of the Commissioners for the Affairs of India, for the information of the Court of Directors, copies of the several resolutions then intended to be proposed in the House of Commons, and which resolutions were on that day proposed accordingly by Lord Castlereagh, who had the goodness, at the same time, to communicate a copy to the Deputy Chairman.

And I am further directed by the Court to request, that you will be pleased to offer to the Right Honourable the Board of Commissioners for the Affairs of India their thanks for the communication of these proposed resolutions, which will immediately engage the Court's most attentive consideration.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

JAMES CORB,

Assistant Secretary.

Thomas Peregrine Courtenay, Esq.

No. CII.

AT A

GENERAL COURT OF PROPRIETORS

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING TO
THE EAST INDIES,

Held on Wednesday, the 24th March 1813.

The Chairman acquainted the Court, that it is made special, for the purpose of laying before them the propositions submitted to the House of Commons by Lord Castlereagh on the 22d instant.

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The said propositions were then read.— (See No. CIII.)
The Court proceeded to take the same into consideration; upon which, after a long discussion,

It was moved, and on the question,
Resolved unanimously, That this Court concur in a Petition to the House of Lords (see No. CVII.), similar to that which has been presented to the House of Commons.

It was also moved, and on the question,
Resolved unanimously, That the Court of Directors be empowered to affix the seal of the Company to Petitions to the Right Honourable the House of Lords and the Honourable the House of Commons, to be heard by counsel, and to examine evidence at the bars of the Houses of Lords and Commons, should such measures be deemed necessary or advisable by the Court of Directors.

It was then, on another motion,
Resolved unanimously, That in consequence of the important services rendered by Sir Hugh Inglis, Bart., during the present negotiation with His Majesty's Ministers for the renewal of the Company's Charter, it is recommended to the Court of Directors, after the election of Directors on the 14th of April next, to solicit the aid and assistance of the said Sir Hugh Inglis, Bart., during the remainder of the negotiation, and that he now be added to such Committee or Committees as may be appointed for that purpose.

No. CIII.

RESOLUTIONS proposed in the House of Commons by LORD VISCOUNT CASTLEREAGH, on the 22d March 1813, noticed in the preceding Minutes.

No. CIII.

Resolutions
proposed in
the House of
Commons.

I.—That it is expedient, that all the privileges, authorities and immunities granted to the United Company of Merchants trading to the *East-Indies*, by virtue of any act or acts of parliament now in force, and all rules, regulations and

and clauses affecting the same, shall continue and be in force for the further term of twenty years; except as far as the same may hereinafter be modified and repealed.

II.—That the existing restraints, respecting the commercial intercourse with *China*, shall be continued; and that the exclusive trade in tea shall be preserved to the said Company, during the period aforesaid.

III.—That, subject to the provisions contained in the preceding Resolution, it shall be lawful for any of His Majesty's subjects to export any goods, wares, or merchandize, which can now or may hereafter be legally exported from any port in the United Kingdom, to any port within the limits of the charter of the said Company, and that all ships navigated according to law, proceeding from any port within the limits of the Company's charter, and being provided with regular manifests from the last port of clearance, shall respectively be permitted to import any goods, wares and merchandize, the product and manufacture of any countries within the said limits, into any ports in the United Kingdom, which may be provided with warehouses, together with wet docks or basons, or such other securities as shall, in the judgment of the Commissioners of the Treasury in Great Britain and Ireland, respectively be fit and proper for the deposit and safe custody of all such goods, wares and merchandize, as well as for the collection of all duties payable thereon, and shall have been so declared by the orders of His Majesty in Council in Great Britain, or by the order of the Lord Lieutenant in Council in Ireland: Provided always, that copies of all such orders in council shall be laid before both Houses of Parliament in the session next ensuing: Provided also, that no ship or vessel of less than 350 tons registered measurement, shall be permitted to clear out from any port in the United Kingdom, for any port or place within the limits aforesaid, or be admitted to entry in any port of the United Kingdom from any place within those limits: Provided also, that no such ship which shall have so navigated, shall be admitted to entry in any part of the United Kingdom, without a regular manifest, duly certified according to such regulations as may hereafter be enacted: Provided also, that no article manufactured of silk, hair or wool, or any mixture thereof, shall be entered or taken out of any warehouse, except for exportation, unless the same shall have been brought into the port

Resolutions
proposed in
the House of
Commons.

No. CIII.

Resolutions
proposed in
the House of
Commons.

port of London and deposited in the warehouses of the said United Company; and such articles shall by them be exposed to public sale by auction, in order to ascertain the duties payable thereupon; and in all other ports as well as the port of London, such articles, when entered and taken out for exportation, shall be charged according to their value under the regulations legally applicable in other cases to duties payable *ad valorem*.

IV.—That as long as the government of India shall be administered under the authority of the said Company, according to the provisions, limitations and regulations hereafter to be enacted, the rents, revenues and profits arising from the territorial acquisitions in India, shall, after defraying the expenses of collecting the same, with the several charges and stipulated payments to which the revenues are subject, be applied and disposed of according to the following order of preference:

In the first place, in defraying all the charges and expenses of raising and maintaining the forces, as well European as native, artillery and marine, on the establishments in India; and of maintaining the forts and garrisons there, and providing warlike and naval stores: Secondly, in the payment of the interest accruing on the debts owing, or which may hereafter be incurred, by the said Company in India: Thirdly, in defraying the civil and commercial establishments at the several settlements there: Fourthly, that the whole or any part of any surplus that may remain of the above described rents, revenues and profits, after providing for the several appropriations, and defraying the several charges before-mentioned, shall be applied to the provision of the Company's investment in India, in remittances to China for the provision of investments there, or towards the liquidation of debts in India, or such other purposes as the Court of Directors, with the approbation of the Board of Commissioners, shall from time to time direct.

V.—That the receipts into the Company's Treasury in England, from the proceeds of the sales of their goods, and from the profits arising from private and privileged trade, or in any other manner, shall be applied and disposed of as follows: First, in payment of bills of exchange already accepted by the Company, as the same shall become due: Secondly, for the current payment of debts (the principal of the bond debt in England always excepted) as well as interest, and

No. CIII.

Resolutions
proposed in
the House of
Commons.

and the commercial charges and expenses of the said Company: Thirdly, in payment of a dividend of ten pounds per cent. on the present or any future amount of the capital stock of the said Company, also in the payment of a further dividend of ten shillings per cent. upon such capital stock, after the separate fund upon which the same was originally charged by the 124th clause of 33 Geo. III. c. 52. shall have been exhausted; the said payments respectively to be made half yearly: Fourthly, in the reduction of the principal of the debt in India, or of the bond debt at home, as the Court of Directors, with the approbation of the Board of Commissioners, shall from time to time direct.

VI.—That when the principal of the debt bearing interest in India, shall have been reduced to the sum of ten millions of pounds sterling, calculated at the exchange of 2s. the Bengal current rupee, 8s. the Madras pagoda, and 2s. 3d. the Bombay rupee, and the bonded debt in England shall have been reduced to the sum of three millions of pounds sterling, then and thereafter the surplus proceeds which shall be found to arise from the revenues of India, and *the profits upon the trade*, after providing for the payments aforesaid, shall be applied to the more speedy repayment of the capital of any public funds or securities which have been or may be created for the use of the said Company, the charges of which have been or may be directed to be borne by the said Company in virtue of any act or acts of parliament; and that any further surplus that may arise, shall be set apart, and from time to time paid into the receipt of His Majesty's Exchequer, to be applied as Parliament shall direct, without any interest to be paid to the Company in respect or for the use thereof; but nevertheless to be considered and declared as an effectual security to the said Company for the capital stock of the said Company, and for the dividend of ten and a half per cent. per annum, in respect thereof, not exceeding the sum of twelve millions of pounds sterling; and that of the excess of such payments, if any, beyond the said amount of twelve millions, one sixth part shall from time to time be reserved and retained by the said Company for their own use and benefit, and the remaining five sixths shall be deemed and declared the property of the public, and at the disposal of Parliament: Provided also, that if the Company's debts in India, after the same shall have been reduced to ten millions.

No. CIII.

Resolutions
proposed in
the House of
Commons.

millions sterling, shall be again increased beyond that amount, or if their bond debt in England, after the same shall have been reduced to three millions, shall be again increased beyond that sum, then and so often as either of these cases shall happen, the surplus proceeds shall be appropriated to the reduction of such new debts respectively, until the debts in India shall be again reduced to ten millions of pounds sterling, and the bond debt in England to three millions of pounds sterling.

VII.—That it is expedient that ships built within the British territories in the East Indies, and employed in the commerce between India and the United Kingdom, should, during the present war and for eighteen months after the conclusion thereof, be permitted to import any goods, wares or merchandize, the produce or manufacture of any countries within the limits of the East India Company's charter, except as aforesaid, or to export any goods, wares or merchandize from this Kingdom to the British Settlements in the East Indies, or to any of the places within the said limits, in the same manner as ships British-built, and duly registered as such; and that after the expiration of the period above-mentioned, the said India-built ships should be liable to such other provisions as Parliament may from time to time enact, for the further increase and encouragement of shipping and navigation; and that effectual provision should be made, at the charge of the owners and commanders of such ships, for the maintenance, while in the United Kingdom, of the Asiatic sailors employed in the navigation thereof, and for the return of such sailors to their native country.

VIII.—That it is expedient to make provision for further limiting the granting of gratuities and pensions to officers, civil and military, or increasing the same, or creating any new establishments at home; in such manner as may effectually protect the funds of the said Company.

IX.—That all vacancies happening in the office of Governor-General of Fort William in Bengal, or of Governor of either of the Company's presidencies or settlements of Fort St. George or Bombay, or of Governor of the forts and garrisons of Fort William, Fort St. George, or Bombay, or of Commander-in-Chief of all the Forces in India, or of any provincial Commander-in-Chief of the Forces there, shall continue to be filled up and supplied by the Court of Directors of the said United Company; subject nevertheless to the approbation of

of His Majesty, to be signified in writing under his royal sign manual, counter-**No. CIII.**
signed by the President of the Board of Commissioners for the Affairs of India.

X.—That the number of His Majesty's troops in India, to be in future maintained by the said Company, be limited, and that any augmentation of force, exceeding the number so limited, shall, unless employed at the express requisition of the said Company, be at the public charge. Resolutions
proposed in
the House of
Commons.

XI.—That it is expedient that the church establishment in the British territories in the East Indies should be placed under the superintendence of a bishop and three archdeacons; and that adequate provision should be made, from the territorial revenues of India, for their maintenance.

No. CIV.

AT A

COURT OF DIRECTORS,

Held on Friday, the 26th March, 1813.

A letter from Thomas Pellatt and John Wilks, Esqrs., Secretaries to the **No. CIV.**
Protestant Society, dated the 24th instant, being read, soliciting, on the grounds therein represented, an early reply to their letter of the 11th instant, transmitting therewith sundry resolutions of the said Society, which letter and resolutions were read in Court on the 12th instant; Court of
Directors,
26th March,
1813.

Draft of the Secretary's letter, in reply thereto, was read and approved.

No. XI.

No. CV.

LETTER from Messrs. PELLATT and WILKS, Secretaries to the Protestant Society for the Protection of Religious Liberty, to the CHAIRMAN, noticed in the preceding Minute.

SIR, No. 18, Finsbury Place, March 24th 1813.

No. CV.

—
Messrs.
PELLATT and
WILKS's
Letter.

For the Committee of the Protestant Society for the Protection of Religious Liberty, "we have the honour to remind you of a letter which we addressed to you on the 11th instant, and which you politely acknowledged, and promised to submit to the consideration of the Directors of the Honourable East-India Company.

As the subject of that letter has already excited the most anxious solicitude in the minds of persons, far superior in numbers, and certainly equal in influence, to those who desire to partake in the commercial advantages which the Honourable Company have long enjoyed, we did venture to hope that we should have received an early and a satisfactory reply.

The observations made by Lord Castlereagh on this subject, on Monday last, by which he continued to refer the regulation of Christian Missionaries to your unlimited controul, have, however, created an unparalleled alarm, and will, we apprehend, produce general meetings in the metropolis and the country, hundreds of petitions to parliament, and the most strenuous efforts from friends to religion of every denomination throughout the empire, unless the Directors liberally, nobly, and promptly interpose, and prevent any possible imputations upon them, by speedily announcing their disposition to secure to Christian Missionaries the facilities and protection which, according to the resolutions transmitted by us, they may reasonably require.

An early communication from you we therefore take the liberty urgently, but respectfully, to intreat, assuring you that we are influenced to that request by no unfriendly dispositions to the Honourable Company, and by our desire to prevent

prevent that general agitation, discontent, and opposition, which, from continued inattention or a final refusal, will certainly result.

We have the honour to be, Sir,

Your most obedient humble servants,

(Signed) THOMAS PELLATT,

JOHN WILKS,

Secretaries to the Protestant Society.

No. CV.

—
Messrs.
PELLATT and
WILKS's
Letter.

Sir Hugh Inglis, Bart.,
&c. &c. &c.

No. CVI.

LETTER from Mr. Assistant Secretary COBB to Messrs. PELLATT and WILKS, in reply, also noticed in the preceding Minute.

East-India House, the 26th March 1813.

GENTLEMEN,

I have the honour to acknowledge the receipt of your letter, under date the 24th instant, soliciting an early reply to your former letter, transmitting sundry resolutions of the Protestant Society for promoting Religious Liberty. Both your letters, with the resolutions transmitted with the former, have been duly laid before the Court of Directors: and I have received their commands to acquaint you, that the subject, to which your letters refer, is now under the consideration of the Legislature; the Court do not therefore, under this circumstance, feel themselves at liberty to enter at present into the important subject in question.

I am, Gentlemen,

Your most obedient humble servant,

(Signed) JAMES COBB,

Assistant Secretary.

Thomas Pellatt and John Wilks, Esqrs.

No. CVI.

—
Assistant
Secretary's
Letter.

No. CVII.

COPY of a PETITION from the EAST-INDIA COMPANY to the Right Honourable HOUSE OF LORDS, noticed in the preceding Minutes (Nos. XCIX and CII).

No. CVII. To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled,
 The humble Petition of the United Company of Merchants of England trading to the East-Indies,

Petition to
the House of
Lords.

SHEWETH :

That as your Petitioners have reason to believe, that the system by which the relation between Great Britain and the East-Indies is now regulated, will shortly be taken into consideration by your Lordships, your Petitioners hope they may be permitted to state the outlines of the history of the establishment of your Petitioners, as well as their present situation as to their property and rights, their functions, and obligations.

[The rest of the statements and allegations in this petition are the same, in substance, with those contained in the petition to the House of Commons. (See No. LXXXVIII)].

Your Petitioners, therefore, most humbly pray, that your Lordships, in any arrangement which your Lordships may see fit to make, touching the premises, will be pleased to continue the government of the territorial acquisitions in the East-Indies in your Petitioners; and that your Lordships will be pleased to settle the trade to the East-Indies and China, and other places, from the Cape of Good Hope to the Straights of Magellan, according to the present system; and that your Petitioners may be heard by their Counsel, and admitted to adduce proofs, touching the matters aforesaid; and that your Lordships will be pleased to grant to your Petitioners such relief in the premises, as their case may require, and as your Lordships shall see fit.

And your Petitioners, as in duty bound, shall ever pray, &c.

No. CVIII.

COPY of a PETITION from the EAST-INDIA COMPANY to the Honourable HOUSE OF COMMONS, also noticed in the preceding Minutes (No. XCIX).

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled,
 The humble Petition of the United Company of Merchants of England trading to the East-Indies,

No. CVIII.
 Petition to
the House of
Commons.

SHEWETH :

That it appears by the votes of this Honourable House, that a Committee of the Whole House is now sitting, to consider of the affairs of your Petitioners.

That your Petitioners hope they may be permitted to adduce evidence, touching the matters under the consideration of the said Committee.

Your Petitioners, therefore, most humbly pray, that they may be heard by their Counsel, in order to adduce evidence to this Honourable House, touching the matters under the consideration of the said Committee.

And your Petitioners, as in duty bound, will ever pray, &c.

No. XII.

FURTHER PAPERS

RESPECTING

THE NEGOCIATION

FOR A RENEWAL OF THE

AST-INDIA COMPANY'S EXCLUSIVE PRIVILEGES.

London:

PRINTED BY ORDER OF THE COURT OF DIRECTORS, FOR THE INFORMATION
OF THE PROPRIETORS,

By E. Cox and Son, Great Queen Street, Lincoln's-Inn-Fields.

1813.

LIST OF FURTHER PAPERS

*Respecting the Negotiation for a Renewal of the East-India Company's
exclusive Privileges, printed by Order of the Court of Directors for the
Information of the Proprietors.*

No. CIX.

Minute of a Court of Directors, held on Friday, the 26th March 1813.

No. CX.

Minute of a Court of Directors, held on Wednesday, the 19th May 1813.

No. CXI.

Copy of a Letter from Mr. Assistant Secretary Cobb to Sir Hugh Inglis, Bart., dated the
19th May 1813, noticed in the preceding Minute.

No. CXII.

Minute of a Secret Committee of Correspondence, the 25th May 1813.

No. CXIII.

Minute of a Secret Committee of Correspondence, the 26th May 1813.

No. CXIV.

Minutes of a Secret Court of Directors, held on Wednesday, the 26th May 1813.

No. CXV.

Copy of a Letter from the Chairman and Deputy Chairman to the Right Honourable the
Earl of Liverpool, dated the 27th May 1813, noticed in the preceding Minutes.

No. CXVI.

Copy of a Letter from the Chairman and Deputy Chairman to the Right Honourable the
Earl of Buckinghamshire, dated the 27th May 1813, also noticed in the preceding
Minutes.

LIST OF FURTHER PAPERS.

No. CXVII.

Minute of a Court of Directors, held on Wednesday, the 26th May 1813.

No. CXVIII.

Copy of a Letter from Sir Hugh Inglis, Bart. to Mr. Assistant Secretary Cobb, dated the 21st May 1813, noticed in the preceding Minute.

No. CXIX.

Minutes of a Secret Court of Directors, held on Monday, the 31st May 1813.

No. CXX.

Copy of a Letter from the Right Honourable the Earl of Liverpool to the Chairman and Deputy Chairman, dated the 29th May 1813, noticed in the preceding Minutes.

No. CXXI.

Minutes of a Secret Court of Directors, held on Tuesday, the 1st June 1813.

No. CXXII.

Minute of a Secret Court of Directors, held on Wednesday, the 2d June 1813.

No. CXXIII.

Minute of a Secret Court of Directors, held on Friday, the 4th June 1813.

No. CXXIV.

Minute of a Secret Court of Directors, held on Tuesday, the 8th June 1813.

No. CXXV.

Minutes of a Secret Court of Directors, held on Thursday, the 10th June 1813.

No. CXXVI.

Minute of a Secret Court of Directors, held on Saturday, the 12th June 1813.

No. CXXVII.

Minutes of a Secret Court of Directors, held on Tuesday, the 15th June 1813.

No. CXXVIII.

Copy of a Note from the Right Honourable the Earl of Buckinghamshire to the Chairman, dated the 13th June 1813, noticed in the preceding Minutes.

LIST OF FURTHER PAPERS.

No. CXXIX.

Memorandum of a Conversation between the Lords Liverpool, Buckinghamshire, and Castlereagh, and a Deputation of the Court of Directors, consisting of the Chairman, Deputy Chairman, Sir Hugh Inglis, Mr. Mills, and Mr. Grant, on Thursday, the 10th June 1813; also noticed in the preceding Minutes.

No. CXXX.

Minutes of a Secret Court of Directors, held on Monday, the 21st June 1813.

No. CXXXI.

Minute of the Court of Directors, containing an account of the Proceedings which have taken place, relative to the Renewal of the Company's Charter, since the 24th March 1813, noticed in the preceding Minutes.

No. CXXXII.

Minutes of a General Court of Proprietors, held on Tuesday, the 22d June 1813.

No. CXXXIII.

Copy of the Resolutions (communicated by the Honourable the House of Commons to the Right Honourable the House of Lords) respecting the Affairs of the East-India Company, noticed in the preceding Minutes.

No. CXXXIV.

Copy of a Bill for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter.

No. CIX.

AT A

COURT OF DIRECTORS,

Held on Friday, the 26th March, 1813.

The Court now again took into very mature consideration the Propositions submitted by Lord Castlereagh to the House of Commons on the 22d instant, respecting the renewal of the Company's Charter, and which were read in Court on the 23d instant.

No. CIX.
Court of
Directors,
26th March,
1813.

No. CX.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 19th May, 1813.

Draft of a Letter to Sir Hugh Inglis, Bart. transmitting a copy of the General Court's resolution of the 24th March last, was read and approved.

No. CX.
Court of
Directors,
19th May,
1813.

No. CXI.

.. COPY of a LETTER from MR. ASSISTANT SECRETARY COBB to SIR
HUGH INGLIS, Bart. noticed in the preceding minute.

SIR,

East India House, 19th May 1813.

In obedience to the commands of the Court of Directors, I have the honour to transmit to you the enclosed copy of an unanimous resolution of the
No. XII. General

No. CXI.
Mr. Cobbe's
Letter.

No CXI. General Court, held on Wednesday, the 21th March last, recommending to the Court of Directors to solicit your aid and assistance, during the remainder of the negotiation with His Majesty's Ministers for the renewal of the Company's Charter, and resolving that you be added to such Committee or Committees as may be appointed for that purpose.

Mr. Cobb's
Letter.

I am further directed by the Court to express their regret, that in consequence of the pressure of business, so long a delay has occurred in making this official communication; a duty which they have the utmost satisfaction in fulfilling.

I have the honour to be, Sir,

Your most obedient humble servant,

(Signed) JAMES COBB,
Assistant Secretary.

Sir Hugh Inglis, Bart.
&c. &c. &c.

No. CXII.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 25th May, 1813.

No. CXII. The Committee taking into consideration the present state of the negotiation for the renewal of the Company's Charter, deem it advisable, after mature deliberation, that a letter should be addressed to the Earl of Liverpool upon the subject.

Secret Committee, 25th
May, 1813.

No. CXIII.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 26th May, 1813.

No. CXIII. Draft of a letter to the Earl of Liverpool, prepared in consequence of the Committee's resolution of yesterday, was read and approved.

Secret Committee, 26th
May, 1813.

No. CXIV.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 26th May, 1813.

The Chairman from the Committee of Correspondence laid before the Court, draft of a proposed letter to the Earl of Liverpool, which was read and approved.

No. CXIV.
Secret Court,
26th May,
1813.

It was then

Resolved, That the said letter be transmitted by the Chair to the Earl of Buckinghamshire, accompanied by a copy for his own use, with a request that his Lordship will be pleased to forward the same to Lord Liverpool.

No. CXV.

Copy of a LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the Right Honourable the EARL of LIVERPOOL, noticed in the preceding Minutes.

MY LORD,

East-India House, 27th May, 1813.

In obedience to the orders of the Court of Directors, we have the honour of submitting to your Lordship, as being at the head of His Majesty's Government, this letter, containing the Court's sentiments in the present momentous crisis of the East-India Company's affairs.

The consideration of the Resolutions sometime since submitted to the House of Commons for the renewal of the Company's Charter is now announced to be fixed for Monday the 31st Instant.

The third of these Resolutions bears, that the trade between this country and India, which has, for more than two centuries, been confined to the port of

No. XII.

B

No. CXV.
Chairman
and Deputy's
Letter.

No. CXV. of London, shall, as to exports, be open to all the ports of the United Kingdom, and as to imports, to all the ports which shall be declared fit and safe for their reception.

Chairman
and Deputy's
Letter.

We have stated in our correspondence with the President of the Board of Commissioners for the Affairs of India, the ruinous consequences that would be produced by this great innovation. The course of evidence since adduced before the House of Commons, and through the protracted inquiries of the opponents of the Company only just closed, has abundantly confirmed our statements, by shewing :

That a large influx of Europeans into our Indian territories (an influx which will unavoidably follow the permission of an open and general trade) must prove dangerous to the peace and security of those invaluable possessions, now so highly improved under the Company's administration.

That, at the same time, after an intercourse of three centuries between Europe and India, there is not the least prospect, or rational hope, of inducing the vast mass of the Indian population to use our manufactures, as the merchants of this country had fondly imagined, and as must be pre-supposed, in order to any considerable or steady extension of the import trade from India.

That the limited demand among some of the natives, particularly those connected with Europeans, for a few articles of British production, as well as the demand for European consumption in India, is superabundantly supplied by the present channels of trade with India, at very low rates; and that, if the natives could be inspired with a taste for our manufactures, they would be plentifully furnished by European artizans settled there, and their native assistants.

That all the shores, gulphs, and islands of the Indian Seas have been explored by British residents in India, and that an active trade is now carried on from the British settlements there to all those regions, in articles, Indian and European, as far as demand for them can be found; and from those regions, in every commodity for which a vent can be discovered in India or Europe.

That,

That, with respect to the trade between Great Britain and China, not only would the loss of that trade be imminently hazarded by laying it open, a the merchants also desired, but that, by admitting an unlimited intercourse between this country and the islands in the China Seas, the smuggling of the valuable article of tea into the ports of the United Kingdom would unavoidably follow, to an extent which could not fail to reduce, not merely the public revenue, but that commercial profit which, by supplying the Company with a dividend on their capital stock, enables them to perform their political functions.

That, by opening the import trade of India to the Out-ports, however little beneficial this privilege would eventually prove to those ports, the system of the Company's public sales would be broken down; a system on which the regularity, order, and advantage of their import commerce depend, and which has materially contributed to improve the commercial intercourse between this country and foreign Europe. And, in regard to the trade of foreigners, particularly Americans, with India, in which the latter were highly privileged by His Majesty's Government, and of which so much has been erroneously said, the truth often before stated has been confirmed, that the extension of this trade was owing to the belligerent state of Great Britain and the neutral character of North America; that the trade which the citizens of it carried on, the subjects of this country, during the course of the present peculiar war, could not have enjoyed; and that, on a return of peace, the greater part of that trade must revert to Britain.

Thus, my Lord, the great mass of most valuable and important evidence which has been brought before the House of Commons completely establishes the propriety and policy of continuing the Company in all the efficiency of its functions, political and commercial. Thus, also, the sanguine speculations of the merchants and manufacturers of this country (speculations from which they have eagerly expected to find new and vast sources of commerce for the nation, as well as to improve the old, and upon which they have sought to overturn the long established system of the Company, and all its extensive commercial relations) are found to be groundless and visionary, as the other allegations advanced

No. CXV.
Chairman
and Deputy's
Letter.

in their petitions were before disproved. The agents of the Out-ports have no attempted to bring forward evidence on their part, in support either of the theories or facts advanced by them; and it is hence clear, that it is not on this species of support they depend for success.

Since then, my Lord, the confident expectation of new unbounded commercial resources formed the grand plea on which the merchants required the abolition of the Company's commercial privileges (privileges essentially connected as often shewn, with the important political functions of the Company) and since it is proved, that those expectations have, in reality, no solid foundation, we take the liberty earnestly to ask, why the Company's system must be broken down, by adopting innovations which, instead of being likely to promote, can scarcely fail of proving injurious to the national interest?

But if, after so many years of experience in Indian commerce, a new and more ample trial is necessary, a very large one, far beyond what has ever yet been open to individuals, may be made, without destroying the system of the Company; that is, by admitting, under certain restrictions, the ships and goods of all the subjects of the United Kingdom to go from the Port of London to certain ports in India, and to return to London, where their imports shall be sold at the public sales of the Company. This experiment we think compatible with the preservation of the Company's system; and, my Lord, since the hazards, political and commercial, of an entire revolution in the system of Indian commerce have been shewn to be great, we humbly and earnestly submit to your Lordship and to His Majesty's Ministers, whether it will not be, in every view, more prudent and salutary to make this experiment for some years, and to await the result of it, instead of beginning by destroying the existing system, without the least assurance of substituting any thing good in its place.

But if this proposition should not have the good fortune to be acceptable to His Majesty's Ministers, we must then request your Lordship's attention to the situation in which the Company would be placed by the adoption of the third of the Resolutions now before the House of Commons.

The Court have already shewn, that the Company's dividend, on which their credit, and hence their efficiency to perform their political functions, depend, is derived from their China Trade, and that the profits of this trade will, in the case

No. CXV.
Chairman
and Deputy's
Letter.

case of an open intercourse with India from the Out-ports, be liable to material diminution. They have stated, that if they could be assured that such defalcation could be supplied from any other source, one of their great objections to the proposed change would be removed: We beg leave, therefore, now most respectfully to inquire, whether His Majesty's Ministers can suggest the means by which the Company may procure such a resource, and will be pleased to communicate their sentiments on this most important point? Again, for the usual political payments which the Company have to make in England on account of the Indian territory, amounting to near a million; for the extraordinary demands, amounting to a million and a half a year, henceforth falling upon the home treasury; for the payment of the interest or principal of territorial debt, and for the usual exports of goods, about two millions more; altogether composing an aggregate of between four and five millions; the Company must make punctual provision. This can be done no way, but by proportionably increasing their investments from abroad; and if their commercial system is broken down, where is the hope, that they can realize the proceeds of imports from the East, so as to be able to meet these heavy demands upon them, with the punctuality requisite to maintain the credit essential to so great an establishment? This point also, my Lord, most important in the consideration of the measures to be adopted for the future system of the Company, we most earnestly submit to the attention of His Majesty's Ministers; and resort to their judgment to inform us, how the Company can be provided against the failures and disappointments likely to happen under the proposed system, in realizing the imports of the Company? The idea which has been suggested, that the Company should depend on the bills of individuals drawn from India on this country, or on the still more casual resource of receiving money here for bills on the treasuries in India, is inadmissible, as such a dependence would be altogether precarious, resting on the degree in which the Indian trade should be prosecuted, and on the credit and success of individuals. Such a plan might, indeed, suit speculators, who would by it be enabled to trade on a capital furnished by the Company, but would be utterly unequal to the regular supply of the Company's demands, and the maintenance of their credit.

My Lord, we beg you to believe, that in stating these points for the consideration

No. CXV.

Chairman
and Deputy's
Letter.

deration of His Majesty's Government, we are actuated by a deep sense of the responsibility under which we stand, and by a most anxious concern for the great interests which are confided to our care. We entirely disclaim any intention or idea of acting from obstinacy or pertinacity, in opposition either to government or to popular opinion. We are influenced by an honest conviction of the truth and importance of the objections, those especially which we here urge to the opening of the Out-ports, and by a deep apprehension that the Company would not be enabled to go on under the proposed system, but that, in a few years, its resources would, by the operation of that system, be so impaired, as to lead to the supercession of the Company altogether; an issue which, though avowedly desired by some, we deprecate as fatal to the public interests of India and Britain, and to the interests of innumerable individuals.

Men in our situation may, in the opinion of some, be likely to act, in such a crisis as the present, from a wish to cling to their places and their patronage. This is a motive we equally disclaim: and, indeed, the line of conduct we have pursued through the whole of the negotiation for the renewal of the Charter, and to which we still adhere, may free us from such a suspicion. Certainly we cannot hear with indifference of those violent schemes of innovation, respecting the great interests with which we stand connected, and of the possibility of a new order of things which should entirely separate us from those interests; but we hope to possess, in any event, the consolation of having maintained those opinions, and followed that conduct, which have been prescribed by our own conviction and the upright discharge of the trust reposed in us.

We have the honour to be, M. Lord,

Your Lordship's most obedient humble servants,

(Signed) ROBERT THORNTON,
W. F. ELPHINSTONE.

The Right Honourable the Earl of Liverpool,
First Lord of His Majesty's Treasury,
&c. &c. &c.

No. CXVI.

*COPY of a LETTER from the CHAIRMAN and DEPUTY CHAIRMAN,
to the Right Honourable the EARL of BUCKINGHAMSHIRE, also
noticed in the preceding Minutes.*

MY LORD.

East-India House, 27th May, 1813.

No. CXVI.

Chairman
and Deputy's
Letter.

By desire of the Court of Directors we have the honour of transmitting to your Lordship a letter addressed by us, under the present date, to the Earl of Liverpool, accompanied with a request that you will have the goodness to forward it to his Lordship. We also enclose a copy of that letter for your Lordship's own use, and entreat your favourable consideration of its contents.

We have the honour to be, My Lord,

Your Lordship's most obedient humble servants,

(Signed) ROBERT THORNTON.

W. F. ELPHINSTONE.

The Right Honourable the Earl of Buckinghamshire,
&c. &c. &c.

No. CXVII.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 26th May 1813.

No. CXVII.

Court of
Directors,
26th May
1813.

A letter from Sir Hugh Inglis, Bart. the late Chairman, dated at Milton Bryant, the 21st instant, acknowledging the receipt of the Assistant Secretary's letter

No. XCVII. letter of the 19th, conveying, by desire of the Court of Directors, the unanimous resolution of the General Court of Proprietors of the 24th March last, recommending to the Court of Directors to request his aid and assistance during the remainder of the negotiation with His Majesty's Ministers for the renewal of the Company's Charter; and Sir Hugh expressing his best thanks for the terms in which the said Resolution has been communicated to him.

Court of
Directors,
26th May,
1813.

No. CXVIII.

COPY of a LETTER from SIR HUGH INGLIS, Bart. to Mr. ASSISTANT SECRETARY COBB, noticed in the preceding Minute.

SIR,

Milton Bryant, 21st May 1813.

No CXVIII.

Sir H. Inglis's
Letter.

I have had the honour to receive your letter of the 19th instant, conveying, by desire of the Court of Directors, the unanimous resolution of the General Court of Proprietors of the 24th of March last, recommending to the Court of Directors to request my aid and assistance, during the remainder of the negotiation with His Majesty's Ministers for the renewal of the Company's Charter.

I beg, Sir, that you will present to the Court of Directors my best thanks for the terms in which they have been pleased to communicate a resolution, doubtless highly gratifying to me, and which has added much to the obligations I owed to the respectable body of East India Proprietors, for a long course of indulgence, kindness, and confidence, previously to the new and flattering testimony of their favorable opinion. Sincerely lamenting, as I do, the inadequacy of my abilities to render any essential service to the Company in this arduous crisis of their affairs, I request you will acquaint the Court, that I shall consider it my indispensable duty, zealously to assist their endeavours to procure a renewal of the Charter, on such terms as may promise to secure the prosperity of the Company; these, in my apprehension, being the only terms on which the

the arrangement, when concluded, is likely to prove advantageous to the interests of the empire at home and in India.

No. CXVIII
Sir H. Inglis's
Letter.

I have the honour to be,

With much esteem, Sir,

Your very obedient humble servant,

(Signed) HUGH INGLIS.

James Cobb, Esq.
Assistant Secretary.

No. CXIX.

AT A

SECRET COURT OF DIRECTORS,

Held on Monday, the 31st of May, 1813.

The Chairman laid before the Court a copy of the Propositions intended to be submitted to the House of Commons this day, which he had received from Lord Buckinghamshire.

No. CXIX.
Secret Court,
31st May,
1813.

The said Propositions were then read.

The Chairman also laid before the Court a Letter from the Earl of Liverpool to the Chair, dated the 29th instant, stating that, after thoroughly considering the subject of their Letter of the 27th, his Lordship saw no ground for recommending any alteration in the course of proceeding now before Parliament, relative to the renewal of the Company's Charter; that the topics adverted to in the commencement of that Letter had already undergone repeated and most ample discussions; but that, if the Chairs should be desirous of having any further conversation with his Lordship on any part of this important question, but more particularly on the points stated in the latter part of their Letter, the Earl of Buckinghamshire and himself will be happy to see them on Monday next, for that purpose.

The Chairman then stated, that himself and the Deputy Chairman, in consequence,
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No. CXIX. sequence, waited on Lord Liverpool at Fife House, where they also met Lord Castlereagh and Lord Buckinghamshire, and had a very full conversation with their Lordships upon the subject of the Court's Letter, and upon the present state of the Propositions for the renewal of the Company's Charter; from which conversation it appeared, that there was no intention, on the part of the Noble Lords present, to recommend to his Majesty's Government or to Parliament, to alter any of the Propositions intended to be submitted to Parliament this evening.

Secret Court,
31st May,
1813.

No. CXX.

COPY of a LETTER from the Right Honourable the EARL OF LIVERPOOL to the CHAIRMAN and DEPUTY CHAIRMAN, noticed in the preceding Minutes.

GENTLEMEN,

Fife House, 29th May, 1813.

No. CXX.

Earl of
Liverpool's
Letter.

I have had the honour of receiving your letter, in which, according to the orders of the Court of Directors, you have submitted to me the sentiments of that Court, in the present momentous crisis of the East-India Company's affairs.

After thoroughly considering the contents of this communication, I can see no ground for recommending any alteration in the course of proceeding now before Parliament on the subject of the renewal of the East-India Company's Charter.

The topics to which you advert in the commencement of your letter have already been the subject of repeated and most ample discussion between the Prince Regent's Servants and the Committee of Correspondence; but if you are desirous of having any further conversation with me on any part of this important question, but more particularly on the points stated in the latter part of your letter, the Earl of Buckinghamshire and myself will be happy to see you on Monday

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Monday next, or on any other day at the beginning of next week, which may be more convenient to you.

I have the honour to be, Gentlemen,

Your most obedient and humble servant,

(Signed)

LIVERPOOL.

No. CXX.
Earl of
Liverpool's
Letter.

The Chairman and Deputy Chairman
of the East-India Company.

No. CXXI.

AT A

SECRET COURT OF DIRECTORS,

Held on Tuesday, the 1st June, 1813.

The Court met for the purpose of taking into further consideration the several Propositions which were last evening submitted to the House of Commons for the renewal of the Company's Charter.

No. CXXI.
Secret Court,
1st June,
1813.

Minutes of a Secret Court of Directors of the 18th December 1812 were read.

No. CXXII.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 2d June, 1813.

The Court deliberated further upon the Propositions, now under the consideration of the House of Commons, for the renewal of the Company's Charter.

No. CXXII
Secret Court,
2d June,
1813.

C 2

No. CXXIII.

AT A

SECRET COURT OF DIRECTORS,

Held on Friday, the 4th June, 1813.

No.
CXXIII.

Secret Court,
4th June,
1813.

The Court having resumed the consideration of the Propositions, now before the House of Commons, for the renewal of the Company's Charter,

It was, on a motion,

Unanimously Resolved, That a Deputation of the Court, consisting of

The Chairman,

The Deputy,

Mr. Mills, and

Mr. Grant,

be requested to solicit an interview with His Majesty's Ministers, in consequence of the present momentous crisis of the Company's affairs.

No. CXXIV.

AT A

SECRET COURT OF DIRECTORS,

Held on Tuesday, the 8th June, 1813.

No.
CXXIV.

Secret Court,
8th June,
1813.

Resolved Unanimously, That Sir Hugh Inglis, Bart. be requested to accompany the Deputation, which, by the Court's resolution of the 4th instant, was appointed to wait upon His Majesty's Ministers, at the present momentous crisis of the Company's affairs.

No.

No. CXXV.

AT A

SECRET COURT OF DIRECTORS,

Held on Thursday, the 10th June, 1813.

The Chairman acquainted the Court, that the Deputation appointed on the 4th instant to wait upon His Majesty's Ministers, had this morning, accompanied by Sir Hugh Inglis, an interview with the Earls of Liverpool and Buckinghamshire and Lord Castlereagh, at Fife House.

The Chairman then communicated the substance of the conversation which took place at this meeting between His Majesty's Ministers above-mentioned and the Members of the Deputation.

No.
CXXV.

Secret Court
10th June,
1813.

No. CXXVI.

AT A

SECRET COURT OF DIRECTORS,

Held on Saturday, the 12th June, 1813.

The Court met, and took into further consideration the present state of the Company's affairs.

No.
CXXVI.

Secret Court,
12th June,
1813.

No.

No. CXXVII.

AT A

SECRET COURT OF DIRECTORS,

Held on Tuesday, the 15th June, 1813.

No.
CXXVII.Secret Court,
15th June,
1813.

The Chairman laid before the Court a note from Lord Buckinghamshire, dated the 13th instant; in which his Lordship states, that in returning the memorandum the received from the Chairman and Deputy Chairman, with some not very material alterations, he would observe, that it refers to a conversation of nearly two hours, and therefore cannot be considered as touching upon all the particulars that might be deemed of importance: but that, having communicated with the Lords Liverpool and Castlereagh upon the subject, his Lordship is enabled to convey their opinion, as well as his own, that the substance of the conversation in question is correctly stated in the accompanying paper.

The memorandum above-mentioned was then read.

No. CXXVIII.

COPY of a NOTE from the Right Honourable the EARL OF BUCKINGHAMSHIRE to the CHAIRMAN, noticed in the preceding Minutes.

No.
CXXVIII.Earl of Buck-
inghamshire's
Note.

Lord Buckinghamshire presents his compliments to Mr. Thornton, and in returning the memorandum he received from him and the Deputy Chairman, with some not very material alterations, he would observe, that it refers to a conversation of nearly two hours, and therefore cannot be considered as touching upon all the particulars that might be deemed of importance.

Having, however, communicated with the Lords Liverpool and Castlereagh upon the subject, Lord Buckinghamshire is enabled to convey their opinion, as well

well as his own, that the substance of the conversation in question is correctly stated in the accompanying paper.

Hamilton Place, June 13th, 1813.

No.
CXXVIII.Earl of Buck-
inghamshire's
Note.

No. CXXIX.

MEMORANDUM of a CONVERSATION between the LORDS LIVERPOOL, BUCKINGHAMSHIRE, and CASTLEREAGH, and a DEPUTATION of the COURT of DIRECTORS, consisting of the CHAIRMAN, DEPUTY CHAIRMAN, SIR HUGH INGLIS, MR. MILLS, and MR. GRANT, on Thursday, 10th June, 1813, noticed in the preceding Minutes.

The Chairman opened the conversation by observing, that the time was approaching, in which the Court of Directors must meet their Constituents on the subject of the important measures now depending in Parliament, respecting the Charter: that, to enable them the better to do this, there were some very material points, on which it was desirable that they should have a clear understanding with His Majesty's Ministers; particularly the question respecting the realization of funds in this country to meet the increased demands payable here on account of the Indian territory, and the security of the dividend, in case the profits of the China trade should, from the effects of smuggling, be greatly impaired.

With regard to the first head, Ministers dwelt upon the necessity of allowing a fair experiment to be made by the private merchants, and not using the power of the Company to cramp the efforts of individuals, and particularly not to carry on a losing trade for the purpose of remittance.

To this it was answered, that the Company ought to be allowed to use their own resources in their own way; that, in doing this, they could not be stated, with any justice, to cramp the trade of individuals, a trade which they never had; and that it would be hard to require them to furnish any part of their funds, in

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dum of Con-
versation.

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dum of Con-
versation.

in order to serve as a capital for those individuals, which also was not requisite in order to a fair experiment.

His Majesty's Ministers replied, that it was not intended to tie the Company down to any particular mode of remittance to meet the territorial demands here; but that it would be better for the country and themselves, that they should limit their Indian trade.

To this the Deputation did not assent; and a question arose about the profits on the Company's Indian trade, and the funds by which it had been carried on: on which subject the Deputation maintained, in opposition to Lord Castlereagh, the arguments already used by the Court. But it was thought unnecessary to go at large into the question; and, in conclusion, Ministers declared, that if the Company, without any fault of their's, were brought into difficulty by the demands here on account of the territory, the Government would certainly feel it proper, under such circumstances, to recommend to Parliament to assist the Company to the extent of their resources available in India.

With regard to the dividend, Ministers said, that the surplus Indian revenue was applicable to it, as well as the commercial profits, and that they did not apprehend much injury from smuggling; but if any difficulty should occur, in this respect, it would be time enough to interfere when the difficulty occurred.

It was suggested to His Majesty's Ministers, that certain staple articles of Indian produce should be left wholly to the Company, as piece goods, raw silk, and indigo, and that all raw materials should be left to the private merchants: but this was opposed, as not affording the fair experiment intended; and it was urged, that it would be for the interest of the Company, in the eye of the public and the Parliament, that they should fairly lend themselves to this trial. It was asserted, on the other side, that undoubtedly, if the Company were to act under a new Charter, they would fairly come up to the intention of the Legislature; but that, on the other hand, they must not suffer from the suspicions or misrepresentations which might arise in any quarter: and His Majesty's Ministers admitted, that the Company were to be at liberty to import any Indian commodities, and to afford supplies to the China investment from India; though Ministers also said, as matter of opinion, that it would be better for the Company to abridge their Indian trade, or to confine themselves wholly to that of China; which

which observation, advanced only incidentally, was combated by the other side. No.
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dum of Con-
versation.

Ministers, on the whole, professed a real desire to uphold the Company on the proposed system, and that it was their intention to do their utmost to carry the Charter for the term of twenty years; but stated the difficulty of accomplishing this object, especially if it were supposed that the Company did not mean to give the experiment intended, a fair trial.

No. CXXX.

AT A

SECRET COURT OF DIRECTORS,

Held on Monday, the 21st June, 1813.

The Chairman from the Committee of Correspondence laying before the Court a minute proposed to be submitted to the General Court to be held to-morrow. No.
CXXX.
Secret Court,
21st June,
1813.

The said minute was read and approved.

No. CXXXI.

MINUTE of the COURT of DIRECTORS, containing an Account of the Proceedings which have taken place, relative to the Renewal of the Company's Charter, since the 24th March, 1813, noticed in the preceding Minute.

The Court of Directors have to lay before their Constituents, on Tuesday the 22d instant, an account of the proceedings which have taken place, relative to the renewal of the Company's Charter, since the last meeting of the General Court. No.
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Minute of
the Court of
Directors.

No. XII.

D

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the Court of
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Court on the 24th of March, and these proceedings will be exhibited by the following documents.

The Minutes at large of evidence adduced on behalf of the Company before the Houses of Lords and Commons, between the 30th of March and the 27th of May last.

A letter from the Chairman and Deputy Chairman to the Earl of Liverpool, His Majesty's Principal Minister, dated the 27th of May last.

Minutes of a conversation between His Majesty's Ministers and a Deputation from the Court of Directors, on the 10th of the present month.

A copy of the Resolutions which were conclusively passed by the House of Commons on the 16th of the present month, containing the terms on which the Company's Charter should be renewed, and which Resolutions have since been communicated by the House of Commons to the House of Lords, for their Lordships' consideration.

These documents, with the various papers previously submitted to the Proprietors, will bring under their view the whole of the negotiations and proceedings, concerning the most important business now in question.

It is obvious, that the grand point in dispute between His Majesty's Government and the Company, has been the opening of the trade to and from India to the Out-ports of the United Kingdom.

Against this novel and alarming measure the Company have argued, first and chiefly, on political grounds, but also on weighty considerations of a commercial nature, insisting mainly,—

1st.—On the dangers to which the people and Government of British India, and the inhabitants of the Eastern Islands, would be exposed, by a large and continued influx of Europeans into those countries;

2dly.—On the injuries to which the Company's China trade would be subjected by a great resort of British vessels to the Eastern Seas, and by the consequent smuggling of the valuable article of tea into the British dominions and to other parts of Europe, to the diminution of the Company's profits on that trade, on which profits the payment of the dividend on their capital stock, and hence their efficiency for the performance of the political functions assigned to them, essentially depend.

3dly.

3dly.—On the evils which would result from interfering with, and thereby breaking down, the long established system of the Company's public sales at home : evils affecting, not only the interests and property of the Company, but those of the very numerous descriptions of persons and establishments connected with their system ; and

4thly.—On the increased demands on the Company's finances at home by the recent transfer to England of very large annual payments on account of the principal or interest of the territorial debt ; which payments require augmented investments from India, to serve as a provision for them here, whereas the opening of the trade goes to prevent an increase of sales on account of the Company at home ; and the danger of a defalcation in the Company's funds there to meet this political object, forms an additional reason against opening the trade, and an additional difficulty in the execution of the system proposed by the terms of the new Charter.

All these objections, separately and collectively so strong, have been supported by an argument fundamental in itself, that there was not the smallest probability of introducing, in any material degree, the use of the manufactures of this country among the native population of India, no such effect having been produced by the commerce of three centuries between Europeans and the East ; nor in our own experience in the last twenty years, when the trade has been sufficiently open for experiment, has there been any sensible augmentation of our exports to India for native consumption, the increase having been in articles for the use of Europeans.

This argument, and the objections contained under the first three of the foregoing heads, have been abundantly confirmed by the body of evidence which has been adduced by the Company before the two Houses of Parliament : evidence so great in its amount, so excellent in its matter, and so conclusive in its facts, as whilst it does the highest honour to the servants of the Company, and to the intelligence of other gentlemen who have lived under their Government abroad, or are employed in public situations at home, triumphantly, and without any counterpoising evidence, establishes the case of the Company as maintained in their correspondence with His Majesty's Ministers.

With regard to the fourth head of objection above-mentioned, which is of more recent

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recent occurrence, the elucidation of it depends upon estimates and calculations of the receipts and payments of the Company at home; and these have been formed by experienced officers, on such data as give the best result which can be expected, in a case where some things contingent are to be stated as of a determinate amount.

The expectation of a vast accession of new sources of commerce for this country having been the original cause of attack upon the Company's privileges, it seemed an aggravation of their case, that the reduction of those privileges should still be insisted on, after it had been shewn that there was no rational prospect of any such commercial advantages.

But, in order to afford the fullest opening for a new and still larger experiment on this head, if all the past should not be deemed sufficient, it was proposed, on the part of the Company, that the trade to and from India should, for a time sufficient, be open to all the ships and subjects of the kingdom, to and from the port of London only, passing through the warehouses of the Company: an enlargement which, though far greater than has ever yet been made, might be tried without breaking down the commercial system of the Company.

All the arguments and evidences, however, produced by the Company, remaining, as they still do, unanswered, have not sufficed to uphold their cause; nor has the reasonable proposal, just mentioned, been at all regarded. Popular prejudices and popular interests, ill understood, have prevailed to introduce into the propositions for the new Charter, conditions which essentially alter the system under which the Company has subsisted more than two centuries; conditions which will very materially abridge the commercial privileges of the Company, and may be expected, also, proportionably to impair the efficiency of their administration.

It is proper, therefore, to view more distinctly the situation in which the Resolutions passed by the House of Commons propose to place the Company, omitting the notice of minor points, as not necessary to the present purpose, and attending only to articles of chief importance.

The political administration of British India to be continued to the Company for the further term of twenty years, with no material alteration of the conditions on which it was given by the Charter of 1793; together with the government of the Indian army.

The

The monopoly of the trade to and from China to be also continued to the Company, for the same further term of twenty years: but it appears that China commodities, tea excepted, may be introduced into this country circuitously.

The surplus revenue of India to be, among other purposes, applicable to the provision of the Company's investments; but this to be subject to the discretion of the Board of Controul.

From the sales of goods and the profits arising from private and privileged trade, or from any other source, after payment of bills already accepted, and provision for current payments (the bond debt in England excepted), and after payment of interest and commercial charges and expences, a dividend of ten and a half per cent. shall be paid on the present or any future capital stock of the Company.

After the reduction of the territorial debt to ten millions sterling, and the home bond debt to three millions sterling, all surplusses of revenue and trade, after satisfying the appropriations recited in the Resolutions, to be set apart, and accumulate as a security for the capital stock of the Company, until the same shall amount to twelve millions sterling. Of any further accumulation, the public to have five-sixths and the Company one-sixth.

The number of His Majesty's troops in India, to be in future maintained by the Company, shall be limited.

The Company no longer possess any exclusive privilege in the trade to and from India, though they are still to have the right of continuing their investments to and from that country; but all private ships, of not less than 350 tons burthen, may be permitted to proceed from any port in the United Kingdom to any place within the limits of the Company's Charter, and to return to the Out-ports as well as London: such ships to go first to one of the Company's principal settlements in India, being furnished, *de jure*, with a licence from the Court of Directors. Ships which are to proceed thence to other parts being also furnished with licences by the Court, with the approbation of the Board,—and if not given of their own choice, to be given by direction of the Board of Controul; and ships may be licenced to proceed to any place within the limits of the Company's Charter by the especial authority

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rity of the said Board, it being understood that licences to places not lying between the longitude of the Indus and of Prince of Wales Island are to be granted by the Board without the intervention of the Company.

That the Court of Directors shall also, on application of any person, to proceed to India, either license such person, or the Board of Control may do so, if it think fit; and that the Court shall grant a certificate, in a form prescribed by the said Board, signifying that such person has proceeded under the sanction of the Court; and that all such certificates shall protect the persons to whom they are given, in their several pursuits in India, whilst they conduct themselves properly.

The Company to separate entirely the accounts relating to their territorial and political affairs from those of a commercial nature, and the arrangement of accounts to be thus made shall be submitted to the approbation of the Board of Control.

From this short, but it is believed, correct recapitulation, it is evident, — That all the enlargements at first required by the Out-ports, in the trade to and from India, are granted under certain modifications; and that private ships and individuals may proceed thither, without any power of limitation on the part of the Company, the discretion of such limitation being exclusively vested in the Board of Control. — That the Company's Indian trade, and indeed their China trade also, is subject to be limited entirely by their commercial capital and means, any aid to be derived from the surplus revenues being left to depend on the discretion of the Board of Control: on which head it is to be observed, that although, during the period of the last Charter, the territory, instead of furnishing any capital for the commerce, has, on the whole, been considerably indebted to it; yet the interchanges and mutual aids afforded by the one to the other, from time to time, have proved very advantageous to both. — And that it appears further the intention of His Majesty's Government, not to permit an extension of the Indian investment beyond the present scale, even by the commercial means of the Company, although the increased demands on their home treasury for the discharge of territorial debt, will require large increased supplies from India to England; the reason assigned for this intention being, that they would not have the experiment of a free trade interrupted, or,

as it was expressed, overlayed by the weight of the capital of a great Company: although it is not for any such purpose, but for the supply of their own necessary occasion, that an increase in the Indian trade is contemplated by the Company: and it seems hard that, instead of being permitted to use their own funds for this end, the same should be entertained, as it appears to be, of making these funds available to add the capital of new adventurers in this trade.

These great changes will lay the Company open to the dangers they at first apprehended, — namely, an invasion of their China trade by the smuggling of tea; embarrassment and difficulty in making provision at home for the punctual discharge of the increased demand payable there on account of the Indian territory; breaking down or destroying the benefit of the Company's system of public periodical sales at home, and, as a consequence of this, superseding the use, and greatly reducing the value, of several parts of the Company's present establishment of shipping, of warehouses, and other dependencies of their commercial system; exposing the Company to continual misrepresentations from the new adventurers, and continual assaults on their remaining privileges, proceedings which may be expected to involve their Executive and their servants, in frequent disputes and conflicts, injurious to the conduct of the Company's affairs and to their reputation in this country, where popular justice has already done so much injustice to their cause.

On the other hand, in so momentous a crisis the Court of Directors ought to conceal nothing which may be properly urged on the other side; and it seems fair to admit, that, in consequence of the irresistible weight of reasoning and of evidence which have been adduced since the delusive hopes of unbounded fields of commerce in the East first burst forth, the general opinion of commercial men appears, at length, to be so much sobered and lowered on that head, as to render it probable that there will be no great spirit of adventure, no rushing of numerous ships to the Eastern Seas on the opening of the trade, consequently that the dangers at first reasonably apprehended on this score, from the enthusiasm then prevalent, will be proportionably reduced: and if, after all, contrary to present probability, the Company's China profits should be so much deteriorated in consequence of smuggling, as to affect the fund for their dividend, this consequence having

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having been so distinctly pointed out to His Majesty's Ministers and to Parliament, the public will be equitably bound to make reparation to the Company for the injury they may thus sustain.

With respect to the financial danger to which the Company may be subjected at home, it will be seen that His Majesty's Ministers, in the late conference with them, have gone so far as to declare, that if embarrassment in this way should arise without the fault of the Company, they will use their influence with Parliament to afford the necessary relief, as far as the Company possess equivalent means in India.

Supposing, however, from the circumstances now mentioned, the commercial profits and the home funds of the Company to be preserved from falling into a state that would interrupt the currency of their affairs, it is still to be expected that from so great a change as the opening of the Indian trade, from the dispositions of the new adventurers, the restrictions on the Company's Indian investment, and the interference with their public sales, very serious derangements and inconveniences must ensue; and of these evils the executive body may reckon on exp-^{anted} g a full share. A distinction, however, may equitably be allowed between ^{proceed} h disadvantages as would militate essentially against the Company's system, ^{disc} hose which would prove only of an inferior nature; and perhaps some ^{distin.} may be made between the Company's undertaking to execute a system ^{propo} u by themselves, and a system prescribed to them by the will of the Legislature.

On a question, however, of such unspeakable importance as the present, all the interests belonging to it, or connected with it, ought to be brought into view; not only the interest of the Proprietors, which is the nearest and most immediate concern; not only the numerous interests belonging to, or connected with, the Company at home; but the interests of the Indian empire which they have raised, and its vast native population which has flourished so much under their government; and the interests of the civil and military servants who have administered so excellently, and with a character that adds lustre to the British name, the affairs of that empire; the peculiar constitution and genius, also, of the system from which such great effects have arisen, and which seems alone fitted

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fitted to continue them; nor let the Company be supposed, on such an occasion, to leave out of their contemplation what has always been an object of their regard, the interests of the United Kingdom at large.

Upon all these considerations, with the others here mentioned, and upon the fitness of the Company's situation at the present moment for a final settlement with the public, the Proprietors, to whom the Executive Body, without presuming to interpose any opinion of their own, respectfully submit this short exposition, will have to determine.

No. CXXXII.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Tuesday, the 22d June, 1813.

The Chairman acquainted the Court, that the Court of Directors had communicated to Sir Hugh Inglis, the unanimous resolution of the General Court of the 24th March last, requesting his aid and assistance, during the remainder of the negotiation for a renewal of the Company's Charter.

Sir Hugh's letter, in reply, was read.

The Chairman also acquainted the Court, that it was specially summoned, in consequence of the reason which the Court of Directors had to expect, that previously to this day the opinion of the Honourable the House of Commons, upon the subject of the Company's Charter, would have been so far ascertained, as to enable the Court to communicate the same for the consideration of their Constituents.

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The Chairman then laid before the Court a copy of the Resolutions of the House of Commons, as to the affairs of the East-India Company, upon which the Bill introduced into that House has been framed, and the same were read.

The Chairman further laid before the Court the undermentioned papers, which were read, *viz.*

A letter from the Chairman and Deputy Chairman to the Earl of Liverpool, of the 27th May last.

Letter from the Earl of Liverpool in reply, dated the 29th of the same month.

Minutes of a Conversation between His Majesty's Ministers and a Deputation from the Court of Directors, on the 10th of the present month.

Note from the Earl of Buckinghamshire to the Chairman, dated the 13th instant.

Minute of a Secret Court of Directors, dated the 21st instant, containing,

An account of the proceedings which have taken place relative to the renewal of the Company's Charter since the last meeting of the General Court, on the 24th March.

The Chairman likewise laid before the Court the minutes at large of the evidence adduced on behalf of the Company before the Houses of Lords and Commons, between the 30th of March and 27th of May last, which have been printed and delivered to the Proprietors.

The Court then proceeded to take the above papers into consideration; when, after a debate of considerable length,

It was

Resolved, That the further consideration thereof be adjourned till Saturday next, the 26th instant.

The Court then adjourned accordingly.

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No. CXXXIII.

RESOLUTIONS (communicated by the Honorable the HOUSE OF COMMONS to the Right Honorable the HOUSE OF LORDS at a Conference) respecting the Affairs of the EAST INDIA COMPANY.

Resolved, That it is expedient that all the privileges, authorities, and immunities granted to the United Company of Merchants trading to the East Indies, by virtue of any Act or Acts of Parliament now in force, and all rules, regulations and clauses affecting the same, shall continue and be in force for a further Term of twenty years; except as far as the same may hereinafter be modified and repealed.

Resolved, That the existing Restraints respecting the commercial intercourse with China, shall be continued, and that the exclusive trade in Tea shall be preserved to the said Company during the period aforesaid.

Resolved, That subject to the provisions contained in the preceding Resolution, it shall be lawful for any of His Majesty's subjects to export any goods, wares or merchandize, which can now, or may hereafter be legally exported from any port in the United Kingdom to any port within the limits of the Charter of the said Company, as hereinafter provided, and that all ships navigated according to Law, proceeding from any port within the limits of the Company's Charter, and being provided with regular manifests from the last port of clearance, shall respectively be permitted to import any goods, wares or merchandize, the product and manufacture of any countries within the said limits, into any ports in the United Kingdom which may be provided with warehouses, together with wet docks or basins, or such other securities as shall, in the judgment of the Commissioners of the Treasury in Great Britain and Ireland respectively, be fit and proper for the deposit and safe custody of all such goods, wares and merchandize, as well as for the collection of all duties

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duties payable thereon, and shall have been so declared by the Orders of His Majesty in Council in Great Britain, or by the Order of the Lord Lieutenant in Council in Ireland: Provided always, that copies of all such Orders in Council shall be laid before both Houses of Parliament in the Session next ensuing.

Provided also, that no ship or vessel of less than 350 Tons, registered measurement, shall be permitted to clear out from any port in the United Kingdom, for any port or place within the limits aforesaid, or be admitted to entry in any port of the United Kingdom, from any place within those limits.

Provided also, That no ship or vessel shall proceed to any place within the limits of the Company's Charter, without a licence to be granted for that purpose; and that no ship or vessel clearing out from any port within the United Kingdom, shall proceed to any port or place within the limits of the Company's Charter, and under the government of the said Company, except to one of their principal settlements of Fort William, Fort St. George, Bombay, and Prince of Wales's Island; and that every ship so proceeding shall be furnished with a licence for that purpose from the Court of Directors.

Provided always, That nothing herein contained shall be construed to prevent any ship or vessel from proceeding to any place upon the Continent of Asia, between the river Indus and the nearest point to Prince of Wales's Island, and not one of the principal Settlements under the especial authority of the Commissioners for the Affairs of India, but that all applications for licences to proceed to any such place shall be made to the Court of Directors, who, unless they shall have thought fit to grant the same, shall, within fourteen days from the date thereof, transmit the same to the Board of Commissioners for the Affairs of India, with any representation which the said Court may think proper to make upon the subject of such application; and that the said Court, if directed so to do by the Commissioners for the Affairs of India, shall issue their licence or licences accordingly.

Provided also, That no ship or vessel clearing out from any port within the United Kingdom shall proceed to any port or place within the limits of the Charter of the said Company, and not being upon the Continent of Asia, between the river Indus and the nearest point to Prince of Wales's Island, without

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a licence from the Commissioners for the Affairs of India, and that the said Commissioners shall, from time to time, make known the rules and regulations under which such licences shall be granted, and that, in any case of such licence being granted, otherwise than under such rules and regulations, the special circumstances under which such licence shall have been granted shall be recorded in the books of the office of the said Commissioners.

Provided also, That no ship shall be permitted to clear out from any port of the United Kingdom for India, unless attested lists in duplicate shall have been delivered to the principal Officer of the Customs at the port of clearance, specifying the number and description of all persons embarked on board of the said ship, and all arms laden therein; and that all persons proceeding upon such ships shall, upon their arrival in India, be subject to all the existing regulations of the local governments, and to all other rules and regulations that may hereafter be established, with regard to the European subjects of His Majesty, resident in India.

Provided also, That upon any application made to the Court of Directors, by or on behalf of any person desirous of proceeding to India, the Court of Directors (unless they shall think fit to grant a licence for that purpose) shall transmit every such application, within the term of one month from the delivery thereof, to the Commissioners for the Affairs of India; who, if they shall see no objection thereto, may, and they are hereby authorized to direct that such person or persons should, at the special charge of him or them, be permitted to proceed to India; and that any such person or persons so desiring to proceed, shall be furnished with a certificate by the Court of Directors, according to such form as shall be prescribed by the said Commissioners, signifying that such person or persons have so proceeded with the cognizance and under the sanction of the said Court of Directors; and that all such certificates shall be considered by the Governments in India as entitling such persons, while they shall properly conduct themselves, to countenance and protection in their several pursuits; subject to all such provisions and restrictions as now are in force, or may hereafter be judged necessary with regard to persons residing in India; provided always, that the said Court shall be at liberty to offer such representations to the said Commissioners

No. CX. XII. Commissioners, respecting persons so applying for permission to reside in India, as they may at any time think proper.

Resolutions of the House of Commons. Provided also, That no such ship which shall have proceeded as aforesaid, shall be admitted to entry in any port of the United Kingdom, without a regular manifest, duly certified, according to such regulations as may hereafter be enacted.

Provided also, That no article manufactured of silk, hair, or cotton wool, or any mixture thereof, shall be entered or taken out of any warehouse, except for exportation, unless the same shall have been brought into the Port of London, and deposited in the warehouses of the said United Company; and that all such articles shall by them be exposed to public sale by auction, in order to ascertain the duties payable there upon; and in all other Ports, as well as the Port of London, such articles, when entered and taken out for exportation, shall be charged according to their value, under the regulations legally applicable in other cases to duties payable *ad valorem*.

Provided also, That on the return of every ship from India, lists of her Crew specifying the number and description of all persons embarked on board the said ship, and all arms laden therein, shall be delivered to an officer of the Customs at the first port at which she shall arrive, and shall be by him transmitted to the Court of Directors, according to and subject to such provisions as may be made, with a view to the discovery of any British subject who may have gone to, or remained in India contrary to law.

Resolved, That as long as the Government of India shall be administered under the authority of the said Company, according to the provisions, limitations and regulations hereafter to be enacted, the rents, revenues, and profits arising from the territorial acquisitions in India, shall, after defraying the expenses of collecting the same, with the several charges and stipulated payments to which the revenues are subject, be applied and disposed of, according to the following order of preference:—

In the first place, in defraying all the charges and expenses of raising and maintaining the forces, as well European as Native, artillery and marine, on the establishments in India, and of maintaining the forts and garrisons there, and providing

providing warlike and naval stores: Secondly, in the payment of the interest accruing on the debts owing, or which may hereafter be incurred by the said Company in India: Thirdly, in defraying the civil and commercial establishments at the several settlements there: Fourthly, that the whole or any part of any surplus that may remain of the above described rents, revenues, and profits, after providing for the several appropriations, and defraying the several charges before mentioned, shall be applied to the provision of the Company's investment in India, in remittances to China for the provision of investments there, or towards the liquidation of debts in India, or such other purposes as the Court of Directors, with the approbation of the Board of Commissioners, shall from time to time direct.

Provided always, That the appropriation aforesaid shall not extend, or be construed to extend, to prejudice or affect the undoubted Sovereignty of the Crown of the United Kingdom of Great Britain and Ireland, in and over the said territorial acquisitions; nor to preclude the said United Company from the enjoyment of, or claim to, any rights of property they now have, or to which they may hereafter be entitled, within the territories aforesaid.

Resolved, That the receipts into the Company's treasury in England, from the proceeds of the sales of their goods, and from the profits arising from private and privileged trade, or in any other manner, shall be applied and disposed of as follows:—First, in payment of Bills of Exchange already accepted by the Company, as the same shall become due: Secondly, for the current payment of debts (the principal of the bond debt in England always excepted) as well as interest, and the commercial charges and expenses of the said Company: Thirdly, in payment of a dividend of ten pounds per cent. on the present, or any future amount of the capital stock of the said Company; also in the payment of a further dividend of ten shillings per cent. upon such capital stock, after the separate fund upon which the same was originally charged by the 12th clause of the 33d Geo. III. cap. 52, shall have been exhausted; the said payments respectively to be made half-yearly: Fourthly, in the reduction of the principal of the debt in India, or of the bond debt at home, as the Court

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Court of Directors, with the approbation of the Board of Commissioners, shall from time to time direct.

Resolved, That when the principal of the debt bearing interest in India shall have been reduced to the sum of ten millions of pounds sterling, calculated at the exchange of 2s. the Bengal current rupee; 8s. the Madras pagoda; and 2s. 3d. the Bombay rupee; and the bonded debt in England shall have been reduced to the sum of three millions of pounds sterling; then and thereafter the surplus proceeds which shall be found to arise from the revenues of India, and the profits upon the trade, after providing for the payments aforesaid, shall be applied to the more speedy repayment of the capital of any public funds or securities which have been, or may be created for the use of the said Company, the charges of which have been, or may be directed to be borne by the said Company, in virtue of any Act or Acts of Parliament; and that any further surplus that may arise shall be set apart and from time to time paid into the receipt of His Majesty's Exchequer, to be applied as Parliament shall direct, without any interest to be paid to the Company, in respect or for the use thereof; but nevertheless to be considered and declared as an effectual security to the said Company, for the capital stock of the said Company, and for the dividend of $10\frac{1}{2}$ per cent. per annum, in respect thereof, not exceeding the sum of twelve millions of pounds sterling; and that of the excess of such payments, if any, beyond the said amount of twelve millions, one sixth part shall, from time to time, be reserved and retained by the said Company for their own use and benefit, and the remaining five-sixths shall be deemed and declared the property of the Public, and at the disposal of Parliament.

Provided also, That if the Company's debts in India, after the same shall have been reduced to £10,000,000 sterling, shall be again increased beyond that amount, or if their bond debt in England, after the same shall have been reduced to £3,000,000, shall be again increased beyond that sum, then, and so often as either of these cases shall happen, the surplus proceeds shall be appropriated to the reduction of such new debts respectively, until the debts in India shall be again

again reduced to £10,000,000 sterling, and the bond debt in England to £3,000,000 sterling.

Resolved, That the said Company shall direct and order their books of account, at their several Presidencies and Settlements in India, at their factory in China, at the Island of St. Helena, or elsewhere, and also in England, to be so kept and arranged, as that the same shall contain and exhibit the receipts, disbursements, debts and assets, appertaining to, or connected with, the territorial, political, and commercial branches of their affairs; and that the same shall be made up in such manner that the said books shall contain and exhibit the accounts of the territorial and political departments, separately and distinctly from such as appertain to, or are connected with, the commercial branch of their affairs; and that the arrangement of accounts, so to be made, shall be submitted to the approbation and sanction of the Board of Commissioners for the Affairs of India.

Resolved, That it is expedient to make provision for further limiting the granting of gratuities and pensions to officers, civil and military, or increasing the same, or creating any new establishments at home, in such manner as may effectually protect the funds of the said Company.

Resolved, That all vacancies happening in the office of Governor General of Fort William in Bengal, or of Governor of either of the Company's Presidencies or Settlements of Fort St. George, or Bombay, or of Governor of the Forts and Garrisons of Fort William, Fort St. George, or Bombay, or of Commander in Chief of all the Forces in India, or of any provincial Commander in Chief of the Forces there, shall continue to be filled up and supplied by the Court of Directors of the said United Company, subject, nevertheless, to the approbation of His Majesty, to be signified in writing under His Royal Sign Manual, countersigned by the President of the Board of Commissioners for the Affairs of India.

Resolved, That the number of His Majesty's troops in India to be in future maintained by the said Company, be limited; and that any augmentation of force exceeding the number so to be limited, shall, unless employed at the express requisition of the said Company, be at the public charge.

No. XII.

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Resolved.

Resolved, That it is expedient that the Church Establishment in the British territories in the East Indies, should be placed under the superintendence of a Bishop and three Archdeacons; and that adequate provision should be made, from the territorial revenues of India, for their maintenance.

Resolved, That it is expedient that the statutes and regulations framed, or to be framed, by the Court of Directors, for the good government of the College established by the East India Company, in the County of Hertford, and of the Military Seminary of the said Company, in the County of Surrey, as well as the establishment of offices connected therewith, or the appointment of persons to fill such offices, be subject to the controul and regulation of the Commissioners for the Affairs of India; and that the power and authority of the Board of Commissioners for the Affairs of India, shall be construed to extend to the issuing or sending orders or instructions to the Court of Directors, for the purpose of their being transmitted to India respecting the rules and regulations and establishments of the respective Colleges at Calcutta and Fort St. George, or any other Seminaries which may be hereafter established under the authority of the local Governments.

Provided always, That no Writer shall be appointed into the Service of the said Company, at any of the Presidencies of Fort William, Fort St. George, and Bombay, who shall not have received a Course of Instruction at the said College of Hertford.

No. CXXXIV.

BILL for continuing in The EAST INDIA COMPANY, for a further Term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to, and from, the Places within the Limits of the said Company's Charter.
[21st June 1813.]

WHEREAS, by an Act of the Parliament of Great Britain, passed in the thirty-third year of His present Majesty's Reign, for continuing in the East India Company, for a further term, the possession of the British Territories in India, together with their exclusive trade, under certain limitations, and for other purposes; the possession and government of the British Territories in India, together with an exclusive trade in, to, and from, the East Indies, and other the limits described in an Act made in the ninth year of the reign of King William the Third, or in a certain Charter of the fifth day of September in the tenth year of the same King, were continued in the United Company of Merchants of England trading to the East Indies, for a term thereby limited, under certain regulations and conditions:

And whereas, by an Act of the Parliament of Ireland, passed in the same thirty-third year of His present Majesty's reign, for regulating the trade of Ireland to, and from, the East Indies, under certain conditions and provisions, for a time therein mentioned, the exclusive privileges granted to the said United Company by the said Act of the Parliament of Great Britain, were confirmed, subject to certain conditions and restrictions:

And whereas it is expedient that the territorial acquisitions mentioned in the said Act of the Parliament of Great Britain of the thirty-third year of His

present Majesty, together with such other territorial acquisitions on the continent of Asia, as are now in the possession and under the government of the said United Company, with the revenues thereof, should, without prejudice to the undoubted sovereignty of the Crown of the United Kingdom of Great Britain and Ireland, in and over the same, or to any claim of the said United Company to any rights or property therein, remain in the possession and under the government of the said United Company, for a further term; subject to such powers and authorities for the superintendence, direction and controul over all acts, operations, and concerns, which relate to the civil or military government or revenues of the said territories, and to such further or other powers, authorities, rules, regulations, and restrictions, as have been already made or provided, by any Act or Acts of Parliament in that behalf, or as now are, or hereafter shall be made, and approved by the authority of Parliament:

And where it shall appear expedient that from and after the

the right of trading, trafficking, and adventuring in, to, from, and amongst all ports and places within the limits of the said United Company's present Governments, and except the dominions of the Emperor of China; so that no Men to all His Majesty's subjects, in common with the said United Company, subject to certain regulations and provisions; but that the existing restraints respecting the commercial intercourse with China should be continued, and the exclusive trade in tea preserved to the said Company, during the further term hereby limited:

May it therefore please Your MAJESTY,

That it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the territorial acquisitions mentioned in the said Act of the thirty-third year of His present Majesty, together with such of the territorial acquisitions, since obtained upon the continent of Asia, as are now in the possession of, and under the government of the said United Company, with the revenues thereof respectively, shall remain and continue in the possession and under the government

Former territorial acquisitions in India, with late acquisitions on the continent of Asia, to continue in the government of the East India Company, for a further term.

government of the said United Company, for a further term, to be computed from the said

until the same shall be determined, by virtue of the proviso hereinafter contained.

And be it further enacted, That the sole and exclusive right of trading, trafficking, and using the business of merchandize, in, to, and from, the dominions of the Emperor of China; and the whole, sole, and exclusive right of trading and trafficking in Tea, in, to, and from, all islands, ports, havens, coasts, cities, towns, and places, between the Cape of Good Hope and the Straights of Magellan, in such manner as the same rights now are or lawfully may be exercised or enjoyed by the said United Company, by virtue of any Act or Charter now in force, but not further or otherwise; and all and singular the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, method of suit, penalties, forfeitures, disabilities, provisions, matters, and things whatsoever, granted to or vested in the said Company by the said Acts of the thirty-third year of His present Majesty, or either of them, for and during the term limited by the said Act of the Parliament of Great Britain, and all other the enactments, provisions, matters and things contained in the said Acts of the thirty-third year of his present Majesty, or in any other Act or Acts whatsoever, which are limited, or may be construed to be limited, to continue for and during the term granted to the said Company by the said Act of the Parliament of Great Britain of the thirty-third year of his present Majesty, so far as the same, or any of them are in force, and not repealed by or repugnant to this Act, shall continue and be in force during the further term hereby granted to the said Company; subject to such alterations therein as may be made by any of the enactments, provisions, matters, and things in this Act contained.

Provisions of 33 Geo. III. and of other acts not repealed by or repugnant to this act, continued.

Provided always, and be it further enacted, That at any time upon years notice to be given by Parliament after the

and upon

payment made to the said United Company, of any sum or sums of money, which according to the provisions of a certain Act of the thirty third year of the reign of his present Majesty, intituled, " An Act for placing the Stock, called " East India Annuities, under the management of the Governor and Company " of

On the expiration of years, notice by Parliament, any time after and payment of what is due from the public to the Company, their exclusive trade to cease and be determined.

of the Bank of England, and engraving the same on the three pounds per centum reduced annuities, in redemption of a debt of four millions two hundred thousand pounds, owing by the public to the East India Company; and for enabling the said Company to raise a sum of money by a further increase of their capital stock, to be applied in discharge of certain debts of the said Company," shall or may, upon the expiration of the said years, become payable to the said Company, according to the true intent and meaning of the said Act, then and from thenceforth, and not before or sooner, the said term hereby granted to the said United Company, and all right, title, and interest of the said United Company, to or in any exclusive trade continued to the said Company under the provisions of this Act, shall cease and determine.

Not to determine the Corporation of the Company, or their right to trade in common with others.

Provided also, That nothing in the said proviso last hereinbefore contained, or in any proviso in the said Act of the ninth year of King William the Third, or in the said Charter of the fifth day of September in the tenth year of his reign, or in any other Act or Charter contained, shall extend, or be construed to extend to determine the Corporation of the said United Company, or to hinder, prevent, or preclude the said Company or their successors, from carrying on at all times after such determination of their exclusive trade as aforesaid, a free trade in, to, and from the East Indies, and limits in the said last mentioned Act or Charter contained, with all or any part of their joint stock in trade, goods, merchandizes, estates and effects, in common with other the subjects of His Majesty, his heirs, and successors, trading to, in, and from the said parts or limits.

Notice by the Speaker of the House of Commons to be deemed a due notice by Parliament.

33 Geo. III. c. 52. s. 75.

Any of His Majesty's subjects may trade to and from the United Kingdom, from and to the ports and places within the Com-

And be it further enacted, That any notice in writing, signified by the Speaker of the House of Commons for the time being, by order of the said House, shall be deemed and adjudged a due and proper notice by Parliament, to and for all the ends, intents and purposes, for which any notice is by this Act directed to be given to the said United Company.

And be it further enacted, That from and after it shall and may be lawful for any of His Majesty's subjects, in common with the said United Company, to export in ships navigated according to law, from any port within the United Kingdom of Great Britain and Ireland, to all ports and places within the limits hereinbefore referred to; save and except the dominions of the Emperor of China; any goods, wares, and merchandize, which can now,

or

or may at any time or times hereafter be legally exported; and also, in common with the said Company, to import in ships navigated as aforesaid, from any port within the limits aforesaid, save and except as aforesaid, into the said United Kingdom, any goods, wares, and merchandize, (the product or manufacture of any of the countries within the said limits,) which can now, or may at any time or times hereafter, be legally imported; subject, nevertheless, to the several restrictions, conditions, and limitations in this Act contained.

And whereas by a certain Act passed in the twelfth year of the reign of King Charles the Second, intituled, "An Act for the encouraging and increasing of Shipping and Navigation," it is enacted, that no goods or commodities, that are of foreign growth, production, or manufacture, and which are to be brought into England, Ireland, Wales, the islands of Guernsey and Jersey, or Town of Berwick upon Tweed, in English built shipping, or other shipping belonging to some of the aforesaid places, and navigated by English mariners, as in the said Act mentioned, shall be shipped or brought from any other place or places, country or countries, but only from those of the said growth, production, or manufacture, or from those ports where the said goods and commodities can only be or are or usually have been first shipped for transportation, and from some other places or countries; be it enacted, That it shall and may be lawful for His Majesty's subjects, in ships navigated according to law, to import, under the authority of this Act, into the said United Kingdom, from all parts and places within the limits of the said Company's Charter; save and except the dominions of the Emperor of China; any goods, wares, or merchandize, the product and manufacture of any country within the limits of the said Company's Charter, except tea, although such goods, wares or merchandize may not be of the growth, production, or manufacture, of the place or country from which the same shall have been shipped or brought, or have been shipped or brought from the port where such goods or commodities can only be, or are, or usually have been, first shipped for transportation; the said Act, in any other matter or thing to the contrary notwithstanding.

pany's present limits, except China, in private Ships navigated according to law.

Navigation Act, 12 Car. II, c. 18, s. 4.

Provided always, and be it further enacted, That it shall not be lawful for any person or persons, save only the said United Company, or such as shall obtain their special leave and license in writing for that purpose, to ship, carry or put on board any ship, in the East Indies or other parts within the limits aforesaid,

None but the Company, or by their licence, to import Tea.

said, or to import into the said United Kingdom from any port or place whatsoever, any Tea; any thing in this Act contained to the contrary notwithstanding.

None to export military stores to their settlements, or any place on the continent between certain limits. None to export military stores to any other place within the Charter, except by licence from a Secretary of State.

Ships in private trade to clear out from some port in the United Kingdom; and all goods imported in private trade to be brought to some of the ports in the United Kingdom which shall have been declared fit by Order in Council.

Provided always, and be it further enacted, That it shall not be lawful for any person or persons to carry any military stores to any of the said Company's principal settlements, or to any place upon the continent of Asia between the river Indus and the nearest point to Prince of Wales island, save only the said United Company or such as shall obtain their special leave and licence in writing for that purpose; or to any other place within the limits of the said Company's Charter, save only such persons as shall obtain special leave and licence in writing for that purpose from one of His Majesty's principal Secretaries of State.

Provided also, That it shall not be lawful for any private person or persons to export any goods, wares, or merchandize, to any port or place within the limits of the said Company's Charter, except in some ship or ships to be cleared out from some port or ports of the United Kingdom of Great Britain and Ireland, or to import any goods, wares or merchandize from any port or place, within the limits aforesaid, except only into such ports of the said United Kingdom as shall be provided with warehouses, together with wet docks or basins, or such other securities as shall in the judgment of the Lord High Treasurer, or of the Lords Commissioners of the Treasury for the time being, or any or more of them, in Great Britain and Ireland respectively, be fit and proper for the deposit and safe custody of all such goods, wares, and merchandize, as well as for the collection of all duties payable thereon, and shall have been duly declared so to be by the Order of His Majesty in Council in Great Britain, or by the Order of the Lord Lieutenant in Council in Ireland: Provided always, that copies of all such Orders in Council to be issued as aforesaid, shall have been published times at least in the London or Dublin Gazette, as the case may be; and copies of all such orders shall be laid before both Houses of Parliament, in the session next after the issuing of the same respectively.

Provided also, and be it further enacted, That no ship or vessel shall proceed to any place within the limits of the said Company's Charter without a licence to be granted for that purpose; and that no ship or vessel clearing out from any port within the United Kingdom, unless specially authorized as hereinafter mentioned, shall proceed to any port or place within the limits of the Company's Charter.

Ships not to go to any place within the limits of the Company's Charter, without a licence.

Charter; except to one of their principal settlements of Fort William, Fort St. George, Bombay, and Prince of Wales Island: And when and as often as any application shall be made to the said Court of Directors for a licence on behalf of any ship or vessel about to proceed from the said United Kingdom to any of the said Company's principal settlements, according to the provisions of this Act, the said Company shall and they are hereby required forthwith to issue their licence for that purpose, according to such form as shall hereafter be settled by the said Court of Directors, with the approbation of the said Board of Commissioners for the Affairs of India: And when and as often as any application shall be made to the said Court of Directors for a licence specially authorizing any private ship or vessel engaged in any voyage authorized by this Act, to proceed to any place upon the continent of Asia, between the river Indus and the nearest point to Prince of Wales Island, not being one of the Company's principal settlements, the Court of Directors shall, within days from the receipt thereof, unless they shall think fit to comply therewith, transmit the same to the Commissioners for the Affairs of India, together with any representation which the said Court may think proper to make upon the subject of such application; and in case the said Board of Commissioners shall think fit to direct the said Court of Directors to issue any such licence or licences, the said Court of Directors shall and they are hereby required forthwith to issue the same, upon such terms and conditions as the said Court of Directors, with the approbation of the said Board of Commissioners, shall from time to time think fit.

Provided also, and be it further Enacted, That no ship or vessel, except ships and vessels belonging to or freighted by the said Company, or hired or taken up or employed by the said Company as packets, clearing out from any port within the United Kingdom, shall proceed to any port or place within the limits of the Charter of the said Company, not being upon the continent of Asia, between the river Indus and the nearest point to Prince of Wales Island, without a licence from the Commissioners for the Affairs of India; and the said Commissioners shall and they are hereby required from time to time to frame and publish such rules and regulations for the granting of licences in that behalf, as they shall think fit; and in all cases in which any licence shall be granted by the said Commissioners, otherwise than according to such rules and regulations, the special circumstances

Ships going to places under the government of the Company, must go to their principal settlements, for which the Directors shall give licences:

But may go to any part of the continent of Asia, between the river Indus and the nearest point of Prince of Wales Island, under the special authority of the Court of Directors and Board of Control; who may direct the Company to grant licences.

No ship to go to any place within the Company's Charter, and not within the last described limits, without a licence from the Board; who are to frame rules for, and in cases not falling within the rules, the special circumstances to be recorded.

No ship under
tons to
clear out for or be
admitted to entry
from India.

circumstances under which such licence shall have been granted, shall be recorded in the books of the Board of Commissioners for the Affairs of India.

Provided also, That it shall not be lawful for any ship or vessel, the registered measurement whereof shall be less than other than such ships or vessels as may be employed by the said Company for the conveyance of dispatches, to clear out from any port in the United Kingdom, for any port or place within the limits aforesaid, or be admitted to enter into any port of the United Kingdom, from any place within those limits.

No ships to clear
out, or enter with-
out a Manifest.

Provided also, and be it further Enacted, That no ship or vessel engaged in any voyage authorized by this Act, shall be permitted to clear out from, or be admitted entry at, any port or place within the United Kingdom, or limits of the said Company's Charter, until the master or other person having the command of such ship or vessel shall have made out and exhibited a true and perfect manifest of the cargo of such ship or vessel, to such person or persons, according to such form, and subject to such regulations, as may be prescribed by any Act or Acts to be passed for that purpose.

No ship to clear
out, or enter, till
an attested list of
all persons, and of
all arms, on board,
shall have been
delivered to the
principal officer of
the Customs.

Provided also, and be it further enacted, That no ship or vessel engaged in any voyage authorized by this Act, shall be permitted to clear out from any port of the said United Kingdom, or any place within the limits of the said Company's Charter, until the master, or other person having the command of such ship or vessel, shall have made out and exhibited to the principal officer of the Customs, or other persons thereto authorized, at such port of clearance, upon oath (which oath such officer or other person is hereby authorised to administer) a true and perfect list, specifying and setting forth the names, capacities, and descriptions of all persons embarked or intended to be embarked on board such ship or vessel, and all arms on board or intended to be put on board the same, or be admitted to enter at any port in the said United Kingdom, or any port within the limits of the said Company's Charter, until the master, or other person having the command of such ship or vessel, shall in the like manner have made out and exhibited to the principal officer of the Customs, or other person thereunto authorized, upon oath (which oath such officer or other person is hereby authorized to administer) a true and perfect list in writing, specifying the names, capacities, and descriptions of all persons on board, or who shall have been on board

board such ship or vessel, from the time of the sailing thereof to the time of arrival; and all arms on board, or which shall during such time have been on board such ship or vessel; and the several times and places at which such of the said persons as may have died or left the said ship or vessel, shall have so died, or left such ship or vessel, or such of the said arms as may have been disposed of have been so disposed of; which said list shall be made out in such form as shall from time to time be directed by the said Court of Directors, with the approbation of the said Board of Commissioners.

Provided also, and be it further enacted, That in every case where any such list shall be received in any port of the said United Kingdom from any master, or other person having the command of any such ship or vessel, the officer or other person receiving the same shall, and he is hereby required, with all reasonable dispatch, to transmit one copy thereof to the secretary of the Court of Directors of the said United Company, and another copy thereof to the Secretary of the said Commissioners for the Affairs of India; and in case such list shall be received in any port in the East Indies, or other place within the limits of the said Company's Charter, such officer or other person receiving the same shall, and he is hereby required, in like manner, to transmit a copy thereof to the chief secretary of the government to which the port or place in which such list shall be received shall be subject.

Lists received in
England, to be
transmitted to the
Secretary of the
Court of Directors,
or Secretary of
State; and if re-
ceived in India, to
the Secretary of
the Government.

And be it further enacted, That no articles manufactured of silk, hair, or cotton wool, or any mixture thereof, imported under the authority of this Act, from any port or place within the limits of the said Company's Charter, shall be entered or taken out of any warehouse, except for exportation, unless the same shall have been brought into the port of London, and deposited in the warehouses of the said United Company; and that for the purpose of ascertaining the duties payable upon all such articles which shall be deposited in the warehouses of the said United Company, the same shall be sold openly and publicly by inch of candle, or by way of public auction, and in no other manner, under the order and authority of the Court of Directors of the said Company, on the account of the proper owners thereof; and that when any of such goods shall be bought in by the owners, the whole consignments so bought in, shall and may be delivered out to them with all convenient speed after the sales thereof, upon payment

Articles of silk,
hair, and cotton
wool, not to be
entered or taken
out of warehouses,
except for exporta-
tion, unless brought
to the port of Lon-
don, and secured
in the Company's
warehouses; which
articles shall be
publicly sold to as-
certain the duties.

payment of the duties and other charges to which the same shall be liable, without the actual payment of the gross prices or sale amount of the said goods; and that all such articles imported on board any such ship, and deposited in the warehouses of the said Company, and the sales thereof, shall be in all respects subject to the bye-laws of the said Company, and the several provisions of the said Act of the Parliament of Great-Britain of the thirty-third year of His Majesty's reign made and provided for the management of private-trade; save only and except as is otherwise directed, provided, or authorized by this act.

Such articles, when entered, and taken out of warehouses for exportation, to be charged ad valorem.

And be it further enacted, That as well in the port of London as in all other ports, all articles manufactured of silk, hair, cotton wool, or any mixture thereof, which shall be imported under the authority of this act, from any port or place within the limits of the said Company's Charter, and shall be entered and taken out of any warehouse for exportation, shall be charged according to their value, under all such rules and regulations, and subject to the same penalties and forfeitures, as are prescribed, directed, and imposed, for ascertaining and collecting duties to be paid according to value, by an act passed in the twenty-seventh year of the reign of His present Majesty, intituled "An Act for repealing the several duties of Customs and Excise, and granting other duties in lieu thereof, and for applying the said duties, together with others composing the public revenue, for permitting the importation of certain goods, wares, and merchandize, the produce or manufacture of the European dominions of the French King, into this kingdom, and for applying certain unclaimed monies, remaining in the Exchequer for the payment of annuities on lives, to the reduction of the national debt," or by any other subsequent Act or Acts now in force.

Provisions may hereafter be made, for enlarging, restraining, or regulating the Private Trade to and from India.

Provided always, That nothing herein contained shall extend or be construed to extend to prevent the making, during the further term hereby granted to the said Company, such further provisions by authority of Parliament as may from time to time be deemed necessary, for enabling His Majesty's subjects to carry on trade between the said United Kingdom, or any ports or places within the limits of the said Company's Charter; save and except the dominions of the Emperor of China, and all ports and places without the limits of the said Company's Charter.

And

And be it further enacted, That so much of the said Act of the ninth year of the reign of King William the Third, or of any other Act or Acts, as requires that all goods and merchandize belonging to any private trader to the East Indies, which shall be imported into England or Wales, shall be sold openly and publicly by inch of candle, shall be, and the same is hereby repealed.

So much of 9 William III. as requires that goods of Private Traders imported into England or Wales, should be sold by inch of candle, repealed.

And be it further enacted, That so much of an Act, made in the thirty-first year of his present Majesty's reign, intituled "an act for indemnifying all persons who have been concerned in advising, or carrying into execution, a certain order of council, respecting the importation of a limited quantity of saltpetre; for repealing the duties now payable upon the importation of saltpetre, and for granting other duties in lieu thereof," as requires the said Company, at their public sales, to put up certain quantities of saltpetre at certain rates, or to reserve, and deliver into the stores of His Majesty, his heirs, and successors, certain quantities of saltpetre at certain rates, shall be, and the same is hereby repealed.

31 Geo. III. c. 42. s. 7, 11, & 12, relating to Saltpetre, repealed.

And be it further enacted, That so much of the said Acts of the thirty-third year of His present Majesty, or either of them, as requires the Court of Directors of the said Company to lay yearly before the Board of Commissioners for the Affairs of India, an invoice of the quantities and sorts of cordage, pitch and tar, and the number and sizes of masts and spars, and the number and weight of anchors exported, or intended to be exported by the said Company; or as relates to the admission of individuals, by authority of the said Board of Commissioners, to export or import any goods, wares or merchandize on board the said Company's ships; or to the providing or appropriating by the said Company of tonnage for the private trade, or to the rate of freight to be charged thereon; or to the notices to be given to the Chief Secretary of the said Company, or to the Chief Secretary of the Presidency in India, by persons intending to export or import goods; or to the registering of private trade goods, or to the granting orders or licences for shipping such goods in the ships of the said Company; or as requires one or more of the outward bound ships of the said Company to touch at the port of Cork between the month of October and the month of February in every year; shall be, and the same is hereby repealed.

So much of Geo. III. c. 52, as requires the Directors to lay before the Board, invoices of cordage, &c. or as relates to tonnage, charges of freight, notices, or registering of private trade goods, or granting licences for the same, repealed.

And be it further enacted, That all goods, wares, and merchandize, exported or imported by virtue of this Act, by or on account of any private merchants, shall be, and the same is hereby repealed.

Goods imported by private merchants to be subject to duties.

persons shall, at his or their own special charge, be permitted to proceed to any of the said principal settlements of the said Company, and that such person or persons shall be furnished by the said Court of Directors with a certificate or certificates, according to such form as the said Commissioners shall prescribe, signifying that such person or persons hath or have so proceeded with the cognizance and under the sanction of the said Court of Directors; and that all such certificates shall entitle the persons obtaining the same, so long as they shall properly conduct themselves, to the countenance and protection of the several governments of the said Company in the East Indies and parts aforesaid, in their respective pursuits; subject to all such provisions and restrictions as are now in force, or may hereafter be judged necessary, with regard to persons residing in India.

Provided also, That nothing herein contained shall extend or be construed to extend to restrict or prohibit the said Court of Directors from offering such representations to the said Board of Commissions, respecting persons so applying for permission to proceed to the East Indies, as the said Court of Directors may at any time think fit.

Provided always, and be it further enacted, That all persons who shall proceed to the East Indies, or parts aforesaid, shall upon their arrival at any place within the limits of the said United Company's government, be subject to all such rules and regulations as now are or hereafter may be in force within those limits.

Provided always, and be it further enacted, That if any person having obtained a certificate or licence from the said Court of Directors, authorizing such person to proceed to the East Indies, or other place within the limits of the said Company's Charter, shall at any time so conduct himself as in the judgment of the Governor General, or Governor in Council of the Presidency within which such person shall be found, to have forfeited his claim to the countenance and protection of the government of such Presidency, it shall and may be lawful for such Governor General, or Governor in Council, by order, to declare that the certificate or licence so obtained by such person shall be void from a day to be named in such order, and from and after such day so to be named in such order, such person shall be deemed and taken to be a person residing and being in the East Indies or parts aforesaid, without licence or authority for that purpose; any matter or thing whatsoever to the contrary notwithstanding.

Provided

Provided always, That no person whose certificate or licence shall have been so vacated by order of any of the governments of the said Company as aforesaid, shall be subject or liable to any prosecution for residing or being found in the East Indies or parts aforesaid, without licence or authority for that purpose, until months after notice of such order shall have been given to such person, either by delivery to such person of a copy thereof, or by publication of such order in the gazette of the presidency, where such order shall be made.

And be it further enacted, That it shall and may be lawful for one of His Majesty's principal Secretaries of State, by licence in writing for that purpose, upon such terms and conditions as he may think fit, to authorize any person or persons to proceed to and reside at any place or places within the limits of the said Company's charter, not being upon the continent of Asia, between the river Indus and the nearest point to Prince of Wales Island, or one of the said Company's principal settlements; any act, matter, or thing whatsoever to the contrary notwithstanding.

And be it further enacted, That if any of the subjects of His Majesty, his heirs or successors, of or belonging to any of His Majesty's dominions situate without the East Indies and limits of the said Company's Charter, other than such as shall be licenced by the said United Company, or otherwise thereunto lawfully authorized, shall at any time before the determination of the further term hereby granted to the said Company, directly or indirectly, sail to, visit, haunt, frequent, trade, traffic, or adventure to, in, or from the East Indies or parts aforesaid, or go, sail, or repair thereto, or be found therein, in any other manner than is prescribed or allowed by the provisions of this Act, and the terms and conditions of any licence or certificate to be granted by virtue thereof, all and every such person and persons shall be deemed and taken to have unlawfully traded and trafficked there; and all such persons, and all ships and vessels found in the custody of any such person or persons, or engaged or concerned in such unlawful trade or traffic, and the owners, masters, and crews thereof, and all goods, merchandize, treasure, and effects shipped or laden thereon, or taken out of the same, or found in the custody of any such person or persons, shall be subject and liable to all such and the like pains, penalties, forfeitures, disabilities, and methods of suit, as are contained in the said Acts of the thirty-third year of his present Majesty, or either of them

No. XII.

H

Persons not to be prosecuted for residing without a licence, until months after notice of the order.

Secretary of State may authorise any person to proceed to and reside in India, at any place within the Company's Charter.

Unlicensed persons trading or going to India, otherwise than as allowed by this act, shall be deemed to have unlawfully traded, and be subject to all the penalties imposed on illicit traders.

33 Geo. III. c. 52. s. 129. and subsequent sections.

Directors may make representations thereon to the Board.

All persons proceeding to India, to be subject to the regulations of the local governments.

Governments in India may, by order, declare certificates and licences to be void, if it shall appear to them that the persons to whom they have been granted, forfeited their claim to countenance and protection.

them, or in any Act or Acts now in force, and which pains, penalties, forfeitures, disabilities, and methods of suit, were enacted for the purpose of securing to the said Company the sole and exclusive right of trading to the East Indies, and other parts within the limits of their Charter, during the continuance of such sole and exclusive right; and of restraining clandestine and illicit trade in, to, and from the East Indies and parts aforesaid; and all such and the like powers, provisions, clauses, matters, and things as are contained in the said Acts of the thirty-third year of his present Majesty, or either of them, or in any Act or Acts now in force, and which were enacted for the purpose aforesaid, shall be deemed and taken to be in force, and to apply to all such unlawful trade and traffick as aforesaid, contrary to the provisions of this Act, or of the terms and conditions of any licence or certificate to be granted by virtue thereof, and shall be put in execution during the further term hereby granted to the said Company, for the purpose of preventing any such unlawful trade or traffick, as fully and effectually as if the same powers, provisions, clauses, matters and things, were severally repeated at large, and re-enacted in the body of this Act, and applied to and for the purpose last aforesaid:

Application of the
revenues arising
from the territorial
acquisition in
India.

First, in main-
taining forces;

Secondly, in pay-
ment of interest of
debt;

Thirdly, in de-
fraying expenses of
establishments;

Fourthly, in in-
vestments, or to-

And be it further enacted, That for and during the continuance of the pos- session and government of the said territorial acquisitions and revenues in the said United Company, the rents, revenues, and profits arising from the said territorial acquisitions, after defraying the charges and expenses of collecting the same, shall be applied and disposed of, to and for the uses and purposes hereinafter expressed, in the following order of preference, and to or for no other use or purpose, or in any other manner whatsoever, any Act or Acts of Parliament now in force to the contrary notwithstanding; (that is to say) In the first place, in de- fraying all the charges and expences of raising and maintaining the forces, as well European as native, military, artillery, and marine, on the establishments in the East Indies and parts aforesaid, and of maintaining the forts and garrisons there, and providing warlike and naval stores: Secondly, in payment of the interest accruing on the debts owing, or which may be hereafter incurred by the said Company, in the East Indies, or parts aforesaid: Thirdly, in defraying the civil and commercial establishments of the said Company, at their several settlements there: Fourthly, The whole or any part of the surplus that may remain of the said rents, revenues, and profits, after providing for the several appropriations and

and defraying the charges before mentioned, shall be applied to the provision of the Company's investments of goods in India, and in remittances to China, for the provision of investments of goods there, or towards the liquidation of the debts of the said Company in India, or to such other purposes as the said Court of Directors, with the approbation of the Board of Commissioners for the Affairs of India, shall from time to time direct; any Act or Acts of Parliament to the contrary thereof notwithstanding.

Provided always, and be it further enacted, That the appropriation aforesaid shall not extend, or be construed to extend, to prejudice or affect the undoubted sovereignty of the Crown of the United Kingdom of Great Britain and Ireland, in and over the said territorial acquisitions; nor to preclude the said United Com- pany from the enjoyment of or claim to any rights of property which they now have, or to which they may hereafter be entitled in the territories aforesaid.

And be it further enacted, That for and during the continuance of the pos- session and government of the said territorial acquisitions and revenues in the said United Company, the net proceeds of their sales of goods at home, with the duties and allowances arising by private trade, and all the profits of the said Com- pany in Great Britain, shall be applied and disposed of in manner following; (that is to say) First, In providing for the payment of bills of exchange already accepted by the said Company, as the same shall become due: Secondly, In providing for the current payment of other debts (the principal of the bond debt in England always excepted) as well as interest, and the commercial outgoings, charges, and expenses of the said Company: Thirdly, In payment of a dividend after the rate of per centum per annum, on the present or any future amount of the capital stock of the said Company, for and during such time as a certain fund of the said Company hereinafter mentioned, called "The Com- pany's Separate Fund," shall be sufficient to pay a dividend after the rate of for every hundred pounds per annum, on the present, or any future amount of the capital stock of the said Company; and when, and so soon as the said last- mentioned fund shall be exhausted, then in payment of a dividend at the rate of per centum per annum on the then existing, or future capital stock of the said Company; provided that no greater dividend shall be paid in the whole, in any one year, than at the said rate of per

towards liquidation of
debts in India, or as
the Court, with the
approbation of the
Board, shall direct:

33 Geo. III. c. 52,
s. 107, and sub-
sequent sections.

Not to prejudice
the King's sove-
reignty, or affect
rights of the Com-
pany.

Application of the
Profits of the Com-
pany in Great Bri-
tain:

First, in paying
Bills of exchange;
Secondly, in pay-
ing debts; except
principal of bond
debt;

Thirdly, in pay-
ment of dividend of
ten per cent. till
separate fund ex-
hausted and then
10½ per cent.

Fourthly, in reduction of Indian debt, or bond debt at home.

Application of the surplus of territorial revenues, and home profits:

In repayment of the capital of public funds created for the Company;

and further surplus to be paid into the Exchequer, to be a Guarantee Fund, not exceeding twelve millions;

One sixth of excess to be the Company's and remaining five-sixths to belong to the Public.

per centum per annum, upon the present or future capital stock of the said Company: Fourthly, In reduction of the principal of the debt in the East Indies, of parts aforesaid, or of the bond debt at home, as the said Court of Directors, with the approbation of the said Board of Commissioners, shall from time to time direct; any Act or Acts of Parliament to the contrary notwithstanding.

And be it further enacted, That when the principal debt of the said United Company, bearing interest in India, shall have been reduced to the sum of sterling, calculated at the exchange of two shillings for the Bengal current rupee, eight shillings for the Madras pagoda, and two shillings and three pence for the Bombay rupee, and the bonded debt in Great Britain shall have been reduced to the sum of

sterling, then and thereafter the surplus proceeds, which shall be found to arise from the said rents, revenues, and profits, of the said territorial acquisitions, and from sales of the goods, and the profits of the trade of the said Company, or in any other manner, after providing for the payments aforesaid, shall be applied to the more speedy repayment of the capital of any public funds or securities, which have been or may be created for the use of the said Company, the charges of which have been or may be directed to be borne by the said Company by virtue of any Act or Acts of Parliament; and that any further surplus that may arise shall be set apart, and from time to time paid into the receipt of His Majesty's Exchequer, to be applied as Parliament shall direct, without interest to be paid to the Company in respect or for the use thereof; but nevertheless it is hereby declared that all such sums of money as shall be so paid into the receipt of His Majesty's Exchequer as aforesaid, not exceeding twelve millions of pounds sterling, shall be deemed and taken to be a fund for securing to the said United Company the capital stock of the said United Company, and also a dividend at the rate of

per centum per annum, in respect thereof; and of the excess of such payments, if any, beyond the said amount of twelve millions of pounds sterling, part shall from time to time be reserved and retained by the said United Company for their own use and benefit, and the remaining shall be deemed and shall be the property of the public, and at the disposal of Parliament.

Provided

Provided also, and be it further enacted, That if the debts of the said Company in India, after the same shall have been reduced to

sterling, calculated as aforesaid, shall be again increased beyond that amount, or if their bond debt in Great Britain, after the same shall have been reduced to

sterling, shall be again increased beyond that sum, then, and so often as either of those cases shall happen, such surplus proceeds shall be appropriated to the reduction of the said new debts respectively, until the whole of the debts of the said Company in India shall be again reduced to sterling, calculated as aforesaid, and their bond debt in Great Britain to

sterling; any thing in this Act contained to the contrary notwithstanding.

And be it further enacted, That so much of the said Act made in the thirty-third year of His present Majesty, as relates to the payment of a sum, not exceeding five hundred thousand pounds in every year, into the receipt of His Majesty's Exchequer, to be applied as Parliament shall direct, or to the recovery from the said United Company, or their successors, by action or otherwise, of such money, in case of failure of the said United Company or their successors, in any payment thereof, or to the payment into the Bank of England of money to be placed to the account of the said Commissioners appointed by the said Act passed in the twenty-sixth year of His Majesty's reign, or to an account to be raised and kept by the Governor and Company of the Bank of England, to be entitled, "The Account of the Guarantee Fund of the United Company of Merchants of England trading to the East-Indies," or to the said Guarantee Fund, or to an account to be made by the said Governor and Company of the Bank of England, of or relating thereto, shall be and the same is hereby repealed.

And whereas by the said Act made in the thirty-third year of His present Majesty, taking notice of a certain fund, therein called "The Company's Separate Fund," it was enacted, "that after payment should be made by the said Company into His Majesty's Exchequer, of certain instalments (which said payments were duly made), it should be lawful for the said Company, out of the said

If the debts, after reduction, shall be again increased beyond certain sums, reduction again to take place.

So much of 33 Geo. III. c. 52, as relates to the payment of a sum into the Exchequer, the recovery thereof, or to the payment into the Bank, repealed.

A dividend of ten shillings per cent. to be paid out of the Separate Fund, till exhausted.

said Separate Fund, and the interest or growing income thereof, to make and declare a dividend of ten shillings per centum per annum on the then present or any future amount of their capital stock, which said dividend or dividends should be paid and payable by the said Company, over and above any other dividends which should become due in respect thereof; and that after the expiration of the further term by the said Act granted in their exclusive trade, it should be lawful for the said Company to retain and dispose of what should then remain of the said Company's separate fund, or of the monies constituting the same, and the interest or other annual proceeds thereof, in such manner as they should then think fit: " And whereas by a certain other Act made in the thirty-seventh year of His present Majesty, intituled, " An Act to enable the East-India Company to raise money by further increasing their capital stock, " and to extend the provisions now existing, respecting the present stock of the said Company, to the said increased stock; " after reciting, that the payment of their said dividend of ten shillings per centum, to the proprietors of the increased stock, to be raised by virtue of the said last-mentioned Act, out of the said separate fund, as in the said recited Act of the thirty-third year of His Majesty's reign is mentioned, would exhaust the same long before the expiration of the then existing term in the said exclusive trade, it was enacted, for the reasons therein mentioned, " that the said dividend of ten shillings per centum, which under the authority of the said Act of the thirty-third year of His present Majesty would be payable to the proprietors of the said increased stock out of the said separate fund, should be paid to them out of the annual profits of the said Company, in the same manner and at the same times as the dividend of ten pounds per centum, in the said Act mentioned, was to be paid to the proprietors of the stock of the said Company, and for that purpose a sum equal to the amount of such dividends should from time to time be debited to the annual account, as a charge on the said trade, and carried to the account of the said separate fund: And whereas the said Company have not increased their capital stock pursuant to the authority and power given to them by the said Act of the thirty-seventh year of His said Majesty's reign: And whereas the said separate fund is still sufficient to pay the said dividend of ten shillings per centum per annum, upon the present capital stock of the said Company for a certain

33 Geo. III. c. 52,
s. 124.

37 Geo. III. c. 31,
s. 9.

certain time, but not sufficient to pay such dividend upon the said present capital stock during the whole of the further term by this Act granted to the said United Company, in the said territorial possessions and revenues: Be it therefore enacted, That from and after the there shall be paid out of the said separate fund, a dividend after the rate of ten shillings per centum per annum, on the present or any future amount of the said capital stock of the said Company, for and during such time as the said separate fund shall be sufficient for that purpose; and when the said separate fund shall become insufficient for the payment of the whole of the said dividend, so much as shall remain of the said separate fund shall be paid and applied towards the payment of such dividend of ten shillings, and the residue of such dividend shall be paid out of the net proceeds of the said Company's profits in the manner hereinbefore mentioned; any thing in the said Act of the thirty seventh year of His present Majesty, or any other act, matter, or thing to the contrary notwithstanding.

And be it further enacted, That so much of the said Act of the thirty-seventh year of His present Majesty, as directs that the said dividend of ten shillings per centum per annum, upon the increased stock to be raised by virtue of the said last-mentioned Act, shall be paid out of the annual profits of the said Company, shall be, and the same is hereby repealed.

And be it further enacted, That from and after the the said Court of Directors of the said Company shall, and they are hereby required to direct and order, that the books of account of the said Company at their several presidencies and settlements in India, at their factory in China, at the island of Saint Helena, and in all other places, as well abroad as in England, be so kept and arranged, as that the same shall contain and exhibit the receipts, disbursements, debts, and assers appertaining to or connected with the territorial, political, and commercial branches of their affairs respectively; and that the same shall be made up in such manner, that the said books shall contain and exhibit the accounts of the territorial and political departments separately and distinctly from such as appertain to or are connected with the commercial branch of their affairs; and the said Court of Directors are hereby required, forthwith, after the to prepare a plan for an arrangement of the accounts of the said Company in the manner aforesaid, and to

37 Geo. III. c. 31,
s. 9, repealed.

Directors to order distinct accounts to be kept of their territorial, political, and commercial affairs; and to submit a plan for such an arrangement of their accounts to the Board, for their approbation.

or by any Committee of the said Directors, until the same shall have been submitted to the consideration of, and approved by, the said Board; and for that purpose, that copies of all orders and instructions which the said Court of Directors, or any Committee of the said Directors, shall propose to be sent to India, shall be by them previously laid before the said Board; and that after the receipt of such proposed dispatches, the said Board shall, with all reasonable dispatch, return the same to the said Court of Directors, or Committee of Directors, either with their approbation thereof, certified under the hand of the chief secretary to the said Board by the order of the said Board, or if the said Board shall disapprove, alter, or vary in substance any of such proposed orders or instructions, in every such case the said Board shall give to the said Directors in writing under the hand of the chief secretary of the said Board, by order of the said Board, their reasons at large in respect thereof, together with their instructions to the said Directors in relation thereto; and that the said Directors shall, and they are hereby required forthwith to dispatch and send the letters, orders, and instructions, in the form approved by the said Board, to the proper government or officers in India or other limits aforesaid, without further delay, unless, on any representation made to them by the said Directors, the said Board shall order any alterations to be made therein; and that the Directors of the said Company for the time being shall, and they are hereby required to pay obedience to, and shall be governed and bound by such orders and instructions as they shall from time to time receive from the said Board of Commissioners, touching or concerning such appropriation, according to the tenor and true intent of this Act.

And whereas it is provided by the said Act of the Parliament of Great Britain of the thirty-third year of His Majesty's reign, that copies of all orders and instructions which the Court of Directors, or any Committee of the Court of Directors of the said Company shall propose to be sent to India, shall be by them previously laid before the said Board, and that within the space of fourteen days after the receipt of such proposed dispatches, the said Board shall return the same to the said Court of Directors, or Committee of Directors, in the manner directed by the said act; and whereas the said limitation of fourteen days for the return of such proposed dispatches may be found inconvenient, be it therefore enacted, That so much of the said act of the thirty-third year of His present Majesty, as requires

Instead of being limited to days, Board to return proposed dispatches with all convenient dispatch.

33 Geo. III. c. 52. s. 12.

requires such proposed dispatches to be returned by the said Board within fourteen days, shall be and the same is hereby repealed; and that from and after the

it shall be sufficient for the said Board to return all such proposed dispatches to the said Court of Directors, or Committee of the said Court of Directors, and the said Board is hereby required to return the same, with all reasonable dispatch.

And be it further enacted, That from and after the the Commissioners for the Affairs of India, or any of the officers of the Board of Commissioners for the Affairs of India, by the order and authority of the said Board, shall not only have free access to the books, papers, letters of correspondence, evidences, and other records of the said Company, and be assisted in their searches for the same, and furnished with copies or extracts, in the manner prescribed by the said Act of the Parliament of Great Britain, of the thirty-third year of His Majesty's reign, but shall and may call for and direct to be prepared, all such accounts, statements, and abstracts, relating to the affairs of the said Company as the said Board shall think fit; and the said Court of Directors shall, with all reasonable dispatch, cause to be prepared and transmitted to the said Board, all such accounts, statements, and abstracts, as the said Board shall so direct to be prepared.

Board may require accounts, abstracts, and statements, to be prepared by the Directors.

33 Geo. III. c. 52, s. 10.

And whereas by the said Act of the Parliament of Great Britain, of the thirty-third year of His Majesty's reign, it is enacted, that the several orders and proceedings of the Presidencies of Fort William, Fort Saint George, and Bombay, should previously to their being published and put in execution, be signed by the chief secretary to the Council of the Presidency, by the authority of the Governor General in Council, or Governors in Council, as the case may be: and whereas inconvenience may arise to the public service, unless some other person, besides such chief secretary, be authorized to sign such orders and proceedings; be it therefore further enacted, That all such orders and proceedings of the several governments and presidencies in India, shall or may, previously to their being published or put in execution, be signed in manner aforesaid, either by the chief secretary to the government of the said presidency, or in the absence of such chief secretary, by the principal secretary of the department of such presidency to which such orders and proceedings relate; any thing to the contrary notwithstanding.

Proceedings at the Presidencies to be signed at the Presidency, by the principal Secretary of the department to which they relate, in the absence of the Chief Secretary.

33 Geo. III. c. 52, s. 39.

to submit the same to the said Board of Commissioners for the affairs of India, for their approbation; and it shall be lawful for the said Board of Commissioners from time to time to make such alterations and amendments therein, and such additions thereto, as they shall think fit; which said plan, so approved, altered, amended, or, added to, by the said Board of Commissioners, the said Court of Directors shall direct and order to be carried into execution.

And be it further enacted, that the several accounts required by the said Act of the thirty-third year of His present Majesty, to be annually laid before both Houses of Parliament, shall be henceforth prepared and arranged in conformity to the principles of separation hereinbefore directed, of the territorial and political branch from the commercial branch of the affairs of the said United Company.

And be it further enacted, That all rates, customs, and duties of export and import, which shall be charged upon any goods, wares, or merchandize, of or belonging to the said Company, shall, and they are hereby required to charge in the books of account of the said Company to the debit of the commercial branch of their affairs; and all such rates, customs, and duties, which shall be charged upon any goods, wares, or merchandize, of or belonging to the said Company, or which shall be received by the said Company in the East Indies or parts aforesaid, upon any goods, wares, or merchandize of any private merchant, trader, or other person, shall be placed in the books of account of the said Company to the credit of the territorial revenues of the said Company; and all such rates, customs, and duties, so placed to the credit of the territorial revenues of the said Company shall be deemed and taken to be part of such territorial revenues, and shall be subject to the controul of the said Board of Commissioners, in like manner, into all intents and purposes, as any other part of such territorial revenues.

And be it further enacted, That from and after the the Board of Commissioners for the Affairs of India shall, by force and virtue of this Act, have, and be invested with full power and authority to superintend, direct, and controul, all orders and instructions whatsoever, which in anywise relate to or concern the amount of appropriation to any investment, or other commercial purposes, of any part of the revenues of the said territories or

This principle to be attended to in Accounts to be laid before Parliament. 33 Geo. III. c. 52. s. 126.

Charging duties on goods, &c. imported.

Board to have controul over the appropriation of any part of the territorial revenues to commercial purposes.

or acquisitions in the East Indies or parts aforesaid, or of any monies arising from any loan raised or to be raised in the East Indies or parts aforesaid, or of any securities issued or to be issued by any of the Governments of the said Company, in the same manner, to all intents and purposes, and under and subject to all such and the like regulations and provisions, as if the said orders or instructions immediately related to and concerned the civil or military government or revenues of the said territories or acquisitions; any thing in the said Act of the thirty-third year of His present Majesty, or of any other Act or Acts to the contrary notwithstanding.

And be it further enacted, That from and after the

the Court of Directors of the said Company for the time being, shall, and they are hereby required, from time to time to deliver to the said Board, copies of all minutes, orders, resolutions and proceedings of all Courts of Proprietors, general or special, and of all Courts of Directors, within days after the holding of such Courts respectively; and also copies of all letters, advices and dispatches, which shall at any time or times be received by the said Court of Directors, or any Committee of Directors, from the East Indies, or, from any other of their settlements or factories within the limits of their Charter or from any of the servants of the said United Company stationed at Saint Helena, Bussora, Suez, Aleppo, or other parts beyond the seas, in anywise relating to or concerning the appropriation to any investment, or other commercial purposes, of any part of the revenues of the said territories or acquisitions, or of any monies arising from any loan raised or to be raised in the East Indies, or parts aforesaid, or of any securities issued or to be issued by any of the Governments of the said Company, immediately after the arrival and receipt thereof.

And be it further enacted, That from and after the no orders or instructions whatever relating to the appropriation to any investment or other commercial purpose whatsoever, of any part of the revenues of the said territories or acquisitions in the East Indies, or parts aforesaid, or of any monies arising from any loan raised or to be raised in the East Indies, or parts aforesaid, or of any securities issued or to be issued by any of the Governments of the said Company, shall be at any time sent or given to any of the governments or settlements in India by the Court of Directors of the said United Company,

No. XII.

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or

Court of Directors to deliver to the Board, copies of all Proceedings, and of Dispatches received, relating to the appropriation of revenue and loans to investments.

No Dispatches relative thereto, to be sent to India, till approved by the Board.

servant of the said Company, on being appointed to any office or employment in any such Court, Board, or other establishment, shall take precedence at or in such Court, Board, or other establishment, according to the seniority of his appointment as a Member of such Court, board or other establishment, although such civil servant, in respect of whom such order shall be made, may thereby not take precedence at or in such Court, board, or other establishment, according to the seniority of his appointment to the service of the said Company; and such civil servant shall thereupon take precedence at such Court, board, or other establishment accordingly; the said Act or any other matter or thing to the contrary notwithstanding.

Payment for King's troops by the Company, not to exceed

men, unless greater number sent on their requisition.

AND whereas it is expedient, in the present circumstances, that the number of His Majesty's forces, for which payment should be made out of the revenues arising from the British territories and possessions in the East Indies, should be ascertained and fixed; BE it therefore enacted, That from and after the

it shall not be lawful for

the Commissioners for the Affairs of India, to give or approve orders or directions, that there shall be paid, defrayed, and allowed, out of the revenues arising from the said territories and possessions, in respect of His Majesty's forces sent or to be sent to the East Indies or parts aforesaid, for the security of the said territories and possessions, any sum or sums of money in respect of any greater number of His Majesty's forces, than shall amount in the whole to men, including the Commissioned and Non-commissioned Officers; unless any greater number of His Majesty's forces shall be sent to the East Indies and parts aforesaid, on the requisition of the said Court of Directors; in which last case it shall and may be lawful for the said Commissioners to give and approve such orders and directions, for paying, allowing and defraying such sums as aforesaid, in respect to such additional forces of His Majesty so to be sent on the requisition of the said Company.

No Gratuity above to be good unless confirmed by the Board.

33 Geo. III. c. 52. s. 125.

AND whereas by the said Act of the Parliament of Great Britain of the thirty-third year of His present Majesty, it was enacted, " that no grant or resolution of the said Company, or their Court of Directors, to be made after the passing of that Act, and during the continuance of their right in the exclusive trade thereby granted, whereby the funds of the said Company might become chargeable, with any

any new salary, or increase of salary, or any new or additional establishment of officers or servants, or any new pension or increase of pension, to any one person, exceeding two hundred pounds per annum, should be available in law, unless such grant or resolution should be approved and confirmed by the Board of Commissioners for the Affairs of India, attested under the hand of the President of the said Board:" And whereas, for further protecting the funds of the said Company, during the continuance of the further term hereby granted to the said Company, it is expedient that the said Company should be put under reasonable limitations, in respect to the granting of gratuities; BE it therefore further enacted, That from and after the it shall not be lawful for the said Company to charge the funds of the said Company with the payment of any gratuity, to any officer, civil or military, exceeding the sum of unless the grant or resolution for that purpose shall have been approved and confirmed by the Board of Commissioners for the Affairs of India.

AND whereas doubts have been entertained, whether the governments of the said Company established at Fort William, Fort Saint George, and Bombay respectively, have legal authority to impose duties and taxes, to be levied within the several towns of Calcutta and Madras, and the town and Island of Bombay, or duties and taxes, to be paid by any persons subject to the jurisdictions of the several Courts of Judicature, called the Supreme Court of Judicature at Fort William in Bengal, the Supreme Court of Judicature at Madras, or the Court of the Recorder of Bombay; and also, whether the Provincial Courts, having jurisdiction in matters of revenue, can lawfully exercise such jurisdiction within the said several towns and island, or over any persons subject to the jurisdiction of the said several Courts of Judicature at Fort William, Madras, and Bombay respectively; and also, whether the said governments can erect Provincial Courts, to exercise jurisdiction in matters of revenue, within the said several towns and island, and over the persons subject to the jurisdiction of the several Courts of Judicature, at Fort William, Madras, and Bombay, respectively; and also, whether persons being natives of India, in the service of the United Company of Merchants of England trading to the East Indies, or of any of His Majesty's subjects, are amenable to the jurisdiction of the Provincial Courts established in the East Indies for crimes committed within the local jurisdiction of such last-mentioned Courts;

Governor-General and Governors in Council at Fort William, Madras, and Bombay, may impose duties of Customs and other Taxes, on places and persons within the jurisdiction of the Courts established by the King's Charter at those places: in the same manner as in places without such jurisdiction;

or

Vacancies of Governors, and Commanders in Chief, to be filled up by the Court of Directors, subject to His Majesty's approbation.

And be it further enacted, That from and after the all vacancies which, from and after the shall happen in the office of Governor General of Fort William, or of Governor of either of the Company's presidencies or settlements of Fort Saint George, or Bombay, or of Governor of the forts and garrisons of Fort William, Fort Saint George, or Bombay; or of Commander-in-chief of all the forces in India; or of any provincial Commander-in-chief of the forces there, shall be filled up and supplied by the Court of Directors of the said United Company; subject nevertheless to the approbation of His Majesty, to be signified in writing under his royal sign manual, countersigned by the President of the Board of Commissioners for the Affairs of India.

Vacancies in India (except of Governors, Members of Council, Commanders in Chief, Generals on the Staff and Law Officers), to be supplied by the Governments in India exclusively.

And be it further enacted, That from and after the it shall not be lawful for the said Court of Directors, either provisionally or otherwise, to nominate or appoint any person to succeed to any office or employment in the civil or military establishments of the said Company in the East-Indies, or parts aforesaid; save and except to the offices of Governor general, Governor of the several presidencies and settlements of the said Company, the Commander-in-chief of all the forces in India, the several provincial commanders-in-chief, the Members of Council, General Officers on the staff, and Advocate and Attorney general, at the said several presidencies and settlements; and that when and as often as any vacancy shall happen in any such office or employment (except as aforesaid) holden by any officer or servant of the said Company in the East-Indies or parts aforesaid, such vacancy shall be supplied by the sole authority of the government of the presidency or settlement to which such office or employment shall belong; any thing contained in the said Act of the thirty-third year of His Majesty's reign, or any other Act or Charter, or other matter or thing whatsoever, to the contrary notwithstanding.

Restoration of dismissed or suspended servants, civil and military, not to be made without consent of the Board.
51 Geo. III. c. 75,
s. 4. 5.

And whereas by a certain Act, made in the fifty-first year of His Majesty's reign, intituled, "An Act for making further provision for the payment of salaries, and other charges in the Office of the Commissioners for the Affairs of India; and for enabling the East-India Company to restore to the service of the said Company, military officers removed therefrom by sentences of Courts Martial; and to authorize the said Company, in cases of unforeseen emergency,

gency, to take up ships by private contract;" it was declared and enacted, "that it was lawful for the Court of Directors of the said United Company, to restore to the service of the said Company, any military officer who should have been or should be dismissed or suspended therefrom by the sentence of a Court Martial, provided that no such restoration should be in any ways valid or effectual, without the approbation and consent of the Board of Commissioners for the Affairs of India, for that purpose had and obtained:" And whereas it is expedient that the restoration by the said Court of Directors to the service of the said Company, of such of the said Company's servants, civil and military, who shall be dismissed or suspended by the authority of any of the governments or presidencies of the said Company in India, should be subject to the like approbation and consent of the said Board of Commissioners; be it therefore further enacted, That from and after the restoration by the said Court of Directors to the service of the said Company, of any servant of the said Company, civil or military, who shall have been dismissed or suspended by the authority of any of the said Company's governments or presidencies in the East-Indies, or parts aforesaid, shall be valid or effectual, without the approbation and consent of the said Board of Commissioners, for that purpose first had and obtained.

AND whereas by the said Act of the Parliament of Great Britain of the thirty-third year of His present Majesty's reign, it is enacted, "that all the civil servants of the said United Company in India, under the rank or degree of Member of Council, shall have and be entitled to precedence in the service of the said Company at their respective stations, according to the seniority of their appointment:" And whereas the several governments of the said Company are often prevented from appointing meritorious servants of the said Company to be Members of Courts, Boards, and other official establishments, where offices or employments are exercised by several servants of the said Company collectively, lest by such appointment one or more Members of such Court, Board, or other situation should be superseded; BE it therefore Enacted, That it shall and may be lawful for any Governor General or Governor in Council of the said Company, if he shall think proper, upon application in writing for that purpose by any civil servant of the said Company desirous of being appointed a Member of any such Court, Board, or other establishment by special order to direct that such servant

Persons may be appointed to offices, though not according to precedence.

or whether such persons, being natives of India, in the service of the said United Company, or of His Majesty's subjects, are not exclusively amenable to the jurisdiction of the said Courts at Fort William, Madras, and Bombay, respectively; and it is expedient that such doubts should be removed; BE it therefore enacted and declared, That it was, and is, and shall be lawful, to and for the Governor General in Council of Fort William in Bengal, and to and for the Governor in Council of Fort St. George, and to and for the Governor in Council of Bombay, within the respective Presidencies of Fort William, Fort Saint George, and Bombay, to impose all such duties of customs and other taxes, to be levied, raised, and paid within the said towns of Calcutta and Madras, and the said town and island of Bombay, and upon and by all persons whomsoever, resident or being therein respectively, and in respect of all goods, wares, merchandizes, commodities and property whatsoever also being therein respectively; and also upon and by all persons whomsoever, whether British born or foreigners, resident or being in any country or place within the authority of the said governments respectively; and in respect of all goods, wares, merchandizes, commodities, and property whatsoever, being in any such country or place, in as full, large, and ample manner, as such Governor General in Council or Governors in Council respectively may now lawfully impose any duties or taxes to be levied, raised, or paid, upon or by any persons whomsoever, or in any place whatsoever, within the authority of the said governments respectively.

And may give jurisdiction in matters of revenue to provincial courts, to be exercised over places and persons within such jurisdiction.

And be it further enacted and declared, That it was, and is, and shall and may be lawful to and for the said Governor-general in Council, and the said Governors in Council respectively, within the said presidencies respectively, to erect and establish provincial courts, with jurisdiction in matters of revenue and to give and annex jurisdiction in matters of revenue to any provincial court now in existence, or hereafter to be erected, to be exercised as well within the said towns of Calcutta and Madras, and the said town and island of Bombay, and over all persons whomsoever, whether British born, foreign, or natives of India, and over all things whatsoever, or to whomsoever belonging, in as full, large, and ample manner, as such Governor-general in Council and Governors in Council respectively, within the said presidencies respectively, can now lawfully erect

erect or establish any provincial court, or give or annex any jurisdiction whatsoever to any provincial court whatsoever.

And be it further enacted and declared, That all persons whomsoever, being natives of India, who have been, now are, or hereafter may be employed, by or in the service of His Majesty, the said United Company, or of any of His Majesty's subjects, were, and are, and shall be subject and amenable to all provincial courts of competent jurisdiction for all crimes and misdemeanors, and in all actions and suits whatsoever, of which such courts respectively could take cognizance, if the persons having committed such crimes or misdeameanors or against whom the causes of such actions or suits shall have arisen, had not been employed by, or had not been in the service of His Majesty, or the said United Company, or any of His Majesty's subjects; any law, usage, or practice to the contrary thereof in any ways notwithstanding: Provided always, that nothing herein contained shall anywise oust the said supreme courts of judicature of Fort William and Madras, and the said court of the Recorder of Bombay respectively, of any jurisdiction over any natives of India, which such courts may now lawfully exercise; but such supreme courts of judicature of Fort William and Madras, and the said Court of the Recorder of Bombay respectively, as well as the provincial courts herein referred to, according to their several jurisdictions, shall have a concurrent jurisdiction over natives of India, employed by or in the service of the said United Company, or any of His Majesty's subjects.

Natives of India in service of Company, subject to provincial courts.

And whereas it is expedient that the Governor in Council at Prince of Wales Island should be invested with the like power and authority, in respect to the imposing duties of custom and other taxes, in all places within the limits of his authority, as are possessed by the Governor in Council of Fort Saint George, and the Governor in Council of Bombay, within their respective presidencies; Be it therefore further enacted, That it shall and may be lawful for the Governor in Council of Prince of Wales Island to impose all such duties of custom and other taxes to be levied, raised, and paid, in all places within the limits of the authority of the said Governor in Council of Prince of Wales Island, upon or by all such and the like persons, and in respect of all such and the like matters and things, as the said Governor in Council of Fort Saint George and the Governor in Council of Bombay, may lawfully impose in their respective presidencies.

Governor in Council of Prince of Wales Island may impose duties of customs and other taxes, within the limits of his authority.

Admiralty jurisdiction of supreme courts extended.

AND whereas the courts established by the said United Company have no jurisdiction over crimes maritime, and doubts have been entertained whether the admiralty jurisdiction of His Majesty's courts at Calcutta, Madras, and Bombay, extends to any persons but those who are amenable to their ordinary jurisdiction, by reason whereof failures of justice may arise; Be it therefore enacted, That it shall and may be lawful for His Majesty's Courts at Calcutta, Madras, and Bombay, exercising admiralty jurisdiction, to take cognizance of all crimes perpetrated on the high seas, by any person or persons whatsoever, in as full and ample a manner as any other court of admiralty jurisdiction established by His Majesty's authority in any colony or settlement whatsoever belonging to the Crown of the said United Kingdom.

Provision for summary conviction and punishment of British subjects being in India without licence, or exceeding the terms of their licence.

AND whereas it is expedient that provision should be made for empowering the several Governments of the said Company in India, to restrain by summary convictions, British subjects residing in India without licence or certificate, or beyond the terms of such licence or certificate, in cases where such governments may not deem it advisable to exercise the powers vested in them of prosecuting such persons for a misdemeanor, or sending them to the United Kingdom; Be it therefore enacted, That upon information being exhibited by the Advocate General, or other principal law officer of the said Company, at any of their presidencies, in the Supreme Court of Judicature at Fort William, the Supreme Court of Judicature at Madras, the Recorder's Court at Bombay, or the Recorder's Court at Prince of Wales Island, that any such subject of His Majesty has been found in any part or place of the East Indies, or parts aforesaid, to which the jurisdiction of the court in which such information may be filed extends, without being duly licensed or otherwise authorized for that purpose, it shall and may be lawful for the court in which such information may be filed, to cause such person to be arrested and brought before such court; and upon proof being duly made before such court, of the substance of the matter stated in the said information, such person shall be required to produce, or prove, the licence or other authority under which he came to, and resides in, the East Indies, and under which he resorted to, or was remaining, or found at the place where he shall be proved to have been; and in case he shall fail to produce or prove any such licence or authority, or duly to account for the non-production or

or want of proof thereof, or if upon production or proof thereof it shall appear to the said court, that the residence of such person in the East Indies, or his resorting to, or remaining in the place where he shall be proved to have been, was not within the true intent and meaning of such licence or authority, it shall and may be lawful for such court, in a summary way, to convict such offender of having been found on such a day, at such a place, within the East Indies or parts aforesaid, without being duly licensed or otherwise authorised for that purpose, and to order such offender to pay such fine, not exceeding rupees, as the said court shall think fit, and also to commit such offender to the gaol of the presidency to which such court shall belong, for a period not exceeding

months, unless such fine shall be sooner paid; and in case such person shall a second time be convicted of a like offence, either before the same or any other court, it shall and may be lawful for such court before which such person shall be so convicted a second time, to order such offender to pay such fine, not exceeding rupees, as the said court shall think fit, and also to commit such offender to the gaol of the presidency to which such court shall belong, for a period not exceeding months, unless such fine shall be sooner paid.

Provided always, That nothing herein contained shall extend, or be construed to extend, to repeal, alter, or annul, any enactment or provision contained in any former Act or Acts, whereby any person so being found in the East Indies or parts aforesaid, without having a licence or other authority for that purpose, is or may be subjected to a prosecution for a misdemeanor, or whereby such person is or may be liable to be sent to the United Kingdom.

Provided nevertheless, That no person who shall have been convicted, as aforesaid, shall be liable to be prosecuted for a misdemeanor, or sent to England, in respect of any residence in the East Indies or parts aforesaid, previously to the date of such conviction.

And for preventing any delay of justice, or the unnecessary detention of persons charged with offences; be it further enacted, That all His Majesty's Courts exercising criminal jurisdiction within the said several Presidencies of the said Company, shall, and they are hereby required, times at the least in every year, on such days, and at such convenient intervals of time, as the judges of the said Courts respectively shall appoint, to hold their Sessions, for the purpose of taking cognizance of all matters relating to pleas of the Crown.

Not to prevent such British Subjects from being prosecuted for misdemeanors, or sent home;

But not to be so liable for residence previous to Conviction.

King's Courts regularly to hold Sessions times in every year, for trying criminal offences.

For misdemeanors committed by British subjects more than miles from a Presidency, informations may be filed ex officio, and prosecuted in Court of King's Bench in England.

And whereas great inconvenience and expense have hitherto been experienced in cases of prosecution under the authority of the Advocate General or other principal Law Officer of the said Company at their several Presidencies of Fort William, Fort Saint George, and Bombay respectively, for misdemeanors committed at a distance from the said several Presidencies, by the ordinary course of indictment, or information filed with leave of the Court; be it therefore enacted, That it shall and may be lawful for the Advocate General, or other principal Law Officer of the said Company at their several Presidencies, in all cases of misdemeanors alleged to have been committed, by any British subject at a distance of more than miles from the Presidency within the limits whereof such offence shall be alleged to have been committed, to file an information ex officio in the Supreme Court of Judicature at Fort William, the Supreme Court of Judicature at Madras, or the Recorder's Court at Bombay, as the case may be; and all such proceedings shall and may be used and had upon such information as may lawfully be used and had in cases of information filed ex officio by His Majesty's Attorney General in His Majesty's Court of King's Bench in England; any matter or thing to the contrary notwithstanding.

Persons may be arrested and sent to England.

And whereas it may be doubtful, whether the Governor General of Fort William in Bengal, or other persons authorized by the said Acts of the thirty-third year of His present Majesty's reign, to take, arrest, and seize such persons as may be found within the East Indies, and other limits of the said Company's Charter, without licence or other lawful authority for that purpose, have power to remit or send any such person or persons to the said United Kingdom, except for the purpose of being prosecuted for a misdemeanor: And whereas it may be sufficient in many cases to remit and send such persons to the United Kingdom, without subjecting them to further punishment; be it enacted, That it shall and may be lawful for the said Governor General, the Governor of any of the said Company's Presidencies, the chief officer of the said Company resident at any British settlement in the East Indies or parts aforesaid, the Company's Council of Supracargoes at the town and factory of Canton, within the said town and factory, and upon the river of Canton, or other part of the coast of China, and such other persons as may be from time to time especially deputed and authorized for that purpose by the Court of Directors of the said United Company, to take, arrest, seize, and cause to be taken, arrested, and seized, at any place or places

places within the East Indies or parts aforesaid, and to send to the United Kingdom, all such persons so being found at any such place or places in the East Indies or parts aforesaid, without licence or other lawful authority for that purpose, and to remit and send such person or persons on board any ship or ships, of or belonging to, or in the service of the said United Company; and the masters or other persons having the command of all such ships, shall and they are hereby authorized and required safely and securely to keep all and every such person and persons who shall be sent on board any ship or ships for the purpose aforesaid, until such person or persons shall be landed in some port or ports of the United Kingdom: Provided always, That every person who shall be so put on board any such ship for the purpose aforesaid, shall be entitled to be discharged in such part of the United Kingdom, in which such ship shall be moored in safety, as such person shall think fit.

And whereas His Majesty's British subjects resident in the British territories in India, without the town of Calcutta, Madras, and the town and island of Bombay, are now, by law, subject only to the jurisdiction of His Majesty's courts at Calcutta, Madras, and Bombay respectively, and are exempted from the jurisdiction of the courts established by the said United Company within the said territories, to which all other persons, whether natives or others, inhabitants in the said territories, without the limits of the towns aforesaid, are amenable: and whereas it is expedient to provide more effectual redress for the native inhabitants of the said territories, as well in the case of assault or trespass which may be committed by British subjects at a distance from the places where His Majesty's Courts are established, as in case of civil controversies with such British subjects; be it therefore enacted, That it shall and may be lawful for any native of India, resident in the East Indies, or parts aforesaid, and without the said towns, in case of any assault or trespass, alleged to have been done against his person or property by a British subject, to complain of such assault or trespass to the magistrate by the zillah or district, where the alleged offender shall be resident, or in which such assault or trespass shall have been done; and that such magistrate shall have power and authority to take cognizance of such complaint, to hear parties, to examine witnesses, and, having taken in writing the substance of the complaint, defence, and evidence, to acquit or convict the person accused; and in case of conviction, to inflict upon such person a suitable punishment by fine

Justices of Peace in the Provinces shall have jurisdiction, in case of assault and trespass committed by British subjects on the natives of India.

not

not exceeding to be levied in case of non-payment by warrant under the hand of the said magistrate, and upon any property of the party so convicted, which may be found within the said district; and if no such property shall be found within the said district, then it shall be lawful for the said magistrate, by warrant also under his hand, to commit such offender to some place of confinement within the said zillah or district, which in the judgment of the said magistrate shall be fit for receiving such offender; or if there shall be no fit place of confinement, then to the gaol of the Presidency, to remain there for a period not exceeding

Copy of conviction and proceedings to be sent to the government.

Fines to be paid to the magistrate;

Application thereof

Convictions removable by certiorari, and subject to provisions of 33 Geo. III. c. 52. s. 153.

Justices of the Peace to have jurisdiction, in cases of small debts due to natives from British subjects.

unless such fine shall be sooner paid; and it shall be lawful for the said magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury: Provided always, that in all cases of conviction of a British subject, under the provision herein-before contained, the magistrate before whom such conviction shall take place, shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the government to which the place wherein the offence was committed is or shall be subordinate: Provided also, That all such fines shall be paid in the first instance to the magistrate before whom the party offending shall be convicted, and the amount thereof, after making such satisfaction to the party aggrieved, as aforesaid, if any, shall be transmitted by such magistrate to the clerk of the crown, or other officer to whom it belongs to receive fines in His Majesty's Court of Oyer and Terminer and Gaol Delivery for the province within which the offence shall have been committed; and such fines shall and may be disposed of in the same manner as other fines imposed by such court of Oyer and Terminer and Gaol Delivery: Provided also, That all such convictions shall and may be removable by writ of certiorari into the said Courts of Oyer and Terminer and Gaol Delivery respectively, in the same manner and upon the same terms and conditions, and shall be proceeded upon in the same manner in every respect as is directed in the said act of the thirty-third year of His Majesty's reign, with regard to other convictions before justices of peace in the British settlements or territories in India.

And be it further enacted, That in all cases of debt not exceeding the sum of rupees, alleged to be due from any British subjects to any native of India resident in the East Indies or parts aforesaid, and without the jurisdiction of the several Courts of Request established at Calcutta, Madras, and Bombay respectively,

respectively, it shall and may be lawful for the magistrate of the zillah or district where such British subject shall be resident, or in which such debt shall have been contracted, to take cognizance of all such debts, and to examine witnesses upon oath, and in a summary way to decide between the parties, which decision shall be final and conclusive to all intents and purposes; and in all cases where any such debt shall be found to be due from any British subject to any such native of India, the amount thereof shall and may be levied in the same manner and subject to the same regulations and provisions in respect to the commitment of the debtor, as are hereinbefore made and provided in respect to the levying of fines in case of the conviction of a British subject before such magistrate.

And be it further enacted, That from and after the all British subjects of His Majesty, as well the servants of the said United Company as others, who shall reside, or shall carry on trade or other business, or shall be in the occupation or possession of any immoveable property in any part of the British territories in India, at the distance of more than miles from the several Presidencies of Fort William, Fort Saint George, and Bombay respectively, shall be subject to the jurisdiction of all Courts which now have, or hereafter may have cognizance of civil suits, either originally or by way of appeal, within the districts or places where such British subjects shall so reside, or carry on trade or business, or possess or occupy immoveable property, in all actions and proceedings of a civil nature (except as hereinafter excepted,) in the like manner as natives of India, and other persons not British subjects, are now liable to the jurisdiction of such Courts by and under the regulations of the several Governments of Fort William, Fort Saint George, and Bombay respectively: Provided always, That no British subject shall be liable to be sued in any such Court in respect of residence, unless he shall have his residence within the jurisdiction thereof at the time of commencing the action or proceeding against him; or that the cause of action shall have arisen within the jurisdiction of the said Court, and the action shall be brought within years after the cause thereof shall have arisen, and also within months after the defendant shall have ceased to reside within such jurisdiction; nor shall any British subject be liable to be sued in any such Court in respect of his carrying on trade or business within the jurisdiction thereof, unless the cause of action shall have arisen within such jurisdiction, and shall relate to the trade or business so carried on; nor to be sued in respect

British subjects residing or trading or occupying immoveable property miles from the Presidencies, to be subject to the local civil judicature.

Restrictions as to the grounds of jurisdiction of the local judicatures.

Where an Appeal would lie to the Sudder Dewanny Adawlut, or Local Court, British Subjects may appeal to His Majesty's Court.

Not to bar the Jurisdiction of the King's Courts.

The Plaintiff may sue there at his election.

respect of any immoveable property possessed or occupied by him, unless such property shall be situated within the jurisdiction of the Court in which he shall be so sued, and such suit shall be brought to recover the possession or occupation of such property, or for rent, or other demand arising out of the possession or occupation of such property by such British subject: Provided also, That where by the laws or regulations in force, or hereafter to be in force, within the provinces respectively subject to the Governments of Fort William, Fort St. George, and Bombay aforesaid, it would be competent to a party to any final judgment or decree of any subordinate Civil Court of Judicature, to appeal therefrom to the Sudder Dewanny Adawlut, or other Court however denominated, exercising within those provinces respectively the highest appellate jurisdiction in civil suits, it shall be competent to British subjects of His Majesty, in suits brought against them under the provisions of this Act, instead of appealing to the said Sudder Dewanny Adawlut, or other Court so exercising the highest appellate jurisdiction as aforesaid, to appeal to the Supreme Court of Judicature at Fort William, or Fort St. George, or the Recorder's Court at Bombay, according as the action may have been brought in the provinces subordinate to either of the said Presidencies; and such Court shall have the same powers as to suspending or allowing execution of the judgment or decree appealed against, and as to taking security for costs, or for the performance of the decree or judgment of the said subordinate courts, as the said Sudder Dewanny Adawlut or other such Court as aforesaid would have had, and shall also make rules of practice for the conduct of the said appeals, in all other respects, conforming in substance and effect as nearly as possible to the course of procedure of the said Sudder Dewanny Adawlut, or other such Court as aforesaid in cases of appeal: Provided also, That nothing herein contained shall extend or be construed to extend to take away the jurisdiction of the said Supreme Courts of Judicature at Fort William and Madras, or the said Recorder's Court at Bombay respectively; but that all persons having cause of action against any British subject may, at their election, instead of suing in such provincial courts as hereinbefore provided, commence and prosecute their said suits in the said Supreme Courts of Judicature, and the said Recorder's Court respectively, in the same manner as before the passing of this Act.

And

And be it further enacted, That every British subject of His Majesty, not in the service of His said Majesty, or of the said United Company, who shall at any time after the go to and reside in any part of the British territories in India, distant more than miles from the Presidency to which the same shall be subordinate, with the permission of the Government of such Presidency, or who shall, after the said day, change his residence from one part thereof to another, distant as aforesaid, with such permission, shall procure from the Chief Secretary of the said Government or other officer authorized for that purpose, a Certificate signed by the said Chief Secretary or other Officer, expressing that such British subject has the permission of such Government to reside at such place, specifying the same, and expressing also whether such permission has been granted during the pleasure of such Government, or for any limited time; and the said certificate shall be deposited by such British subject in the Civil Court of the district in which he shall so go to reside, within after his taking up his residence there, and shall be kept among the records of the said Court, of which Certificate so deposited, a true copy attested by some officer of such Court thereto authorized, shall be given to the party depositing the same, and shall be deemed and taken in all Courts of Justice, and on all occasions whatsoever, to be good and sufficient evidence of such Certificate, unless the contrary shall be shewn: And no British subject not in the service of His Majesty, or of the said United Company, going to reside in any such part of the British territories, or changing his residence from one part thereof to another, after the said day, shall be allowed, while he so resides, to have or maintain any civil action or proceeding (other than in the nature of an appeal) against any person whomsoever in any Court of Civil Jurisdiction within the British territories in India, until he shall have filed, in the Court in which such action or proceeding is commenced, a copy of such certificate, signed by the Judge of the Court wherein the same is deposited; and if it shall be proved to the Court in which such action is brought, that such British subject is residing at any place within the said territories, distant more than miles from the Presidency to which it is subordinate, otherwise than according to the permission contained in such Certificate, or that such permission has been revoked, or that, being for a limited time, it has expired and has not been renewed, and that such

British Subjects, allowed to reside more than Miles from Presidency, shall procure and register Certificate of such permission in the Court of the District.

And suing in any Civil Courts, shall produce copy of such Certificate.

British subject is therefore residing without permission at more than _____ miles distance from such Presidency, such British subject shall thereupon be non-suited.

Justices of the Peace may qualify by taking the Oaths in any Court of Justice within the Provinces.
33 Geo. III. c. 52, s. 152.

And whereas great inconvenience has arisen, from requiring the civil servants of the said United Company, and other persons stationed at a distance from the Presidencies, to attend and take the oaths in the Courts of Oyer and Terminer of the said Presidencies, as prescribed by the said Act of the Parliament of Great Britain of the thirty-third year of His Majesty's reign, Be it therefore enacted, That all persons who shall be nominated and appointed in any such commissions of the peace as are in the said Act mentioned, shall be capable of acting as Justices of the Peace in every respect, according to the tenor of such commissions, upon taking and subscribing in any civil or criminal Court of Justice, within the provinces in and for which such commissions shall have issued, before any other Justice of the Peace, the like oaths as are appointed by the said Act to be taken in the Court of Oyer and Terminer of the province or presidency for which such persons shall be appointed to act as Justices of the Peace; and the subscription of such persons to the said oaths shall be deposited and kept with the records of the Courts of Justice in which the said Oaths shall have been administered.

Provincial Courts of the highest jurisdiction may arrest in civil or criminal process within the Presidencies, notwithstanding the jurisdiction of King's Courts.

And whereas it is expedient that the Sudder Dewanny Adawlut, and Nizamut Adawlut, or other provincial Courts, however denominated, exercising the highest jurisdiction within the provinces respectively subject to the governments of Fort William, Fort St. George, and Bombay, should have power and authority to execute process of arrest, either civil or criminal, within the towns of Calcutta and Madras, and the town and island of Bombay, notwithstanding the jurisdiction of His Majesty's Courts established at those places respectively; be it therefore enacted, That it shall and may be lawful for the said court of Sudder Dewanny and Nizamut Adawlut, or other provincial Courts aforesaid, to execute or cause to be executed upon all persons subject to the jurisdiction of such Courts respectively, all manner of lawful process of arrest, within the respective limits of the towns of Calcutta and Madras, and of the town and island of Bombay, in the same manner as the said Courts respectively may, by virtue of any power now

now vested, or hereafter to be vested in them, lawfully execute, or cause to be executed, such process in any place situate without the said limits; any Act, Charter, or other matter or thing whatsoever to the contrary notwithstanding: Provided always, That all such process which shall be executed within the limits aforesaid, shall be in writing, and shall have underwritten or indorsed thereon, or otherwise annexed thereto, a translation thereof, or of the substance thereof, in the English language and character, signed by one of the Judges of the Court from whence the same shall issue.

Process to be in writing, with an English translation, and signed by a Judge.

And whereas it is expedient, for the protection of property and trade in the East Indies, and other places between the Cape of Good Hope and the Straights of Magellan, that the stealing or taking by robbery of securities for the payment of money within the East Indies and other places aforesaid, should be made and should be punishable as _____ and also, that further provisions should be made for the punishment of the crime of forgery, and of uttering forged instruments, and of counterfeiting the current coin, and uttering such counterfeit coin in the East Indies or other places aforesaid; be it therefore enacted, That if any person or persons within the local limits of the criminal jurisdiction of any of His Majesty's Courts at Fort William, Fort Saint George, Bombay, or Prince of Wales' Island, or of any other Court erected or to be erected by any charter of His Majesty, his heirs or successors, in the East Indies or elsewhere, between the Cape of Good Hope and the Straights of Magellan; or if any person or persons, personally subject to the jurisdiction of any of the said Courts, at any place in the East Indies or elsewhere, between the Cape of Good Hope and the Straights of Magellan, at any time after the

Punishing Persons stealing bonds, notes, &c. within the jurisdiction of King's Courts.

shall steal, or take by robbery, any bond, bill of exchange, promissory note, treasury note, banker's note, order, acknowledgment, or other security or warrant for the payment of money, or entitling any person to the payment of money, being the property of any other person or persons, or of any corporation, notwithstanding any of the said particulars are termed in law a chose in action, it shall be deemed and construed to be

, of the same nature, and in the same degree, and with or without the benefit of Clergy, in the same manner as it would have been if the offender had stolen or taken by robbery any other goods of like value with the money due on such

such bond, note, bill, order, acknowledgment, warrant, or other security respectively, or secured thereby, and remaining unsatisfied; and such offender and offenders shall suffer such punishment as he, she, or they would or might have done, if he, she, or they had stolen other goods of the like value with the monies due on such bond, note, bill, order, acknowledgment, warrant, or other security respectively, or secured thereby, and remaining unsatisfied; any law to the contrary thereof in anywise notwithstanding.

Forgery punishable with

And be it further enacted, That if any person or persons, after the said within the local limits of the said Courts, or if any person or persons, personally subject to the jurisdiction of any of the said Courts, at any place in the East Indies, or els where, between the Cape of Good Hope and the Streights of Magellan, after the said

shall falsely make, forge, counterfeit, or alter, or cause or procure to be falsely made, forged, counterfeited, or altered, or willingly act or assist in the false making, forging, counterfeiting, or altering any deed, or any written instrument for the conveyance of any property or interest in any land, house, or goods, or for securing the payment of money, or any will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, or any indorsement or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or any acquittance or receipt either for money or goods, or any accountable receipt of any note, bill, or other security for payment of money, or any warrant or order for payment of money or delivery of goods, or any licence or certificate, authorizing any person to go to reside or be in the East Indies, or any other place between the Cape of Good Hope and the Streights of Magellan, or any attested copy of such licence or certificate, with intention to defraud any person whatsoever, or any corporation; or shall utter, or publish as true, or sell, offer, or dispose of, or put away, within the limits aforesaid, any false, forged, counterfeited, or altered deed, written instrument for the conveyance of property or interest in any land, house, or goods, or for securing the payment of money, or any will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange or promissory note for payment of money, acceptance of any bill of exchange, acquittance

acquittance or receipt either for money or goods, accountable receipt for any note, bill, or other security for payment of money, warrant or order for payment of money or delivery of goods, licence, certificate, or attested copy of any such licence or certificate, with intention to defraud any person or any corporation, knowing the same to be false, forged, counterfeited, or altered; it shall and may be lawful for the Court, before which any such person or persons shall be convicted of any such offence by due course of law, to order and adjudge that such person or persons shall be to such place beyond the seas, and for such term of years, as the said Court shall direct.

And be it further enacted, that if any person or persons, after the said within the local limits of the said Courts, or if any person or persons, personally subject to the jurisdiction of any of the said Courts, at any place in the East Indies, or elsewhere, between the Cape of Good Hope and the Streights of Magellan, shall, after the said counterfeit, or procure to be counterfeited, or willingly act or assist in counterfeiting, any of the gold or silver coins of any of the British Governments in India, or any gold or silver coin usually current and received as money in payments in any part of the British possessions in the East Indies, it shall and may be lawful for the Court before which any such person or persons shall be convicted of any such offence by due course of law, to order and adjudge, that such person or persons shall be to such place beyond the seas, and for such term of years, as the said Court shall direct.

Counterfeiting current coin punishable with

And be it further enacted, That if any person or persons after the said within the local limits of the said Courts, or if any person or persons personally subject to the jurisdiction of any of the said Courts, at any place in the East Indies, or elsewhere between the Cape of Good Hope and the Streights of Magellan, shall, after the said

utter or tender in payment, or sell, or give in exchange, or pay or put off to any person or persons, any such false or counterfeited coin as aforesaid, and shall be thereof convicted, every person so offending shall suffer months imprisonment, and shall, at the discretion of the Court before

Uttering counterfeit coins punishable: First offence months imprisonment; second, with third with

before which he or she shall be so convicted, be sentenced to hard labour during the term of such imprisonment, and find sureties for his or her good behaviour for months more, to be computed from the end of the said first

months; and if the same person shall afterwards be convicted a second time of the like offence, of uttering or tendering in payment, or giving in exchange, or paying or putting off any such false or counterfeit coin as aforesaid, knowing the same to be false or counterfeit, such person shall, for such second offence, suffer imprisonment, and also at the discretion of the Court before

which he or she shall be so convicted, be sentenced to hard labour during the term of such imprisonment, and find sureties for his or her good behaviour for more, to be computed from the end of the said first

and if the same person shall afterwards offend a third time in uttering or tendering in payment or giving in exchange, or paying or putting off any such false or counterfeit coin as aforesaid, knowing the same to be false or counterfeit, and shall be convicted of such third offence in any of the Courts aforesaid, he or she shall be sentenced to to such place beyond the seas as the said Court shall direct.

And be it further enacted, That if any person or persons having been convicted of any offence or offences by virtue of this act, shall again be prosecuted in any Court, other than the Court or Courts wherein such person or persons shall have been before convicted for a like offence, whereby such person or persons would be subject to an increased punishment, the Clerk of the Crown, or other officer to whom it belongs to keep the records of the Court where any such conviction shall have taken place, shall, at the request of the prosecutor, or any other person on his Majesty's behalf, certify the same, by writing under his hand in a few words, containing the substance and effect of such conviction, for which certificate and no more shall be paid; and such certificate being produced in Court shall be sufficient proof of such former conviction.

And be it further enacted, That if any person or persons, after the said within the local limits of the said courts, or if any person or persons, personally subject to the jurisdiction of any of the said courts, at any place in the East Indies, or elsewhere between the Cape of Good Hope and the Straights of Magellan, shall after the said

Certificate of former conviction in the Courts, sufficient proof of such conviction.

Having in possession more than pieces of counterfeit coin, without lawful excuse, punishable by fine or months imprisonment.

have in his, her, or their custody, without lawful excuse, the proof whereof shall lie on the party accused, any greater number of pieces than

pieces of such false or counterfeit coin as aforesaid, every such person being thereof convicted upon the oath of one or more credible witness or witnesses, before one of his Majesty's justices of the peace, or, if there should be no justice of the peace duly qualified to act in the place where such offence shall be committed, before one of the judges of his Majesty's court there, shall forfeit and lose all such false and counterfeit coin, which shall be cut in pieces and destroyed by order of such justice or judge, and shall for every offence forfeit and pay any sum of money not exceeding in value

or less than in the currency of the place in which such offence shall be committed, for every such piece of false or counterfeit coin which shall be found in the custody of such person, one moiety to the informer or informers, and the other moiety to the poor of the presidency, settlement or place, in which such offence shall be committed; and in case any such penalty shall not be forthwith paid, it shall be lawful for such justice or judge to commit the person or persons who shall be adjudged to pay the same, to the common gaol or house of correction, there to be kept to hard labour for the space of calendar months, or until such penalty shall be paid.

And be it further enacted, That the governments of the said presidencies and settlements respectively shall, and they are hereby required to take order for the due performance of all sentences of pronounced by any of the said courts, under and by virtue of this act: Provided always, That it shall not be lawful for any such court to order the transportation of any person being a native of India and not born of European parents, to any part beyond the seas, or situated more than degrees north, or degrees south of the line.

AND whereas the said United Company have lately established, in England, College and Military Academy, to be continued; and the Directors, with the approbation of the Board, may make rules and regulations for the same. a College for the appropriate education of young men designed for their Civil service in India, and also a Military Seminary for the appropriate education of young men designed for their Military service in India: And whereas it is expedient that the said College and Military Seminary should be further continued and maintained, and that proper rules and regulations should be constituted and established,

Government to carry sentences of transportation into execution.

Natives of India not to be transported to any place more than degrees N. L. or degrees S. L.

established, by authority of law, for the good government of the said College and Military Seminary respectively; BE it therefore enacted, That the said College and Military Seminary shall be continued and maintained by the said United Company during the further term hereby granted to the said Company, and that it shall and may be lawful for the said Court of Directors, and they are hereby required, forthwith, after the to frame such rules and regulations for the good government of the said College and Military Seminary respectively, as in their judgment shall appear best adapted to the purposes aforesaid: and to lay the same before the Board of Commissioners for the Affairs of India, for their revisal and approbation, who shall thereupon proceed to consider the same, and shall and may make such alterations therein and additions thereto as the said Board shall think fit; nevertheless all such rules and regulations shall and may be subject to such future revision and alteration by the said Court of Directors, with the approbation of the said Board, as circumstances may from time to time require in that behalf; and all such rules and regulations so framed, approved, revised or altered, shall be deemed and taken to be good and valid in law, and shall be binding and effectual upon all persons and in all matters belonging or relating to the said College and Military Seminary respectively; any law, charter or other matter or thing to the contrary notwithstanding: Provided always, That nothing herein contained shall prevent the said Court of Directors from making such representation, with respect to any alterations in or additions to such rules and regulations which may be made by the said Board of Commissioners, as the said Court of Directors shall at any time think fit.

Directors may make representations, respecting alterations or additions by the Board.

Bishop of London may exercise Visitation jurisdiction.

And be it further enacted, That from and after the it shall and may be lawful for the Lord Bishop of *London*, to have and exercise, and he is hereby authorized and empowered to have and exercise such Visitation power and jurisdiction over all such persons, matters and things, belonging or relating to the said College, and in such manner as shall be appointed and established by the said rules and regulations of the said College in that behalf; any matter or thing whatsoever to the contrary notwithstanding.

No person to be appointed a Writer, unless he kept

And be it further enacted, That from and after the it shall not be lawful for the said Court of Directors to nominate, appoint or send to

to the East-Indies or parts aforesaid, any person in the capacity of a Writer, unless such person shall have been duly entered at such College and have resided there years according to the rules and regulations thereof; and shall also produce to the said Court of Directors a certificate under the hand of of the said College, testifying the good behaviour of such person, and that he has for the space of years been a member of and duly conformed himself to the rules and regulations of the said College.

terms at the College, and shall produce a certificate of good behaviour and conformity.

And be it further Enacted, That from and after the Establishment of officers in the College and Military Seminary, and all appointments thereto, to be subject to the controul and regulation of the Board. as well the establishment of all offices in or connected with the said College and Military Seminary of the said Company, as the appointment of all persons to fill the said offices, shall be subject to the controul and regulation of the said Board of Commissioners; and that no order for the establishment of any such office, or any appointment of any person to fill any office, in or connected with the said College or Military Seminary, shall be valid or effectual until the same shall have been approved by the said Board of Commissioners for the Affairs of India.

AND whereas for the due performance of the public duties of Religion at the said College, as well as for the maintenance of sound learning and religious education, it is expedient that the Principal, and some of the Professors, of the said College, should be Clergymen of the Established Church: And whereas it may be expected that among Clergymen best qualified for such situations, from their character and attainments, some may be possessed of benefices in the Church; Be it enacted, That from and after the every spiritual person holding the situation of Principal, or Professor, in the said College, and actually performing the duties of the same, shall be and he is hereby exempted from residence on any benefice of which he may be possessed, in the same manner as the spiritual persons specified in an Act passed in the forty-third year of His present Majesty's reign, intituled, "An Act to amend the Laws relating to Spiritual Persons holding of Farms; and for enforcing the Residence of Spiritual Persons on their Benefices in England," are by the said Act exempted from residence on their respective benefices; any Act, matter or thing to the contrary notwithstanding.

Principal, and Professors, exempted from residence.

43 Geo. III. c. 84, sect. 15.

Board may issue instructions to Directors, respecting the Colleges and Seminaries in India.

And be it further Enacted, That it shall and may be lawful for the said Board of Commissioners for the Affairs of India, when and as often as they shall think fit, to issue and send to the Court of Directors, for the purpose of being transmitted to the several Governments of the said Company, such orders and instructions as they shall think fit, respecting all rules, regulations and establishments whatever, of the several Colleges established by the said Company at *Calcutta* and *Fort Saint George*, and of all other Colleges and Seminaries whatever which may hereafter be established under the authority of any of the governments of the said Company; and the said Court of Directors are hereby required to transmit the same accordingly: Provided always, that nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Court of Directors from making all such representations to the said Board of Commissioners, respecting the said orders or instructions, as the said Court of Directors shall at any time think fit.

If a Bishop and Three Archdeacons shall be established in India by His Majesty's Letters Patent;

AND whereas no Provision hath hitherto been made for the maintenance and support of such persons as may be appointed by His Majesty to superintend the Christian Church, and to administer holy ceremonies in the British territories in the *East-Indies*, and other parts within the limits of the said Company's Charter; BE it therefore enacted, That in case it shall please His Majesty, by His Royal Letters Patent under the Great Seal of the said United Kingdom, to erect, found and constitute, for the whole of the said British territories in the *East-Indies*, and parts aforesaid, one Bishoprick; for the presidency of *Fort William* in *Bengal*, one Archdeaconry; for the presidency of *Fort Saint George*, on the coast of *Coromandel*, one Archdeaconry; and for the presidency and island of *Bombay*, on the coast of *Malabar*, one Archdeaconry; and from time to time to nominate and appoint a Bishop and Archdeacons to such Bishoprick and Archdeaconaries respectively: The Court of Directors of the said Company, during such time as the said territorial acquisitions shall remain in the possession of the said Company, shall and they are hereby required to direct and cause to be paid, certain established salaries to such Bishop and Archdeacons respectively (that is to say) from and out of the revenues of the said presidency of *Fort William* in *Bengal* to the said Bishop, by the year, at an exchange of two shillings for the *Bengal* rupee; and to the said Archdeacon

Salaries of the Bishop and Archdeacons to be paid by the Company.

Archdeacon of the said presidency of *Fort William*, by the year, at the like exchange; and from and out of the revenues of the presidency of *Fort Saint George*, on the coast of *Coromandel*, to the Archdeacon of the said presidency of *Fort Saint George*, by the year, at an exchange of eight shillings for the pagoda at *Madras*; and from and out of the revenues of the presidency and island of *Bombay*, on the coast of *Malabar*, to the Archdeacon of the said presidency and island of *Bombay*, by the year, at an exchange of

for the *Bombay* rupee.

And be it further enacted, That the said salaries shall take place and commence, in respect to such persons who shall be resident in the said United Kingdom at the time of their appointment, upon and from the day on which such person shall embark from the said United Kingdom; and that the salaries of all such persons who shall at the time of their appointment be resident in India, shall commence and take place from and after their respectively taking upon them the execution of their respective offices; and that all such salaries shall be in lieu of all fees of office, perquisites, emoluments and advantages whatsoever; and that no fees of office, perquisites, emoluments or advantages whatsoever, shall be accepted, received, or taken, in any manner or on any account or pretence whatsoever, other than the salaries aforesaid.

When Salaries to commence.

And be it further enacted, That the said person and persons so to be appointed Bishop and Archdeacons, respectively, shall not carry on, nor be concerned in, or have any dealings or transactions by way of traffic or commerce of any kind whatsoever, either for his or their own use, benefit, profit or advantage, or the use, benefit, profit or advantage of any person whatsoever.

Bishop and Archdeacons not to be concerned in trade.

Provided always, and be it further enacted, That such Bishop shall not have or use any jurisdiction, or exercise any episcopal functions whatsoever, either in the *East-Indies* or elsewhere, but only such jurisdiction and functions as shall or may from time to time be limited to him by his Majesty by Letters Patent under the Great Seal of the United Kingdom.

Bishop to have no jurisdiction over places or persons, except as may be limited by Letters Patent.

And be it further enacted, That it shall and may be lawful for His Majesty, from time to time if he shall think fit, by His Letters Patent under the Great Seal of the said United Kingdom, to grant to such Bishop so to be nominated and

His Majesty may grant, by Letters patent, such ecclesiastical jurisdiction as He may find necessary.

appointed as aforesaid, such ecclesiastical jurisdiction, within the East-Indies and parts aforesaid, as His Majesty shall think necessary for the superintendence and good government of the Ministers of the Church within the said East-Indies and parts aforesaid; any law, charter, or other matter or thing to the contrary notwithstanding.

13 Geo. III. c. 63.
s. 13.

Persons taking false
Oaths, guilty of
and per-
sons suborning,
liable to the penal-
ties of
according to the
law of England.

And be it further enacted, That if any person or persons whomsoever shall be convicted of making a false oath, touching any of the matters directed or required by this Act to be testified on oath, such person or persons so convicted as aforesaid shall be deemed guilty of and shall be liable to the pains and penalties to which persons guilty of are liable by any law in force in that part of the said United Kingdom called England: And if any person shall corruptly procure or suborn any other person or persons to swear falsely in any such oath, such person being duly convicted of such procuring and suborning, shall for every such offence incur and suffer such penalties, forfeitures, pains and disabilities, as persons convicted of are respectively liable unto, by any law in force in the said part of the United Kingdom called England.

If actions be
brought for unlaw-
ful arresting of per-
sons found in the
East Indies, &c.
the defendants may
plead the general
issue.

Proof to lie on the
plaintiff.

And be it further enacted, That if at any time before the further term hereby granted to the said Company, any suit or action shall be brought or commenced against the said United Company, or any of their servants, or any persons acting by their authority, for the recovery of any costs or damages for the unlawful taking, arresting, seizing, imprisoning, sending or bringing into England of any person or persons found in the East-Indies or other parts aforesaid, within the limits of the said Company's Charter, or as not being authorized to reside or traffic there, the defendant or defendants to such suit or action may plead the general issue, and give the special matter in evidence for his or their defence; and the proof shall lie on the plaintiff or plaintiffs upon the trial of the issue, to shew that, at the time or times of arresting or seizing such person or persons respectively for the causes aforesaid, in the manner in which such arresting or seizing shall be laid or charged to have been done in or by the declaration or declarations in such suits or actions, the person or persons so arrested was or were in the military or marine service of His Majesty, His Heirs or Successors, or was or were under covenant to serve the said Company in India, or was or were duly

duly possessed of a licence or licences, certificate or certificates in writing, authorizing him or them to go to or reside and traffic in India, or other the parts aforesaid, or that the person or persons, not being in His Majesty's service, was or were, at the time or times of his or their being so seized or arrested, entitled or authorised, by the stipulation of such covenants, licences or certificates respectively, to remain and continue in India or other the parts aforesaid; and in failure of such proof, the plaintiff or plaintiffs shall become nonsuited; and in such case, or in any other cases wherein the plaintiff or plaintiffs shall become nonsuited, or wherein judgment shall be given against such plaintiff or plaintiffs upon demurrer, or where a verdict shall pass for the defendant or defendants, he or they shall have costs awarded to be paid by the respective plaintiff or plaintiffs in such suit or action; any law, statute, or provision to the contrary notwithstanding.

And be it further enacted, That all suits and prosecutions for any thing done under or by virtue of this Act, shall be commenced within the space of years after the cause of complaint shall have arisen; or, being done in Great Britain, in the absence of any person beyond sea aggrieved thereby, then within the space of years next after the return of such person to Great Britain.

And be it further enacted, That so much and such parts of this Act, in respect whereof no particular time or times of commencement is or are herein named or appointed, shall have commencement in Great Britain

Limitation of Suits.

Commencement of
the parts of the
Act, for which no
particular time is
appointed.

and in the East-Indies, and other

parts and limits aforesaid, from the

No. XIII.

FURTHER PAPERS

RESPECTING

THE NEGOCIATION

FOR THE RENEWAL OF THE

EAST-INDIA COMPANY'S EXCLUSIVE PRIVILEGES,

BEING

A BILL

[AS PASSED BY THE HONOURABLE THE HOUSE OF COMMONS,]

FOR

Continuing in the EAST-INDIA COMPANY, for a further Term, the Possession of the British Territories in India, together with certain exclusive Privileges ; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same ; and for regulating the Trade to, and from, the Places within the Limits of the said Company's Charter.

[13th July 1813.]

London:

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OF THE PROPRIETORS,

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1813.

No. CXXXV.

A BILL [as passed by the Honourable the House of Commons] for continuing in The EAST-INDIA COMPANY, for a further Term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to, and from, the Places within the Limits of the said Company's Charter.

[13th July, 1813.]

WHEREAS, by an Act of the Parliament of Great Britain, passed in the thirty-third year of His present Majesty's Reign, for continuing in the East India Company, for a further term, the possession of the British Territories in India, together with their exclusive trade, under certain limitations, and for other purposes; the possession and government of the British Territories in India, together with an exclusive trade in, to, and from, the East Indies, and other the limits described in an Act made in the ninth year of the reign of King William the Third, or in a certain Charter of the fifth day of September in the tenth year of the same King, were continued in the United Company of Merchants of England trading to the East Indies, for a term thereby limited, under certain regulations and conditions:

And whereas, by an Act of the Parliament of Ireland, passed in the same thirty-third year of His present Majesty's reign, for regulating the trade of Ireland, to and from the East Indies, under certain conditions and provisions, for a time therein

therein mentioned, the exclusive privileges granted to the said United Company by the said Act of the Parliament of Great Britain, were confirmed, subject to certain conditions and restrictions:

And whereas it is expedient that the territorial acquisitions mentioned in the said Act of the Parliament of Great Britain of the thirty-third year of His present Majesty, together with such other territorial acquisitions on the continent of Asia or in any islands situate to the north of the equator, as are now in the possession and under the government of the said United Company, with the revenues thereof, should, without prejudice to the undoubted sovereignty of the Crown of the United Kingdom of Great Britain and Ireland, in and over the same, or to any claim of the said United Company to any rights, franchises, or immunities, remain in the possession and under the government of the said United Company, for a further term; subject to such powers and authorities for the superintendence, direction and controul over all acts, operations, and concerns, which relate to the civil or military government or revenues of the said territories, and to such further or other powers, authorities, rules, regulations, and restrictions, as have been already made or provided, by any Act or Acts of Parliament in that behalf, or are made and provided by this Act.

And whereas it is expedient that from and after the tenth day of April, one thousand eight hundred and fourteen the right of trading, trafficking, and adventuring in, to, and from, all ports and places within the limits of the said United Company's present Charter; (save and except the dominions of the Emperor of China;) should be open to all His Majesty's subjects, in common with the said United Company, subject to certain regulations and provisions; but that the existing restraints respecting the commercial intercourse with China should be continued, and the exclusive trade in tea preserved to the said Company, during the further term hereby limited:

May

May it therefore please Your MAJESTY,

That it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the territorial acquisitions mentioned in the said Act of the Parliament of Great Britain of the thirty-third year of His present Majesty, together with such of the territorial acquisitions, since obtained upon the continent of Asia, or in any islands situate to the north of the Equator, as are now in the possession of, and under the government of the said United Company, with the revenues thereof respectively, shall remain and continue in the possession and under the government of the said United Company; subject to such powers and authorities for the superintendence, direction, and controul, over all acts, operations, and concerns, which relate to the civil or military government or revenues of the said territories, and to such further and other powers, authorities, rules, regulations, and restrictions, as have been already made or provided, by any Act or Acts of Parliament in that behalf, or are made and provided by this Act; for a further term to be computed from the said tenth day of April, one thousand eight hundred and fourteen, until the same shall be determined, by virtue of the proviso hereinafter contained.

Former territorial acquisitions in India, with late acquisitions on the continent of Asia, or in any island north of the Equator, to continue in the government of the East India Company, for a further term.

And be it further enacted, That the sole and exclusive right of trading, trafficking, and using the business of merchandize, in, to, and from, the dominions of the Emperor of China; and the whole, sole, and exclusive right of trading and trafficking in tea, in, to, and from, all islands, ports, havens, coasts, cities, towns, and places, between the Cape of Good Hope and the Streights of Magellan, in such manner as the same rights now are or lawfully may be exercised or enjoyed by the said United Company, by virtue of any Act or Charter now in force, but not further or otherwise; and all and singular the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters, and things whatsoever, granted to, or vested in the said Company by the said Acts of the thirty-third year of His present Majesty, or either of them, for and during the

Exclusive trade with China, and trade in tea; and provisions of former Acts not repealed by or repugnant to this Act; continued during further term.

the term limited by the said Act of the Parliament of Great Britain, and all other the enactments, provisions, matters and things contained in the said Acts of the thirty-third year of His present Majesty, or in any other Act or Acts whatsoever, which are limited, or may be construed to be limited, to continue for and during the term granted to the said Company by the said Act of the Parliament of Great Britain of the thirty-third year of His present Majesty, so far as the same, or any of them are in force, and not repealed by or repugnant to this Act, shall continue and be in force during the further term hereby granted to the said Company; subject to such alterations therein as may be made by any of the enactments, provisions, matters, and things in this Act contained.

On the expiration of three years notice by Parliament, any time after the 10 April 1831, and payment of what is due from the Public to the Company, the term and the exclusive trade to cease and be determined.

33 Geo. III. c. 47.

Provided always, and be it further enacted, That at any time upon three years notice to be given by Parliament after the tenth day of April one thousand eight hundred and thirty-one, and upon payment made to the said United Company, of any sum or sums of money, which, according to the provisions of a certain Act of the thirty-third year of the reign of His present Majesty, intituled, "An Act for placing the Stock, called *East India Annuities*, under the management of the Governor and Company of the Bank of England, and engrafting the same on the three pounds per centum reduced annuities, in redemption of a debt of four millions two hundred thousand pounds, owing by the public to the *East India Company*; and for enabling the said Company to raise a sum of money by a further increase of their capital stock, to be applied in discharge of certain debts of the said Company," shall or may, upon the expiration of the said three years, become payable to the said Company, according to the true intent and meaning of the said Act, then and from thenceforth, and not before or sooner, the said term hereby granted to the said United Company, and all right, title, and interest of the said United Company, to or in any exclusive trade, continued to the said Company under the provisions of this Act, shall cease and determine.

Not to determine the Corporation of

Provided also, That nothing in the said proviso last hereinbefore contained, or in any proviso in the said Act of the ninth year of King William the Third, or in the

the said Charter of the fifth day of September in the tenth year of his reign, or in any other Act or Charter contained, shall extend, or be construed to extend to determine the Corporation of the said United Company, or to hinder, prevent, or preclude the said Company or their successors, from carrying on, at all times after such determination of their exclusive trade as aforesaid, a free trade in, to, and from the East Indies, and limits in the said last mentioned Act or Charter contained, with all or any part of their joint stock in trade, goods, merchandizes, estates and effects, in common with other the subjects of His Majesty, his heirs, and successors, trading to, in, and from the said parts or limits.

the Company, or their right to trade in common with others.

And be it further enacted, That any notice in writing, signified by the Speaker of the House of Commons for the time being, by order of the said House, shall be deemed and adjudged a due and proper notice by Parliament, to and for all the ends, intents and purposes, for which any notice is by this Act directed to be given to the said United Company.

Notice by the Speaker of the House of Commons to be deemed a due notice by Parliament.

And be it further enacted, That from and after the said tenth day of April one thousand eight hundred and fourteen, it shall and may be lawful for any of his Majesty's subjects, in common with the said United Company, to export, in ships navigated according to law, from any port or ports within the United Kingdom of Great Britain and Ireland, to all ports and places within the limits hereinbefore referred to; save and except the dominions of the Emperor of China; any goods, wares, and merchandize, which can now, or may at any time or times hereafter be legally exported; and also, in common with the said Company, to import in ships navigated as aforesaid, from any port or ports within the limits aforesaid, save and except as aforesaid, into the said United Kingdom, any goods, wares, and merchandize, (the product or manufacture of any of the countries within the said limits,) which can now, or may, at any time or times hereafter, be legally imported; subject, nevertheless, to the several restrictions, conditions, and limitations in this Act contained.

Any of His Majesty's subjects after 10th April, 1814, may trade to and from the United Kingdom, from and to the ports and places within the Company's present limits, except China, in ships navigated according to law.

And whereas by a certain Act passed in the twelfth year of the reign of King Charles the Second, intituled, "An Act for the encouraging and increasing of Shipping and Navigation," it is enacted, that no goods or commodities, that

Navigation Act, not to prevent the Importation of Goods, the produce

are

of any places within the Charter, except Tea, from any other places within the Charter, except China.

12 Car. II, c. 18.

are of foreign growth, production, or manufacture, and which are to be brought into England, Ireland, Wales, the islands of Guernsey and Jersey, or town of Berwick upon Tweed, in English built shipping, or other shipping belonging to some of the aforesaid places, and navigated by English mariners, as in the said Act mentioned, shall be shipped or brought from any other place or places, country or countries, but only from those of the said growth, production, or manufacture, or from those ports where the said goods and commodities can only be, or are, or usually have been first shipped for transportation, and from none other places or countries; provided that the said Act, or any thing therein contained, should not extend or be meant to restrain the importing of any East India commodities, loaden in English built shipping, and whereof the master and three-fourths of the mariners at least are English, from the usual place or places of lading of them in any part of those seas to the southward and eastward of Cabo Bona Speranza, although the said ports be not the very places of their growth; be it enacted, That it shall and may be lawful for His Majesty's subjects, in ships navigated according to law, to import, under the authority of this Act, into the said United Kingdom, from all ports and places within the limits of the said Company's Charter; save and except the dominions of the Emperor of China; any goods, wares, or merchandize, the product or manufacture of any country within the limits of the said Company's Charter, except tea, although such goods, wares or merchandize may not be of the growth, production, or manufacture, of the place or country from which the same shall have been shipped or brought, or have been shipped or brought from the port where such goods or commodities can only be, or are, or usually have been, first shipped for transportation; nor the usual place for lading the same; the said Act, or any other matter or thing to the contrary notwithstanding.

None but the Company, or by their licence, to trade in Tea:

Provided always, and be it further enacted, That it shall not be lawful for any person or persons, save only the said United Company, or such as shall obtain their special leave and license in writing, or a special leave and license in writing under their authority, for that purpose, to ship, carry or put on board any ship, in the East Indies, or other parts within the limits aforesaid, or to import into the said United Kingdom, from any port or place whatsoever, any tea; any thing in this Act contained to the contrary notwithstanding.

Provided

Provided also and be it further enacted, That it shall not be lawful for any person or persons to carry any military stores to any place upon the continent of Asia between the river Indus, and the town of Malacca on the Peninsula of Malacca inclusive, or in any island under the government of the said Company, situate to the north of the Equator, or to the said Company's factory of Bencoolen in the Island of Sumatra or its dependencies; save only the said United Company or such as shall obtain their special leave and license in writing, or a special leave and license in writing under their authority, for that purpose.

Provided also, That it shall not be lawful for any private person or persons to export any goods, wares, or merchandize, to any port or place within the limits of the said Company's Charter, except in some ship or ships to be cleared out from some port or ports of the United Kingdom of Great Britain and Ireland, or to import any goods, wares or merchandize from any port or place, within the limits aforesaid, except only into such ports of the said United Kingdom as shall be provided with warehouses, together with wet docks or basins, or such other securities as shall, in the judgment of the Lord High Treasurer, or of the Lords Commissioners of the Treasury for the time being, or any three or more of them, in Great Britain and Ireland respectively, be fit and proper for the deposit and safe custody of all such goods, wares, and merchandize, as well as for the collection of all duties payable thereon, and shall have been duly declared so to be by the order of His Majesty in Council in Great Britain, or by the order of the Lord Lieutenant in Council in Ireland; Provided always, That copies of all such Orders in Council, to be issued as aforesaid, shall have been published three times at least in the London or Dublin Gazette, as the case may be; and copies of all such orders shall be laid before both Houses of Parliament, in the session next after the issuing of the same respectively.

Nor export Military Stores to certain places.

Ships in private trade to clear out from some port in the United Kingdom; and all goods imported in private trade, to be brought to some of the ports in the United Kingdom which shall have been declared fit by Order in Council.

Provided also, and be it further enacted, That no ship or vessel engaged in private trade under the authority of this Act, shall proceed to any place within the limits of the said Company's Charter situate on the continent of Asia, from the river Indus to the said town of Malacca inclusive, or in any island

Ships in private trade not to go within certain limits, without a licence from the Directors;

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B

island under the government of the said Company lying to the north of the Equator, or to the said Company's Factory of Bencoolen or its dependencies, without a licence to be granted for that purpose from the Court of Directors of the said United Company; and that no such ship or vessel unless specially authorized as hereinafter mentioned, shall proceed to any port or place within the limits last mentioned, except to some or one of the principal settlements of Fort William, Fort St. George, Bombay, and Prince of Wales Island: And when and as often as any application shall be made to the said Court of Directors for a licence on behalf of any such ship or vessel about to proceed from the said United Kingdom to any of the said Company's principal settlements, the said Company shall, and they are hereby required forthwith to issue their licence for that purpose, according to such form as shall hereafter be settled by the said Court of Directors, with the approbation of the Board of Commissioners for the Affairs of India: And when and as often as any application shall be made to the said Court of Directors for a licence specially authorizing any such ship or vessel to proceed to any place or places upon the Continent of Asia, from the river Indus to the said town of Malacca inclusive, or in any island under the government of the said Company lying to the north of the Equator, except the said Company's principal Settlements, or to the said Company's Factory of Bencoolen or its dependencies, the said Court of Directors shall, within fourteen days from the receipt thereof, unless they shall think fit to comply therewith, transmit the same to the said Board of Commissioners for the Affairs of India, together with any representation which the said Court may think proper to make upon the subject of such application; and in case the said Board of Commissioners shall think fit to direct the said Court of Directors to issue any such licence or licences, the said Court of Directors shall and they are hereby required, forthwith to issue the same, upon such terms and conditions as the said Court of Directors, with the approbation of the said Board of Commissioners, shall from time to time think fit: Provided always, that in all cases in which the said Board of Commissioners shall direct the said Court of Directors to issue any such licence, which they shall have declined to issue without such direction, the special circumstances, inducing them to give such direction, shall be recorded in the books of the said Board.

Nor to any places, except principal Settlements, without a special licence.

Directors to give licences of course for principal Settlements.

Special licences for the Continent of Asia, between the Indus and Malacca, or islands north of the Equator, or Bencoolen, to be at the discretion of the Directors, subject to the controul of the Board of Commissioners, who are to record their reasons.

Provided

Provided also, and be it further enacted, That no ship or vessel, engaged in private trade under the authority of this Act, clearing out from any port or place within the United Kingdom, shall proceed to any place or places situated more to the northward than eleven degrees of south latitude, and between the sixty-fourth and one hundred and fiftieth degrees of east longitude from London (save and except ports and places upon the Continent of Asia, from the river Indus to the said town of Malacca inclusive, or in any Island under the government of the said Company lying to the north of the Equator, and also save and except the said Company's Factory at Bencoolen and its dependencies,) without a licence from the said Board of Commissioners for the Affairs of India; and the said Commissioners shall, and they are hereby required, from time to time to frame and publish such rules and regulations for the granting of licences in that behalf, as they shall think fit; and in all cases in which any licence shall be granted by the said Board of Commissioners, otherwise than according to such rules and regulations, the special circumstances under which such licence shall have been granted, shall be recorded in the books of the said Board and communicated to the Court of Directors.

Licences for other places, more north than 11 deg. south lat and between 64 and 150 deg. east long. to be granted by the Board of Controul, who are to frame Rules for the same; and in cases not falling within the Rules, the special circumstances to be recorded, and communicated to the Directors.

Provided also, That it shall not be lawful for any ship or vessel, the registered measurement whereof shall be less than three hundred and fifty tons, other than such ships or vessels as may be employed by the said Company as packets, to clear out from any port in the United Kingdom, for any port or place within the limits of the said Company's Charter, or be admitted to entry at any port of the United Kingdom, from any place within those limits.

No ship, under 350 tons, to clear out for or be admitted to entry at any place within the limits of the Company's Charter.

Provided also, and be it further enacted, That no ship or vessel engaged in private trade under the authority of this Act, shall be permitted to clear out from, or be admitted to entry at, any port or place within the United Kingdom, or limits of the said Company's Charter, until the master or other person having the command of such ship or vessel shall have made out and exhibited a true and perfect manifest of the cargo of such ship or vessel, to such person or persons, according to such form, and subject to such regulations, as now are,

No ship in private trade to clear out, or enter, without a manifest.

B 2

or

or hereafter may be prescribed by any Act or Acts passed, or to be passed for that purpose.

No ship in private trade to clear out, or enter, without giving an attested list of persons and arms, and accounting for them.

Provided also, and be it further enacted, That no ship or vessel engaged in private trade under the authority of this Act, shall be permitted to clear out from any port of the said United Kingdom, or any place or places under the government of His Majesty, or of the said Company, situate more to the Northward than eleven degrees of South Latitude, and between the sixty-fourth and one hundred and fiftieth degrees of East Longitude from London, until the master, or other person having the command of such ship or vessel, shall have made out and exhibited to the principal officer of the Customs, or other person thereto authorized by such government as aforesaid, at such port of clearance, upon oath (which oath such officer or other person is hereby authorised to administer) a true and perfect list, in such form as shall from time to time be settled by the said Court of Directors, with the approbation of the said Board of Commissioners, specifying and setting forth the names, capacities, and descriptions of all persons embarked or intended to be embarked on board such ship or vessel, and all arms on board or intended to be put on board the same, or be admitted to entry at any port in the said United Kingdom, or any such port within the limits last mentioned, until the master, or other person having the command of such ship or vessel, shall, in the like manner, have made out and exhibited to the principal officer of the Customs, or other person thereunto authorized as aforesaid upon oath (which oath such officer or other person is hereby authorized to administer) a true and perfect list, in form to be settled as aforesaid, specifying the names, capacities, and descriptions of all persons on board, or who shall have been on board such ship or vessel, from the time of the sailing thereof to the time of arrival; and all arms on board, or which shall during such time have been on board such ship or vessel; and the several times and places at which such of the said persons as may have died or left the said ship or vessel, shall have so died, or left such ship or vessel, or such of the said arms as may have been disposed of, have been so disposed of.

Provided

Provided also, and be it further enacted, That in every case where any such list shall be received in any port of the said United Kingdom from any master, or other person having the command of any such ship or vessel, the officer or other person receiving the same shall, and he is hereby required, with all reasonable dispatch, to transmit a copy of such list to the Secretary of the Court of Directors of the said United Company; and in case such list shall be received in any port in the East Indies, or other place within the limits last mentioned, such officer or other person receiving the same shall, and he is hereby required, in like manner, to transmit a copy of such list, to the Chief Secretary of the government to which the port or place in which such list shall be received shall be subject.

And be it further enacted, That no articles manufactured of silk, hair, or cotton wool, or any mixture thereof, imported under the authority of this Act, from any port or place within the limits of the said Company's Charter, shall be entered or taken out of any warehouse, except for exportation, unless the same shall have been brought into the port of London, and deposited in the warehouses of the said United Company; and that for the purpose of ascertaining the duties payable upon all such articles which shall be deposited in the warehouses of the said United Company, the same shall be sold openly and publicly by inch of candle, or by way of public auction, and in no other manner, under the order and authority of the Court of Directors of the said Company, on the account of the proper owners thereof; and that when any of such goods shall be bought in by the owners, the whole consignments so bought in, shall and may be delivered out to them with all convenient speed after the sales thereof, upon payment of the duties and other charges to which the same shall be liable, without the actual payment of the gross prices or sale amount of the said goods; and that all such articles imported on board any such ship, and deposited in the warehouses of the said Company, and the sales thereof, shall be in all respects subject to the bye-laws of the said Company, and the several provisions of the said Act of the Parliament of Great-Britain of the thirty-third year of His Majesty's reign made and provided for the management of private-trade; save only and except as is otherwise directed, provided, or authorized by this Act.

Provided

Copies of Lists received in England, to be transmitted to the Secretary of the Court of Directors; and of those received in India, to the Secretary of the Government.

Articles of silk, hair, and cotton wool, not to be entered or taken out of warehouses, except for exportation, unless brought to the port of London, and secured in the Company's warehouses; which articles shall be publicly sold to ascertain the duties.

Lords of the Treasury may authorize such Articles, when brought to Out Ports, to be removed to the Port of London, to be sold for Home Consumption.

30 Geo. III. c. 64.

Provided always, and be it further enacted, That it shall and may be lawful for the Lord High Treasurer or Lords Commissioners of the Treasury for the time being, to permit any articles manufactured of silk, hair, cotton wool, or any mixture thereof, which may have been imported under the authority of this Act into any part of the United Kingdom other than the port of London, to be removed from such port of importation to the said port of London, for the purpose of sale for home consumption, under such and the like regulations as any goods, wares or merchandize, may be removed from the port in Great Britain where first warehoused, to any other warehousing port, by virtue of an Act passed in the fiftieth year of the reign of his present Majesty, intituled, "An Act to permit the Removal of Goods, Wares and Merchandize, from the port in Great Britain where first warehoused, to any other warehousing port, for the purpose of Exportation:" and all such articles so removed, shall be deposited in the warehouses of the said United Company, and sold in the same manner and under the same regulations and provisions, as if the same had been originally imported into the port of London, and deposited in the warehouses of the said United Company.

Such articles, when entered, and taken out of warehouses for exportation, to be charged ad valorem.

27 Geo. III. c. 13.

And be it further enacted, That as well in the port of London as in all other ports, all articles manufactured of silk, hair, cotton wool, or any mixture thereof, which shall be imported under the authority of this act, from any port or place within the limits of the said Company's Charter, and shall be entered and taken out of any warehouse for exportation, shall be charged according to their value, under all such rules and regulations, and subject to the same penalties and forfeitures, as are prescribed, directed, and imposed, for ascertaining and collecting duties to be paid according to value, by an Act passed in the twenty-seventh year of the reign of His present Majesty, intituled, "An Act for repealing the several duties of Customs and Excise, and granting other duties in lieu thereof, and for applying the said duties, together with others composing the public revenue; for permitting the importation of certain goods, wares, and merchandize, the produce or manufacture of the European dominions of the French King, into this kingdom; and for applying certain unclaimed monies, remaining in the Exchequer, for the payment of annuities

" on

" on lives, to the reduction of the national debt;" or by any other subsequent Act or Acts now in force.

Provided always, That nothing herein contained shall extend, or be construed to extend, to prevent the making, during the further term hereby granted to the said Company, such further provisions by authority of Parliament as may, from time to time, be deemed necessary, for enabling His Majesty's subjects to carry on trade and traffick, directly or circuitously, as well between all ports and places situate without the limits of the said Company's Charter, and all ports and places (except the dominions of the Emperor of China) situate within those limits, as between the said United Kingdom, and all the last mentioned ports and places, except as aforesaid; but without prejudice to any of the restrictions or provisions herein contained, as to the resort to and residence of any persons in the East Indies and parts aforesaid.

Provisions may hereafter be made, for authorizing Private Trade directly or circuitously, as well between places without the Company's limits and places within the same, as between the United Kingdom and the Company's limits, except China.

And be it further enacted, that so much of an Act passed in the thirty-first year of His present Majesty's reign, intituled, "An Act for indemnifying all persons who have been concerned in advising or carrying into execution a certain Order of Council, respecting the importation of a limited quantity of saltpetre; for repealing the duties now payable upon the importation of saltpetre, and for granting other duties in lieu thereof," as requires the said Company, at their public sales, to put up certain quantities of saltpetre at certain rates; or to reserve and deliver into the stores of His Majesty, his heirs and successors, certain quantities of saltpetre at certain rates, shall be and the same is hereby repealed.

31 Geo. III. c. 42. relating to Saltpetre, repealed.

And be it further enacted, That so much of the said Act of the ninth year of the reign of King William the Third, or of any other Act or Acts, as requires that all goods and merchandize belonging to any private trader to the East Indies, which shall be imported into England or Wales, shall be sold openly and publicly by inch of candle, shall be, and the same is hereby repealed.

So much of 9 William III. c. 44. as requires that goods of Private Traders imported into England or Wales, should be sold by inch of candle, repealed.

And

So much of 33 Geo. III. c. 52, as requires the Directors to lay before the Board, invoices of cordage, &c. or as relates to tonnage, charges of freight, notices, or registering of private trade goods, or granting licences for the same, or as requires an outward bound ship to touch at Cork, repealed.

And be it further enacted, That so much of the said Acts of the thirty-third year of His present Majesty, or either of them, as requires the Court of Directors of the said Company to lay yearly before the Board of Commissioners for the Affairs of India, an invoice of the quantities and sorts of cordage, pitch and tar, and the number and sizes of masts and spars, and the number and weight of anchors exported, or intended to be exported by the said Company; or as relates to the admission of individuals, by authority of the said Board of Commissioners, to export or import any goods, wares or merchandize on board the said Company's ships; or to the providing or appropriating by the said Company of tonnage for the private trade, or to the rate of freight to be charged thereon; or to the notices to be given to the Chief Secretary of the said Company, or to the Chief Secretary of the Presidency in India, by persons intending to export or import goods; or to the registering of private trade goods, or to the granting orders or licences for shipping such goods in the ships of the said Company; or as requires one or more of the outward bound ships of the said Company to touch at the port of Cork, between the month of October and the month of February in every year; shall be, and the same is hereby repealed.

Goods exported or imported by the Company, to be subject to the same duties as those exported or imported in private trade.

And be it further enacted, That all goods, wares and merchandize, of or belonging to the said Company, exported or imported from or into any ports or places under the government of the said Company in the East Indies, or other places within the limits of the said Company's Charter, shall be subject to the payment of the like rates, customs and duties of import and export, as the goods, wares, and merchandizes of the same kinds or sorts, exported or imported in private trade, under the authority of this Act, are or shall be subject or liable to be charged with.

No duties imposed in India to be valid, till sanctioned by the Directors, and approved by the Board of Control.

And be it further enacted, That no new or additional imposition of any duty or tax, upon the export, import, or transit of any goods, wares, or merchandize whatsoever, made or to be made by authority of the Governor General or Governor in Council, of any of the said Company's presidencies or settlements in the East Indies or parts aforesaid, shall be valid or effectual, until the same shall have been

been sanctioned by the Court of Directors of the said United Company, with the approbation of the said Board of Commissioners; which sanction and approbation shall be signified to the said governments respectively by some public dispatch from the said Court of Directors, describing each regulation for the purposes aforesaid, which shall be so sanctioned and approved by its title at full length, and expressing that the same is so sanctioned and approved; and all such regulations when promulgated in the East Indies by the said governments, shall contain express mention that the same are made with the sanction of the said Court of Directors, and with the approbation of the said Board of Commissioners for the Affairs of India; and such mention shall be taken as conclusive evidence of such sanction and approbation in all Courts of Justice.

And whereas, by virtue of the said Act made in the ninth year of King William the Third, the said Company were authorized to receive a duty of five pounds for every hundred pounds of the true and real value of all goods, wares, and merchandizes, of the growth, product, or manufacture of the East Indies, or other parts within the limits aforesaid, imported or brought into the kingdom of England in private trade, towards defraying certain charges in the said Act mentioned and specified: And whereas the said Company, before the passing of the said Act made in the thirty-third year of the reign of His present Majesty, had, over and besides the said duty of five pounds per centum, been accustomed to charge and receive, for their own use, after the rate of two pounds per centum on the gross sale amount of all goods, wares, and merchandize, imported into the kingdom of Great Britain from the East Indies in private trade, in recompense and satisfaction of the charges and expenses of unshipping and selling the same, and otherwise in the care and management thereof: And whereas by the first mentioned Act made in the thirty-third year of his present Majesty, it was enacted, 33 Geo. III. c. 52. that from and after the first day of March, one thousand seven hundred and ninety-four, the said duty of five pounds per centum should be repealed, and the said charge of two pounds per centum discontinued, and that in lieu thereof respectively, there should be rendered and paid to the said Company, during the further term by the same Act granted to them, in their exclusive trade, a duty or allowance, after the rate of three pounds per centum on the gross sale amount

Duty to Company on Private Trade, granted by 33 Geo. III. c. 52, repealed.

amount of all goods, wares, and merchandizes, imported or brought into the kingdom from the East Indies in private trade, including in such value or account all duties and charges payable in respect thereof; Be it further enacted, That the said duty or allowance in respect of goods, wares, or merchandize, imported in private trade, shall be, and the same is hereby wholly repealed.

But not to extend to Goods imported into the Port of London, and deposited in the Company's Warehouses, nor to Imports from China; and not to affect engagements of the Company with their Captains and officers.

Provided always, and be it enacted, That neither the said repeal of the said duty, contained in the said Act of the ninth year of King William the Third, nor any thing in this Act contained, shall extend to release the payment of the duty or allowance of three pounds per centum in respect of any articles of silk, hair, cotton wool, or any mixture thereof, which being brought into the port of London by private merchants, traders, or other persons, may be deposited in the warehouses of the said United Company, nor of the said duty of five pounds per centum, or the said charge of two pounds per centum, on any goods, wares, or merchandize which shall be brought home and imported in any of the ships of the said Company or in their service, from China; nor to affect any covenants or engagements now subsisting, or hereafter to be made, by or between the said Company, or on their behalf, with the masters or commanders of the Company's ships, or with any other of the officers or servants of the said Company, in whatever employment or capacity they may happen to be; but that all and every such covenants and agreements shall be, and be held, deemed, and taken to be of the same force and effect as if the said repeal had not been enacted, or this Act been made; the said repeal, or any other matter or thing to the contrary notwithstanding.

Rates granted to the East India Dock Company, by 43 Geo. III. and 46 Geo. III. to be paid before goods are delivered to the Owners, or Consignees.

And for more effectually securing to the East India Dock Company, the rates and duties granted and made payable to them by two several Acts, one passed in the forty-third year of His present Majesty, intituled, "An Act for the further improvement of the port of London, by making docks and other works at Blackwall, for the accommodation of the East India shipping in the said port," and the other passed in the forty-sixth year of the reign of His present Majesty, intituled, "An Act for altering and enlarging the powers of an Act made in the forty-third year of the reign of His present Majesty, for

" the

the further improvement of the port of London, by making docks and other works at Blackwall, for the accommodation of the East India shipping in the said port;" Be it further enacted, That all the rates and duties by the said Acts granted and made payable to the East India Dock Company, for or in respect of any goods, wares, or merchandize, shall be fully adjusted, settled, and paid to the said East India Dock Company, or their collectors or receivers, before such goods, wares, or merchandize, shall be delivered to the owner or owners, or consignee or consignees thereof.

Provided always, and be it further enacted, That in case any goods, wares or merchandize, shall be cleared or discharged from any ship or vessel before the rates and duties payable to the said East India Dock Company, in respect of the same, shall have been fully discharged, then it shall be lawful for the said East India Dock Company to cause such goods, wares, or merchandize, to be sent to and deposited in the warehouses of the said United Company, and to be sold under the order and authority of the Court of Directors of the said Company, on the account of the proper owners thereof; and the rates and duties payable to the said East India Dock Company, in respect of the same, and the reasonable expenses of sending and depositing the same, as aforesaid, shall be deducted and paid to the said East India Dock Company, their receivers or collectors, in such manner as is directed by the said Act of the forty-third year of His present Majesty, with respect to the rates or duties thereby made payable; any thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

If rates on goods are not paid to the East India Dock Company before the goods are unloaded, the East India Dock Company may send them to the Company's Warehouses to be sold, and the rates shall be deducted from the purchase money.

And whereas by an Act passed in the thirty-fifth year of His Majesty's reign, intituled, "An Act for allowing for a limited time the importation of goods from India and China, and other parts within the limits of the exclusive trade of the East India Company, in ships not of British-built nor registered as such; and for the exportation of goods from Great Britain by the same ships, under certain restrictions," it was enacted, that if, during the continuance of the then present war, and for eighteen months after the conclusion thereof, any ship freighted by the said United Company, with the approbation of the said Board of Commissioners, with home investment of goods from India or China, or other

Authority to the Company to use India-built ships till 1st August, 1814, unless provision be made in next session. 35 Geo. III. c. 115.

ports

ports within the limits of the said Company's trade, should arrive in the ports of Great Britain, it should and might be lawful, upon representation made by or on behalf of the said Company, to His Majesty in Council, for His Majesty, by and with the advice of His Privy Council, to authorize the importation and entry of such goods, subject to the like duties and no other, as if they were imported in British-built ships, though such goods should be brought in ships which might not be British-built, nor have been registered as British-built ships, nor navigated as required by the laws then in force; provided the said ships should have been built within the territories belonging to the said United Company, or in the ports under the immediate protection of the British flag in the East Indies; and also to permit such ships to export from Great Britain to the British Settlements in the East Indies, or to any of the places within the limits before mentioned, with the licence and consent of the said Company, any goods, wares or merchandize whatsoever, ordnance and military stores excepted; and it was thereby further enacted, that such ships should not be liable to forfeiture, nor should any persons whatever be liable to any penalty or forfeiture on account of any importation of goods, wares or merchandize, in pursuance of the said Act, or of any order or orders of His Majesty in Council, which might be issued in virtue thereof: And whereas by an Act passed in the forty-second year of His Majesty's reign, intituled, "An Act for making perpetual so much of an Act made in the nineteenth year of the reign of His present Majesty, as relates to the allowing a drawback of the duties of rum shipped as stores to be consumed on board Merchant ships on their voyages, and to continue several laws relating to the permitting the exportation of Tobacco-pipe Clay from Great Britain to the British Sugar Colonies in the West Indies, until the twenty-fourth day of June one thousand eight hundred and eight; to the giving further encouragement to the importation of naval stores from the British Colonies in America until the twenty-ninth day of September one thousand eight hundred and twelve; to the regulating the payment of the duties on Cinnamon, Cloves, Nutmegs and Mace, to the allowing the importation of certain Fish from Newfoundland and the coast of Labrador, until the twenty-fourth day of June one thousand eight hundred and eight, and to the allowing the importation and exportation of goods from and to India and China, in ships not of British-built, during the continuance of the exclusive trade

trade to and from the East Indies, granted to the East India Company by an Act of the thirty-third year of His present Majesty's reign," the said Act of the thirty-fifth year of His Majesty's reign was further continued, during the term granted to the said United Company by the said Act of the Parliament of Great Britain, of the thirty-third year of His Majesty's reign; Be it enacted, That the same shall continue and be in force until the first day of August one thousand eight hundred and fourteen, unless any provision shall be made respecting the same in the next session of Parliament; and that it shall and may be lawful for His Majesty, during such time, by any Order or Orders in Council to be made for that purpose, to authorize any of his Majesty's subjects to import into the said United Kingdom from the East Indies, and other places within the limits of the said Company's Charter, save and except the dominions of the Emperor of China, paying the like duties only as if such importation were made in British ships; and to export from the said United Kingdom to the East-Indies and places aforesaid, save and except as aforesaid, goods, wares and merchandize, except Tea, in all such ships as above-mentioned, subject to such regulations and conditions as His Majesty shall think fit; any Act, matter or thing to the contrary notwithstanding: Provided always, that all ships which may have commenced their voyage from India at any time before the expiration of one year from the passing of this Act, shall be deemed and taken to be equally entitled to the benefit of the provisions herein-before contained, as if such ships had arrived in any port of the United Kingdom during the said twelve months.

And be it further enacted, That such ships shall not be liable to forfeiture, nor shall any persons whatever be liable to any penalty or forfeiture, on account of any importation or exportation of any goods, wares or merchandize, in pursuance of this Act, or of any Order or Orders of His Majesty in Council, which may be issued in virtue thereof.

And whereas it is necessary to encourage the fishery carried on to the southward of the Greenland Seas, and Davis's Streights, by extending the limits now

His Majesty in Council may authorize Private Traders to use India built Ships, for like term.

Ships so authorized not liable to forfeiture.

Ships engaged in the Southern Whale Fishery may sail.

between the Cape of Good Hope, and Straights of Magellan.

But to have Licences for certain limits, from Board of Control.

No ship under 350 tons to sail without a licence from the Board.

South Sea Whalers not to go to certain places without a License from the Directors.

now prescribed for the same; Be it enacted, That it shall and may be lawful for any ship or vessel, fitted and clearing out, conformably to an Act passed in the thirty-fifth year of His Majesty's reign, intituled, "An Act for the further encouraging and regulating the Southern whale fisheries," to sail and pass for the purpose aforesaid, in all the Seas to the eastward of the Cape of Good Hope, and in all the Seas to the westward of the Straights of Magellan: Provided always, that no such ship or vessel shall sail or pass in any Seas further to the northward than eleven degrees of south latitude, and between the sixty-fourth and one hundred and fiftieth degrees of east longitude from London, without a licence from the said Board of Commissioners for the Affairs of India, specially authorizing such ship or vessel so to proceed: Provided also, that no such ship or vessel, the registered measurement whereof, shall be less than three hundred and fifty tons, shall sail or pass in any of the seas to the eastward of the Cape of Good Hope, or to the westward of the Straights of Magellan, without a licence from the said Board of Commissioners, specially authorizing the same: Provided also, that it shall not be lawful for any such ship or vessel to go to, touch, or stay, at any port or place upon the Continent of Asia, from the River Indus to the said town of Malacca inclusive, or any island under the government of the said Company to the north of the Equator, nor the said Company's factory at Bencoolen or its dependencies, nor the dominions of the Emperor of China, without a license in writing from the said Court of Directors of the said United Company, specially authorizing the same.

And whereas it is the duty of this country to promote the interest and happiness of the Native Inhabitants of the British dominions in India, and such measures ought to be adopted as may tend to the introduction among them of useful knowledge, and of religious and moral improvement, and in furtherance of the above objects, sufficient facilities ought to be afforded by law to persons desirous of going to and remaining in India, for the purpose of accomplishing those benevolent designs, so as the authority of the local Governments, respecting the intercourse of Europeans with the interior of the country be preserved, and the principles of the British Government, on which the Natives of

of India have hitherto relied for the free exercise of their religion, be inviolably maintained: And whereas it is expedient to make provision for granting permission to persons desirous of going to and remaining in India for the above purposes, and also to persons desirous of going to and remaining there for other lawful purposes; Be it therefore enacted, That when and as often as any application shall be made to the said Court of Directors, for or on behalf of any person or persons desirous of proceeding to the East Indies for permission to do, the said Court shall, unless they shall think fit to comply therewith, transmit every such application, within one month from the receipt thereof, to the said Board of Commissioners for the Affairs of India; and in case the said Commissioners shall not see any sufficient objection thereto, it shall and may be lawful for the said Commissioners to direct that such person or persons shall, at his or their own special charge, be permitted to proceed to any of the said principal settlements of the said Company, and that such person or persons shall be furnished by the said Court of Directors with a certificate or certificates, according to such form as the said Commissioners shall prescribe, signifying that such person or persons hath or have so proceeded with the cognizance and under the sanction of the said Court of Directors; and that all such certificates shall entitle the persons obtaining the same, so long as they shall properly conduct themselves, to the countenance and protection of the several Governments of the said Company in the East Indies and parts aforesaid, in their respective pursuits; subject to all such provisions and restrictions as are now in force, or may hereafter be judged necessary, with regard to persons residing in India.

Provided always, That nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Court of Directors from offering such representations to the said Board of Commissioners, respecting persons so applying for permission to proceed to the East Indies, as the said Court of Directors may at any time think fit.

Provided also, and be it further enacted, That all persons who shall proceed to the East Indies shall, upon their arrival at any place within the

When the Court of Directors refuse permission to any persons to proceed to the East-Indies, applications to be transmitted to the Board, who may direct certificates to be granted by the Directors, authorizing such persons to proceed to any of the principal Settlements.

Directors may make representations thereon to the Board.

All persons proceeding to the East-Indies, to be subject

without any license whatsoever; any thing in this or any other Act, or in any Charter contained to the contrary notwithstanding.

Unlicensed persons trading to or going within the limits of the Company's Charter, otherwise than as allowed by this Act, shall be deemed to have unlawfully traded, and be subject to all the penalties imposed on illicit traders.

33 Geo. III. c. 52. s. 129. and subsequent sections.

And be it further enacted, That if any of the subjects of His Majesty, his heirs or successors, of or belonging to any of His Majesty's dominions situate without the East Indies and limits of the said Company's Charter, other than such as shall be licensed by the said United Company, or otherwise thereunto lawfully authorized, shall at any time before the determination of the first term hereby granted to the said Company, directly or indirectly, sail to, visit, haunt, frequent, trade, traffic, or adventure to, in, or from the East Indies or parts aforesaid, or go, sail, or repair thereto, or be found therein, in any other manner than is prescribed or allowed by the provisions of this Act, and the terms and conditions of any license or certificate to be granted by virtue thereof, all and every such person and persons shall be deemed and taken to have unlawfully traded and trafficked there; and all such persons, and all ships and vessels found in the custody of any such person or persons, or engaged or concerned in such unlawful trade or traffick, and the owners, masters, and crews thereof, and all goods, merchandize, treasure, and effects shipped or laden thereon, or taken out of the same, or found in the custody of any such person or persons, shall be subject and liable to all such and the like pains, penalties, forfeitures, disabilities, and methods of suit, as are contained in the said Acts of the thirty-third year of His present Majesty, or either of them, or in any Act or Acts now in force, and which pains, penalties, forfeitures, disabilities, and methods of suit, were enacted for the purpose of securing to the said Company the sole and exclusive right of trading to the East Indies, and other parts within the limits of their Charter, during the continuance of such sole and exclusive right, and of restraining clandestine and illicit trade in, to, and from the East Indies and parts aforesaid; and all such and the like powers, provisions, clauses, matters, and things as are contained in the said Acts of the thirty-third year of His present Majesty, or either of them, or in any Act or Acts now in force, and which were enacted for the purpose aforesaid, shall be deemed and taken to be in force, and to apply to all such unlawful trade and traffick as aforesaid, contrary to the provisions of this Act, or of the terms and conditions of any license or certificate to be granted by virtue thereof, and shall be put in execution during the further

further term hereby granted to the said Company, for the purpose of preventing any such unlawful trade or traffick, as fully and effectually as if the same powers, provisions, clauses, matters and things, were severally repeated at large, and re-enacted in the body of this Act, and applied to and for the purpose last aforesaid.

Provided always, and be it enacted, That if any ship or vessels shall happen, by stress of weather or other inevitable accident, to be driven or forced more to the northward than eleven degrees South latitude, and between the sixty-fourth and one hundred and fiftieth degrees of East longitude from London, and being driven or so forced shall return within the said limits, with as much convenient speed as the safety of such ship or vessel or other circumstances will admit, such ship or vessels shall not, nor shall any of the goods, merchandize, treasure, or effects shipped or laden on board the same, be subject to forfeiture, nor shall the owners, master, or crew thereof, or any other person on board the same, be liable to any of the pains, penalties, forfeitures, or disabilities hereinbefore mentioned, on account of being or having been within the said limits: Provided nevertheless, that the proof of such ship or vessels having been driven or forced beyond the said limits by stress of weather or other inevitable accident, and of having returned within the said limits with as much convenient speed as the safety of the said ship or vessel, or other circumstances would admit, shall lie on the party claiming the benefit of such exemption; any thing in this or any other Act contained to the contrary notwithstanding.

Ships driven by stress of weather or other inevitable accident within the proscribed limits, not to be liable to forfeitures.

And be it further enacted, That the said Board of Commissioners for the Affairs of India, by force and virtue of this Act, shall have, and be invested with full power and authority to superintend, direct, and controul all orders and instructions whatsoever, which in any wise relate to or concern any rules, regulations or establishments whatsoever, of the several Colleges established by the said Company at Calcutta or Fort Saint George, or of any Seminaries which may be established under the authority of any of the Governments of the said Company, in the same manner, to all intents and purposes, and under and subject to all such and the like regulations and provisions, as if such orders and instructions immediately related to, and concerned the government and revenues of the said territorial acquisitions in the East Indies.

Colleges and Seminaries abroad to be subject to the controul of the Board.

to the regulations
of the local govern-
ments.

limits of the said United Company's government, be subject to all such rules and regulations as now are or hereafter may be in force within those limits.

Governments in
India may, by or-
der, declare certifi-
cates and licences
to be void, if it
shall appear to
them that the per-
sons to whom they
have been granted,
have forfeited their
claim to counte-
nance and protec-
tion.

Provided also, and be it further enacted, That if any person having obtained a certificate or licence from the said Court of Directors, authorizing such person to proceed to the East Indies, shall at any time so conduct himself as in the judgment of the Governor General, or Governor of the Presidency within which such person shall be found, to have forfeited his claim to the countenance and protection of the government of such Presidency, it shall and may be lawful for such Governor General or Governor, by order, to declare that the certificate or licence so obtained by such person shall be void from a day to be named in such order; and from and after such day so to be named in such order, such person shall be deemed and taken to be a person residing and being in the East Indies without licence or authority for that purpose, and may be sent forthwith to the United Kingdom; any matter or thing whatsoever to the contrary notwithstanding. Provided nevertheless, That no person whose certificate or licence shall have been so vacated by order of any of the governments of the said Company as aforesaid, shall be subject or liable to any prosecution for residing or being found in the East Indies without licence or authority for that purpose, until two months after notice of such order shall have been given to such person, by delivery to such person of a copy thereof, or by leaving the same at the last place of abode of such person, or by publication of such order in the Gazette of the Presidency, where such order shall be made.

Governments in
India not to sanc-
tion the Residence
of His Majesty's
Subjects at their
several Presidencies
without the Author-
ity of the Directors,
except under spe-
cial circumstances.

And be it further enacted, That it shall not be lawful for any of the Governments of the said Company at their several Presidencies, to license or otherwise authorize, the residence at any place or places within the limits of the said Company's Governments, of any subject of His Majesty, who shall go thereto after the 10th day of April one thousand eight hundred and fourteen, unless such person shall have been previously furnished with a licence or certificate from the Court of Directors of the said Company, or have otherwise been authorized by law to reside within the said limits: Provided nevertheless, That any Governor General or Governor of any of the said Presidencies, for extraordinary reasons

reasons to be entered upon the Minutes of Council, may authorize by Special License the residence of any subject of His Majesty in any place or places under the Government of such Presidency, until the pleasure of the said Court of Directors shall be known in that behalf; and that such Special Licence shall be deemed and taken to be of the same force and effect as a License of and from the said Court of Directors, until notice of the pleasure of the said Court to the contrary shall have been given to such person, by delivery thereof to such person, or by leaving the same at his last place of abode, or by publication thereof in the Gazette of the Presidency by which such Special License shall have been granted: Provided that a copy of such License, and of the reasons for granting the same, accompanied with an application for a License from the said Court of Directors, shall be transmitted to the said Court of Directors forthwith after the granting thereof.

And be it further enacted, That it shall and may be lawful for the said Board of Commissioners for the Affairs of India, by license in writing for that purpose, upon such terms and conditions as they may think fit, to authorize any person or persons to proceed to and reside at any place or places situate more to the Northward than eleven degrees of South Latitude, and between the sixty-fourth and one hundred and fiftieth degrees of East Longitude from London, and not being upon the continent of Asia, between the river Indus and the town of Malacca inclusive; nor in any island under the government of the said Company, lying to the northward of the Equator; nor at the said Company's Factory at Bencoolen nor its dependencies; nor within the dominions of the Emperor of China; any Act, matter, or thing whatsoever to the contrary notwithstanding.

And be it further enacted, That it shall and may be lawful for any subjects of His Majesty to proceed to and reside at any place or places situate more to the Southward than eleven degrees of South Latitude, or more to the Westward than sixty-four degrees, or more to the Eastward than one hundred and fifty degrees of East Longitude from London, for any lawful purposes, without

No. XIII.

D

Board of Controul
may authorise any
person to proceed to
and reside within
the limits of the
Charter, except
between the Indus
and Malacca, and
islands north of the
Equator, Bencoolen
and China.

His Majesty's
Subjects authorized
for lawful purposes,
to go to and reside
at places without
eleven degrees
south latitude, and
64 and 150 degrees
east longitude.

Provision for Schools, Public Lectures or other Literary Institutions in India, for the benefit of the Natives, to be regulated by Governor General in Council, subject to controul of the Board; but Appointments to Offices therein to be made by the Local Governments.

And be it further enacted, That it shall be lawful for the Governor General in Council to direct, that, out of any surplus which may remain of the rents, revenues and profits, arising from the said territorial acquisitions, after defraying the expenses of the military, civil, and commercial establishments, and paying the interest of the debt, in manner hereinafter provided, a sum of not less than one lack of rupees in each year, shall be set apart and applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India: And that any Schools, public Lectures or other Institutions for the purposes aforesaid, which shall be founded at the Presidencies of Fort William, Fort Saint George, or Bombay, or in any other parts of the British territories in India, in virtue of this Act, shall be governed by such regulations as may from time to time be made by the said Governor General in Council; subject nevertheless to such powers as are herein vested in the said Board of Commissioners for the Affairs of India, respecting Colleges and Seminaries: Provided always, that all appointments to offices in such Schools, Lectureships and other Institutions, shall be made by or under the authority of the Governments within which the same shall be situated.

College, and Military Seminary in England, to be continued; and the Directors, with the approbation of the Board, to make rules and regulations for the same.

And whereas the said United Company have lately established in England a College for the appropriate education of young men designed for their Civil service in India, and also a Military Seminary for the appropriate education of young men designed for their Military service in India: And whereas it is expedient that the said College and Military Seminary should be further continued and maintained, and that proper rules and regulations should be constituted and established, by authority of law, for the good government of the said College and Military Seminary respectively; Be it therefore enacted, That the said College and Military Seminary shall be continued and maintained by the said United Company, during the further term hereby granted to the said Company, and that it shall and may be lawful for the said Court of Directors, and they are hereby required, forthwith after the passing of this Act, to frame such rules and regulations for the good government of the said College and Military Seminary, respectively

respectively, as in their judgment shall appear best adapted to the purposes aforesaid; and to lay the same before the Board of Commissioners for the Affairs of India, for their revisal and approbation; who shall thereupon proceed to consider the same, and shall and may make such alterations therein and additions thereto as they shall think fit; nevertheless, all such rules and regulations shall and may be subject to such future revision and alteration by the said Court of Directors, with the approbation of the said Board, as circumstances may from time to time require in that behalf; and all such rules and regulations, so framed, approved, revised or altered, shall be deemed and taken to be good and valid in law, and shall be binding and effectual upon all persons and in all matters belonging or relating to the said College and Military Seminary respectively; any law, charter, or other matter or thing, to the contrary notwithstanding: Provided always, that nothing herein contained shall prevent the said Court of Directors from making such representation, with respect to any alterations in or additions to such rules and regulations which may be made by the said Board of Commissioners, as the said Court of Directors shall at any time think fit.

Directors may make representations, respecting alterations or additions by the Board.

And be it further enacted, That from and after the passing of this Act, it shall and may be lawful for the Lord Bishop of London for the time being, to have and exercise, and he is hereby authorized and empowered to have and exercise such visitatorial power and jurisdiction, over all such persons, matters and things, belonging or relating to the said College, and in such manner as shall be appointed and established by the said rules and regulations of the said College in that behalf; any matter or thing whatsoever to the contrary notwithstanding.

Bishop of London to exercise visitatorial jurisdiction.

And be it further enacted, That it shall not be lawful for the said Court of Directors to nominate, appoint, or send to the Presidencies of Fort William, Fort Saint George, or Bombay, any person in the capacity of a Writer, unless such person shall have been duly entered at such College and have resided there four terms according to the rules and regulations thereof; and shall also produce to the said Court of Directors a certificate, under the hand of the Principal of the said College, testifying that he has, for the space of four terms, been

No person to be appointed a Writer, unless he shall have kept four terms at the College, and shall produce a certificate of conformity to rules.

been a member of, and duly conformed himself to, the rules and regulations of the said College.

Establishment of officers in the College and Military Seminary, and principal appointments thereto, to be subject to the controul of the Board.

And be it further enacted, That no order for the establishment of any office, or the appointment of any person to fill the situation of Principal at the said College, or Head Master of the Military Seminary, shall be valid or effectual until the same shall have been approved by the said Board of Commissioners for the Affairs of India.

Principal and Professors exempted from parochial residence.

And whereas, for the due performance of the public duties of religion at the said College, as well as for the maintenance of sound learning and religious education, it is expedient that the Principal, and some of the Professors of the said College, should be clergymen of the Established Church: And whereas it may be expected that among clergymen best qualified for such situations, from their character and attainments, some may be possessed of benefices in the Church; Be it enacted, That every spiritual person holding the situation of Principal, or Professor, in the said College, and actually performing the duties of the same, shall be and he is hereby exempted from residence on any benefice of which he may be possessed, in the same manner as the spiritual persons specified in an Act passed in the forty-third year of His present Majesty's reign, intituled, "An Act to amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices in England," are by the said Act exempted from residence on their respective benefices; any Act, matter, or thing to the contrary notwithstanding.

43 Geo. III. c. 84.

If a Bishop and three Archdeacons shall be established in India by his Majesty's letters patent;

And whereas no sufficient provision hath hitherto been made, for the maintenance and support of a church establishment in the British territories in the East Indies, and other parts within the limits of the said Company's Charter; Be it therefore enacted, That in case it shall please His Majesty, by his royal letters patent under the great seal of the said United Kingdom, to erect, found, and constitute, one Bishoprick for the whole of the said British territories in the East Indies, and parts aforesaid; one Archdeaconry for the Presidency of Fort William in Bengal; one archdeaconry for the Presidency of Fort Saint George on the coast of Coromandel; and one archdeaconry for the Presidency and Island of Bombay on the coast of Malabar; and from time to time to nominate and appoint a Bishop and Archdeacons to such bishoprick and archdeaconries respectively:

respectively; the Court of Directors of the said Company, during such time as the said territorial acquisitions shall remain in the possession of the said Company, shall, and they are hereby required to direct and cause to be paid, certain established salaries to such Bishop and Archdeacons respectively (that is to say) from and out of the revenues of the said presidency of Fort William in Bengal, to the said Bishop, five thousand pounds by the year, at an exchange of two shillings for the Bengal current rupee; and to the said Archdeacon of the said presidency of Fort William, two thousand pounds by the year, at the like exchange; and from and out of the revenues of the presidency of Fort Saint George on the coast of Coromandel, to the Archdeacon of the said presidency of Fort Saint George, two thousand pounds by the year, at an exchange of eight shillings for the pagoda at Madras; and from and out of the revenues of the presidency and island of Bombay, on the coast of Malabar, to the Archdeacon of the said presidency and island of Bombay, two thousand pounds by the year, at an exchange of two shillings and three-pence for the Bombay rupee.

Their salaries to be paid by the Company.

And be it further enacted, That the said salaries shall take place and commence from and after the time at which such persons as shall be appointed to the said offices respectively, shall take upon them the execution of their respective offices; and that all such salaries shall be in lieu of all fees of office, perquisites, emoluments and advantages whatsoever; and that no fees of office, perquisites, emoluments or advantages whatsoever, shall be accepted, received or taken, in any manner or on any account or pretence whatsoever, other than the salaries aforesaid; and that such Bishop and Archdeacons, respectively, shall be entitled to such salaries so long as they shall respectively exercise the functions of their several offices in the East Indies or parts aforesaid, and no longer.

Salaries to commence on taking office, and to cease when functions cease.

Provided always, and be it further enacted, That such Bishop shall not have or use any jurisdiction, or exercise any episcopal functions whatsoever, either in the East Indies or elsewhere, but only such jurisdiction and functions as shall or may from time to time be limited to him by his Majesty, by letters patent under the great seal of the United Kingdom.

Bishop to have no jurisdiction or functions, except such as may be limited by letters patent.

And

His Majesty may grant to the Bishop, by letters patent, such ecclesiastical jurisdiction as he may find necessary.

And be it further enacted, That it shall and may be lawful for His Majesty, from time to time, if he shall think fit, by his letters patent under the great seal of the said United Kingdom, to grant to such Bishop, so to be nominated and appointed as aforesaid, such ecclesiastical jurisdiction, and the exercise of such episcopal functions, within the East Indies and parts aforesaid, as His Majesty shall think necessary for the administering holy ceremonies, and for the superintendence and good government of the ministers of the church establishment within the East Indies and parts aforesaid; any law, charter, or other matter or thing to the contrary notwithstanding.

Warrant for letters patent, respecting the bishoprick or archdeaconry, to be countersigned by the President of the Board.

And be it further enacted, That when and as often as it shall please His Majesty to issue any letters patent respecting any such Bishoprick or Archdeaconry as aforesaid, or for the nomination or appointment of any person thereto, the warrant for the bill in every such case shall be countersigned by the President of the Board of Commissioners for the Affairs of India.

His Majesty may grant pensions to Bishops and Archdeacons who shall have discharged their functions in India for fifteen years.

And be it further enacted, That it shall and may be lawful for His Majesty, by warrant under his royal sign manual, countersigned by the Chancellor of the Exchequer for the time being, to grant to any such Bishop and Archdeacons, respectively, who shall have exercised in the East Indies or parts aforesaid, for fifteen years, the office or offices of Bishop or Archdeacon, or either of them, the following pensions, that is to say; to any such Bishop, a pension not exceeding fifteen hundred pounds per annum, and to any such Archdeacon a pension not exceeding eight hundred pounds per annum; which said pensions shall be paid and defrayed quarterly by the said Company, and shall be deemed and taken as part of the political charges of the said Company.

Application of the revenues arising from the territorial acquisitions in India.

And be it further enacted, That for and during the continuance of the possession and government of the said territorial acquisitions and revenues in the said United Company, the rents, revenues, and profits arising from the said territorial acquisitions, after defraying the charges and expenses of collecting the same, shall be applied and disposed of, to and for the uses and purposes hereinafter expressed, in the following order of preference, and to or for no other use or purpose, or in any other manner whatsoever, any Act or Acts of Parliament now in

in force to the contrary notwithstanding; (that is to say) In the first place, in defraying all the charges and expenses of raising and maintaining the forces, as well European as native, military, artillery, and marine, on the establishments in the East Indies and parts aforesaid, and of maintaining the forts and garrisons there, and providing warlike and naval stores: Secondly, in payment of the interest accruing on the debts owing, or which may be hereafter incurred by the said Company, in the East Indies, or parts aforesaid, including that proportion thereof for which bills shall be demanded, payable in England, and for which provision shall at all times be made by consignments or remittances to England, as the said Court of Directors, with the approbation of the said Commissioners for the Affairs of India, shall from time to time direct: Thirdly, in defraying the civil and commercial establishments of the said Company, at their several settlements there: Fourthly, towards the liquidation of the territorial debt of the said Company, or of the bond debt at home, or to such other purposes, subject to the provision hereinafter made, as the said Court of Directors, with the approbation of the Board of Commissioners for the Affairs of India, shall from time to time direct; any Act or Acts of Parliament to the contrary thereof notwithstanding.

First, in maintaining forces;

Secondly, in payment of interest of Indian debt;

Thirdly, in defraying expenses of establishments;

Fourthly, towards liquidation of territorial debt or bond debt, or as the Court, with the approbation of the Board, shall direct; subject as after-mentioned.

And whereas it is not reasonable that the commercial funds of the said Company should be exposed to embarrassment by payments made in Europe on account of territorial charges; Be it therefore enacted, That a sum, equal to the actual payments which shall have been made from the commercial funds at home on account of territorial charges in the year preceding, after deducting therefrom the charges of the commercial establishments and all the commercial charges in India, which may have been paid from the territorial revenues in the same year, shall in each and every year be issued in India, for the purpose of the said Company's China or India investment, or of remittance to England on account of the said Company, at the option of the said Court of Directors: Provided always, that any excess which may happen to be so issued in any year, for the purposes of investment, beyond the actual payment which shall have been made in the same year by the said Company in Europe, on account of territorial charges, shall be taken into account in diminution of the sum to be applied to the purposes of investment for the year following.

A sum equal to payments from commercial funds at home, on account of Territorial Charges in preceding year, after deducting amount of payments abroad for commercial establishments, to be annually applied to investment or remittance, at the option of the Directors; excess in any year to be taken into account the next year.

Application of the
Profits of the Com-
pany in Great Bri-
tain:

First, in paying
Bills of exchange;

Secondly, in pay-
ing debts; except
principal of bond
debt;

Thirdly, in pay-
ment of dividend of
ten per cent. till
separate fund ex-
hausted and then
10½ per cent.

Fourthly, in re-
duction of Indian
debt, or bond debt
at home.

Home Profits not
liable to Territorial
Charges, till after
Dividend provided
for; except to Bills
and Certificates for
value received in
India, and to In-
terest and Sinking
Fund on Loan of
1812 from the
Public to the Com-
pany.

And be it further enacted, That for and during the continuance of the pos- session and government of the said territorial acquisitions and revenues in the said United Company, the net proceeds of their sales of goods at home, with the duties and allowances arising by private trade, and all the commercial profits and other receipts of the said Company in Great Britain, shall be applied and dis- posed of in manner following; (that is to say) First, in providing for the pay- ment of bills of exchange already accepted and hereafter to be accepted by the said Company, as the same shall become due: Secondly, in providing for the current payment of other debts (the principal of the bond debt in England always excepted) as well as interest, and the commercial outgoings, charges, and ex- penses of the said Company: Thirdly, in payment of a dividend, after the rate of ten pounds per centum per annum, on the present or any future amount of the capital stock of the said Company, for and during such time as a certain fund of the said Company hereinafter mentioned, called "The Company's Separate Fund," shall be sufficient to pay a dividend, after the rate of ten shillings for every hundred pounds per annum, on the present, or any future amount of the capital stock of the said Company; and when, and so soon as the said last-men- tioned fund shall be exhausted, then in payment of a dividend, at the rate of ten pounds ten shillings per centum per annum, on the then existing, or future capital stock of the said Company; provided that no greater dividend shall be paid in the whole, in any one year, than at the said rate of ten pounds ten shil- lings per centum per annum, upon the present or future capital stock of the said Company: Fourthly, in reduction of the principal of the debt in the East Indies, or parts aforesaid, or of the bond debt at home, as the said Court of Directors, with the approbation of the said Board of Commissioners, shall from time to time direct; any Act or Acts of Parliament to the contrary notwithstanding.

And whereas it is not reasonable that the Company's commercial profits should be liable annually to the payment in Europe of territorial charges, till the said dividend, after the rate of ten pounds and ten shillings per centum per annum, shall have been paid and discharged; Be it therefore provided and enacted, That the net proceeds of the sales of goods, and other commercial profits of the Company in Great Britain as aforesaid, shall not be liable to the liquidation of any charge on account of the territorial or political government of India

India payable in England, or of any Bills of Exchange or Certificates drawn on account of the territorial or political charge in India, till after the dividend on the capital Stock of the said Company shall first have been provided for; Excepting always such bills and certificates, for the amount of which, value shall have been previously paid in India from the territorial or political funds, and consignments or remittances made thereof to England, for the liqui- dation of the said bills and certificates; Excepting likewise the amount of the interest and sinking fund on the loan advanced by the Public to the said Com- pany, as provided in an Act passed in the fifty-second year of His present Majesty, intituled, "An Act for advancing two millions five hundred thousand pounds to the East India Company, to enable them to discharge part of the "East Indian debt;" which said interest and sinking fund shall nevertheless continue to be deemed a territorial charge, and shall be accounted for as such out of the produce of the revenues of India: Provided also, that in case sufficient funds shall not remain in the hands of the said Company, after payment of the dividend, to discharge all such bills as shall be drawn for the interest of any loan in India, under conditions now subsisting, or which may be contracted at any time before the tenth day of April, one thousand eight hundred and fourteen, entitling the holders of such loan to receive bills on the said Company for the payment of the interest thereof, the residue of such bills, so long as such interest may be demanded in England, shall be discharged in such manner as Par- liament shall from time to time direct: Provided also, that if any monies shall be received into the treasury of the Company at home upon the credit of bills to be drawn upon the Company's territorial or political funds abroad, or in liquidation of bills of exchange remitted, or of any other security for advances made in India from the said territorial or political funds, or of any advances made from such funds, on account of His Majesty's government, or any other account, the said monies shall be set apart and applied to defray the terri- torial or political charges to which the said Company is liable in Europe; and the excess of such funds shall be subject to such further appropriations as the territorial revenues are liable to by virtue of this Act: Provided also, that in the event of the commercial profits of the said Company at home being in- sufficient in any year fully to defray the said dividend, it shall and may be lawful

If Home Funds in-
sufficient after Di-
vidend to discharge
Bills drawn for In-
terest of existing
Indian Debt, Defi-
ciency to be paid
as Parliament shall
direct.

Monies received at
Home on Credit of
Bills drawn on Ter-
ritorial Funds or for
Advances in India,
to be applied to
payment of Terri-
torial Charges in
Europe.

And if commercial
profits at home not
sufficient in any
year for dividend,

deficiency to be made good out of surplus territorial revenues of year preceding.

to make good any such deficiency out of any surplus revenue that may have arisen in the preceding year of account out of the territorial revenues, after the payment of all charges, interest of debt included.

Application of the surplus of territorial revenues, and home profits:

And be it further enacted, That when the principal debt of the said United Company, bearing interest in India, shall have been reduced to the sum of ten millions of pounds sterling, calculated at the exchange of two shillings for the Bengal current rupee, eight shillings for the Madras pagoda, and two shillings and three-pence for the Bombay rupee, and the bonded debt in Great Britain shall have been reduced to the sum of three millions of pounds sterling, then and thereafter the surplus proceeds, which shall be found to arise from the said rents, revenues, and profits, of the said territorial acquisitions, and from sales of the goods, and the profits of the trade of the said Company, or in any other manner, after providing for the payments aforesaid, shall be applied to the more speedy repayment of the capital of any public funds or securities, which have been or may be created for the use of the said Company, the charges of which have been or may be directed to be borne by the said Company by virtue of any Act or Acts of Parliament; and that any further surplus that may arise shall be set apart, and from time to time paid into the receipt of His Majesty's Exchequer, to be applied as Parliament shall direct, without interest to be paid to the Company in respect or for the use thereof; but nevertheless it is hereby declared, that all such sums of money as shall be so paid into the receipt of His Majesty's Exchequer as aforesaid, not exceeding twelve millions of pounds sterling, shall be deemed and taken to be a fund for securing to the said United Company the capital stock of the said United Company, and also a dividend at the rate of ten pounds ten shillings per centum per annum, in respect thereof; and of the excess of such payments, if any, beyond the said amount of twelve millions of pounds sterling, one-sixth part shall from time to time be reserved and retained by the said United Company for their own use and benefit, and the remaining five-sixth shall be deemed and shall be the property of the public, and at the disposal of Parliament.

One sixth of excess to be the Company's and remaining five-sixths to belong to the Public.

If the debts, after reduction, shall be again increased be-

Provided also, and be it further enacted, That if the debts of the said Company in India, after the same shall have been reduced to ten millions of pounds sterling,

sterling, calculated as aforesaid, shall be again increased beyond that amount, or if their bond debt in Great Britain, after the same shall have been reduced to three millions of pounds sterling, shall be again increased beyond that sum, then, and so often as either of those cases shall happen, such surplus proceeds shall be appropriated to the reduction of the said new debts respectively, until the whole of the debts of the said Company in India shall be again reduced to ten millions of pounds sterling, calculated as aforesaid, and their bond debt in Great Britain to three millions of pounds sterling; any thing in this Act contained to the contrary notwithstanding.

And be it further enacted, That so much of the said Act of the Parliament of Great Britain of the thirty-third year of His present Majesty, as relates to the payment of a sum, not exceeding five hundred thousand pounds in every year, into the receipt of His Majesty's Exchequer, to be applied as Parliament shall direct, or to the recovery from the said United Company, or their successors, by action or otherwise, of such money, in case of failure of the said United Company or their successors, in any payment thereof, or to the payment into the Bank of England of money to be placed to the account of the Commissioners, appointed by the Act passed in the twenty-sixth year of His Majesty's reign, intituled, "An Act for vesting certain sums in Commissioners at the end of every quarter of a year, to be by them applied in reduction of the national debt," or to an account to be raised and kept by the Governor and Company of the Bank of England, to be intituled, "The Account of the Guarantee Fund of the United Company of Merchants of England trading to the East-Indies," or to the said Guarantee Fund, or to an account to be made by the said Governor and Company of the Bank of England, of or relating thereto, shall be and the same is hereby repealed.

So much of 33 Geo. III. c. 52, as relates to the payment of a sum into the Exchequer, the recovery thereof, or to the payment into the Bank, repealed.

And whereas, by the said Act of the Parliament of Great Britain, of the thirty-third year of His present Majesty, taking notice of a certain fund, therein called "The Company's Separate Fund," it was enacted, that after payment should be made by the said Company into His Majesty's Exchequer,

A dividend of ten shillings per cent. to be paid out of the Separate Fund, till exhausted.

33 Geo. III. c. 52.

57 Geo. III. c. 31.

of certain instalments (which said payments were duly made), it should be lawful for the said Company, out of the said Separate Fund, and the interest or growing income thereof, to make and declare a dividend of ten shillings per centum per annum on the then present or any future amount of their capital stock, which said dividend or dividends should be paid and payable by the said Company, over and above any other dividends which should become due in respect thereof; and that after the expiration of the further term by the said Act granted in their exclusive trade, it should be lawful for the said Company to retain and dispose of what should then remain of the said Company's separate fund, or of the monies constituting the same, and the interest or other annual proceeds thereof, in such manner as they should then think fit: And whereas by a certain other Act made in the thirty-seventh year of His present Majesty, intituled, "An Act to enable the East-India Company to raise money by further increasing their capital stock, and to extend the provisions now existing, respecting the present stock of the said Company, to the said increased stock;" after reciting, that the payment of their said dividend of ten shillings per centum, to the proprietors of the increased stock, to be raised by virtue of the said last mentioned Act, out of the said separate fund, as in the said recited Act of the thirty-third year of His Majesty's reign is mentioned, would exhaust the same long before the expiration of the then existing term in the said exclusive trade, it was enacted, for the reasons therein mentioned, "that the said dividend of ten shillings per centum, which under the authority of the said Act of the thirty-third year of His present Majesty would be payable to the proprietors of the said increased stock, out of the said separate fund, should be paid to them out of the annual profits of the said Company, in the same manner, and at the same times, as the dividend of ten pounds per centum, in the said Act mentioned, was to be paid to the proprietors of the stock of the said Company, and for that purpose a sum equal to the amount of such dividends should from time to time be debited to the annual account, as a charge on the said trade, and carried to the account of the said separate fund: And whereas the said Company have not increased their capital stock pursuant to the authority and power given to them by the said Act of the thirty-seventh year of His said Majesty's reign: And whereas the said

said separate fund is still sufficient to pay the said dividend of ten shillings per centum per annum, upon the present capital stock of the said Company for a certain time, but not sufficient to pay such dividend upon the said present capital stock during the whole of the further term by this Act granted to the said United Company, in the said territorial possessions and revenues: Be it therefore enacted, That from and after the passing of this Act there shall be paid out of the said separate fund, a dividend after the rate of ten shillings per centum per annum, on the present or any future amount of the said capital stock of the said Company, for and during such time as the said separate fund shall be sufficient for that purpose; and when the said separate fund shall become insufficient for the payment of the whole of the said dividend, so much as shall remain of the said separate fund shall be paid and applied towards the payment of such dividend of ten shillings, and the residue of such dividend shall be paid out of the net proceeds of the said Company's profits in the manner hereinbefore mentioned; any thing in the said Act of the thirty-seventh year of His present Majesty, or any other act, matter, or thing to the contrary notwithstanding.

And be it further enacted, That so much of the said Act of the thirty-seventh year of His present Majesty, as directs that the said dividend of ten shillings per centum per annum, upon the increased stock to be raised by virtue of the said last-mentioned Act, shall be paid out of the annual profits of the said Company, shall be, and the same is hereby repealed. 37 Geo. III. c. 31. s. 9, repealed.

And be it further enacted, That from and after the passing of this Act the said Court of Directors of the said Company shall, and they are hereby required to direct and order, that the books of account of the said Company at their several presidencies and settlements in India, at their factory in China, at the island of Saint Helena, and in all other places, as well abroad as in England, be so kept and arranged, as that the same shall contain and exhibit the receipts, disbursements, debts, and assets appertaining to or connected with the territorial, political, and commercial branches of their affairs respectively; and that the same shall be made up in such manner, that the said books

Directors to order distinct accounts to be kept of their territorial, political, and commercial affairs; and to submit a plan for such an arrangement of their accounts to the Board, for their approbation.

books shall contain and exhibit the accounts of the territorial and political departments, separately and distinctly from such as appertain to or are connected with the commercial branch of their affairs; and the said Court of Directors are hereby required, forthwith, after the passing of this Act, to prepare a plan for an arrangement of the accounts of the said Company in the manner aforesaid, and to submit the same to the said Board of Commissioners for the Affairs of India for their approbation; and it shall be lawful for the said Board of Commissioners, from time to time, to make such alterations and amendments therein, and such additions thereto, as they shall think fit; which said plan, so approved, altered, amended, or added to, by the said Board of Commissioners, the said Court of Directors shall direct and order to be carried into execution.

This principle to be attended to in Accounts to be laid before Parliament.
33 Geo. III. c. 52.

And be it further enacted, that the several accounts required by the said Act of the Parliament of Great Britain of the thirty-third year of His present Majesty, to be annually laid before both Houses of Parliament, shall be henceforth prepared and arranged in conformity to the principles of separation hereinbefore directed, of the territorial and political branch from the commercial branch of the affairs of the said United Company.

Copies of regulations abroad, made under 37 G. 3. c. 142, 39 and 40 G. 3. c. 79, and 47 G. 3. c. 88. 2. c. 68, to be laid annually, with accounts before Parliament.

And be it further enacted, That from and after the passing of this Act, the said Court of Directors shall annually lay before both Houses of Parliament, together with the accounts directed by the said Act of the Parliament of Great Britain of the thirty-third year of His Majesty's reign, and by this Act, to be laid before the said Houses by the said Court, one copy of all the regulations made by their several governments in India, and transmitted to them under and in pursuance of an Act made in the thirty-seventh year of His Majesty's Reign, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British subjects from being concerned in Loans to the Native Princes in India;" and also of a certain other Act, made in the thirty-ninth and fortieth year of his said Majesty, intituled, "An act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same;" and also of a certain other Act, made in the forty-seventh year of His Majesty's Reign, intituled

intituled, "An Act for the better Government of the Settlements of Fort Saint George and Bombay, for the Regulation of Public Banks; and for amending so much of an Act, passed in the thirty-third year of his present Majesty, as relates to the Periods at which the Civil Servants of the East-India Company may be employed in their Service abroad."

And be it further enacted, That all rates, customs, and duties on export and import, which shall be charged in the East-Indies or other places under the government or the said Company, upon any goods, wares, or merchandize of or belonging to the said Company, shall be charged in the books of account of the said Company to the debit of the commercial branch of their affairs; and all such rates, customs, and duties, which shall be so charged upon any goods, wares, or merchandize, of or belonging to the said Company, or which shall be received by the said Company in the East Indies or parts aforesaid, upon any goods, wares, or merchandize of any private merchant, trader, or other person, shall be placed in the books of account of the said Company to the credit of the territorial revenues of the said Company; and all such rates, customs, and duties, so placed to the credit of the territorial revenues of the said Company, shall be deemed and taken to be part of such territorial revenues, and shall be subject to the controul of the said Board of Commissioners, in like manner, to all intents and purposes, as any other part of such territorial revenues.

Duties in India on goods of the Company to be debited to commerce; and together with duties on Private Trade goods to be considered as territorial revenue, and to be subject to the controul of the Board.

And be it further enacted, That the Board of Commissioners for the Affairs of India shall, by force and virtue of this Act, have, and be invested with full power and authority to superintend, direct, and controul, all orders and instructions whatsoever, which in anywise relate to or concern the amount of appropriation to any investment, or other commercial purposes, of any part of the revenues of the said territories or acquisitions in the East Indies or parts aforesaid, other than except such sum as by this Act is directed to be issued in India, for the purpose of making good from the Indian revenues payments to be made at home on account of territorial charges; or of any monies arising from any loan raised or to be raised in the East Indies, or of any securities

Board to have controul over the appropriation of any part of the territorial revenues, (except sums issued in India to make good home payments on account of territorial charges), or of Loans in India to commercial purposes.

securities issued or to be issued by any of the Governments of the said Company, in the same manner, to all intents and purposes, and under and subject to all such and the like regulations and provisions, as if the said orders or instructions immediately related to and concerned the civil or military government or revenues of the said territories or acquisitions; any thing in the said first mentioned Act of the thirty-third year of His present Majesty, or of any other Act or Acts, to the contrary notwithstanding.

Court of Directors to deliver to the Board, copies of all Proceedings, and of Dispatches received, relating to the appropriation of revenue and loans to investments.

And be it further enacted, That the Court of Directors of the said Company shall, and they are hereby required, from time to time, to deliver to the said Board, copies of all minutes, orders, resolutions and proceedings of all Courts of Proprietors, general or special, and of all Courts of Directors, within eight days after the holding of such Courts respectively; and also copies of all letters, advices, and dispatches, which shall at any time or times be received by the said Court of Directors, or any Committee of Directors, from the East-Indies, or, from any other of their settlements or factories within the limits of their Charter, or from any of the servants of the said United Company stationed at Saint Helena, Bassora, Suez, Aleppo, or other parts beyond the seas, in anywise relating to or concerning the appropriation to any investment, or other commercial purposes, of any part of the revenues of the said territories or acquisitions, or of any monies arising from any loan raised, or to be raised in the East Indies, or of any securities issued or to be issued by any of the Governments of the said Company, immediately after the arrival and receipt thereof.

No Dispatches relative thereto to be sent to India, till approved by the Board.

And be it further enacted, That no orders or instructions whatever, relating to the appropriation to any investment or other commercial purpose whatsoever, of any part of the revenues of the said territories or acquisitions in the East Indies, or of any monies arising from any loan raised or to be raised in the East Indies, or of any securities issued or to be issued by any of the Governments of the said Company, shall be at any time sent or given to any of the governments or settlements in the East-Indies by the Court of Directors of the said United Company, or by any Committee of the said Directors

Director, until the same shall have been submitted to the consideration of, and approved by, the said Board; and for that purpose, that copies of all orders and instructions which the said Court of Directors, or any Committee of the said Directors, shall propose to be sent to the East-Indies, shall be by them previously laid before the said Board; and that after the receipt of such proposed dispatches, the said Board shall, with all reasonable dispatch, not exceeding two months, return the same to the said Court of Directors, or Committee of Directors, either with their approbation thereof, certified under the hand of the chief or assistant secretary to the said Board by the order of the said Board, or if the said Board shall disapprove, alter, or vary in substance any of such proposed orders or instructions, in every such case the said Board shall give to the said Directors in writing, under the hand of the chief or assistant secretary of the said Board, by order of the said Board, their reasons at large in respect thereof, together with their instructions to the said Directors in relation thereto; and that the said Directors shall, and they are hereby required forthwith to dispatch and send the letters, orders, and instructions, in the form approved by the said Board, to the proper government or officers in the East Indies, without further delay, unless, on any representation made to them by the said Directors, the said Board shall order any alterations to be made therein; and that the said Directors shall, and they are hereby required to pay obedience to, and shall be governed and bound by such orders and instructions as they shall from time to time receive from the said Board of Commissioners, touching or concerning such appropriation, according to the tenor and true intent of this Act.

And whereas it is provided by the said Act of the Parliament of Great Britain of the thirty-third year of His Majesty's reign, that copies of all orders and instructions which the Court of Directors, or any Committee of the Court of Directors of the said Company, shall propose to be sent to India, shall be by them previously laid before the said Board, and that within the space of fourteen days after the receipt of such proposed dispatches, the said Board shall return the same to the said Court of Directors, or Committee of Directors, in the manner directed by the said Act; and whereas the said limitation of fourteen days for the return of such proposed dispatches may be found inconvenient; Be it therefore enacted, That

Instead of being limited to fourteen days, Board to return proposed dispatches with all reasonable dispatch not exceeding two months.

33 Geo. III. c. 52.

That so much of the said Act of the thirty-third year of His present Majesty, as requires such proposed dispatches to be returned by the said Board within fourteen days, shall be and the same is hereby repealed; and that, from and after the passing of this Act, it shall be sufficient for the said Board to return all such proposed dispatches to the said Court of Directors, or Committee of the said Court of Directors, and the said Board is hereby required to return the same, with all reasonable dispatch, not exceeding two months.

Proceedings of the Board may be signed, either by the Chief or Assistant Secretary.

And whereas it is required by the said Act of the Parliament of Great Britain of the thirty-third year of His Majesty's reign, that various proceedings of the said Board of Commissioners should be signed by the chief secretary to the said Board; Be it enacted, That from and after the passing of this Act, all proceedings of the said Board, to which the signature of the said chief secretary is now by law required, may be signed either by such chief secretary or by the assistant ^{clerk} by to the said Board; any Act, matter or thing to the contrary notwithstanding.

Secret Committee of Directors not to disclose dispatches sent from the Presidencies, relative to war, peace, or negotiations, until authorized by the Board of Commissioners.

And be it further enacted, That from and after the passing of this Act, where any of the Governments or Presidencies in the East Indies or parts aforesaid, shall, under the provisions of the said first-mentioned Act of the thirty-third year of His present Majesty, address any dispatches to the Secret Committee of Directors of the said United Company, for the inspection of such Committee, the said Secret Committee of Directors shall not disclose or make known the contents of any such dispatches which relate to the levying War, or the making of Peace, or treating or negotiating with any of the Native Princes or States of the East Indies, or other parts within the limits of the said Company's Charter, until they shall be authorized by the Board, of Commissioners for the Affairs of India so to do.

Secret Committee to take the following instead of former oath;

And be it further enacted, That instead of the Oath by the said Act of the Parliament of Great Britain of the thirty-third year of His present Majesty, required to be taken by the several Directors who shall from time to time be appointed a Secret Committee, they shall take an Oath of the tenor following; that is to say,

“ I, A. B.,

“ I, A. B. do swear, That I will, according to the best of my skill and judgment, faithfully execute the several Trusts and Powers reposed in me as a Member of the Secret Committee, appointed by the Court of Directors of the United Company of Merchants of England trading to the East Indies; I will not disclose or make known any of the Secret Orders or Instructions which shall be given, communicated, or transmitted to the said Committee by the Commissioners for the Affairs of India, nor any Dispatches communicated or transmitted to the said Committee by any of the Governments or Presidencies in India, which relate to the levying war, or the making peace, or treating or negotiating with any of the Native Princes or States of the East Indies, or other parts within the limits of the said Company's Charter, save only to the other Members of the said Secret Committee, or to the person or persons who shall be duly nominated and employed in transcribing or preparing the same respectively, unless I shall be authorized by the said Commissioners to disclose and make known the same.

“ So help me GOD.”

And be it further enacted, That the Secretary of the said Court of Directors, or the Examiner of Indian Correspondence, or any other person employed by the Secret Committee, in preparing or transcribing any secret dispatches, orders or instructions, required to be transmitted by them to India, under the direction of the said Act of the Parliament of Great Britain of the Thirty-third year of His Majesty's reign, or any secret dispatches received from the Governments or Presidencies in the East Indies or parts aforesaid, shall, before they respectively enter upon that duty, take and subscribe, before any of the Members of the said Secret Committee, an Oath of Secrecy, as near unto the tenor and form of the Oath hereinbefore provided and directed to be taken by the Members of the said Secret Committee, as the case will admit, in such manner as by the same Act of the thirty-third year of His present Majesty is required, in regard to the Oath thereby directed to be taken by

New oath of secrecy to be taken by persons employed in preparing or transcribing Secret Dispatches, either sent to or received from India.

by persons employed in preparing and transcribing secret dispatches intended to be sent to India.

Title of this Act to be inserted in the Directors' Oath, instead of the Oath of the 33 Geo. III. c. 52.

And be it further enacted, That in the Oath prescribed to be taken by the Directors of the said Company, after their election, by the said Act of the Parliament of Great Britain of the thirty-third year of His Majesty's reign, the year and title of this Act shall be inserted, instead of the year and title of the said Act of the thirty-third of His Majesty's reign.

In cases of equality of votes in General Courts or Courts of Directors, the questions not to be determined by lot, but to be considered as rejected; except in cases of two or more candidates for office, which are still to be determined by lot.

And whereas by the Charter of Incorporation of the said United Company, granted under the authority of an Act passed in the ninth and tenth year of the reign of His late Majesty King William the Third, intituled "An Act for raising a sum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies," it is ordered and appointed, that in all cases where there shall be an equality or equal number of votes in any General Court, or in any Court of Directors to be holden as aforesaid, the matter shall be determined by lots, which the Treasurer for the said Company shall cause to be prepared and drawn for that purpose: And whereas it is expedient, that such mode of decision should be no longer continued; Be it therefore enacted, That, from and after the passing of this Act, no question in any such General Court, or Court of Directors, shall be carried otherwise than by a majority of votes; and in all cases of an equality of votes upon any question put in any such General Court or Court of Directors, such equality shall be deemed and taken to operate as a rejection of the motion or proposition on which such question shall have been so put: Provided always, that nothing herein contained shall extend or be construed to extend to cases of election of any person to any office or place where there shall be more than one candidate for such office or place, but that in all such cases where there shall be an equality of votes in favour of any two or more candidates, such election may be determined by lot, in manner directed by the said charter; any thing herein contained to the contrary notwithstanding.

Board may require

And be it further enacted, That from and after the passing of this Act, the

the Commissioners for the Affairs of India, or any of the officers of the Board of Commissioners for the Affairs of India, by the order and authority of the said Board, shall not only have free access to the books, papers, letters of correspondence, evidences, and other records of the said Company, and be assisted in their searches for the same, and furnished with copies or extracts, in the manner prescribed by the said Act of the Parliament of Great Britain, of the thirty third year of His Majesty's reign, but shall and may call for and direct to be prepared, all such accounts, statements, and abstracts, relating to the affairs of the said Company, as the said Board shall think fit; and the said Court of Directors shall, with all reasonable dispatch, cause to be prepared and transmitted to the said Board, all such accounts, statements, and abstracts, as the said Board shall so direct to be prepared.

accounts, abstracts, and statements, to be prepared by the Directors.

33 Geo. III. c. 52.

And whereas by the said Act of the Parliament of Great Britain, of the thirty-third year of His Majesty's reign, it is enacted, that the several orders and proceedings of the Presidencies of Fort William, Fort Saint George, and Bombay, should, previously to their being published and put in execution, be signed by the chief secretary to the Council of the Presidency, by the authority of the Governor General in Council, or Governors in Council, as the case may be: and whereas inconvenience may arise to the public service, unless some other person, besides such chief secretary, be authorized to sign such orders and proceedings; Be it therefore further enacted, That all such orders and proceedings of the several governments and presidencies in the East Indies and parts aforesaid, shall or may, previously to their being published or put in execution, be signed, in manner aforesaid, either by the chief secretary to the government of the said presidency, or in the absence of such chief secretary, by the principal secretary of the department of such presidency to which such orders and proceedings relate; any thing to the contrary notwithstanding.

Proceedings at the Presidencies to be signed at the Presidency, by the principal Secretary of the department to which they relate, in the absence of the Chief Secretary.

33 Geo. III. c. 52.

And be it further enacted, That from and after the passing of this Act, all vacancies which shall happen in the office of Governor General of Fort William, or of Governor of either of the Company's presidencies or settlements of Fort Saint George, or Bombay, or of Governor of the forts and garrisons

Vacancies of Governors, and Commanders in Chief, to be filled up by the Court of Directors, subject to His

Majesty's approbation.

Not to affect the right of Directors to recall.

garrisons of Fort William, Fort Saint George, or Bombay; or of Commander-in-chief of all the forces in India; or of any provincial Commander-in-chief of the forces there, shall be filled up and supplied by the Court of Directors of the said United Company; subject nevertheless to the approbation of His Majesty, to be signified in writing under his royal sign manual, countersigned by the President of the Board of Commissioners for the Affairs of India: Provided always, that nothing herein contained shall extend or be construed to extend to take away or affect the power of the said Court of Directors, to remove or recall any such Governor General, Governor or Commander-in-chief; but the said Court shall and may, at all times, have full liberty to remove, recall, and dismiss any such Governor General, Governor or Commander-in-chief, at their will and pleasure, in the like manner as if this Act had not been made.

Vacancies in India, with exceptions, not to be supplied by the Directors without the approbation of the Board.

And be it further enacted, That from and after the passing of this Act it shall not be lawful for the said Court of Directors, either provisionally or otherwise, to nominate or appoint any person to succeed to any office or employment in the civil or military establishments of the said Company in the East Indies, or parts aforesaid, without the approbation of the said Board of Commissioners, other than and except as aforesaid: Provided always, That nothing herein contained shall prevent or hinder the said Court of Directors from nominating or appointing, absolutely or provisionally, such persons as they may think fit to the offices of Member of Council, General Officer on the Staff, Advocate and Attorney General, Attorney at Law of the said Company, or Chaplain, at the several presidencies or settlements, or to any offices or employments in the civil or marine establishments of the said Company, which may be and usually have been supplied by persons not having been covenanted servants of the said Company, previously to their nominations or appointments, nor to prevent the said Court of Directors from nominating or appointing Writers, Cadets, or Assistant Surgeons, in such manner as they have heretofore been used or accustomed to do.

Provisions of 83 Geo. III. c. 52. respecting the

And whereas a strict adherence to the provisions contained in the said Act made in the thirty-third year of His present Majesty's reign, in respect to the filling

filling up and supplying vacancies in the civil service of the said Company has been found impracticable, without detriment to the public service, or injury to the just claims and meritorious exertions of individuals: And whereas a modification of the said Act has been in part adopted by the Act of the forty-seventh of His present Majesty, relative to the scholars educated at Hertford College; Be it therefore enacted, That from and after the passing of this Act, any office, place, or employment, the salary and perquisites whereof shall exceed the sum of fifteen hundred pounds, may be granted to and conferred upon the said servants who shall have been actually resident in India in the said Company's service for the space of four years at the least in the whole, antecedent to such vacancy; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed the sum of three thousand pounds per annum, such office may be conferred upon any of the said servants who shall have been actually resident in India seven years at least in the whole; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed four thousand pounds per annum, such office, including that of the Council, may be granted to or conferred upon any of the said servants who shall have been actually resident in India in the Company's service for the space of ten years at the least in the whole.

And whereas by a certain Act, made in the fifty first year of His Majesty's reign, intituled, "An Act for making further provision for the payment of salaries, and other charges in the Office of the Commissioners for the Affairs of India; and for enabling the East-India Company to restore to the service of the said Company, military officers removed therefrom by sentences of Courts Martial; and to authorize the said Company, in cases of unforeseen emergency, to take up ships by private contract;" it was declared and enacted, that it was lawful for the Court of Directors of the said United Company, to restore to the service of the said Company, any military officer who should have been or should be dismissed or suspended therefrom by the sentence of a Court Martial, provided that no such restoration should be in any ways valid or effectual, without the approbation and consent of the Board of Commissioners for the Affairs of India, for that purpose had and obtained: And whereas it is expedient that the restoration, by the said Court of Directors, to the service of the said

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Company,

periods of service necessary for qualification of civil officers modified; viz. Places of more than £1500 per annum may be given after four years service in India; Places of more than £3000 per annum after seven years; and places of more than £4000 per annum (including the council) after ten years.

Restoration of servants, civil and military, suspended or removed by the governments abroad not to be valid without consent of the Board. 51 Geo. III. c. 75, s. 4. 5.

Company, of such of the said Company's servants, civil and military, as shall be suspended by the authority of any of the governments or presidencies of the said Company in India, and also that the restoration to their former stations of officers, civil and military, removed by the like authority, should be subject to the like approbation and consent of the said Board of Commissioners; Be it therefore further enacted, That from and after the passing of this Act no restoration by the said Court of Directors to the service of the said Company, of any servant of the said Company, civil or military, who shall have been suspended, by the authority of any of the said Company's Governments, or Presidencies in the East Indies or parts aforesaid, and no restoration by the said Court of Directors to his station, office, or employment in the service of the said Company, of any officer of the said Company, civil or military, who shall have been removed therefrom by the like authority, shall be valid or effectual, without the approbation and consent of the said Board of Commissioners, for that purpose, first had and obtained.

Generals and Colonels and Lieutenant Colonels commanding regiments, may return to India, after five years absence, with consent of the Directors and the Board though their absence may not have been occasioned by sickness, infirmity, or inevitable accident.

And whereas, by the said Act of the Parliament of Great Britain, of the thirty-third year of His Majesty's reign, it is enacted, that no person who shall hold a military station in the service of the said Company, being under the rank of Commander in chief of the forces, and who having departed from India by leave of the Governor General in Council, or Governor in Council, shall not return to India within five years next after such departure, shall be entitled to any rank, or be capable of again serving in India, either in the European or Native corps of troops, unless it shall be proved to the satisfaction of the said Court of Directors and the Board of Commissioners for the Affairs of India, that such absence was occasioned by sickness or infirmity, or some inevitable accident: and whereas inconvenience to the military service of the said Company has been found to arise, in certain cases, from the said provision; Be it therefore enacted, That it shall and may be lawful for the said Court of Directors, with the approbation of the said Board of Commissioners, to permit any military officer, being of the rank of a general officer or colonel commanding a regiment, or being a lieutenant colonel commanding a regiment, who, having departed from India with such leave as aforesaid, shall not have returned to India

India within five years from the time of such departure, to have his rank and to be capable of again serving in India, although such absence may not have been occasioned by sickness or infirmity, or any inevitable accident; any thing in the said Act contained to the contrary notwithstanding.

And be it further enacted, That when and as often as any person having held any civil station in India, in the service of the said Company, and having departed from India by leave of the Governor General in Council, or Governor in Council, shall be restored to the said Company's service, after an absence of five years from the time of such departure, such person, from and after such restoration, shall take rank and precedence only according to the time he shall have passed in the service of the said Company at the period of his departure from India; and on his return to India, if any other civil servant or servants at the settlement to which he shall belong, shall have then passed a greater or the like length of time in the service of the said Company as the person so restored had passed when he left India, the person so restored shall be placed and take rank immediately below such other civil servant or servants; any matter or thing to the contrary notwithstanding.

Restored Civil Servants to take precedence according to their seniority at the time of their departure from India.

And whereas by the said Act of the Parliament of Great Britain of the thirty-third year of His present Majesty's reign, it is enacted, that all the civil servants of the said United Company in India, under the rank or degree of Member of Council, shall have and be entitled to precedence in the service of the said Company at their respective stations, according to the seniority of their appointment: And whereas the several Governments of the said Company are often prevented from appointing meritorious servants of the said Company to be Members of Courts, Boards, and other official establishments, where offices or employments are exercised by several servants of the said Company collectively, lest by such appointment one or more Members of such Court, Board, or other establishment should be superseded; Be it therefore enacted, That it shall and may be lawful for any Governor General or Governor in Council of the said Company, if he shall think proper, upon application in writing for that purpose by any civil servant of the said Company desirous of being appointed a Member of any such

Servants of the Company may waive their right to precedence, in order to be appointed to Boards, Courts, or other official establishments.

such Court, Board, or other establishment, by special order, to direct that such servant of the said Company, on being appointed to any office or employment in any such Court, Board, or other establishment, shall take precedence at or in such Court, Board, or other establishment, according to the seniority of his appointment as a Member of such Court, Board, or other establishment, although such civil servant, in respect of whom such order shall be made, may thereby not take precedence at or in such Court, Board, or other establishment, according to the seniority of his appointment to the service of the said Company; and such civil servant shall thereupon take precedence at such Court, Board, or other establishment accordingly; the said Act, or any other matter or thing to the contrary notwithstanding.

Payment for King's troops by the Company, not to exceed 20,000 men, unless greater number sent on their requisition.

And whereas it is expedient, in the present circumstances, that the number of His Majesty's forces, for which payment should be made out of the revenues arising from the British territories and possessions in the East Indies, should be ascertained and fixed; Be it therefore enacted, That it shall not be lawful for the Commissioners for the Affairs of India, to give or approve orders or directions, that there shall be paid, defrayed, and allowed, out of the revenues arising from the said territories and possessions, in respect of His Majesty's forces sent or to be sent to the East Indies or parts aforesaid, for the security of the said territories and possessions, any sum or sums of money in respect of any greater number of His Majesty's forces, than shall amount in the whole to twenty thousand men, including the Commissioned and Non-commissioned Officers; unless any greater number of His Majesty's forces shall be sent to the East Indies or parts aforesaid, on the requisition of the said Court of Directors; in which last case, it shall and may be lawful for the said Commissioners to give and approve such orders and directions, for paying, allowing and defraying such sums as aforesaid, in respect to such additional forces of His Majesty, so to be sent on the requisition of the said Company.

No Gratuity above £600 to be good unless confirmed by the Board.

And whereas by the said Act of the Parliament of Great Britain of the thirty-third year of His present Majesty, it was enacted, that no grant or resolution of the said Company, or their Court of Directors, to be made after the passing of that

that Act, and during the continuance of their right in the exclusive trade thereby granted, whereby the funds of the said Company might become chargeable with any new salary, or increase of salary, or any new or additional establishment of officers or servants, or any new pension or increase of pension, to any one person, exceeding two hundred pounds per annum, should be available in law, unless such grant or resolution should be approved and confirmed by the Board of Commissioners for the Affairs of India, attested under the hand of the President of the said Board: And whereas, for further protecting the funds of the said Company, during the continuance of the further term hereby granted to the said Company, it is expedient that the said Company should be put under reasonable limitations, in respect to the granting of gratuities; Be it therefore further enacted, That from and after the passing of this Act it shall not be lawful for the said Court of Directors to charge the funds of the said Company with the payment of any gratuity, to any officer, civil or military, or other person, exceeding the sum of six hundred pounds, unless the grant or resolution for that purpose shall have been sanctioned by the Court of Proprietors, and approved and confirmed by the Board of Commissioners for the Affairs of India; and that copies of all warrants or instruments granting any salary, pension or gratuity, shall be submitted to both Houses of Parliament, within one month after such grant, if Parliament shall be then sitting; or if not, within one month after their then next meeting.

And whereas by a certain Act passed in the thirteenth year of His present Majesty's reign, intituled, "An Act for establishing certain regulations for the better management of the Affairs of the East India Company, as well in India as in Europe," it is enacted, that the salaries of the Governor General and Council of Fort William, and of the Chief Justice and Judges of the Supreme Court of Judicature at Fort William in Bengal, shall take place and commence, in respect to all such persons who shall be resident in Great Britain at the time of their appointment, upon and from the day on which such persons shall embark from Great Britain; and that the salaries of all such persons who shall at the time of their appointment be resident in India, shall commence from and after their respectively taking upon them the execution of their offices: and whereas by an Act passed in the fortieth year of His Majesty's reign, intituled, "An

For repealing parts of Acts respecting the commencement of certain salaries, and directing the commencement thereof, and for payment of passage money to certain Officers.

13 Geo. III. c. 63.

39 and 40 Geo. III. c. 79.

37 Geo. III. c. 142. "An Act for establishing further regulations for the government of the British territories in India, and the better administration of justice within the same;" a similar provision is made in respect to the salaries of the Chief Justice and Judges of the Supreme Court of Judicature at Madras: And whereas by an Act passed in the thirty-seventh year of His Majesty's reign, intituled, "An Act for the better administration of justice at Calcutta, Madras, and Bombay, and for preventing British subjects from being concerned in loans to the native Princes in India," a similar provision is made in respect to the salary of the Recorder of the Court of Judicature at Bombay: And whereas no such provision has been made respecting the commencement of the salaries of the Governor or Council of Fort Saint George, or of the Governor or Council of the town and island of Bombay, or of the Governor of Prince of Wales Island, or of the Recorder there: And whereas it is expedient that a general and moderate provision should be made in respect of all the said officers, and of others who may happen to be in the United Kingdom at the time of their appointments; Be it therefore further enacted, That so much of the said Acts of the thirteenth, thirty-seventh, and fortieth years of His Majesty's reign, as relates to the commencement of salaries, shall be, and the same is hereby repealed: And that, from and after the passing of this Act, the salaries of the several officers hereinbefore mentioned shall commence from and after their respectively taking upon them the execution of their offices; and the said Court of Directors shall, and they are hereby required, to pay and advance to all and singular the officers and persons hereinafter mentioned, who shall be resident in the United Kingdom at the time of their respective appointments, for the purpose of defraying the expenses of their equipments and voyage, such sums of money as are set against the names of such officers and persons respectively; that is to say,

To the Governor General of Fort William in Bengal	Five thousand pounds:
To each of the Members of Council there	One thousand two hundred pounds:
To the Commander in Chief of all the Forces in India	Two thousand five hundred pounds:

To

To the Chief Justice of the Supreme Court at Fort William	One thousand five hundred pounds:
To each of the puisne Judges there	One thousand pounds:
To the Governor of Fort Saint George	Three thousand pounds:
To each of the Members of Council there	One thousand pounds:
To the Commander in Chief there	Two thousand pounds:
To the Chief Justice of the Supreme Court there	One thousand two hundred pounds:
To each of the puisne Judges there	One thousand pounds:
To the Governor of Bombay	Two thousand five hundred pounds:
To each of the Members of Council there	One thousand pounds:
To the Commander in Chief there	One thousand five hundred pounds:
To the Recorder there	One thousand pounds:
To the Governor of Prince of Wales Island	One thousand two hundred pounds:
To the Recorder there	One thousand pounds:
To the Bishop	One thousand two hundred pounds:
To each of the Archdeacons	Five hundred pounds.

And whereas by an Act passed in the fifty-first year of His Majesty's reign, intituled, "An Act for making further provision for the payment of salaries and other charges in the office of the Commissioners for the Affairs of India, and for enabling the East India Company to restore to the service of the said Company military officers removed therefrom by sentence of courts martial, and to authorize the said Company, in cases of unforeseen emergency, to take up ships by private contract," it is enacted, that the whole of the salaries to be paid to the Members of the said Board of Commissioners for the Affairs of India, and to the secretaries and officers of the same, together with all other contingent charges and expences of the said Board, to be defrayed by the said United Company, should not exceed the sum of twenty-two thousand pounds in any one year: And whereas it is necessary, that an addition should be made to the said sum, for the purpose of further remunerating the services of the secretaries and officers of the said Board: Be it therefore enacted, That

Additional Provision for the Salaries and Charges of the Board of Controol.

so much of the said Act as limits the sum to be defrayed by the said Company on account of the said Board, to the sum of twenty-two thousand pounds in any one year, shall be, and the same is hereby repealed; and that from and after the passing of this Act, the sum to be defrayed by the said Company, on account of the said Board, shall not exceed the sum of twenty-six thousand pounds in any one year; and that the same shall be deemed and taken as part of the political charges of the said Company.

His Majesty empowered to grant superannuations to the officers of the Board of Controul.

And whereas it is reasonable that His Majesty, his heirs or successors, should have power to grant allowances, compensations, remunerations, or superannuations, to the secretaries and other officers of the said Board, under the conditions hereinafter provided; Be it therefore enacted, That it shall and may be lawful to and for His Majesty, his heirs or successors, by any warrant or warrants under his or their sign manual, countersigned by the Chancellor of the Exchequer for the time being, to grant or allow to any of the secretaries or officers for the time being belonging to the said Board, such allowances, compensations, remunerations, or superannuations, as His Majesty, his heirs or successors, shall think proper; under and subject nevertheless to such or the like conditions, and in such or the like proportions, as allowances, compensations, remunerations, or superannuations, may now be made to public officers, by virtue of an Act passed in the fiftieth year of His present Majesty's reign, intituled, "An Act to direct that accounts of increase and diminution of public salaries, pensions, and allowances, shall be annually laid before Parliament, and to regulate and controul the granting and paying of such salaries, pensions and allowances;" and that the same shall be paid and defrayed quarterly by the said Company, and be deemed and taken as part of their political charges.

Previous service under the Company to be taken into account for officers of the Board.

Provided always, That where any officer or servant of the said Board shall have been in the service of the said Company, previously to his employment under the authority of the said Board, the time of such service under the said Company shall be taken into account, in computing the number of years service under the said Board.

And

And whereas it is reasonable that the said Court of Directors should have power to grant allowances, in the nature of superannuations, to such of their officers and servants in England, as from age or infirmity may no longer be qualified for the execution of their several offices or employments; Be it therefore enacted, That it shall and may be lawful to and for the said Court of Directors to make allowances, compensations, remunerations, or superannuations, to the officers and servants of the said Company in England; subject to the restrictions and according to the conditions and proportions following; (that is to say) Where it shall be proved, to the satisfaction of the said Court of Directors, that any such officer or servant, being under sixty years of age, shall be incapable, from infirmity of mind or body, to discharge the duties of his office, in such case, if he shall have served with diligence and fidelity in the service of the said Company for ten years, it shall and may be lawful to grant him, by way of superannuation, any annual sum not exceeding one-third of the salary and allowed emoluments of his office: if above ten years and less than twenty, any such sum not exceeding one-half of such salary and allowed emoluments: if above twenty years, any such sum not exceeding two-thirds of such salary and allowed emoluments: if such officer or servant shall be above sixty years of age, and he shall have served fifteen years or upwards, it shall and may be lawful, without proof of infirmity of mind or body, to grant him, by way of superannuation, any annual sum not exceeding two-thirds of the salary and allowed emoluments of his office: if sixty-five years of age or upwards, and he shall have served forty years or upwards, any such sum not exceeding three-fourths of such salary and allowed emoluments: if sixty-five years of age or upwards, and he shall have served fifty years or upwards, any such sum not exceeding the whole of such salary and allowed emoluments: All which allowances so to be made, shall be charged in the books of account of the said Company to the debit of that branch of the Company's affairs to which the said officers or servants may respectively belong; any thing in the said Act of the thirty-third year of His Majesty's reign to the contrary notwithstanding.

Court of Directors empowered to grant superannuations to Company's servants in England.

Provided always, and be it further enacted, That an account of all allowances, compensations, remunerations, and superannuations, which shall be granted, No. XIII. H

Account of Superannuations to be laid before Parliament.

ment in the next Session. granted, either to the officers or servants of the said Board of Commissioners, or to the officers or servants of the said Company, as aforesaid, during the preceding year, shall be laid before Parliament within fifteen days after the next meeting thereof.

Not to prejudice the King's sovereignty or affect the rights of the Company.

Provided always, and be it further enacted, That nothing in this Act contained, shall extend, or be construed to extend, to prejudice or affect the undoubted sovereignty of the Crown of the United Kingdom of Great Britain and Ireland, in and over the said territorial acquisitions; nor to preclude the said United Company, after the determination of the term hereby granted, from the enjoyment of, or claim to any rights, franchises, or immunities, which they now have, or to which they may hereafter be entitled.

The Governments in India empowered to make Laws, Regulations and Articles of War, for the Native Troops; and to hold Courts Martial.

And whereas doubts have been entertained whether the several Governments of the said Company have sufficient power in all cases to make laws and regulations and articles of war, for the order and discipline of officers and soldiers, being natives of the East Indies, or other places within the limits of the said Company's Charter, in the service of the said Company, and for the administration of justice by courts martial to be holden upon such officers and soldiers; and it is expedient that such doubts should be removed: Be it therefore enacted and declared, That the several Governments of Fort William, Fort Saint George, and Bombay, have and shall, during the continuance of the term hereby granted to the said Company, be deemed and taken to have full power and authority to make all such laws and regulations and articles of war, as they may think fit, for the order and discipline of all officers and soldiers, natives of the East Indies, or other places within the limits of the said Company's Charter, in their respective services, and for the administration of justice by courts martial to be holden on such native officers and soldiers, and for the constitution and manner of proceeding of such courts martial, and for all other purposes relating to or in any manner concerning such native officers and soldiers, in as full and ample a manner as the said Governments respectively may make any other laws or regulations for the government of the natives of the several territories subject to the said presidencies respectively, any Act of Parliament or other matter

matter or thing to the contrary notwithstanding: Provided always, that all laws, regulations, and articles of war, hereafter to be made respecting any of the matters aforesaid, whereby the rights persons or property of any such native officers or soldiers may be affected, shall be made and promulgated, in every respect, in the same manner as other regulations affecting the rights, persons, or property of natives or other individuals amenable to the provincial courts of the Presidency of Fort William in Bengal, are directed to be made, by virtue of an Act passed in the thirty-seventh year of His Majesty's reign, intituled, "An Act for the better administration of justice at Calcutta, Madras, and Bombay, and for preventing British subjects from being concerned in loans to the native princes in India."

And be it further enacted and declared, that all laws, regulations, and articles of war, heretofore made by any of the said Governments, respecting the said native officers and soldiers, or the administration of justice by courts martial to be holden upon them, or the constitution or proceeding of such courts martial, or in any manner respecting the government, order, or discipline of such native officers or soldiers, and also all established usages acted upon by such governments, respecting any of the matters aforesaid, although the same may not have originated in any written law or regulation thereof, were, and that such of the said laws, regulations, articles of war, and established usages as now subsisting, are, and until altered or repealed by the said Governments respectively, shall be, to all intents and purposes, valid; and that all courts martial holden according to such laws, regulations, or articles of war, or established usages, and all proceedings of the same respectively, and all other acts or proceedings done or had under such laws, regulations, articles of war, or established usages, are hereby ratified and confirmed and declared to be valid, and to have been legally had and done; so far as the same respectively were and are conformable to such laws, regulations, articles of war, and established usages.

And whereas it is expedient that the Governments of the said Company established at Fort William, Fort Saint George, Bombay, and Prince of Wales Island respectively, should have authority to impose duties and taxes,

Former Laws, Articles of War, and established Usages, respecting Native Troops confirmed.

Governor-General and Governors in Council at Fort William, Madras,

and Bombay and Prince of Wales Island, may impose duties of Customs and other Taxes, on places and persons within the jurisdiction of the Courts established by the King's Charter at those places; in the same manner as in places without such jurisdiction:

taxes, to be levied within the several towns of Calcutta and Madras, the towns and Island of Bombay, and Prince of Wales Island, and also duties and taxes, to be paid by persons subject to the jurisdictions of the Supreme Court of Judicature at Fort William in Bengal, the Supreme Court of Judicature at Madras, the Court of the Recorder of Bombay, and the Court of Judicature at Prince of Wales Island respectively; Be it therefore enacted, That it shall and may be lawful, to and for the Governor General in Council of Fort William in Bengal, and to and for the Governor in Council of Fort Saint George, and to and for the Governor in Council of Bombay, and to and for the Governor in Council of Prince of Wales Island, within the respective Presidencies of Fort William, Fort Saint George, Bombay, and Prince of Wales Island, to impose all such duties of customs and other taxes, to be levied, raised, and paid within the said towns of Calcutta and Madras, the said town and island of Bombay, and Prince of Wales Island, and upon and by all persons whomsoever, resident or being therein respectively, and in respect of all goods, wares, merchandizes, commodities, and property whatsoever also being therein respectively; and also upon and by all persons whomsoever, whether British born or foreigners, resident or being in any country or place within the authority of the said Governments respectively; and in respect of all goods, wares, merchandizes, commodities, and property whatsoever, being in any such country or place, in as full, large, and ample manner, as such Governor General in Council or Governors in Council respectively may now lawfully impose any duties or taxes to be levied, raised, or paid, upon or by any persons whomsoever, or in any place whatsoever, within the authority of the said Governments respectively: Provided always, That no imposition of any such duty or tax, or any increase of such duty or tax, within the said towns of Calcutta or Madras, the said town and island of Bombay, or Prince of Wales' Island, shall be valid or effectual, until the same shall have been sanctioned by the said Court of Directors with the approbation of the said Board of Commissioners, in manner herein-before prescribed, respecting duties and taxes of export, import, and transit on goods, wares, or merchandize.

And be it further enacted, That it shall and may be lawful for

No such Duty or Tax in Calcutta, Madras, Bombay, or Prince of Wales Island to be valid till sanctioned by the Directors, with the approbation of the Board.

Governor General and Governors in

for such Governor General in Council, and Governors in Council respectively, to make laws and regulations respecting such duties and taxes, and to impose fines, penalties and forfeitures, for the non-payment of such duties or taxes, or for the breach of such laws or regulations, in as full and ample manner as such Governor General in Council, or Governors in Council respectively, may now lawfully make any other laws or regulations, or impose any other fines, penalties, or forfeitures whatsoever; and all such laws and regulations shall be taken notice of without being specially pleaded, as well in the said Supreme Courts and Recorder's Court, and Court of Judicature at Prince of Wales Island respectively, as in all other Courts whatsoever, within the said British territories: And that it shall and may be lawful for all persons whomsoever, to prefer, prosecute, and maintain, in the same Supreme Courts and Recorder's Court and Court of Judicature at Prince of Wales Island respectively, all manner of indictments, informations and suits whatsoever, for enforcing such laws and regulations, or for any matter or thing whatsoever arising out of the same; any Act, Charter, usage, or other thing to the contrary notwithstanding.

And be it further enacted, That it shall and may be lawful for the Advocate General, or other principal law officer of the said Company, at the several Presidencies of Fort William, Fort St. George, Bombay, and Prince of Wales Island, to exhibit, in behalf of the said Company, to the Supreme Courts of Judicature at Fort William and Madras, Recorder's Court at Bombay, and Court of Judicature at Prince of Wales Island, as occasion shall require, against any person or persons whomsoever, subject to the jurisdiction of the said several Courts respectively, any information or informations for any breach or breaches of the revenue laws, or regulations of any of the said Governments, or for any fine or fines, penalty or penalties, forfeiture or forfeitures, debt or debts, or sum or sums of money, committed, incurred or due by any such person or persons, in respect of any such law or regulations; and such proceedings shall be had and taken upon every such information as may lawfully be had or taken, in case of an information filed by His Majesty's Attorney General in the Court of Exchequer in England, for any offence committed against the revenue laws of England, or for

Council may make laws and regulations respecting such duties and taxes, and impose fines and forfeitures for non-payment thereof.

Advocate General may exhibit Informations to the King's Courts, in matters of Revenue

for any fine, penalty, forfeiture, debt, or sum of money due in respect thereof; so far as the circumstances of the case, and the course and practice of proceeding in the said courts respectively will admit: And all fines, penalties, forfeitures, debts, and sums of money, recovered or levied under or by virtue of any such information so to be exhibited as aforesaid, shall belong to the said United Company, and the same, or the proceeds thereof, shall be carried in their books of account to the credit of the territorial revenues of the said Company.

Provision for summary conviction and punishment of British subjects being in India without licence, or exceeding the terms of their licence.

And whereas it is expedient that provision should be made for empowering the several Governments of the said Company in India, to restrain, by summary convictions, British subjects residing in India without licence or certificate, or beyond the terms of such licence or certificate, in cases where such governments may not deem it advisable to exercise the powers vested in them of prosecuting such persons for a misdemeanor, or sending them to the United Kingdom; Be it therefore enacted, That upon information being exhibited by the Advocate General, or other principal law officer of the said Company, at any of their presidencies, in the Supreme Court of Judicature at Fort William, the Supreme Court of Judicature at Madras, the Recorder's Court at Bombay, or the Court of Judicature at Prince of Wales Island, that any such subject of His Majesty has been found in any part or place of the East Indies, or parts aforesaid, to which the jurisdiction of the court in which such information may be filed extends, without being duly licensed or otherwise authorized for that purpose, it shall and may be lawful for the court in which such information may be filed, to cause such person to be arrested and brought before such court; and upon proof being duly made before such court, of the substance of the matter stated in the said information, such person shall be required to produce, or prove, the licence or other authority under which he came to, and resides in, the East Indies; and under which he resorted to, or was remaining, or found at the place where he shall be proved to have been; and in case he shall fail to produce or prove any such licence or authority, or duly to account for the non-production or want of proof thereof, or if upon production or proof thereof it shall appear to the said court, that the residence of such person in the East Indies, or his resorting to, or remaining in the place where he shall be proved to have been, was

Penalty.

was not within the true intent and meaning of such licence or authority, it shall and may be lawful for such court, in a summary way, to convict such offender of having been found on such a day, at such a place, within the East Indies or parts aforesaid, without being duly licensed or otherwise authorised for that purpose, and to order such offender to pay such fine, not exceeding two thousand rupees, as the said court shall think fit, and also to commit such offender to the gaol of the presidency to which such court shall belong, for a period not exceeding two months, unless such fine shall be sooner paid; and in case such person shall a second time be convicted of a like offence, either before the same or any other court; it shall and may be lawful for such court before which such person shall be so convicted a second time, to order such offender to pay such fine, not exceeding four thousand rupees, as the said court shall think fit, and also to commit such offender to the gaol of the presidency to which such court shall belong, for a period not exceeding four months, unless such fine shall be sooner paid.

Provided always, That nothing herein contained shall extend, or be construed to extend, to repeal, alter, or annul, any enactment or provision contained in any former Act or Acts, whereby any person so being found in the East Indies or parts aforesaid, without having a licence or other authority for that purpose, is or may be subjected to a prosecution for a misdemeanor, or whereby such person is or may be liable to be sent to the United Kingdom.

Not to prevent such British Subjects from being prosecuted for misdemeanors, or sent home;

Provided nevertheless, That no person who shall have been convicted as aforesaid, shall be liable to be prosecuted for a misdemeanor, or sent to the United Kingdom, in respect of any residence in the East Indies or parts aforesaid, previously to the date of such conviction.

But not on account of Residence previous to conviction.

And for preventing any delay of justice, or the unnecessary detention of persons charged with offences; Be it further enacted, That all His Majesty's Courts exercising criminal jurisdiction within the said several Presidencies of the said Company, shall, and they are hereby required, four times at the least in every year, on such days, and at such convenient intervals of time, as the judges of the

King's Courts regularly to hold Sessions four times in every year, for trying criminal offences.

the said Courts respectively shall appoint, to hold their Sessions, for the purpose of taking cognizance of all matters relating to pleas of the Crown.

For misdemeanors committed by British subjects more than one hundred miles from a Presidency, informations may be filed ex officio, and prosecuted as in Court of King's Bench in England.

And whereas great inconvenience and expense have hitherto been experienced in cases of prosecution under the authority of the Advocate General or other principal Law Officer of the said Company at their several Presidencies of Fort William, Fort Saint George, and Bombay respectively, for misdemeanors committed at a distance from the said several Presidencies, by the ordinary course of indictment, or information filed with leave of the Court; Be it therefore enacted, That it shall and may be lawful for the Advocate General, or other principal Law Officer of the said Company at their several Presidencies, in all cases of misdemeanor alleged to have been committed by any British subject at a distance of more than one hundred miles from the Presidency within the limits whereof such offence shall be alleged to have been committed, to file an information ex officio in the Supreme Court of Judicature at Fort William, the Supreme Court of Judicature at Madras, or the Recorder's Court at Bombay, as the case may be; and all such proceedings shall and may be used and had upon such information as may lawfully be used and had in cases of information filed ex officio by His Majesty's Attorney General in His Majesty's Court of King's Bench in England; any matter or thing to the contrary notwithstanding.

Persons residing in India without license, may be sent home without being afterwards prosecuted.

And whereas it may be doubtful, whether the Governor General of Fort William in Bengal, or other persons authorized to take, arrest, and seize such persons as may be found within the East-Indies, and other limits of the said Company's Charter, without licence or other lawful authority for that purpose, have power to remit or send any such person or persons to the said United Kingdom, except for the purpose of being prosecuted for a misdemeanor: And whereas it may be sufficient in many cases to remit and send such persons to the United Kingdom, without subjecting them to further punishment; Be it enacted, That it shall and may be lawful for the said Governor General, or in his absence from his government, the Vice-president, the Governor of any of the said Company's Presidencies, the chief officer of the said Company resident at any British settlement in the East Indies or parts aforesaid, the Company's Council

of Supracargoes at the town and factory of Canton, within the said town and factory, and upon the river of Canton, or other part of the coast of China, and such other persons as may be from time to time especially deputed and authorized for that purpose by the Court of Directors of the said United Company, to take, arrest, seize, and cause to be taken, arrested, and seized, at any place or places within the East Indies or parts aforesaid, and to remit and send to the United Kingdom, on board any ship or ships of or belonging to or in the service of the said Company, bound to the United Kingdom, all such persons so being found at any such place or places in the East Indies or parts aforesaid, without license or other lawful authority for that purpose; and the masters or other persons having the command of all such ships shall, and they are hereby authorized and required to receive and safely and securely to keep all and every such person and persons who shall be sent on board any ship or ships for the purpose aforesaid, until such person or persons shall be landed in some port or ports of the United Kingdom: Provided always, That every person who shall be so put on board any such ship for the purpose aforesaid, shall be entitled to be discharged in such port of the United Kingdom, in which such ship shall be moored in safety, as such person shall think fit.

And whereas His Majesty's British subjects resident in the British territories in India, without the towns of Calcutta, Madras, and the town and island of Bombay, are now, by law, subject only to the jurisdiction of His Majesty's courts at Calcutta, Madras, and Bombay respectively, and are exempted from the jurisdiction of the courts established by the said United Company within the said territories, to which all other persons, whether natives or others, inhabitants in the said territories, without the limits of the towns aforesaid, are amenable: And whereas it is expedient to provide more effectual redress for the native inhabitants of the said territories, as well in the case of assault, forcible entry, or other injury, accompanied with force, which may be committed by British subjects at a distance from the places where His Majesty's courts are established, as in case of civil controversies with such British subjects; Be it therefore enacted, That it shall and may be lawful for any native of India, resident in the East Indies, or parts aforesaid, and without the said towns, in case of any assault, forcible entry

Justices of Peace in the Provinces shall have jurisdiction, in case of assault and trespass committed by British subjects on the natives of India.

entry, or other injury accompanied with force, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, (not being felony) to the magistrate of the zillah or district, where the alleged offender shall be resident, or in which such offence shall have been committed; and that such magistrate shall have power and authority, at the instance of the person so complaining, to take cognizance of such complaint, to hear parties, to examine witnesses, and, having taken in writing the substance of the complaint, defence, and evidence, to acquit or convict the person accused; and in case of conviction, to inflict upon such person a suitable punishment by fine, not exceeding five hundred rupees, to be levied in case of non payment by warrant under the hand of the said magistrate, and upon any property of the party so convicted, which may be found within the said district; and if no such property shall be found within the said district, then it shall be lawful for the said magistrate, by warrant also under his hand, to commit such offender to some place of confinement within the said zillah or district, which in the judgment of the said magistrate shall be fit for receiving such offender; or if there shall be no fit place of confinement, then to the gaol of the Presidency, to remain there for a period not exceeding two months, unless such fine shall be sooner paid; and it shall be lawful for the said magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury: Provided always, That in all cases of conviction of a British subject, under the provision herein-before contained, the magistrate before whom such conviction shall take place, shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the Government to which the place wherein the offence was committed is or shall be subordinate: Provided also, That all such fines shall be paid, in the first instance, to the magistrate before whom the party offending shall be convicted, and the amount thereof, after making such satisfaction to the party aggrieved, as aforesaid, if any, shall be transmitted by such magistrate to the clerk of the crown, or other officer to whom it belongs to receive fines in His Majesty's Court of Oyer and Terminer and Gaol Delivery for the province within which the offence shall have been committed; and such fines shall and may be disposed of in the same manner as other fines imposed by such court

Copy of conviction and proceedings to be sent to the government.

Fines to be paid to the magistrate;

Application thereof.

court of Oyer and Terminer and Gaol Delivery: Provided also, That all such convictions shall and may be removable by writ of certiorari into the said Court of Oyer and Terminer and Gaol Delivery respectively, in the same manner and upon the same terms and conditions, and shall be proceeded upon in the same manner, in every respect, as is directed in the said Act of the thirty-third year of His Majesty's reign, with regard to other convictions before justices of peace in the British settlements or territories in India: Provided also, That nothing herein contained shall extend or be construed to extend to prevent such magistrate from committing or holding to bail any British subject, charged with any such offence before him, in the same manner as such British subject might have been committed or holden to bail if this Act had not been passed, where the offence charged shall appear to such magistrate, to be of so aggravated a nature as to be a fit subject for prosecution in any of His Majesty's Courts to which such British subject may be amenable.

Convictions removable by certiorari, and subject to provisions of 33 Geo. III. c. 52.

And be it further enacted That in all cases of debt, not exceeding the sum of fifty rupees, alleged to be due from any British subjects to any native of India resident in the East Indies or parts aforesaid, and without the jurisdiction of the several Courts of Request established at Calcutta, Madras, and Bombay respectively, it shall and may be lawful for the magistrate of the zillah or district where such British subject shall be resident, or in which such debt shall have been contracted, to take cognizance of all such debts, and to examine witnesses upon oath, and in a summary way to decide between the parties, which decision shall be final and conclusive to all intents and purposes; and in all cases where any such debt shall be found to be due from any British subject to any such native of India, the amount thereof shall and may be levied in the same manner, and subject to the same regulations and provisions, in respect to the commitment of the debtor, as are hereinbefore made and provided in respect to the levying of fines in case of the conviction of a British subject before such magistrate.

Justices of the Peace to have jurisdiction, in cases of small debts due to natives from British subjects.

And be it further enacted, That all British subjects of His Majesty, as well the servants of the said United Company as others, who shall reside, or shall carry

British subjects residing or trading or

occupying immoveable property miles from the Presidencies, to be subject to the local civil judicature.

Restrictions as to the grounds of jurisdiction of the local judicatures.

Where an Appeal would lie to the Sudder Dewanny Adawlut, or Local Court, British Subjects may appeal to His Majesty's Court.

on trade or other business, or shall be in the occupation or possession of any immoveable property in any part of the British territories in India at the distance of more than ten miles from the several Presidencies of Fort William, Fort Saint George, and Bombay respectively, shall be subject to the jurisdiction of all Courts which now have, or hereafter may have cognizance of civil suits, or matters of revenue, either originally or by way of appeal, within the districts or places where such British subjects shall so reside, or carry on trade or business, or possess or occupy immoveable property, in all actions and proceedings of a civil nature, and in all matters of revenue (except as hereinafter excepted,) in the like manner as natives of India, and other persons not British subjects, are now liable to the jurisdiction of such Courts by and under the regulations of the several Governments of Fort William, Fort Saint George, and Bombay respectively: Provided always, That no British subject shall be liable to be sued in any such Court in respect of residence, unless he shall have his residence within the jurisdiction thereof at the time of commencing the action or proceeding against him; or that the cause of suit shall have arisen within the jurisdiction of the said Court, and the suit shall be commenced within two years after the cause thereof shall have arisen, and also within six months after the defendant shall have ceased to reside within such jurisdiction; nor shall any British subject be liable to be sued in any such Court in respect of his carrying on trade or business within the jurisdiction thereof, unless the cause of suit shall have arisen within such jurisdiction, and shall relate to the trade or business so carried on; nor to be sued in respect of any immoveable property possessed or occupied by him, unless such property shall be situated within the jurisdiction of the Court in which he shall be so sued, and such suit shall be brought to recover the possession or occupation of such property, or for rent, or other demand arising out of the possession or occupation of such property by such British subject: Provided also, That where, by the laws or regulations in force, or hereafter to be in force, within the provinces respectively subject to the Governments of Fort William, Fort St. George, and Bombay aforesaid, it would be competent to a party to any final judgment or decree of any subordinate civil or revenue Court of Judicature, to appeal therefrom to the Sudder Dewanny Adawlut, or other Court however denominated, exercising within those provinces respectively the highest appellate jurisdiction in civil suits.

suits, it shall be competent to British subjects of His Majesty, in suits commenced against them under the provisions of this Act, instead of appealing to the said Sudder Dewanny Adawlut, or other Court so exercising the highest appellate jurisdiction as aforesaid, to appeal to the Supreme Court of Judicature at Fort William, or Fort St. George, or the Recorder's Court at Bombay, according as the suit may have been commenced in the provinces subordinate to either of the said Presidencies; and such Court shall have the same powers, as to suspending or allowing execution of the judgment or decree appealed against, and as to taking security for costs, or for the performance of the decree or judgment of the said subordinate courts, as the said Sudder Dewanny Adawlut or other such Court as aforesaid would have had, and shall also make rules of practice for the conduct of the said appeals, in all other respects, conforming in substance and effect as nearly as possible to the course of procedure of the said Sudder Dewanny Adawlut, or other such Court as aforesaid in cases of appeal: Provided also, That nothing herein contained shall extend, or be construed to extend, to take away the jurisdiction of the said Supreme Courts of Judicature at Fort William and Madras, or the said Recorder's Court at Bombay respectively; but that all persons having cause of action against any British subject may, at their election, instead of suing in such provincial courts as hereinbefore provided, commence and prosecute their said suits in the said Supreme Courts of Judicature, and the said Recorder's Court respectively, in the same manner as before the passing of this Act: Provided also, that nothing herein contained, shall extend, or be construed to extend, to authorize the holding or occupying of any land or other immoveable property, beyond the limits of the said several presidencies, by any British subject of His Majesty, otherwise than under and according to the permission of the governments of the said presidencies.

And be it further enacted, That every British subject of His Majesty, not in the service of His said Majesty, or of the said United Company, who after the tenth day of April, One thousand eight hundred and fourteen, shall go to and reside in any part of the British territories in India, distant more than ten miles from the Presidency to which the same shall be subordinate, with the permission of the Government of such Presidency, or who shall, after the

Not to bar the Jurisdiction of the King's Courts.

The Plaintiff may sue there at his election.

British subjects, allowed to reside more than ten miles from Presidency, shall procure and register Certificate of such permission in the Court of the District.

And suing in any Civil Courts, shall produce copy of such Certificate, or an Affidavit accounting for it.

the said day, change his residence from one part thereof to another, distant as aforesaid, with such permission, shall procure from the Chief Secretary of the said Government, or other officer authorized for that purpose, a Certificate signed by the said Chief Secretary or other Officer, expressing that such British subject has the permission of such Government to reside at such place, specifying the same, and expressing also whether such permission has been granted during the pleasure of such Government, or for any limited time; and the said certificate shall be deposited by such British subject in the Civil Court of the district in which he shall so go to reside, within one month after his taking up his residence there, and shall be kept among the records of the said Court, of which certificate so deposited, a true copy, attested by the judge or other officer of such Court, thereto authorized, shall be given to the party depositing the same, and shall be deemed and taken in all Courts of Justice, and on all occasions whatsoever, to be good and sufficient evidence of such certificate, unless the contrary shall be shewn: And no British subject, not in the service of His Majesty or of the said United Company, going to reside in any such part of the British territories, or changing his residence from one part thereof to another, after the said day, shall be allowed, while he so resides, to have or maintain any civil action or proceeding (other than in the nature of an appeal) against any person whomsoever in any Court of Civil Jurisdiction within the British territories in India, until he shall have filed, in the Court in which such action or proceeding is commenced, a copy of such certificate, signed by the Judge of the Court wherein the same is deposited, or an affidavit, accounting to the satisfaction of the Court for not filing the same; and if it shall be proved to the Court in which such action is brought, that such British subject is residing at any place within the said territories, distant more than ten miles from the Presidency to which it is subordinate, without such certificate or otherwise than according to the permission contained in such certificate, or that such permission has been revoked, or that, being for a limited time, it has expired and has not been renewed, and that such British subject is therefore residing without permission at more than ten miles distance from such Presidency, such British subject shall thereupon be nonsuited.

Natives of India, in service of Company,

And whereas doubts have been entertained whether persons being natives of India, in the service of the United Company of Merchants of England trading

trading to the East Indies, or of any of His Majesty's subjects, are amenable subject to provincial courts. to the jurisdiction of the Provincial Courts established in the East Indies, or whether such persons, being natives of India, in the service of the said United Company, or of His Majesty's subjects, are not exclusively amenable to the jurisdiction of the said Courts at Fort William, Madras, and Bombay, respectively; and it is expedient that such doubts should be removed; Be it further enacted and declared, That all persons whosoever, being natives of India, who have been, now are, or hereafter may be employed, by or in the service of His Majesty, the said United Company, or of any of His Majesty's subjects, were, and are, and shall be subject and amenable to all provincial courts of competent jurisdiction for all crimes and misdemeanors, and in all actions and suits whatsoever, of which such courts respectively could take cognizance, if the persons having committed such crimes or misdemeanors, or against whom the causes of such actions or suits shall have arisen, had not been employed by, or had not been in the service of His Majesty, or the said United Company, or any of His Majesty's subjects; any law, usage, or practice to the contrary thereof in any ways notwithstanding: Provided always, that nothing herein contained shall anywise oust the said supreme courts of judicature of Fort William and Madras, and the said court of the Recorder of Bombay respectively, of any jurisdiction over any natives of India, which such courts may now lawfully exercise; but such supreme courts of judicature of Fort William and Madras, and the said Court of the Recorder of Bombay respectively, as well as the provincial courts herein referred to, according to their several jurisdictions, shall have a concurrent jurisdiction over natives of India, employed by or in the service of the said United Company, or any of His Majesty's subjects.

And, whereas the courts established by the said United Company have no jurisdiction over crimes maritime, and doubts have been entertained whether the admiralty jurisdiction of His Majesty's courts at Calcutta, Madras, and Bombay, extends to any persons but those who are amenable to their ordinary jurisdiction, by reason whereof failures of justice may arise; Be it therefore enacted, That it shall and may be lawful for His Majesty's Courts at Calcutta, Madras, and Bombay, exercising admiralty jurisdiction, to take cognizance of all

Admiralty jurisdiction of King's courts extended.

all crimes perpetrated on the high seas, by any person or persons whatsoever, in as full and ample a manner as any other court of admiralty jurisdiction established by His Majesty's authority in any colony or settlement whatsoever, belonging to the Crown of the said United Kingdom.

Advocate General of the Company may file Informations in King's Courts, for Debts due to His Majesty.

And whereas doubts have arisen whether the Advocate General, or other principal Law Officer of the said Company, at any of the said Company's Presidencies, is by law authorized to exhibit to the respective Courts of Judicature at any of the said Presidencies, for and on behalf of His Majesty, informations in the nature of actions at law, or bills in equity, for or in respect of any cause or causes of action, debts, dues, demands, accounts, reckonings, sum or sums of money, stores, goods, chattels, or any other matter, cause, or thing whatsoever, which may have arisen or accrued, or which may arise or accrue to His Majesty; For Remedy thereof, Be it further enacted, That it shall and may be lawful to and for the Advocate General, or other principal Law Officer of the said Company for the time being, at each of the said Company's Presidencies respectively, for and on behalf of His Majesty, His Heirs and Successors, to exhibit to the respective Supreme Courts of Judicature at the said Company's Presidencies of Fort William and Madras, or to the Recorder's Court at Bombay, or the Court of Judicature at Prince of Wales Island, any information or informations, in the nature of an action or actions at law, or of a bill or bills in equity, as occasion shall require, against any person or persons residing within or being amenable to the jurisdiction of the said Courts respectively, for or in respect of any cause or causes of action, debts, dues, demands, accounts, reckonings, sum or sums of money, stores, goods, chattels, or any other matter cause or thing whatsoever, as fully and effectually, to all intents and purposes, as His Majesty's Attorney General for the time being is by law authorized to exhibit any such information or informations in any of His Majesty's Courts of Law or Equity in this realm; and that thereupon such proceedings shall be had, as far as the circumstances of the case, and the course and practice of the said Courts of Judicature at the said several Presidencies will admit, as are had upon any such informations exhibited by His Majesty's Attorney General in any of His Majesty's Courts of Law or Equity in this realm.

And

And whereas great inconvenience has arisen from requiring the civil servants of the said United Company, and other persons stationed at a distance from the Presidencies, to attend and take the oaths in the Courts of Oyer and Terminer of the said Presidencies, as prescribed by the said Act of the Parliament of Great Britain of the thirty-third year of His Majesty's reign; Be it therefore enacted, That all persons who shall be nominated and appointed in any such commissions of the peace as are in the said Act mentioned, shall be capable of acting as Justices of the Peace, in every respect, according to the tenor of such commissions, upon taking and subscribing in any civil or criminal Court of Justice, within the provinces in and for which any such commission shall have issued, before any other Justice of the Peace, the like oaths as are appointed by the said Act to be taken in the Court of Oyer and Terminer of the province or presidency for which such persons shall be appointed to act as Justices of the Peace; and the subscription of such persons to the said oaths shall be deposited and kept with the records of the Courts of Justice in which the said Oaths shall have been administered.

Justices of the Peace may qualify by taking the Oaths in any Court of Justice within the Provinces.

33 Geo. III. c. 52

And whereas it is expedient that the Sudder Dewanny Adawlut and Nizamut Adawlut, or other provincial Courts, however denominated, exercising the highest jurisdiction within the provinces respectively subject to the governments of Fort William, Fort St. George, and Bombay, should have power and authority to execute process of arrest, either civil or criminal, within the towns of Calcutta and Madras, and the town and island of Bombay, notwithstanding the jurisdiction of His Majesty's Courts established at those places respectively; Be it therefore enacted, That it shall and may be lawful for the said court of Sudder Dewanny and Nizamut Adawlut, or other provincial Courts aforesaid, to execute or cause to be executed upon all persons subject to the jurisdiction of such Courts respectively, all manner of lawful process of arrest, within the respective limits of the towns of Calcutta and Madras, and of the town and island of Bombay, in the same manner as the said Courts respectively may, by virtue of any power now vested, or hereafter to be vested in them, lawfully execute, or cause to be executed, such process in any place situate without the said limits; any Act, Charter, or other matter or thing whatsoever to the contrary notwithstanding:

Provincial Courts of the highest jurisdiction may arrest civil or criminal process within the Presidencies notwithstanding the jurisdiction of King's Courts.

No. XIII.

K

Provided

Process to be in writing, with an English translation, and signed by a Judge.

Provided always, That all such process which shall be executed within the limits aforesaid, shall be in writing, and shall have underwritten or indorsed thereon, or otherwise annexed thereto, a translation thereof, or of the substance thereof, in the English language and character, signed by one of the Judges of the Court from whence the same shall issue.

Stealing Choses in Action within the jurisdiction of King's Courts punishable like stealing goods.

And whereas it is expedient, for the protection of property and trade in the East Indies, that the stealing or taking by robbery of securities for the payment of money within the East Indies should be made felony, and should be punishable as felony; and also, that further provisions should be made for the punishment of the crimes of forgery, and of uttering forged instruments, and of counterfeiting the current coin, and uttering such counterfeit coin in the East Indies; Be it therefore enacted, That if any person or persons within the local limits of the criminal jurisdiction of any of His Majesty's Courts at Fort William, Fort Saint George, Bombay, or Prince of Wales' Island, or if any person or persons, personally subject to the jurisdiction of any of the said Courts, at any place in the East Indies, or any place between the Cape of Good Hope and the Streights of Magellan, where the said Company shall have a settlement, factory, or other establishment, shall steal, or take by robbery, any bond, bill of exchange, promissory note, treasury note, banker's note, order, acknowledgment, or other security or warrant for the payment of money, or entitling any person to the payment of money, being the property of any other person or persons, or of any corporation, notwithstanding any of the said particulars are termed in law a chose in action, it shall be deemed and construed to be felony, of the same nature, and in the same degree, and with or without the benefit of Clergy, in the same manner as it would have been if the offender had stolen or taken by robbery any other goods of like value with the money due on such bond, note, bill, order, acknowledgment, warrant, or other security respectively, or secured thereby, and remaining unsatisfied; and such offender and offenders shall suffer such punishment as he, she, or they would or might have done, if he, she, or they had stolen other goods of the like value with the monies due on such bond, note, bill, order, acknowledgment, warrant, or other security respectively, or secured thereby, and remaining unsatisfied; any law to the contrary thereof in anywise notwithstanding.

And

And be it further enacted, That if any person or persons, within the local limits of the criminal jurisdiction of the said Courts, or if any person or persons, personally subject to the jurisdiction of any of the said Courts, at any place in the East Indies, or at any place, between the Cape of Good Hope and the Streights of Magellan, where the said Company shall have a settlement, factory, or other establishment, shall falsely make, forge, counterfeit, or alter, or cause or procure to be falsely made, forged, counterfeited, or altered, or willingly act or assist in the false making, forging, counterfeiting, or altering any deed, or any written instrument for the conveyance of any property or interest in any land, house, or goods, or for securing the payment of money, or any will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, or any indorsement or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or any acquittance or receipt either for money or goods, or any accountable receipt of any note, bill, or other security for payment of money, or any warrant or order for payment of money or delivery of goods, with intention to defraud any person whatsoever, or any corporation; or shall utter, or publish as true, or sell, offer, or dispose of, or put away, within the limits aforesaid, any false, forged, counterfeit, or altered deed, written instrument for the conveyance of property or interest in any land, house, or goods, or for securing the payment of money, or any will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange, or promissory note for payment of money, acceptance of any bill of exchange, or acquittance or receipt either for money or goods, accountable receipt for any note, bill, or other security for payment of money, warrant or order for payment of money or delivery of goods, with intention to defraud any person or any corporation, knowing the same to be false, forged, counterfeit, or altered; it shall and may be lawful for the Court, before which any such person or persons shall be convicted of any such offence by due course of law, to order and adjudge that such person or persons shall be transported to such place beyond the seas, and for such term of years, as the said Court shall direct.

Forgery punishable with Transportation.

K 2

And

Counterfeiting,
current Coin pu-
nishable with
Transportation.

And be it further enacted, That if any person or persons, within the local limits of the criminal jurisdiction of the said Courts, or if any person or persons, personally subject to the jurisdiction of any of the said Courts, at any place in the East Indies, or at any place between the Cape of Good Hope and the Streights of Magellan, where the said Company shall have a settlement, factory, or other establishment, shall counterfeit, or procure to be counterfeited, or willingly act or assist in counterfeiting, any of the gold or silver coins of any of the British Governments in India, or any gold or silver coin usually current and received as money in payments in any part of the British possessions in the East Indies; it shall and may be lawful for the Court before which any such person or persons shall be convicted of any such offence by due course of law, to order and adjudge, that such person or persons shall be transported to such place beyond the seas, and for such term of years, as the said Court shall direct.

Uttering counter-
feit Coins, punish-
able;—First of-
fence with 6
Months imprison-
ment; second, with
2 Years; third,
with Trans-
portation for life.

And be it further enacted, That if any person or persons within the local limits of the criminal jurisdiction of the said Courts, or if any person or persons, personally subject to the jurisdiction of any of the said Courts, at any place in the East Indies, or at any place between the Cape of Good Hope and the Streights of Magellan, where the said Company shall have a settlement, factory, or other settlement, shall utter or tender in payment, or sell, or give in exchange, or pay or put off to any person or persons, any such false or counterfeited coin as aforesaid, knowing the same to be so false and counterfeit, and shall be thereof convicted, every person so offending shall suffer six months imprisonment, and shall, at the discretion of the Court before which he or she shall be so convicted, be sentenced to hard labour during the term of such imprisonment, and find sureties for his or her good behaviour for six months more, to be computed from the end of the said first six months; and if the same person shall afterwards be convicted a second time of the like offence, of uttering or tendering in payment, or giving in exchange, or paying or putting off any such false or counterfeit coin as aforesaid, knowing the same to be false or counterfeit, such person shall, for such second offence, suffer two years imprisonment, and also, at the discretion of the Court before which he or she shall be so convicted, be sentenced to hard labour during the term

term of such imprisonment, and find sureties for his or her good behaviour for two years more, to be computed from the end of the said first two years; and if the same person shall afterwards offend a third time in uttering or tendering in payment or giving in exchange, or paying or putting off any such false or counterfeit coin as aforesaid, knowing the same to be false or counterfeit, and shall be convicted of such third offence in any of the Courts aforesaid, he or she shall be sentenced to transportation for life to such place beyond the seas as the said Court shall direct.

And be it further enacted, That if any person or persons having been convicted of any offence or offences by virtue of this Act, shall again be prosecuted in any Court, other than the Court or Courts wherein such person or persons shall have been before convicted for a like offence, whereby such person or persons would be subject to an increased punishment, the Clerk of the Crown, or other officer to whom it may belong to keep the records of the Court where any such conviction shall have taken place, shall, at the request of the prosecutor, or any other person on His Majesty's behalf, certify the same, by writing under his hand in a few words, containing the substance and effect of such conviction, for which certificate one rupee and no more shall be paid; and such certificate being produced in Court shall be sufficient proof of such former conviction.

Certificate of
former conviction
in the Courts, suf-
ficient proof of
such conviction.

And be it further enacted, That if any person or persons, within the local limits of the criminal jurisdiction of the said courts, or if any person or persons, personally subject to the jurisdiction of any of the said courts, at any place in the East Indies, or at any place between the Cape of Good Hope and the Streights of Magellan, where the said Company shall have a settlement, factory, or other establishment, shall have in his, her, or their custody, without lawful excuse, the proof whereof shall lie on the party accused, any greater number of pieces than five pieces of such false or counterfeit coin as aforesaid, every such person being thereof convicted upon the oath of one or more credible witness or witnesses, before one of his Majesty's justices of the peace, or, if there should be no justice of the peace duly qualified to act in the place where such offence shall be committed, before one of the judges of his Majesty's court there, shall forfeit and

Having in posses-
sion more than five
pieces of coun-
terfeit coin, with-
out lawful excuse,
punishable by fine
or three months
imprisonment.

or successors, or was or were under covenant to serve the said Company in India, or was or were duly possessed of a licence or licences, certificate or certificates in writing, authorizing him or them to go to or reside and traffick in the East Indies or parts aforesaid, or that the person or persons, not being in His Majesty's service, was or were, at the time or times of his or their being so seized or arrested, entitled or authorized, by the stipulation of such covenants, licences, or certificates respectively, to remain and continue in India or other the parts aforesaid; and in failure of such proof, the plaintiff or plaintiffs shall become nonsuited: And in such case, or in any other cases wherein the plaintiff or plaintiffs shall become nonsuited, or wherein judgment shall be given against such plaintiff or plaintiffs upon demurrer, or where a verdict shall pass for the defendant or defendants, he or they shall have treble costs awarded to be paid by the respective plaintiff or plaintiffs in such suit or action; any law, statute, or provision to the contrary notwithstanding.

Treble Costs.

Limitation of Suits.

And be it further enacted, That all suits and prosecutions for any thing done under or by virtue of this Act, shall be commenced within the space of three years after the cause of complaint shall have arisen; or, being done in the United Kingdom, in the absence of any person beyond sea aggrieved thereby, then within the space of three years next after the return of such person to the United Kingdom.

Parts of the Act, for which no particular time is appointed, to commence from 10 April 1814.

And be it further enacted, That so much and such parts of this Act, in respect whereof no particular time or times of commencement is or are herein named or appointed, shall have commencement from and after the tenth day of April, one thousand eight hundred and fourteen.

No. XIV.

FURTHER PAPERS

RESPECTING

THE NEGOCIATION

FOR A RENEWAL OF THE

EAST-INDIA COMPANY'S EXCLUSIVE PRIVILEGES.

London:

PRINTED, BY ORDER OF THE COURT OF DIRECTORS, FOR THE INFORMATION OF THE PROPRIETORS,

By E. Cox and Son, Great Queen Street, Lincoln's-Inn-Fields.

1813.

and lose all such false and counterfeit coin, which shall be cut in pieces and destroyed by order of such justice or judge, and shall for every offence forfeit and pay any sum of money not exceeding in value forty sicca rupees or less than twenty sicca rupees in the currency of the place in which such offence shall be committed, for every such piece of false or counterfeit coin which shall be found in the custody of such person; one moiety to the informer or informers, and the other moiety to the poor of the presidency, settlement or place, in which such offence shall be committed; and in case any such penalty shall not be forthwith paid, it shall be lawful for such justice or judge to commit the person or persons who shall be adjudged to pay the same, to the common gaol or house of correction, there to be kept to hard labour for the space of three calendar months, or until such penalty shall be paid.

Counterfeiting Licenses or Certificates, or attested Copies thereof, punishable with Fine and Imprisonment.

And be it further enacted, That if any person or persons within the local limits of the criminal jurisdiction of the said Courts, or if any person or persons personally subject to the jurisdiction of any of the said Courts, at any place in the East Indies or at any place between the Cape of Good Hope or the Straights of Magellan, where the said Company shall have a settlement, factory, or other establishment, shall counterfeit, erase, alter, or falsify any licence, authorizing any ship or vessel to proceed to any place in the East Indies or parts aforesaid, or any licence or certificate authorizing any person to go to or reside at any such place, or any attested copy of any such licence or certificate, or shall utter or publish as true, any such counterfeited, erased, altered, or falsified licence, certificate, or attested copy, knowing the same to be counterfeited, erased, altered, or falsified, and shall be convicted thereof; every person so offending shall suffer such imprisonment, not exceeding one year, and shall pay such fine, not exceeding in value one thousand Sicca Rupees, in the currency of the place in which such offence shall be committed, as the Court before which he or she shall have been so convicted shall direct.

Government to carry sentences of transportation into execution: but Natives of India not

And be it further enacted, That the Governments of the said presidencies and settlements respectively shall, and they are hereby required to take order for the due performance of all sentences of transportation pronounced by any of the

the said courts, under and by virtue of this Act: Provided always, That it shall not be lawful for any such court to order the transportation of any person, being a native of India and not born of European parents, to any part beyond the seas, situated more than thirty degrees north, or twenty-five degrees south of the line.

to be transported to any place more than 30 degrees N. L. or 25 degrees S. L.

And be it further enacted, That if any person or persons whomsoever shall be convicted of making a false oath, touching any of the matters directed or required by this Act to be testified on oath, such person or persons, so convicted as aforesaid, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons guilty of perjury are liable by any law in force in that part of the said United Kingdom called England: and if any person shall corruptly procure or suborn any other person or persons to swear falsely in any such oath, such person, being duly convicted of such procuring and suborning, shall for every such offence incur and suffer such penalties, forfeitures, pains, and disabilities, as persons convicted of perjury are respectively liable unto, by any law in force in the said part of the United Kingdom called England.

Persons taking false Oaths, guilty of Perjury; and persons suborning, liable to the penalties of Perjury, according to the law of England.

And be it further enacted, That if any suit or action shall be brought or commenced against the said United Company, or any of their servants, or any person or persons acting by their authority, for the recovery of any costs or damages for the unlawful taking, arresting, seizing, imprisoning, sending or bringing into the United Kingdom of any person or persons found in the East Indies or other parts aforesaid, within the limits of the said Company's Charter, or as not being authorized to reside or traffick there, the defendant or defendants to such suit or action may plead the general issue, and give the special matter in evidence for his or their defence; and the proof shall lie on the plaintiff or plaintiffs upon the trial of the issue, to shew that, at the time or times of arresting or seizing such person or persons respectively, for the causes aforesaid, in the manner in which such arresting or seizing shall be laid or charged to have been done in or by the declaration or declarations in such suits or actions, the person or persons so arrested was or were in the military or marine service of His Majesty, his heirs

In Actions for unlawful arresting of persons found in the East Indies, &c. the defendants may plead the General Issue.

Proof to lie on the Plaintiff.

or

LIST OF FURTHER PAPERS

Respecting the Negotiation for a Renewal of the East-India Company's exclusive Privileges, printed by Order of the Court of Directors for the Information of the Proprietors.

No. CXXXVI.

Minute of a Court of Directors, held on Tuesday, the 22d June 1813.

No. CXXXVII.

Minutes of a Secret Court of Directors, held on Saturday, the 26th June 1813.

No. CXXXVIII.

Minutes of a Court of Directors, held on Saturday, the 26th June 1813.

No. CXXXIX.

Minutes of a General Court of Proprietors, held on Saturday, the 26th June 1813.

No. CXL.

Minute of a Court of Directors, held on Tuesday, the 6th July 1813.

No. CXLI.

Minute of a Court of Directors, held on Wednesday, the 7th July 1813.

No. CXLII.

Minutes of a Court of Directors, held on Thursday, the 8th July 1813.

No. CXLIII.

Minutes of a General Court of Proprietors, held on Friday, the 9th July 1813.

No. CXLIV.

Minutes of a Court of Directors, held on Friday, the 9th July 1813.

No. CXLV.

Minutes of a Court of Directors, held on Monday, the 12th July 1813.

No. XIV.

A 2

LIST OF FURTHER PAPERS.

No. CXLVI.

Minutes of a General Court of Proprietors, held on Tuesday, the 13th July 1813.

No. CXLVII.

Minute of a Committee of the whole Court, the 14th July 1813.

No. CXLVIII.

Minutes of a Court of Directors, held on Thursday, the 15th July 1813.

No. CXLIX.

Minute of a Committee of the whole Court, the 15th July 1813, noticed in the preceding Minutes.

No. CL.

Minutes of a Court of Directors, held on Friday, the 16th July 1813.

No. CLI.

Copy of the Opinion of William Adam, Esq. the Company's standing Counsel, dated the 15th July 1813, noticed in the preceding Minutes.

No. CLII.

Copy of the Dissent of Jacob Bosanquet, Esq. dated the 16th July 1813, also noticed in the preceding Minutes.

No. CLIII.

Copy of the Paper delivered in by Joseph Cotton, Esq. also noticed in the preceding Minutes.

No. CLIV.

Minutes of a General Court of Proprietors, held on Friday, the 16th July 1813.

No. CXXXVI.

AT A

COURT OF DIRECTORS,

Held on Tuesday, the 22d June, 1813.

On a motion,

Resolved, That a Committee be appointed, for the purpose of preparing and laying before this Court, "An Account, shewing the present state of the Company's affairs."

And that the said Committee consist of

The Chairman,

The Deputy Chairman,

Jacob Bosanquet, Esq.

Charles Grant, Esq. and

George Abercrombie Robinson, Esq.

No.
CXXXVI.

Court of
Directors,
22d June,
1813.

No. CXXXVII.

AT A

SECRET COURT OF DIRECTORS,

Held on Saturday, the 26th June 1813.

The Chairman acquainted the Court, that the Deputation, appointed on the 4th instant, to confer with His Majesty's Ministers, had yesterday, accompanied by Sir Hugh Inglis, an interview with Lord Buckinghamshire and Mr. Vansittart, at the India Board, at which Mr. Sullivan was also present, with whom the Deputation had a very long conversation, and maturely considered the several clauses of the Bill now pending in Parliament for the renewal of the Company's Charter.

No.
CXXXVII.

Secret Court
26th June,
1813.

(486)

No. CXL.

AT A

COURT OF DIRECTORS.

Held on Tuesday, the 6th of July, 1813.

No. CXL.

Court of Directors,
6th July,
1813.

The Bill now pending in the House of Commons, as amended on its second re-commitment, and which was ordered to be printed on the 5th of July, 1813, together with several proposed additional clauses, "For continuing in the East-India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter;" was laid before the Court, when the said Bill was read, and maturely considered, clause by clause.

No. CXLI.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 7th July, 1813.

On a motion,

No. CXLI.

Court of Directors,
7th July,
1813.

Resolved, That the Deputation appointed, on the 4th and 8th ultimo, to solicit an interview with His Majesty's Ministers, in consequence of the present momentous crisis of the Company's affairs, be requested to wait upon the Ministers, for the purpose of holding a conference with them, on the subject of several clauses proposed to be added to the Bill now pending in the House of Commons for the renewal of the Company's Charter, and which Bill the Court took into their mature consideration yesterday; and that

Jacob Bosanquet, Esq. and
George Abercrombie Robinson, Esq.

be requested to accompany the said Deputation.

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No. CXLII.

AT A

COURT OF DIRECTORS,

Held on Thursday, the 8th July, 1813.

The Chairman acquainted the Court, that in pursuance of their Resolution of yesterday, the Deputation, accompanied by Jacob Bosanquet, Esq. and George Abercrombie Robinson, Esq. had waited upon His Majesty's Ministers, and held a conference with them, relating to certain suggested alterations to be made in some of the clauses of the Bill now pending in the House of Commons for the renewal of the Company's Charter.

Court of Directors,
8th July,
1813.

No. CXLIII.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST INDIES,

Held on Friday, the 9th of July, 1813.

The Chairman acquainted the Court, that they are assembled for the purpose of taking into consideration the Bill now pending in the Honourable House of Commons for the renewal of the Company's Charter.

No. XIV.

No. CXLIII.
General Court,
9th July,
1813.

No.
CXLII.

General
Court,
9th July,
1813.

But it being expected, the Committee of that Honourable House will the day make their Report on the said Bill, a Deputation from the Court of Directors are immediately to have a conference with His Majesty's Ministers, respecting several of the clauses contained in the Bill.

It was then moved to adjourn.

And, after a debate thereon,

The question of adjournment was put and carried.

Whereupon the Court adjourned accordingly.

No. CXLIV.

AT A

COURT OF DIRECTORS,

Held on Friday, the 9th July, 1813.

No.
CXLIV.

Court of
Directors,
9th July,
1813.

The Chairman acquainted the Court, that the Members of the Court who were requested, on the 7th instant, to wait on His Majesty's Ministers, held a conference with the Right Honourable the Chancellor of the Exchequer and the Right Honourable Mr. Sullivan, yesterday; and the Chairman communicating the result of the said conference, and proposing that the said Members be requested to wait again on His Majesty's Ministers this day;

Resolved Unanimously, That the said Gentlemen be requested to wait again upon His Majesty's Ministers this day, to confer further upon the important matters, affecting the Company's interests, contained in the Bill now pending in the House of Commons for the renewal of the Company's Charter.

No. CXLV.

AT A

COURT OF DIRECTORS,

Held on Monday, the 12th July, 1813.

The Chairman acquainted the Court, that in pursuance of their Resolution of the 9th instant (Friday last), the Members of the Court, who had then been requested to wait on His Majesty's Ministers, had an interview with the Earl of Buckinghamshire, Lord Castlereagh, the Chancellor of the Exchequer, and Mr. Sullivan, when the subject mentioned in the said Resolution was again taken into mature deliberation.

Certain new clauses, proposed to be added to the Bill now pending in the House of Commons for the renewal of the Company's Charter, and several alterations made in the existing clauses of the said Bill, were then read, and considered seriatim.

No.
CXLV.

Court of
Directors,
12th July,
1813.

No. CXLVI.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST INDIES,

Held on Tuesday, the 13th July, 1813.

Minutes of the last Court of the 9th instant were read.

The Chairman acquainted the Court, that the Bill for the renewal of the Company's

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CXLVI.

General
Court,
13th July,
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CXLVII.
General
Court,
13th July,
1813.

Company's Charter was, with several clauses which had been added to it, last night reported by the Committee to the Honourable House of Commons, and that it was expected that it would be read a third time to-night.

The Bill was then read to the Court.

Whereupon it was moved, and on the question,

Resolved Unanimously, That this Court, having heard read the Bill now before the House of Commons for the renewal of the East India Company's Charter, find it perfectly impossible to decide on the same in its present imperfect state, especially as it is understood that further alterations may take place in the Bill; and being desirous to consider it with the deliberation and solemnity which the subject demands, do request their Chairman, and such of their Directors as are in Parliament, to move and support in their places in the House of Commons, or that such other communication take place between the Court of Directors and His Majesty's Ministers as may be deemed expedient, that the third reading of the Bill should be deferred, till it shall have been printed and laid before the Proprietors of this Company, giving them a reasonable time for full consideration of the same; and that an early day be named, for the Court of Directors to communicate to the Proprietors the result of this proceeding.

It was then, on another motion,

Resolved, That the standing counsel to the East-India Company be requested to give his opinion, at the next General Court, "Whether, in case of the Proprietary agreeing to act under the proposed Bill, and finding, from experience, that its operation is dangerous to their safety or injurious to their interest, they can deliver themselves from its provisions, without resigning their existing Charter, as granted by His Majesty William the Third, or such other Charters as are now held by this Company, independently of the Act of the 33d of His Majesty."

The following motion was then made, *viz.*

"That the Court of Directors be requested to enforce on the minds of His Majesty's Ministers the necessity of entering a clause in the present Bill, to enable the Court of Directors to provide for the commanders and officers of the regular and extra chartered ships, which have, and may be, employed in the

the Company's service, over and above what they may be entitled to from the Poplar and Contingent Funds."

And it being moved to adjourn,

The question thereon was carried in the affirmative.
And the Court adjourned accordingly.

No.
CXLVI.
General
Court,
13th July,
1813.

No. CXLVII.

AT A

COMMITTEE OF THE WHOLE COURT,

Held on Wednesday, the 14th July, 1813.

The Court having been made acquainted, by a communication from the Chairman, that the Bill pending in Parliament for a renewal of the Company's Charter was read a third time and passed last night in the House of Commons, resolved itself into a Committee of the Whole Court, for the purpose of taking the same into its most serious consideration; and, after deliberating thereon till a late hour, it was determined to adjourn the further consideration of this important subject till to-morrow.

No.
CXLVII.
Committee
of the whole
Court, 14th
July, 1813.

No. CXLVIII.

AT A

COURT OF DIRECTORS,

Held on Thursday, the 15th July 1813.

The Court resolved itself into a Committee of the Whole Court, and being again resumed,

A Report from the said Committee, dated this day (see No. CXLIX.) was read.

Resolved,

No.
CXLVIII.
Court of
Directors,
15th July,
1813.

No.
CXLVIII.Court of
Directors,
15th July,
1813.*Resolved, That this Court approve the said Report.*

It was then, on a motion,

Resolved, That the Court of Directors, having duly considered and approved a Report from the Committee of the Whole Court, the said Report be submitted to the General Court to be held to-morrow.

No. CXLIX.

*MINUTE of a COMMITTEE of the WHOLE COURT, dated the 15th July, 1813, noticed in the preceding Minutes.*No.
CXLIX.Minute of
Committee
of the whole
Court.

The Committee having resumed the consideration of the Bill for a renewal of the Company's Charter, which passed the House of Commons on the 13th instant, they now proceed to detail their opinion upon it, in the form of a Minute, which, should the Court be pleased to adopt, they submit, for the purpose of its being laid before the General Court.

I. In commencing the negotiation with His Majesty's Ministers for the renewal of the Company's Charter, the Court of Directors proposed, that the system established by the preceding Charter of 1793, for the government and commerce of India, should be continued, at least in all its material parts; * and as it soon appeared, that a great enlargement of the private trade with India was meditated by Administration, the Directors contended, that no change should be introduced which should affect the principles, or impair the efficiency, of the existing system.

II. His Majesty's Government, acquiescing generally in the utility of that system, explicitly admitted, that the territorial government should be continued in the management of the Company, and for a further term of twenty years; but besides suggesting a most important alteration, since waived, with respect to the Indian Army, they insisted on the opening of the trade with India, generally, to the Merchants and Out-ports of the United Kingdom, under regulations to be afterwards framed. This great change, the Court of Directors have strenuously

* This, of course, comprehended the exclusive trade with China, about which there has been no question throughout this Negotiation between His Majesty's Ministers and the Company.

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combated in their writings; setting forth, at large, all the ruinous consequences to be apprehended from it: but His Majesty's Ministers, maintaining their own views, introduced into the House of Commons, on the 22d of March last, a set of Resolutions, containing all the material conditions on which they proposed that the Charter of the Company should be renewed. These Resolutions went, not only to open the Indian trade to all the subjects of the United Kingdom, but to annihilate the independent power of the Company in licensing ships and persons (other than those appointed to the service) to go to India: and, besides these innovations in a system that had subsisted two centuries, the Resolutions proposed to separate the accounts and finances of the Company's commerce from those of the territorial possessions, and to subject both to new provisions and regulations.

III. From all these changes, the Directors and Proprietors feared, not only that the tranquillity of the Indian possessions would be disturbed by the influx of Europeans into them, but that the Company's trade with China would be invaded and impaired by smuggling;—that there would consequently be a diminution of their commercial profits, and eventually, a defalcation of the fund whence was to proceed the accustomed dividend on the capital stock; that dividend, of which the regular payment was necessary, to enable the Company to perform the political functions assigned to them in the Government of India. They also, in considering the great amount of the territorial debt and expenditure, and the recently transferred payment of so much of the principal and interest of that debt to England, apprehended that the large provision which the territory would annually have to make for these new payments, in addition to other political charges usually defrayed in England, might not be punctually made in India; or, if furnished there, that the goods in which it ought to be invested might not, from the rivalry of the new private trade, and its interference with the Company's home system of public sales, be realized here with sufficient regularity. To substantiate these various points, the Company prayed, and were permitted to bring evidence before both Houses of Parliament; and the body of information which has, in consequence, been given to the world, will remain a monument, not only of the talents and knowledge of those, chiefly the servants of the Company, by whom it has been communicated, but of the solidity of their objections and arguments advanced by the Company in support of their cause. The Resolutions, however, were at length passed by both Houses, without

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without any essential alteration; and the bill consequently brought into the House of Commons was framed, generally, in conformity to them. Several of the important points here mentioned (those particularly relating to the finances of the Company, and others contained in the Bill), have, however, continued to be subjects of discussion, in writing or conference, between the Court of Directors and His Majesty's Ministers, in the course of the last three months, and they have been contended for in all the progress of the Bill through the House. The Bill, however, may now be supposed to have received its last form, as it has been read the third time, and has been passed by the Commons.

IV. In this Bill, as it now stands, there are considerable variations from the Resolutions first laid before the House. But it will be unnecessary to go into a detail here, either of the particulars of those variations, or of the several clauses of the Bill,—even those which affect the commercial privileges of the Company, and the power flowing from them, or which affect their finances, territorial and commercial; because these will sufficiently appear in following, what seems to be, the course of proceeding now most proper,—that is, to compare, briefly, the provisions made in relation to these most important branches of the Company's affairs (passing over inferior points) by the last Charter, with the provisions, respecting the same branches, contained in the present Bill; and comparing, also, in these respects, the actual result of the last Charter, with the probable consequences of the Charter which is proposed: That, hence, the difference between the two Charters may be more clearly seen, the import of the proposed changes better appreciated, and that, from the whole, a judgment may be formed, how far the terms of the new Charter may, on the part of the Company, be practicable, and such as, on the whole, may be acquiesced in.

V. By the Act of 1793, the general and comprehensive powers of controul given to the Board of Commissioners by the Act of 1784, were continued, and in some instances extended, or rendered more specific. A monopoly of the trade to India, as well as to China (subject to admission of private Indian trade, to the extent of three thousand tons annually, on the Company's ships), was continued to the Company.

The licensing of any private ships to proceed to India and back, or of any traders beyond a few agents, was not in the contemplation of that Act, and the exercise

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exercise of the power of licensing was vested wholly in the Company by their general privileges.

The territorial revenues and commercial profits of the Company were subjected to certain appropriations, liable, as far as the Act left any discretion, to be controuled by the Board of Commissioners; but, under these appropriations, the management and use of both the territorial and commercial funds, and the reciprocal application of the one to the aid of the other, remained, in practice, with the Company, to whom both properly belonged, as they still do; and one general treasury served for the whole.

Among the appropriations was a sum of at least a million sterling annually, from the revenues, for the purposes of Indian and China investments; but the net proceeds of investments and profits at home were, after payment of bills of exchange already accepted, and the payment of other current debts, interest, and outgoings, charges, and expenses (the bond debt excepted), made liable, first, to the payment annually of a dividend of ten per cent. on the capital stock (the other half per cent. being made up from the separate fund); secondly, to the payment of £500,000 per annum for bills on account of territorial debt; and, in the third place, to the payment of £500,000 to the public, as a participation in the territorial revenues, if the net proceeds sufficed for such participation.

When these payments should be satisfied, further surplusses were, after certain reductions of the territorial and commercial debts of the Company, to be applied, in the proportion of one-sixth to the augmentation of dividend, and the remaining five-sixths to form a fund for the security of the capital stock of the Company, until that fund should, with its growing interest, amount to twelve millions sterling; and all surplusses, after the accumulation of this sum, were to go to the public.

The appointment to all offices in the Indian establishments, conformably to the limitations prescribed by Parliament, in respect to rank and salaries, rested wholly with the Company.

VI. By the Charter now proposed, which continues and enlarges the powers of controul given by former Charters, as will be hereafter specified, the Company are to be deprived, as already noticed, of all exclusive privilege in the trade to
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and from India, and of the uncontrouled power of licensing persons and ships to go to India; and both ships and persons may go thither under license, of which the Board of Commissioners have the final determination and disposal, from any port of the United Kingdom.

The territorial and commercial accounts of the Company are to be kept distinct and separate, so that each department shall exhibit, exclusively, its own concerns. And this leads to a separation, also, of the finances of each, which hitherto, though distinguished, have been joined together, and have materially assisted each other; but, henceforth, each department is to stand upon its own receipts and its own payments.

In lieu of the specific appropriation of a million sterling, or more, from the revenues for investments, as in the last Charter, it was first intended by His Majesty's Government to render the *surplus* revenue applicable, among other purposes, to the provision of investment, under the authority and controul of the Board of Commissioners: but it is now provided, that a sum, equal to the actual payments made at home on account of territorial charges (which exceed a million sterling per annum) shall be allotted out of the Indian revenues, (that is, whether there be a surplus or not) for investments, and that this allotment is to be employed by the Court of Directors in the provision of such goods as they shall think fit.

A dividend of ten and a half per cent. on the present or future capital stock is also continued, payable out of the net proceeds in England. According to the Resolutions first laid before the House of Commons, the order of payment in which the dividend stood was the same as in the Act of 1793;—but by the Bill, as it now stands, the home nett proceeds and profits are specifically exempted from the payment of territorial charges, until the dividend is satisfied, saving as to the payment of bills and certificates, for which value has been previously received in India, and to the interest and sinking fund on the loan of £2,500,000 in 1812 from the Public to the Company, on account of the territorial debt, which interest is included in the political charges for which the Company are to be indemnified by the investment purchased with territorial funds in India, as abovementioned. And it is moreover provided, that if, in any year, the commercial profits shall not suffice for the dividend, and there shall have been any territorial

territorial surplus in the year preceding, such surplus shall go to make up the dividend of ten and a half per cent.; and if the home funds shall not, after payment of the dividend, suffice for the payment of all such bills as shall be drawn on the Company for the interest of any loan in India before the 10th of April 1814, Parliament is to direct the payment of the deficiency.

After satisfying all current demands at home, and after the reduction of the territorial debt to ten millions and the bond debt to three millions, all surplusses at home are to be applied to the formation of a guarantee fund for the capital, as in the former Charter, until the same amounts to twelve millions sterling, and all further surplusses are to go in the proportion of one-sixth to the Company and five-sixths to the Public.

To look now more particularly to the powers of controul given by the proposed Charter, they may be distinguished into those which are new, or those of which the principle, though not expanded, is to be found in the former Charter. Of the first class are licensing ships and persons (saving as to agents for private traders, which the Board were empowered to license by the Act of 1793) to go to India, either by over-ruling the Directors or by original jurisdiction.

The controul over the College and Military Seminary in England.

Over the appointment to certain vacancies in Indian offices, which are not to be supplied by the Directors without the approbation of the Board.

Over the restoration of suspended or dismissed servants, civil or military, which restoration is not to be valid without consent of the Board.

Over the article of gratuities, of which none above £600 are to be good without consent of the Board.

It may be contended, however, that all these, except the first, fall fairly within the scope of the general powers given to the Board by the Acts of 1784 and 1793.

With regard to the powers of controul, of which the principle is to be found in the former Acts, but the specification as to particular objects is new, they relate to the following particulars:

Distinct accounts to be kept of the territorial, political, and commercial concerns, as already explained.

A general controul over the appropriation of the territorial revenue (excepting the amount to be issued in India for territorial payments in England).

The Board may require of the Directors, abstracts, accounts, and statements, relating to the affairs of the Company.

Vacancies of Governors and Commanders-in-chief are to be filled by Directors, with approbation of His Majesty. This is new in point of law, but only partly so as to practice.

VII. It will next be proper to advert to the results of the Charter of 1793, with regard, more particularly, to the commercial privileges and the finances of the Company, (the subjects which have been chiefly controverted), and then to consider the different provisions of the proposed Charter, and the effects that may follow from them.

With respect to commerce, the moderate admission given to individuals, by the former of these Charters, into the trade of India, so far from contenting the parties thus admitted, has been used as a ground on which to erect further claims, certainly not contemplated in the Act of 1793; and these claims have been pursued, through the period of the expiring Charter, with continual complaints and accusations against the Company; complaints and accusations which have been the cause of unceasing trouble to the Executive Body, as they have also greatly aided the more general attack now made on the Company's commercial privileges. And these considerations, with other circumstances, tended to dispose the Company themselves, in the hope of giving satisfaction and obtaining peace, to be willing to acquiesce in a more ample enlargement of the private trade under the new Charter, so that this enlargement should still consist with the preservation of the Company's commercial system at home, which principle, therefore, required that the private trade, to and from India, should continue to be confined to the port of London, and the warehouses and sales of the Company.

With respect to the finances of the Company, it is well known, that in consequence, first, of European war, which has continued, almost without intermission, through the period of the last Charter, and next, of several Indian wars which have occurred within that period, the profits in England have fallen materially

materially short of the expectation entertained of them in the formation of the Charter; and a very large addition has been made to the territorial debt, the increased interest of which, with the increased territorial charges, civil and military, have not only absorbed the surplus revenue, from which a million sterling was to be annually applicable to investment, but including the political payments in England, absorbed also, for a course of years, the whole of the territorial income: so that the source from whence the Public was to receive £500,000 per annum failed after the first year, and the Treasury in England had to pay for the political charges just mentioned, and for the principal or interest of territorial debt transferred to England, more than it received from the territory in investment, the difference having been furnished from the funds and profits of the commerce and the credit of the Company at home.

And this state of things, produced essentially by the very great augmentation of the territorial debt, that is to say, from about eight millions, at which it stood in 1793, to about thirty millions, has occasioned all the financial embarrassments of the Company through the last seven years: embarrassments which have obliged them, repeatedly, to have recourse to Parliament, not to help out their commercial funds (the profits on the commerce having been sufficient to defray the commercial charges, the dividend, and various payments on account of the territory) but to obtain either payment of large advances made by the Company in India on account of the Nation, or assistance in discharging considerable portions of the territorial debt transferred to England, for which debt it never was reasonable, nor, in the nature of things, practicable, that the commercial funds should answer. Therefore, when the Indian revenue does not fully suffice for the payment of all territorial charges and territorial interest in India and in England, the deficit is a charge upon the commercial income; and whilst the Indian revenue only suffices for the payment of all charges attaching upon it, the principal of the Indian debt cannot be reduced, unless by aid of the commerce, which is not fairly capable of serving this purpose in any material degree. Hence, in order to reduce the territorial debt, it is essentially necessary, that there be an annual surplus of the territorial income, which shall serve as a sinking fund for that reduction. Moreover, as besides the political charges usually payable in England,

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to an amount, exceeding, as before said, a million sterling per annum, there is farther payable here, in consequence of late financial measures in India, territorial interest to the amount of a million and a half per annum, for which the credit of the Company is engaged, and for which they have no resource of their own, except what the Indian revenue may furnish, by the medium of goods or treasure; they are hence, from time to time, exposed to difficulties in meeting, punctually, these additional demands.

After this view of the embarrassments under which the Company have had to struggle through the Charter of 1793, it must be quite superfluous to add, that all hope has long ceased of realizing any part of that great accumulation which it prospectively held forth for the security of the capital stock.

VIII. In regard to the effects to be expected, as already noticed, from the measures which were proposed by His Majesty's Ministers as the basis of a new Charter, the Court of Directors have, in the course of the negotiation, stated, with a particularity that must render further detail unnecessary, the dangers which the opening of a general commerce with India would, in their apprehension, produce to the tranquillity of the Eastern possessions, to the China as well as the Indian Trade of the Company, to the system of their public home sales, to their home finances, to the security of their dividend, and in consequence of all these, to their political efficiency, their general stability, and the safety of the present Indian system, under which the vast regions subjected to the Company's Government have been so much improved. Strongly impressed by these views, the Court of Directors, on the 18th of December last, did state to His Majesty's Ministers, that the proposition of opening the Out-ports to imports from India was pregnant with ruin to the affairs of the Company, and that they could not recommend such a proposition to the adoption of their Constituents.

The apprehension of further embarrassment to the home finances by the late large transfer of Indian debt and interest, whilst the commercial consignments of the Company from India and their sales here were likely to be checked and deranged by the competition of an open trade, has also been, more recently, the subject of repeated representations from the Court of Directors to His Majesty's Ministers.

It is to be acknowledged, however, that in the progress of the discussions upon

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upon these subjects, important changes in the state of circumstances have taken place; and it is no less the duty, than the wish, of the Court of Directors to lay before their Constituents, without reserve, their opinions and impressions at the present moment, respecting the terms, and the probable operation of the proposed Charter, as settled by the House of Commons.

The monopoly of the Indian Trade, broken in upon by the Act of 1793, is now to be completely taken away from the Company. They will remain, indeed, with large powers and resources, as well as rights, for carrying on that trade; but the trade will be open, under certain regulations, to all the subjects and the ports of the United Kingdom. This change must operate to a reduction of the commercial establishments of the Company, abroad and at home; to a reduction of one class of their ships employed in the Indian navigation; and, probably, a diminution of their profits from the private trade; it will interfere with their system of public sales, as far as Indian goods are concerned, and may, consequently, lower the selling prices of those goods, and their profit (for several years past only moderate) on the Indian trade.

But, as the Court have already had occasion to observe, the wild and sanguine expectations, at first so generally entertained, of unbounded fields of commerce to be found in the Asiatic regions, appear to have, in the course of the last six or seven months, very greatly subsided. The writings of the Company and the general voice of men of Indian experience, seem indeed, at an earlier period, to have impressed the minds of reflecting commercial men; and the unexampled body of evidence adduced by the Company before Parliament, appears to have completed the conviction of the public, and even of the zealous partizans of the Out-ports, that the exports of this country, to any considerable extent, could not be vended in the East, nor any new articles of a great commerce be found there for the European world. The regulations, also proposed, with regard to the Out-ports, to the size, even when reduced, of ships admissible into the trade, to the licensing of persons and ships to proceed to India, to the prevention of Europeans from ingress into the interior of India, and to keeping them under the due controul of the Indian Governments, must serve further to limit the number of adventurers. From all these causes, the apprehensions, at an earlier period, entertained by the Court, of an influx of Europeans dangerous to the tranquillity of British India,

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as well as of a great resort of English vessels to the Eastern Seas, and the consequent smuggling of tea, to the diminution of the profits of the China Trade, apprehensions which drew from them the strong resolution of the 18th December, are now materially allayed.

Their fears for the security of the dividend, on which, as has been so often observed, the Company's efficiency for the discharge of their political functions depends, are proportionably abated. True it is, that by the abolition of the Indian monopoly, and the authority transferred to the Board of Commissioners to license persons and ships to proceed to India, the Company's power will be abridged, and that the opening of the trade will expose the Company to the collisions, vexations, and misrepresentations of the private traders: but, mortifying and troublesome as these things may prove, especially to the Executive Body, they are not to be classed among those which are essential to the existence of the Company; and the degree in which they may prevail, will depend on the conduct of the Board of Commissioners, who, if they exercise the new authority vested in them with prudence and impartiality, may very much prevent the evils here in question. It is, moreover, a probable event, though one on which the Court rest nothing at present, that the experience of a few years will suffice to convince a good proportion of those, who may still be purposing a trial of the Indian trade, that it will not afford sufficient encouragement to the British merchant to persevere in it.

To provide for the security and sufficiency of the home finances of the Company, formed one of the great objects of the Court of Directors in the new arrangements; and the embarrassment and failure to which this vital branch of the Company's affairs was likely to be exposed, early constituted one of their great difficulties, and has, throughout, been a particular object of their solicitude, not only as the funds for the dividend might be exposed to defalcation, but as the new and large transfer of Indian debt and interest, even though provided for by adequate supplies of goods from India, might overwhelm the treasury here, because of the interruption which the opening of a general trade might give to the sales of those goods. And when the Court found, from the Resolutions laid before Parliament, that it was intended by His Majesty's Ministers to make a distinct separation between the commercial and territorial funds of the Company;

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pany; that it was only out of the surplus revenue, a surplus uncertain, and at the best very moderate, they were to expect any aid for the purchase of investments; that this aid was only one of several ways in which that surplus was to be appropriated, and the amount of such precarious aid was to depend on the discretion of the Board of Commissioners; that, further, it was to be left to the same discretion, whether the additional supplies wanted for the recently transferred debt, should come home in goods, or through the medium of bills, either granted on India by the Company, or drawn by private persons from India; that it was avowed, the power of the Board was to be extended to controul the amount of the Company's investment, which might involve also a controul as to the species of goods, and the quantities of each species they should provide, and this in order to prevent, as it was said, the Company's carrying on a commerce that should be losing to themselves, and obstruct the operations of the private traders:—When the Court contemplated all these circumstances, they were led seriously to apprehend, that even supposing it to be the intention of His Majesty's Government still to uphold the Company, it would not be safe for the Proprietary to undertake the execution of a Charter granted on such terms.

But in the course of discussions, public and private, the bill for the renewal of the Charter has been meliorated in several very important points, which have been already noticed; yet, for the sake of distinctness, they may be again mentioned. The commercial profits of the Company are not to be liable to any territorial payment until the dividend is first satisfied; and if, in any year, the fund for the dividend should fall short, the surplus of territorial income, for the year preceding, is to be liable to make up the deficiency. It has been earnestly contended, on the part of the Company, that the surplus of commercial profits, in any year, after paying the dividend, should be reserved as a fund to answer a deficiency of assets for the dividend in any other year: but His Majesty's Ministers have refused to go the length of this proposition, arguing that the Company have still the same interest in the territorial concerns, and that to them, and to the bond debt of the Company at home, the surplus profits ought to be applied; alleging, moreover, that it was extremely unlikely there should ever be such a defalcation of commercial profits in any year, as to render them insufficient for the dividend, and that the principle of guaranteeing a commercial dividend, in all events,

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events, was an unsound one, as it might lead to a negligent management of the trade. The Company are not now to be left to a participation of the casual surplus of territorial income for aid to their investment, but it is stipulated, that a sum, not less than the amount of their usual territorial charges at home, which exceed a million sterling, shall be paid yearly out of the revenues for investment; and this, therefore, secures to the Company a commercial capital to that amount, in addition to the amount of their exports of stores and goods from England, as it also secures a provision for those territorial charges at home, which have hitherto been a burthen on their commercial funds, the whole of those funds being liable for them. It is, moreover, distinctly recognized, that the application of whatever amount shall be allotted to the Company for investment, whether to provide for the territorial payments just mentioned, usually made at home, or for the annual payments on account of the lately transferred debt, shall not be controuled by the Board, but remain in the discretion of the Court of Directors.* And, with respect to the mode of realizing, in England, a provision for the recently transferred debt, His Majesty's Ministers did, sometime ago, sanction the minute of a conference with them, in which they declared, that if, without any fault on the part of the Company, they were at any time embarrassed on this score, they (the Ministers) would use their influence with Parliament for relief, to the extent of the available resources of the Company in India: and, since then, a provision, already mentioned, has been introduced into the bill on this subject, in which it is stipulated, "*that in case sufficient funds shall not remain in the hands of the said Company, after payment of the dividend, to discharge all such bills as shall be drawn for the interest of any loan in India, under conditions now subsisting, or which may be contracted at any time before the 10th day of April 1814,*" (this covers the payment of territorial interest lately transferred, to the amount of a million and a half annually), "*entitling the holders of such loan to receive bills on the said Company for the payment of the interest thereof, the residue of such bills, so long as such interest may be demandable in England, shall be discharged, in such manner as Parliament shall, from time to time, direct.*"

The

* The provision of the China investment, or of any other investment, with commercial funds is of course wholly out of the controul of the Board.

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The Court are of opinion, that it may be practicable to adopt expedients, which will obviate the difficulty apprehended from the transfer of the debt; and, at any rate, the fund required for the punctual payment of the dividend, will not be liable to be affected by territorial demands. In this respect, the actual separation of the commercial affairs from the territorial (the principle of which was virtually contained in the Act of 1793, though not followed into practice) will be an advantage to the home funds of the Company and to the Proprietors, as it gives a security for the dividend, not hitherto practically enjoyed; for, in point of fact, although the dividend was, by the Act of 1793, made payable before bills drawn for territorial debt, no such priority was ever given to it, nor could well be given, whilst all the funds of the Company were, without distinction, liable to the Indian debt. From this security, and the safety now contemplated, of the main substance of the China trade, the realization of that income, necessary to maintain the Company in the discharge of their political functions, may be expected. And although the power will not now remain with the Company, of rendering, at their discretion, the territorial and commercial funds mutually serviceable to each other, yet the allotment of a fund from the revenue for the provision of the investment is made more certain and absolute than it was by the Act of 1793: and, in fact, the removal, by specific enactment, of a power which, only in practice, was left with the Company through the period of that Act, is rather a derogation in point of credit than any real subtraction of benefit; for instead of receiving the annual surplus of a million for investment, promised by the Act of 1793, the aid actually derived from the revenues for the provision of investment (and more than repaid, as beforementioned, in territorial charges in England) an aid which, not being the matter of positive enactment, might at any time have been withheld, did not, on an average, exceed the amount which the terms of the proposed Charter absolutely secure to the Company. In all these respects, therefore,—the security of the dividend,—of the home funds,—and of annual advances in India for the investment, the proposed Charter may now be fairly said to be an improvement on the present one; and, so far, this new Charter, though containing provisions which detract from the power, and must certainly encrease the trouble of the Executive Body, it may be said to be worse for that

Body,

hopes that they will soon be relieved from certain heavy diplomatic expenses, to which the Company are now subjected.

X. In considering the terms of the proposed Charter, it may be proper, not only to compare them with those of the last, but with the situation in which the Company would be placed, if they were not to accept this new Charter.

If they were to look only to the justice of their claims, they would, undoubtedly, remain with an ample property; but the question would be, how far Government, in the event of a rupture, would be disposed to advance the national funds, in order to satisfy the Company's demands, or whether they would not leave them, in a great degree, to the contingent, and, at best, slow realization of their own assets, the most ready and tangible of which would be responsible for the Company's existing acceptances and engagements in this country. And, in such a state of things, there might be no fund for the payment of the dividend, and the value of the capital stock would, undoubtedly, be very considerably sunk: not to insist on what must be, though not a primary, yet a very impressive secondary consideration, the ruin which the interests of all persons dependent on the Company would immediately experience.

XI. It has, indeed, been suggested, that the Company, though accepting no new Charter, might, by its perpetual corporate capacity, its capital, resources, and experience, be able to carry on a *free* trade, to great advantage, with India, China, Africa, and South America.

It is true, that the Company, divested of all exclusive Charter, would have capabilities for a commerce of large extent: but, with respect to Africa, its east coast is already visited by the ships of British India, which carry on with it all the little trade of which its means are susceptible; the west coast of Africa affords still fewer subjects for a great or profitable trade. The Spanish colonies of South America are, at present, interdicted from general trade by the laws of the mother-country, which regards with jealousy every design of breaking in on that system. The trade of British merchants with those colonies is, therefore, carried on either by occasional licenses, or by smuggling. The Company could not, if the Spanish colonies were open to a legitimate commerce, prosecute trade thither by desultory adventures, like private merchants; they must, if they embarked in the trade, have establishments in the colonies,

and conduct their transactions in a systematic manner, always paying the imposed duties. But for adopting such a speculation as this, neither the known profits of the trade, as British subjects have hitherto conducted it, nor the exclusive colonial system of Spain, nor the situation of the Company at the present moment, can be supposed to afford them encouragement. As to the Indian trade, the Court have already contended, at great length, and on very strong grounds, that it cannot be largely increased, either outward or homeward. Certainly it offers no prospect of great profitable increase; and with respect to the China trade, if it were set free, and not lost to the nation in consequence, the Company could, at best, expect only a share of that profit, the whole of which they now enjoy.

XII. The Court of Directors have thus endeavoured to state the prominent features of the new Bill; both those which are disadvantageous to the Company, and those which are otherwise. They have done their utmost to obtain better terms for their Constituents. His Majesty's Government and the House of Commons have come to a decision, and the Proprietors have now to determine, whether they shall accept or decline the proposed Charter. The Executive Body are called upon to give their opinion on this momentous occasion, and after much serious consideration, individually and collectively, they have here to state, that though they deeply feel the diminution of privilege and power which this Charter will inflict upon the Company, they cannot, under all the circumstances of the Company's situation, and of those conditions of the new Charter which are favourable, advise their Constituents to decline it. They will not even rest in this negative opinion; but as a positive conclusion is expected from them, they submit that they have no other alternative, than to advise the Company to make a fair trial of the proposed Charter. They are much influenced in this conclusion, by the terms which the Bill contains, with respect to the exclusive privilege of the China trade for twenty years, to the security of the dividend, and the improvement of the commercial funds and the home finances of the Company. In these important branches, the Directors deem the new Charter practicable; and, in the last three particulars, even less liable to embarrassment than the present Charter, though it be, in other respects, as already stated, more unfavourable. The situation in which the Company, the many thousands dependent on them, and the interests connected

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Body, appears, if any distinction between their interests and those of their Constituents may be made, to be better for the Company.

Of one arrangement in the proposed Charter it still remains to speak:—the new modification or enlargement of the powers given to the Board of Commissioners, as above detailed.

It has been before observed, that the principle and substance of several of these powers are contained in former Acts; but certainly, as they are now specified and extended, they altogether constitute a more strict and comprehensive controul. Of this, the Executive Body, as it affects themselves, and as it affects the general credit and interest of the Company, cannot but be deeply sensible. They would not, however, allow their feelings, on this score, to carry them to an estimate of the subject beyond its real amount. Mortifying and derogatory as this new controul must certainly be, they will not venture to pronounce that, if the other conditions of the Charter were found eligible, this would be a sufficient motive for refusing it. The general powers of superintendence and controul given by the former Charters are, in reality, so large, that if they had been exercised illiberally or vexatiously, it might have been difficult for the Court of Directors to perform their functions; and with respect to the present powers, much will depend on the spirit in which they are administered. If that spirit be temperate and just, it will be practicable to carry on the Company's business: if the powers are used in a way which men of character and liberal feelings cannot brook, the issue may be most serious to the system of the Company.

IX. In looking forward to a new Charter, it is natural to pay attention to the state of the Company's affairs under the present. The most prominent feature in the actual circumstances of the Company is the territorial debt. The amount of this, and its pressure on the home treasury, by the transfer of a large portion both of the principal and interest of it, have been already mentioned.

In the financial embarrassment which it has created, the Company are placed under the terms of the present Charter; and by existing circumstances, with the provisions of this Charter, were it still to continue, they would remain subject to large annual demands on account of the territory, for which all their commercial funds would, in the first place, be liable, and, on every failure of adequate supplies from India, they would be obliged to recur to Parliament for aid.

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aid, greatly to their own trouble and discredit; because the ground of such application, though entirely just, would be misunderstood, as it has already been, with manifest disadvantage to them, by the country:

Instead of the great accumulation held out in 1793, the circumstances into which the Company are brought by the vast increase of the territorial debt, present nothing, under such provisions as that Act contains, but a continuance of financial difficulties, until the territorial income shall yield a clear steady annual surplus above the expenditure. Nor is it to be denied, that although, as long as the Company's commercial profits should suffice for the payment of the dividend, the Proprietors would be entitled to it; yet if, under the present (or existing) Charter, the territorial demands were such as to absorb the home funds, this dividend would not be forthcoming, unless furnished by borrowing, which would be an expedient both disagreeable and liable to opposition and reproach.

It cannot be expected that Government should, out of any funds not appertaining to the Company, place them in a better situation, in this respect, under the new Charter; but the provision contained in the Bill now passed, securing a priority of payment to the dividend and the means of meeting the territorial demands here, will be a real relief to the home treasury. Still, however, the reduction of the Indian debt is, as already observed, a desideratum, ever, the reduction of the Indian debt is, as already observed, a desideratum, essential to the permanent prosperity of the Company's affairs. This necessity exists under the present Charter; it must exist equally under any other; and if the new Charter is undertaken, it must be with a fixed determination to reduce the Indian expenditure.

Before quitting this point, it may be proper to observe, as connected with the prospective view of the Company's finances, that the estimate of receipts and expenditure to March 1814, when the present Charter will be about closing, exhibits a deficit of £695,396, arising still from the transfer of the territorial debt. On this subject there is a provision in the proposed Charter, as already mentioned.

The Court of Directors have done their utmost to prevail on His Majesty's Ministers to reduce the number of King's troops employed in India. They have not been able to get the maximum fixed under 20,000 men; but it does not follow that this number will always be actually employed: and the Court have hopes.

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connected with them in this country and in the East, would be placed, if the Charter were now declined, also weighs much with the Court of Directors in their decision; and they are, therefore, on their part, prepared to undertake the task of executing the proposed Charter, if their Constituents shall see fit to accept it, trusting that the new and very difficult situation in which they will be placed, will receive due consideration and allowance: they will be disposed, if the Charter is accepted, to give it a fair operation, according to the intention of Parliament, and the privileges which private traders will derive under it. But if, from irregular proceedings, unwarranted assumptions, or vexatious annoyances on the part of those traders, or from a conduct, which the Court cannot anticipate, on the part of the Board of Control, obstacles should arise to prevent or impede the execution of the Charter by the Company, after their best endeavours to that end have been used, the responsibility of the failure will not attach to them; they will have a clear and strong case to bring before Parliament, which has prescribed the terms of the new Charter; and if, ultimately, the relief which shall appear necessary to the performance of the functions assigned to the Company be not given, they will have the time and the means of making a more deliberate and safe bargain with the Public, than if they threw up their privileges at the present moment; whilst there would be then a better opportunity of providing, also, for the future government of those immense possessions which the Company have acquired for the country; possessions, of which the interests must ever be dear to them, and the most powerful of their motives for continuing, as long as they can with safety, in the management of that empire, which has so much flourished under their care, and for the prosperity of which their system appears to be peculiarly calculated.

(Signed)

THOMAS REID,
CAMPBELL MARJORIBANKS;
JOHN HUDLESTON,
JAMES PATTISON,
GEORGE ABERCROMBIE ROBINSON,
RICHARD TWINING,
CHARLES GRANT,
ABRAHAM ROBERTS,
RICHARD CHICHELEY FLOWDEN.

ROBERT THORNTON,
WILLIAM FULLARTON ELPHINSTONE,
EDWARD PARRY,
JOHN INGLE,
GEORGE SMITH,
JOHN JACKSON,
JOHN BUBB,
JOHN BLADEN TAYLOR,
JAMES DANIELL,
JOHN ALEXANDER BLANNERMAN,

No. CL.

AT A

COURT OF DIRECTORS,

Held on Friday, the 16th July, 1813.

William Adam, Esq. the Company's Standing Counsel, delivered in his opinion, (No. CLI.), as required by the Resolution of the General Court of the 13th instant.

The said resolution was then read, as was Mr. Adam's opinion thereon.

It was then,

Ordered, That Mr. Adam's opinion be laid before the General Court to be held this day.

Jacob Bosanquet, Esq. delivered in a Dissent (No. CLII.) from the Court's Resolution of yesterday, which Resolution approves the Report of the Committee of the whole Court of the same date; the said Dissent was read.

Joseph Cotton, Esq. also delivered in a paper, (No. CLIII.), containing his sentiments upon the Bill for renewing the Company's Charter, as the same has passed the House of Commons; and Mr. Cotton therein advising and recommending the acceptance and adoption of the said Bill by the Proprietors.

And the said paper being read,

It was,

Ordered, That the foregoing Dissent and Paper be laid before the General Court to be held this day.

No. CL.
Court of
Directors,
16th July,
1813.

No. CLI.

COPY of the OPINION of WILLIAM ADAM, Esq. the Company's Standing Counsel, dated the 15th July, 1813, noticed in the preceding Minutes.

No. CLI.

Opinion of
Wm. Adam,
Esq.

The East-India Company exists as a corporation under the Charter of William the Third; which Charter is derived from the Crown, is independent of any Act of Parliament, and is particularly referred to and saved by a proviso in the proposed Bill.

When the proposed Bill passes into a law, it will impose upon the East-India Company, as a corporation, the fulfillment of all the trusts and obligations created by the Bill, and will likewise regulate the enjoyment of the rights of which the Company are in possession.

These trusts and obligations, being the creation of the Legislature, can only be got rid of by the intervention of Parliament, which may, upon the occasion contemplated, impose conditions as the terms of release.

It is almost unnecessary, therefore, to observe, that as the duties and obligations thus created are not the subject of voluntary surrender, regulated by legal rules or forms, but are to be annulled only at the discretion of the Legislature, it is in vain to look to the opinion of counsel (which deals only with rules of law, and not with matter of discretion) for a solution of this question.

I feel it, however, to be my duty, in obedience to the Resolution of the Court of Proprietors, to state, that there is no connection in law between the Charters that flow from the Crown, and the Bill, which is the Act of the Legislature, so as to make the existence of the one depend upon the Company's remaining under the provisions of the other; an unconditional abrogation, therefore, of the proposed Act, would have no effect upon the Charters.

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It is further to be observed, that the Legislature must be presumed to be guided by maxims of justice and equity, and the East-India Company, in wishing to deliver themselves from the provisions of the Bill, must be presumed to be actuated by sound discretion.

Under these impressions, it may be safely predicted, if the proposed Act should become dangerous to the safety and injurious to the interests of the Company, that Parliament would, in justice, relieve them from the provisions of the law, without any condition calculated to affect their corporate rights, in which case the Charters granted by the Crown, for the purposes of trade, would remain entire.

(Signed)

WILLIAM ADAM.

Lincoln's Inn, 15th July 1813.

No. CLII.

COPY of the DISSENT of JACOB BOSANQUET, Esq. dated the 16th July, 1813, also noticed in the preceding Minutes.

July 16th, 1813.

Dissentient from the preceding resolution; Because I think the Bill now pending in Parliament does not, by any means, render justice to the East-India Company, has not provided for the great and leading interests of the Indian Empire, or is likely finally to be beneficial or satisfactory to the Public at large. At this late period, and in the present state of my health, it is impossible for me, in writing, to attempt to discuss at large these important topics. I must reserve myself to offer such reasons for my opinion to the Proprietors in General Court assembled, as may be compatible with the limited nature of my abilities, and as circumstances may appear to me to render necessary.

(Signed)

JACOB BOSANQUET.

E 2

No. CLIII.

(516)

No. CLIII. Paper of
Jos. Cotton,
Esq. ticable by modifications which they have sanctioned. Affording, therefore, as this consideration does, an additional motive for the acceptance and adoption of the proposed Charter, the Proprietors are advised and recommended to accept and adopt it by

(Signed) JOSEPH COTTON.

No. CLIV.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST INDIES,

Held on Thursday the 16th July, 1813.

No. CLIV. Minutes of last Court of the 13th instant were read.

General
Court,
16th July,
1813. The opinion of Mr. Adam, the Company's Standing Counsel, upon the question proposed by the General Court on the 13th instant, was also read.

The Chairman then stated to the Court, that in obedience to their Resolution of the 13th instant, the Directors, who are Members of the Honourable House of Commons, had endeavoured to obtain delay, as to the passing of the East India Bill, but without success; that they had also stated to His Majesty's Ministers the claims of the Commanders and Officers of the Company's ships, and will still continue their exertions in favour of that meritorious body of men.

Minutes of the General Court of the 26th June last were then read.

The Chairman acquainted the Court, that the Court of Directors had, in obedience to the General Court's Resolution of the 26th ultimo, now read, taken into their most mature consideration the important matters therein referred to them; and having, in consequence, adopted a Report in a Committee of the Whole Court, which was laid before the Court of Directors yesterday, and which received their sanction;

(517)

And the Chairman submitting to the Court that the same be now read; Minutes of the Court of Directors of the 15th instant, and the Report from the Committee of the Whole Court, therein referred to, were accordingly read.

The Dissent of Jacob Bosanquet, Esq. to the above Resolution was also read.

A paper from Joseph Cotton, Esq. was likewise read.

It was then moved, and on the question,

Resolved, That the above papers be printed for the information of the Proprietors.

The Court then, on the question, adjourned to Wednesday next.

No. CLIV.

General
Court,
16th July,
1813.

No. CLIII.

COPY of the PAPER delivered in by JOSEPH COTTON, Esq. also noticed in the preceding Minutes.

No. CLIII. The undersigned Director of the East-India Company having, with great attention, considered the existing Charter, and the proposed terms in the Bill which has passed the House of Commons, and having also deliberately weighed the substance and tendency of the original propositions, feels no hesitation in stating, that had the obvious construction of those propositions been insisted upon, he could never have been induced to recommend an acquiescence in the terms therein prescribed.

Yet, inasmuch as the Bill, in its present form, contains so many favourable modifications of that outline, without advertng to the particular motives or grounds for those ameliorations, or to the consequent variation in the opinions formerly entertained, and notwithstanding there are still many objections, of a most important description, that prevent an unqualified approbation of the Bill under consideration, yet as the Company, if reduced to a mere commercial body, could not carry on even their commerce so profitably, under the competition that would be excited against them by British enterprize and capital, as when in the possession of the political power and government of India, so it affords a strong argument for advising that the Proprietors should accept the terms offered, and try the experiment of that administration proposed by His Majesty's Government and the Legislature.

However painful and imposing the degradation of the Court may appear, by the extension of the controul, in so many points, it is of too little consideration, compared to the great and substantial interests of the Company and the country, to be allowed to weigh, in the recommendation to their Constituents of either the acceptance or rejection of the conditions.

As

As public characters and guardians of the interests of an extensive empire, as well as those of their Constituents, he feels persuaded, that the Court of Directors are ready to lend their best assistance towards perfecting what the Legislature of their country may prescribe; and they are imperiously bound so to do, under the reasonable and considerate provisions made for the security of the dividend to the Proprietors.

At the same time, he felt it an indispensable duty to himself, and to his Colleagues, candidly to explain to the Court of Proprietors and the Public, the little probability there is, that any administration of the political affairs of India can be so conducted, as to support the maintenance of that empire by its own resources; and if, by any acquiescence in the terms, it is to be understood that an avowal thereof is implied, or that the Court are to be responsible for the practicality of such an event, the contrary should be clearly and explicitly declared, inasmuch as, under the last Charter, not only the million proposed for the commerce was wholly absorbed, but the debt increased from eight millions to thirty millions, which the state of India rendered unavoidable; and as the expenditure which must exist under the present establishments, will probably preclude the extinction, perhaps even the reduction, of the debt, so any subsequent war will occasion an increase thereof; and from the extent of frontier, the result of a most expensive and successful, though unauthorized war on the part of the Court of Directors, the Company are so far more vulnerable, hostile operations become in course highly probable, and every movement of the army will absorb the surplus, and render the prospect of paying off the debt still more problematical.

Exoneration therefore from such responsibility, it is to be hoped, will not be refused by the high authorities of the realm; and, under such impression, an acquiescence in, and acceptance of, the conditions is advisable.

From a review of all the circumstances of this severe contest, it would appear that the unpopularity of the East India Company is such, that neither the public nor private trader, with some who have been high in its service, would have left the Company the shadow of their authority or exclusive commerce, had it not been for the wisdom and firmness of Ministers; and it may be presumed, that Government, interested as the nation is in the welfare and preservation of India, will not suffer the Company to sink under a Charter, now rendered problematical.

No. CLIII.
Paper of
Jos. Cotton
Esq.

No. XV.

FURTHER PAPERS

RESPECTING

THE NEGOCIATION

FOR A RENEWAL OF THE

EAST-INDIA COMPANY'S EXCLUSIVE PRIVILEGES.

London:

PRINTED, BY ORDER OF THE COURT OF DIRECTORS, FOR THE INFORMATION
OF THE PROPRIETORS,

By E. Cox and Son, Great Queen Street, Lincoln's-Inn-Fields.

1813.

LIST OF FURTHER PAPERS

Respecting the Negotiation for a Renewal of the East-India Company's exclusive Privileges; printed, by Order of the Court of Directors, for the Information of the Proprietors.

No. CLV.

Minutes of a Court of Directors, held on Wednesday, the 21st July 1813.

No. CLVI.

Copy of a Letter from William Astell, Esq. dated the 19th July 1813, noticed in the preceding Minutes.

No. CLVII.

Copy of a Letter from Sweny Toone, Esq. dated the 21st July 1813, also noticed in the preceding Minutes.

No. CLVIII.

Minutes of a General Court of Proprietors, held on Wednesday, the 21st July 1813.

No. CLIX.

Copy of a Letter from the Chairman and Deputy Chairman to the Right Honourable the Earls of Liverpool and Buckinghamshire, respectively, dated the 21st July 1813, enclosing a Transcript of the Unanimous Resolution of the General Court of Proprietors, held the same day.

No. CLX.

Copy of a Letter from the Right Honourable the Earl of Buckinghamshire to the Chairman and Deputy Chairman, dated the 22d July 1813, acknowledging the receipt of the preceding communication.

No. CLV.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 21st July, 1813.

On reading a letter from William Astell, Esq., a Member of this Court, No. CLV.
dated the 19th instant; also

A letter from Sweny Toone, Esq. another Member of this Court, dated
this day; both stating their reasons for not signing the Report of the Committee
of the Whole Court, of the 15th instant; and both submitting their opinions,
that it will be advisable for the Proprietors to accept the Bill now pending in
Parliament for the renewal of the Charter, being read;

Ordered, That the said letters be laid before the General Court to be held
this day.

Court of
Directors,
21st July,
1813.

No. CLVI.

*COPY of a LETTER from WILLIAM ASTELL, Esq., noticed in the
preceding Minutes.*

GENTLEMEN,

East-India House, 19th July, 1813.

Having been unavoidably absent from the last two Courts, I have it
only now in my power to bear testimony to the correct view taken of the present
and proposed Charters of the Company in the Committee of the Whole Court's
Report of the 15th instant; and however, in minor points, I might have urged
objections, in my place, to some of the reasonings in that paper, I cannot now
hesitate to declare my perfect acquiescence in what results from it, namely, the
recommendation.

Letter of
Wm. Astell
Esq.

No.
CLVILetter of
Wm. Astell,
Esq.

recommendation to the Proprietors to make a fair trial of the proposed Charter, under the full persuasion, that if, eventually, obstacles should arise from any quarter or causes to prevent or impede the execution of it by the Company, after their best endeavours to that end shall have been used, the responsibility of the failure will not attach to them; and, individually, I must be content to sacrifice private feelings, of great mortification at the diminished power and reduced situation of the Directors, in the hope and belief that a liberal exercise of the increased and extended powers of controul (many of which, I do not hesitate to say, I am still unable to see the public necessity of) will make it practicable and convenient for men of character and liberal sentiment to act under these regulations. Thus, whilst I acknowledge that the Bill is improved and amended in its latter stages, so considerably as to obviate much of the difficulty and dislike occasioned on its first existence, founded upon the Resolutions of March last, I yield to the call made upon those now honoured with the charge of administering the Indian system, and submit, as far as I am concerned, to make a fair experiment of the proposed Act of Parliament.

I have the honour to be, Gentlemen,

Your most obedient humble servant,

(Signed) WILLIAM ASTELL.

The Honourable Court of Directors of the
East-India Company.

No. CLVII.

COPY of a LETTER from SWENY TOONE, Esq., also noticed in the
preceding Minutes.No.
CLVII.Letter of
S. Toone,
Esq.

GENTLEMEN,

East-India House, Wednesday, 21st July 1813.

Not concurring in all the reasoning contained in the paper submitted to the Court of Proprietors on Friday last, I could not reconcile it to my mind

to

No.
CLVII.Letter of
S. Toone,
Esq.

to sign it. But I consider it a duty to my Constituents to state, that under all the circumstances of the case, and the knowledge I possess that every possible exertion has been used by the Executive Body to obtain better terms, and that the responsibility of the measure rests upon the Legislature, I am of opinion, that it will be for the interest of the Proprietors to accept the Bill, now in its progress through Parliament, if it shall be passed into a law.

I request this paper may be submitted to the General Court this day, previous to the discussion which is to take place upon the Bill.

I have the honour to be, Gentlemen,

Your most obedient, humble servant,

(Signed) S. TOONE.

The Honourable Court of Directors of the
East India Company.

No. CLVIII.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Wednesday, the 21st July, 1813.

Minutes of the last Court of the 16th instant were read.

The Chairman acquainted the Court, that it is met by adjournment, for the purpose of taking into further consideration the Bill for the renewal of the Company's Charter, which Bill had yesterday passed the House of Lords.*

A

* The Bill underwent no alteration in its progress through the House of Lords, but passed in the same state in which it was received from the House of Commons; the Bill as it was submitted for the Royal Assent will, therefore, be found to agree with that which forms No. CXXXV, in page 405, of this collection.

No.
CLVIII.General
Court,
21st July,
1813.

No.
CLVIII.General
Court,
21st July,
1813.

A letter was read from Sweny Toone, Esq., a Director, dated this day, stating as his opinion, that it will be for the interest of the Proprietors to accept the proposed Charter.

A letter was also read from William Astell, Esq., dated the 19th instant, bearing testimony to the correct view taken of the present and proposed Charters of the Company in the Report of the Committee of the Whole Court of the 15th instant, and stating his perfect acquiescence in its recommendation to the Proprietors to make a fair trial of the proposed Charter.

George Smith, Esq., a Director, read to the Court a letter which he had this day received from Charles Mills, Esq. also a Director, dated the 20th instant, containing observations upon the important subject now before the Court, and stating his opinion that, upon the whole, it will be most advisable for the Proprietors to accept the Charter upon the terms proposed, rather than break up this ancient establishment, the demolition of which would be severely felt both at home and abroad, and the ultimate effects produced attended with certain loss, if not ruin, to the East-India Company.

A long discussion then took place upon the Bill for the renewal of the Company's Charter ;

And the following motion was made, viz.

"That this Court cannot, with reference to the interests either of this Company or the Public, contemplate with entire satisfaction all the provisions of the Bill now pending in Parliament, intituled, 'An Act for continuing in the East-India Company, for a further term, the possession of the British Territories in India, together with certain exclusive privileges ; for establishing further regulations for the government of the said territories, and the better administration of justice within the same ; and for regulating the trade to and from the places within the limits of the said Company's Charter : ' nevertheless, deferring to the sense of the Legislature, and relying on its wisdom and justice, in the event of the expectations held forth by the Bill being disappointed, this Court does not think that it would be expedient, in the present circumstances of the Company, to decline becoming a party to the measure proposed ; the Court of Directors are therefore authorized to communicate

No.
CLVIII.General
Court,
21st July,
1813.

communicate to His Majesty's Ministers the Company's concurrence in the arrangement, together with an assurance that they will zealously use their best endeavours, when the Bill shall be passed into a law, to fulfil (notwithstanding the new difficulties they will have to meet) all the duties which it shall impose, according to its true spirit and intention."

Whereupon it was moved to amend the said motion, by adding thereto the following words, viz.

"That the East-India Company, in thus undertaking to administer the functions assigned to it by the State, avows its determination to give every effect within its power to the declared will of the Legislature, trusting to the assurances of Ministers for such assistance and support, as so entire an alteration in the system of its affairs may render necessary. At the same time, this Court think it expedient to caution their Directors against entering into any pecuniary engagements, not absolutely required by law, which may by possibility interfere with the regular payment of their dividend.

"And this Court concurring in opinion with the Court of Directors, that the proposed change must operate to the reduction of the commercial establishments of the Company, abroad and at home, and to the reduction of one class of the ships employed in the Indian navigation, desire to assure the Court of Directors of their firm support, and of their high approbation, with regard to every suitable plan of retrenchment and economy which they may adopt, whether relating to their establishments at home or abroad, or to the mode of conducting their remaining commerce ; convinced that the best and surest interest which they can establish with their countrymen will be, the managing with diligence, integrity, and disinterestedness, so great a trust as that about to be committed to their charge."

And the question being put, that the words proposed to be added stand part of the question, the same passed in the negative unanimously.

The original question being then put, it was

Resolved Unanimously, That this Court cannot, with reference to the interests either of this Company or the Public, contemplate with entire satisfaction all the provisions of the Bill now pending in Parliament, intituled, "An

No.
CLVIII.

General
Court,
21st July,
1813.

"An Act for continuing in the East-India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter:" nevertheless, deferring to the sense of the Legislature, and relying on its wisdom and justice, in the event of the expectations held forth by the Bill being disappointed, this Court does not think that it would be expedient, in the present circumstances of the Company, to decline becoming a party to the measure proposed; the Court of Directors are therefore authorized to communicate to His Majesty's Ministers, the Company's concurrence in the arrangement, together with an assurance, that they will zealously use their best endeavours, when the Bill shall be passed into a law, to fulfil (notwithstanding the new difficulties they will have to meet) all the duties which it shall impose, according to its true spirit and intention.

It was then moved, and on the question,

Resolved Unanimously, That the warmest thanks of this Court, especially convened for the purpose of taking into consideration the Bill for the renewal of the East-India Company's Charter, be given to Sir Hugh Inglis, Bart. the late Chairman, to Robert Thornton, Esq. late Deputy and present Chairman, and the Honourable William Fullarton Elphinstone, the present Deputy Chairman of the Court of Directors, and to the late and present Court of Directors, for the distinguished talent, exemplary zeal, and indefatigable perseverance, which they have displayed, during the course of a long and arduous struggle, in maintaining the rights and supporting the interests of the Company.

The Court then on the question adjourned.

No. CLIX.

COPY of a LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the Right Honourable the EARLS of LIVERPOOL and BUCKINGHAMSHIRE, respectively, enclosing a transcript of the Unanimous Resolution of the General Court of Proprietors, held on the 21st July, 1813.

East-India House, 21st July, 1813.

MY LORD,

We have the honor to transmit, for your Lordship's information, the Resolution which the Court of Proprietors of the East-India Company voted unanimously this day.

We have the honor to be, My Lord,

Your Lordship's most obedient humble servants,

(Signed)

ROBERT THORNTON,
W. F. ELPHINSTONE.

The Right Honourable Earl of Liverpool.
The Right Honourable Earl of Buckinghamshire.

No.
CLIX.

Chairman
and Deputy's
Letter.

No. CLX.

COPY of a LETTER from the Right Honourable the EARL of BUCKINGHAMSHIRE to the CHAIRMAN and DEPUTY CHAIRMAN.

India Board, July 22d, 1813.

GENTLEMEN,

I had the honour of receiving your letter, communicating a copy of the Resolution which the Court of Proprietors of the East-India Company had unanimously voted upon yesterday.

I have the honour to be, Gentlemen,

Your most obedient humble servant,

(Signed)

BUCKINGHAMSHIRE.

The Chairman and Deputy Chairman
of the East-India Company.

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[13th JULY, 1813.]

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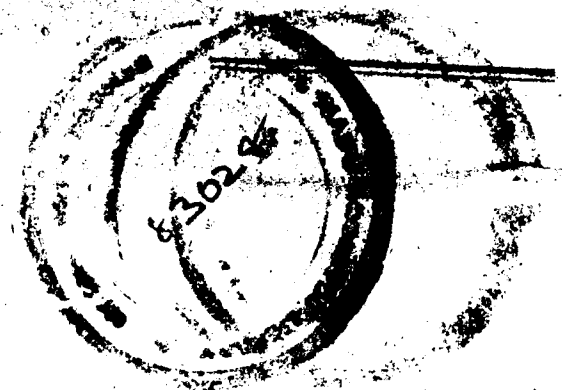
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2. A sum equal to payments from commercial funds at home, on account of territorial charges in each year, after deducting a amount of payments abroad for commercial establishments, to be annually applied to investment or remittance, at the option of the Directors; excess in any year to be taken into account the next year.

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