AN

LYSIS

OF THE

TITUTION

OF

E EAST-INDIA COMPANY,

AND OF THE

LAWS PASSED BY PARLIAMENT

FOR THE

GOVERNMENT OF THEIR AFFAIRS, AT HOME AND ABROAD.

TO WHICH IS PREFIXED,

A BRIEF HISTORY OF THE COMPANY,

AND OF THE

RISE AND PROGRESS OF THE BRITISH POWER IN INDIA.

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PREFACE.

THE frequent reference which is required to the Acts of Parliament passed from time to time relating to the East-India Company, and to the circumstances which led to such legislative provisions, suggested the present work. Its extent considerably exceeds what was originally contemplated. On some of the points, matter is introduced not immediately relating to the Company, but tending to elucidate the subject under which it is embraced.

A brief account of the rise of the Company in England, and of the progress of the British power in India, is followed by an Analysis of the existing Laws to the close of the session on the 31st May 1826. A short statement is prefixed to the several heads under which those laws are contained, explanatory of the cause of their enactment, and also of the opinions entertained by the leading political characters of the

day when the subjects came under discussion in Parliament.

The system by which the affairs of India are governed was framed upon mature deliberation. Its object was to preserve the constitution of the country, and to secure to the Company their rights and privileges.

The act of 1784, which originated that system, contained the declaration, "that to pursue schemes of conquest and extension of dominion in India, are measures repugnant to the wish, the honour, and the policy of this nation."

The territories possessed by the Company at that period had been acquired principally under the governments of Lord Clive and Mr. Hastings. The means which were necessary for the preservation of those acquisitions, inevitably led to their extension; such extension almost immediately following the decided opinion which Parliament had recorded.

The war during the administration of Lord Cornwallis, in 1789, with Tippoo, was provoked by that chieftain's attack on Travancore.

In 1799 and 1803, under the government of the Marquis Wellesley, the designs of Tippoo, the

intrigues of the French, together with the hostility of the Mahrattas, necessarily involved the British Government in a war with those powers.

During the government of the Marquis of Hastings, the aggressions of the Nepaulese, the barbarous incursions of the Pindarries, the insincerity of the Mahratta powers, the disaffection of the Paishwa, and the treachery of the Rajah of Nagpore, led to the operations which took place between the years 1814 and 1819.

To the foregoing causes is to be attributed the extension of our Indian empire. Its government (under certain restrictions) is committed to the East-India Company, who have been described by the most eminent and constitutional lawyers as "a limb of the government of the country;" and it has been declared by the same high authority, that no distinction can be established between offices held under the Company and those held under the Government of the country.*

The

* Lord Kenyon, when Lord Chief Justice of the Court of King's Bench, and Mr. Justice Lawrence, 24th January 1795.

The development, in some measure, of the system under which the domestic and foreign affairs of the Company are administered is the object of the following pages.

June 1826.

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A

BRIEF HISTORY

OF THE

EAST-INDIA COMPANY.

THE discovery of a passage by sea to India, at the close of the fifteenth century, was embraced by the Portuguese, who persevered in acquiring seats of trade and dominion in that distant country, where they maintained an ascendancy and engrossed almost the whole of the Asiatic commerce until the year 1595, when the Dutch, who had revolted against the authority of the United Kingdom of Spain and Portugal under Philip the Second, followed the Portuguese to India, soon becoming their rivals, and subsequently the subverters of their power in the East. Attempts had been made about the same time by various merchants of London, under the sanction of Queen Elizabeth, to prosecute the trade with India. Their efforts proving unsuccessful, a charter was granted by Her Majesty, on the 30th December 1600, in the forty-third year of her reign, incorporating the *London East-India Company*, whose affairs were to be managed by a governor and twenty-four committees. They were to enjoy the exclusive privilege of trading to all parts of Asia, Africa, and America, beyond the Cape of Good Hope, eastward of the Straits of Magellan. In the early period of the Company's existence they encountered

 a series

a series of difficulties of no ordinary character. ... they had to contend with their powerful Eur... enemy the Dutch, who opposed every obstacle to t... establishing any settlement in the Eastern seas. No... withstanding the charter granted by Elizabeth and confirmed by her successor, licenses were issued to individuals for private trade, which, at the period of the civil wars, involved the Company in a series of losses and disasters. Soon after the restoration of Charles II., the rights conferred by charters from the crown, irrespective of Parliament, were called in question. This circumstance induced speculative adventurers, then termed interlopers, to embark in opposition to the Company. Notwithstanding these vicissitudes and discouragements, the Company formed by degrees factories in India, and ultimately reached such a degree of prosperity, that various attempts were made to induce the Crown and Parliament to revoke their charter, with no other object than that the petitioners themselves should be erected into an exclusive Company. Those efforts were ineffectual; but a circumstance arose which gave the Government an opportunity to determine the Company's charter. The Company having failed in 1693 in the payment of a duty of five per cent. on their capital stock, imposed by the 4th and 5th of William and Mary, the charter was rendered void. Their privileges were, however, revived by a new charter; but they were obliged to submit to a condition, that it *should be determinable on three years' notice*. In 1698, the necessities of the state, caused by the wars in which Great Britain was engaged, induced Parliament to authorize the incorporation of a new society for trading to India. The 9th and 10th of William and Mary was accordingly passed,

...irectors ... for borrowing £2,000,000 at eight per cent.; ... affairs ... an encouragement to subscribers, it was ... is th... ed that they should be incorporated by charter ... char...ed a *General Society*, with liberty for each individual po... mber to trade to India, so that the value of his lo... xports should not exceed his share of the loan. o... uch subscribers as should choose were empowered to convert their subscriptions into a joint stock, to be incorporated by a separate charter, by the name of the *English East-India Company*. The act reserved a power to determine both the old and new Companies after September 1711, on re-payment of the loan and three years' notice. It is unnecessary to detail the events which occurred after the incorporation of the English Company in 1698, to the union of the London and English Company, under the award of Lord Godolphin, by the act of the 6th of Queen Anne in 1708. The charter granted by William III, in 1698, is the foundation of the privileges of the present United East-India Company. The constitution of the Court of Directors and of the General Court of Proprietors, under that charter, have been continued with the modifications introduced by various acts of Parliament, subsequently passed for the regulation of the Company's affairs, which acts are noticed in the Analysis.

The Company obtained an enlargement of their term in the exclusive trade in 1708, for fifteen years, on advancing £1,200,000, as a loan without interest, their nominal trading capital thus becoming £3,200,000. In 1712 the Company considered the term then remaining too short to admit of their risking the outlay which was requisite to secure an advantageous return: an act was passed, extending their privileges to 1733. In

In 1730 they were continued until 1766, fo... extension they gave to the public the st... £200,000, and agreed to a reduction of the r... interest to £4 per cent. on the debt of £3,200,... In 1744 they obtained an addition of fourteen ye... on- beyond 1766, which extended their privilege of ex... clusive trade to 1780, and in return they lent to... the public £1,000,000 at three per cent.; in 1756 the Company agreed to a further reduction of the rate of interest on the £3,200,000 to three per cent. Thus arose the £4,200,000 East-India annuities, which carried an annual interest of £126,000, and which were transferred to the Bank in 1793, leaving a debt of £1,207,559 due to the Company.—(*Vide* Annuities, p. 17.)

In 1781 a further agreement was made, by which the trade was continued to the Company until 1794. By the Act of 1793 the trade was continued until 1813, when the 53d Geo. III. c. 155 was passed, opening the trade with India to the public; at the same time reserving the trade with China and in Tea exclusively to the Company. (*Vide* Trade.)

21 Geo. 3, c. 85, § 9.

The exclusive trade which the Company formerly enjoyed with India having been noticed, the possessions of the territorial acquisitions will be adverted to. When intelligence was received by the Court of the grant of the Dewanny in 1765, the attempts which were made by the proprietors to obtain an increase of dividend attracted the notice of Parliament, and from the year 1767 the affairs of the Company have been more or less the subject of Parliamentary discussion and legislative provision. Amongst the points in dispute was the right contended for on the part of the East-India Company to the territorial

acquisitions

Directors ... India. This was met by a declaffairs ... all conquests made by subjects necesis th... long to the Crown: subsequently to which char... e has been inserted in every Act passed for po... nuing in the Company the territorial possession, reserving the right and authority of the Crown of without prejudice to any of the rights, franchises, and immunities of the Company. The question involves points of the utmost moment to the Company's interests; and without in the least trenching upon the undoubted Prerogative Rights, whenever the period shall arrive at which the matter may come under discussion, the rights of the Company will be found to rest upon numerous privileges and immunities, and to extend to property and possessions of great value and importance. It has already been remarked that the constitution of the Company, as laid down by the charter of King William, existed unchanged till the Regulating Act of 1773, which introduced important alterations as to the mode of electing the Directors, the qualification of the proprietors, and the system under which the Company should conduct the administration of their affairs abroad, Fort William in Bengal being declared the seat of Government, under a Governor-General in Council. In 1783 Mr. Fox's memorable India bill was brought forward and rejected, and the bill proposed by Mr. Pitt, after a series of interesting but extraordinary debates and occurrences, was passed into an Act in 1784, under which the Board of Commissioners for the Affairs of India were first established. The bill brought forward by Mr. Fox transferred the entire government of the Company's affairs to the new Board, together with the whole of the patronage: that submitted by Mr. Pitt had merely

control for its object, and even that control wa... to the discretion of the Crown.* Further pr... were introduced by the Acts of 1793 and 1813, ... are noticed in the Analysis under the several h... to which the subjects relate. The provisions ... laid down in the Acts of 1773 and 1784 have bee... virtually maintained: the patronage being vested i... the East-India Company, and all the measures o... ginating with the Court of Directors, subject to revision and control by the Board of Commissioners for the affairs of India.

The discussions which took place on the introduction of those bills are adverted to under "Board of "Commissioners."

The distance of India, the nature of its Governments, and the peculiarity of its inhabitants, appear to demand the vigilance and control of a distinct and separate body, responsible to the public for their conduct, directed and controlled by legislative provisions, and subject on all political matters to the superintendance of the constitutional executive power of the country.

The existing system has been significantly termed "a system of checks." It is certain that to none of the affairs of the county has more publicity been given, than to those relating to the East-India Company, and to the measures connected with the government of the extensive empire committed to their charge.

An objection to the Court of Directors being entrusted with the administration of the Government of India has been urged, on the ground of their being Directors

* The detail will be found under *Board of Commissioners*, p. 60.

Directors of a Commercial Company. Had not the affairs of India been confided to a body constituted as the East-India Company is, possessing the joint character of sovereigns and merchants, the British possessions in that quarter of the globe might have long ceased to occasion discussion as to the best mode of administering them; as nothing short of the funds drawn from the commercial branch of their affairs could have enabled the Court of Directors to meet the demands consequent upon political measures which have been deemed essential to the preservation of our interests in India.

A decided testimony to the beneficial result of the Company's government, as affecting the happiness and welfare of the natives, is recorded in the following terms, in the Fifth Report of the Select Committee of the House of Commons, printed in July 1812; which committee had been engaged in a laborious and minute investigation into every branch of the Company's affairs:—

"Your committee having in their former reports "adverted to the extensive establishments for the "internal administration of India as bearing with "considerable weight upon the revenue, and having "in a great degree contributed to affect the expec- "tations formed of an abundant surplus, have felt it "a part of their duty to offer some account of the "nature and history of those establishments, and of "the circumstances under which they have been "augmented to their present scale, trusting that such "an account will be acceptable to the House, not "only as shewing the importance and utility of the "establishments themselves to the welfare and order "of the country, but as evincing the unremitting

" anxiety that has influenced the efforts of those to
" whom the government of our Indian possessions
" has been consigned to establish a system of adminis-
" tration best calculated to promote the confidence
" and conciliate the feelings of the native inhabitants,
" not less by a respect for their own institutions, than
" by the endeavour gradually to engraft upon them
" such improvements as might shield, under the safe-
" guard of equal law, every class of people from the
" oppressions of power, and communicate to them that
" sense of protection and assurance of justice, which
" is the efficient spring of all public prosperity and
" happiness.

" Although the view given in the foregoing part of
" this report may shew that certain imperfections are
" found in the system of internal government in the
" Bengal provinces, yet it can, in the opinion of your
" committee, admit of no question, whether the do-
" minion exercised by the East-India Company has
" on the whole been beneficial to the natives. If
" such a question were proposed, your committee
" must decidedly answer it in the affirmative. The
" strength of the government of British India, directed
" as it has been, has had the effect of securing its
" subjects as well from foreign depredation as from
" internal commotion. This is an advantage rarely
" experienced by the subjects of Asiatic states; and
" combined with a domestic administration more just
" in its principles, and exercised with far greater
" integrity and ability than the native one that pre-
" ceded it, may sufficiently account for the improve-
" ments that have taken place; and which, in the
" Bengal provinces, where peace has been enjoyed for
" a period of time, perhaps hardly paralleled in
" oriental

" oriental history, have manifested themselves in the
" ameliorated condition of the great mass of the popu-
" lation; although certain classes may have been
" depressed by the indispensable policy of a foreign
" government. The nature and circumstances of our
" situation prescribe narrow limits to the prospects of
" the natives in the political and military branches of
" the public service: strictly speaking, however, they
" were foreigners who generally enjoyed the great
" offices in those departments, even under the Mogul
" government; but to agriculture and commerce every
" encouragemement is afforded under a system of
" laws, the prominent object of which is to protect
" the weak from oppression, and to secure to every
" individual the fruits of his industry.

" The country, as may be expected, has, under
" these circumstances, exhibited in every part of it
" improvements on a general view, advancing with
" accelerated progress in latter times."

Local experience in the various branches of the Company's service abroad, and an intimate acquaintance with their concerns at home, are to be found in the collective body of the Court of Directors; but there is no one branch of which a Director ought not to possess a knowledge, whilst the members filling the arduous and important stations of Chairman and Deputy Chairman of the East-India Company, must necessarily be familiar with the system in all its details.

Experience in the direction can alone give this knowledge: hence an objection which has been made to the mode adopted in appointing the members of the several committees by seniority, will lose much of its apparent weight. A servant who had been chief judge of the Nizamut or Sudder Dewanny Adawlut may know little

little of the military, shipping, revenue, commercial, or financial concerns of the Company: if placed immediately on his election as a Director in the Committee of Correspondence, it would not be his duty as a member of such committee, to look into the principle upon which freights are settled, contracts agreed to, military indents prepared, and a thousand other points, a knowledge of which is nevertheless essential to a full comprehension of the complicated concerns of the Company. The same observations apply with equal force to the case of a military servant, whose career may have been highly brilliant and distinguished in India, but who, it may naturally be supposed, would feel little inclination to attend to commercial questions, or interfere in settling a disputed point of freight or war contingencies. The appointment, therefore, of a newly elected Director to the junior committee, from whatever sphere he may be chosen, imposes upon the party the necessity of making himself acquainted with the several subjects to which he would otherwise remain comparatively a stranger. It is always to be remembered, that every Director has an opportunity, when any matter submitted by a committee of which he is not a member comes before the court, to offer his opinion and advice, and to record his dissent from the decision of the majority of the court thereon, if he shall deem such a proceeding necessary.*

The chairs have been filled by members chosen from the various branches of the Company's service, and by gentlemen of high character and talent, selected from the body of British merchants at home. It

* *Vide* Court of Directors, p. 195; Committees, p. 182.

It may only be necessary to mention the names of Sir Stephen Lushington, Sir Francis Baring, Sir Hugh Inglis, Mr. Scott, Mr. Elphinstone, Mr. Grant, and Sir Thomas Reid (no longer members of the Court), to shew that the existing system is calculated to secure in the chair talents and qualifications of no ordinary stamp and character.

When the act of 1813 was passed, it became necessary to consider whether any alterations in the by-laws were called for. The Committee of By-laws met, and after a full examination they stated, "that "they could not conclude their report without expres- "sing the gratification they felt on observing the clear "and comprehensive system upon which the extensive "affairs of the Company had been conducted, and "which appeared to the committee to reflect much "honour on the Court of Directors and the different "officers employed under them."

OF THE

RISE AND PROGRESS

OF

THE BRITISH POWER IN INDIA.

BRIEF as the foregoing sketch necessarily is of the rise and progress of the East-India Company in England, the attempt to give a mere outline of the origin and course of the British power in India must, it is feared, prove still less satisfactory. Nevertheless it may, in some measure, supply the means of reference to the valuable and interesting histories which have been given to the public upon the affairs of India generally.

It has been justly remarked by a distinguished military servant of the Company,* in the Introduction to his work on the Political State of India, "that a small "island in the Atlantic should have conquered and held "the vast continent of India as a subject province, is "in itself a fact which can never be stated without "exciting astonishment. But the surprise will be "increased when it is added, that this great conquest "was made, not by the collective force of the nation, "but by a Company of Merchants vested with a "charter of exclusive commerce, and with the privilege

* Major-general Sir John Malcolm, G.C.B. and K.L.S.

"lege and right to protect their property and to re-"taliate attack."

In the year 1616 the Company on the continent of India were confined to Surat and Amadavad in the Mogul's dominions; to Calicut, on the Malabar coast, and to Masulipatam, on the Coromandel coast. 1616. Bengal.

At the conclusion of the seventeenth century the English in Bengal were settled at Calcutta, the French at Chandernagore, and the Dutch at Chinsurah, all situated on the river Hooghly.

The Rajahs of the country surrounding those settlements having revolted against the Mogul government and plundered several towns belonging to the Nabob of Bengal, the three European nations, for their own defence, immediately fortified their settlements. Aurungzebe, then Mogul, sent one of his grandsons to suppress the rebellion and superintend the provinces of Bengal, Bahar, and Orissa; through whom the English obtained permission, in 1698, to purchase from the Indian proprietors the villages of Soota Nutty, Calcutta, and Govindpore, on which ground the city of Calcutta now stands.

In 1715 the factory of Calcutta, hitherto subordinate to Madras, was declared an independent presidency. The English were soon involved in controversies with Jaffir Khan, the nabob of Bengal, who, jealous of their prosperity, moved from Dacca to Muxadavad, on the Hooghly, that he might be at hand to control the Company's servants. He committed every sort of extortion. The Company made a representation to the Emperor Ferokshere, which was favourably received; and various privileges, as to trade and other points, were conferred upon them by the Mogul. 1715.

With

1746-1755. With the exception of the Company's commercial concerns, few matters of moment occurred until the year 1746, when hostilities commenced between the French and English forces. The former having fitted out an expedition at Pondicherry (where they established themselves in 1692), besieged and took

Madras. Madras. It was restored to the English by the treaty of Aix-la-Chapelle, in 1749. The French under Dupleix were shortly afterwards involved in contentions with two rival native chiefs, who respectively claimed the nabobship of the Carnatic. The English supported Mahomed Ali. It was during the above-mentioned operations that Captain Clive (afterwards Lord Clive) first displayed those extraordinary talents which laid the foundation of the extensive empire we have acquired in the East, and obtained for him the honours which he so justly merited for his valuable services to his country. Mahomed Ali was declared nabob of the Carnatic, under the provisional treaty signed at Pondicherry on the 23d December 1754.

Malabar Coast. In 1755 the pirate forces of Angria, which had overpowered many merchant vessels, received a severe check by a fleet under Commodore James, the commander of the Company's ships of war in India. The presidency of Bombay was, at the same time, encouraged by the success of Commodore James to follow it up by attempting a decisive blow at Gheria, the principal station of the pirates. Accordingly in February 1756 a considerable fleet of his Majesty's ships, accompanied by the Commodore with the Company's ships, the troops on board being commanded by Colonel Clive (who had only lately returned from England), stood into the river, burnt the whole

whole of the enemy's fleet, and compelled the garrison 1756-7.
to surrender.

Shortly after these occurrences on the Malabar coast, intelligence was received at Madras of the hostility manifested towards the English in Bengal by Seraje-ud- Bengal.
Dowlah, and of the inhuman incarceration of one hundred and forty-six Europeans in the Black-hole at Calcutta. Succours were despatched to Bengal under Admirals Watson and Pocock, and Colonel Clive, then at Madras. The expedition proceeded to Hooghly, which place they captured, destroying the resources of the enemy. The forces under Colonel Clive having disembarked encamped near Calcutta, and awaited the approach of the Nabob, with whom a partial action took place, in which the Nabob was defeated. Intelligence of war between France and England having reached Calcutta, it was judged expedient to enter into negociations with the Nabob, in order to prevent his joining the French, then at Chandernagore. A treaty was effected; but the insincerity of the Nabob, as well as the intrigues of the French, were soon apparent. Colonel Clive, with that decision which he invariably manifested, at once resolved on war, and determined to attack their united forces. A conspiracy which had been entered into against the Nabob, at the head of which was one of his principal officers, favoured the operations. At the battle of Plassey, which decided the interests of the English in Bengal, the Nabob was totally defeated, his troops dispersed, and himself made prisoner and subsequently put to death by some natives, who had suffered under his vindictive and cruel conduct. Meer Jaffir was raised to the musnud, the territories of the English were enlarged, indemnification to a considerable amount was granted

granted to them for their sufferings at Calcutta, and a sum of money was presented by the Nabob as a gratuity to the sea forces and troops.

1759-1760. Madras and Carnatic.

On the coast of Coromandel, the siege of Fort St. George by the French was raised in February 1759 by the force under Major Brereton, and Masulipatam was taken by Major Forde; but the attempt against the French settlement of Pondicherry was unsuccessful, and M. Lally laid siege to Trichinopoly. His progress was, however, checked by the operations of Colonel Coote, who invested and took Wandewash. M. Lally, alive to the importance of Wandewash, made every effort to recover it. A long and obstinate engagement took place, in which the French were completely defeated, General Bussy and many other officers being made prisoners by Colonel Coote, who followed up his victory by the captures of Chittaput and Arcot.

During these operations on shore, Admiral Pocock defeated the fleet of M. D'Ache, although greatly superior in ships and guns. The engagement was extremely severe, eight of the English ships having at one period withstood the fire of the whole of the French fleet, consisting of sixteen ships. The arrival of Admiral Cornish, who joined Admiral Pocock, gave the English so decided a superiority, that the French ultimately withdrew from the Indian seas.

In November 1760 the operations against Pondicherry were carried on by Colonel Coote, and the blockade by sea under Admiral Stevens. The siege was continued, under a variety of adverse circumstances, for a period of eight months, during which the garrison suffered the utmost extremity of distress.

In

In January 1761 the city was given up at discretion to our arms, the enemy having refused to capitulate. Thus, through the valour and judgment of Colonel Coote, the British became the masters of the coast of Coromandel, and the French were driven out of the Carnatic. Arrangments were made with the Nabob, and treaties concluded as to the grant of territory to the Company, which were confirmed by the Mogul. In 1765 the Northern Circars were granted to the Company by a firmaun from the Mogul, on the 12th August. 1761-1767.

Bengal.

The events which took place in Bengal, from the departure of Colonel Clive for Europe in 1760, to his return thereto as Lord Clive, in the station of governor and commander-in-chief, in 1765, including the grant of the Dewanny are briefly noticed under the head "Governments in India," p. 363.

Carnatic.

In 1767, Hyder Ali, one of the most formidable enemies that the English had to contend with in India, and whose possessions embraced a considerable part of the Malabar coast, jealous of the rising power of the Company, induced the Nizam to renounce his alliance with the Company and to join in a war against them. A force was sent against the allied troops of Hyder and the Nizan, under Colonel Smith, who brought them to an engagement in September near Trinomallee, and conpletely defeated them, taking seventy pieces of cannon. The Nizam concluded a treaty with the Company, but the war was continued against Hyder.

Malabar.

In the course of the operations some ships were fitted out from Bombay to attack Mangalore, one of Hyder's principal eaports; the enterprize succeeded,

nine

1768-1772. nine vessels being brought away. Colonel Smith, who had been recalled by orders from the Presidency, was again placed at the head of the English forces,

Carnatic. and checked the progress of Hyder, who had recovered most of his conquered districts. Hyder, however, availed himself of an opportunity to push a large body of horse between the English forces and the Carnatic, which country he entered and committed dreadful ravages, approaching within a few miles of Madras, and obliging the Company's troops to retreat. The Presidency entered into a negociation with him, demanding a truce of fifty days: this he refused, but consented to seven, when a treaty, offensive and defensive, was agreed to in April 1769. The prisoners on both sides were released, the conquests mutually restored, and a free trade alowed both in the Carnatic and in the dominions of Hyder.

Oude. During these proceedings, the attention of the Bengal council was attracted by Sujah Dowlah, the Vizier of Oude, who had increased his forces so as to form a considerable army. A treaty was effected, by which he engaged never to increase it beyond a certain stipulated number.

Madras. The affairs under the Madras Presidency had been so wretchedly conducted, and such dissensions had arisen in the council, that the Court determined to appoint three persons, well acquainted with Indian affairs, in the character of supervisors, to proceed to India, for the purpose of correcting the abuses and establishing such regulations as might appear to be necessary.*

In 1772 committees of the House of Commons were appointed to investigate the Company's affairs, and in 1773

* *Vide* Governments, page 365.

1773 the Regulating Act was passed, first nominating a governor-general and council, &c.

Madras The proceedings of the Madras Government, in concert with the Nabob of Arcot, against the Rajah of Tanjore, led to the appointment of Lord Pigot from home as governor. He reached Fort St. George the latter end of 1775, and succeeded in restoring the 1775-17 Rajah of Tanjore to the possession of his ancient dominions. The measures connected with the affairs of that kingdom involved his Lordship in opposition with his council. He carried the suspension of two of the members by his casting vote, and put Sir Robert Fletcher, the commander of the forces, under arrest. A plot was formed by the excluded members for securing the person of the president. Colonel Stuart, who succeeded to the command of the forces on the occasion of Sir Robert Fletcher being placed under arrest, though a friend of the governor, entered into the views of the suspended counsellors. His Lordship having been persuaded by Colonel Stuart, on the 24th August 1776, to proceed to a villa a short distance from Madras, appropriated for the use of the governors, and accompanied by the colonel, was surrounded by a party of sepoys on the way, and carried as a prisoner to the Mount. The proceedings, though supported by the Bengal Government and by many of the Directors, was strongly condemned by the majority, and the Proprietors resolved that his Lordship should be reinstated. Before the orders of the Court reached India, his Lordship had sunk under a debilitated constitution and the effects of the violent measures in which he was involved. The proceeding became subsequently a matter of discussion in Parliament.*

 In

* *Vide* Parliament, page 508.

In 1778 Pondicherry was again captured, and all the French settlements in the East reduced, inducing a well-founded belief that general tranquillity, and a maintenance of the Company's superiority, would be secured. Events, however, little contemplated, arose, which involved the Company in hostilities, and placed their possessions in the peninsula in a very doubtful and hazardous position.

At that period the Mahrattas and Hyder Ali were the only two native powers which could afford any ground of alarm. The Mahrattas had sustained a long war against Aurengzebe, and on the decline of the Great Mogul they became one of the most powerful bodies in India. The paramount authority was acknowledged to rest in the Ram Rajah, the immediate descendant of Sevaje, the founder of the Mahratta empire.*

The wars between Hyder Ali and the Mahrattas —in which the English (notwithstanding their treaty of 1769 and the repeated applications from Hyder) avoided taking a part—reduced Hyder apparently to inevitable ruin. His fortune, however, triumphed over his danger, and in 1772 he obtained a tolerable peace, without a friend or ally. The coolness of the Madras Government during those proceedings alienated Hyder: whilst the measures of the presidency of Bombay, in supporting the interests of Ragonaut Rao (commonly called Ragobah), who had murdered his nephew with the view of succeeding as Paishwa, involved the Company in a war with the Mahrattas. The operations being immediately on the coast, the aid of the shipping materially tended to support the Company's troops. Baroach was besieged and fell; and the island of

* *Vide* Major Scott Waring's History of the Mahrattas.

of Salsette was captured, on which occasion the Bombay marine is stated to have highly distinguished itself. 1777-1779.

The whole of the proceedings were condemned by a majority of the Supreme Council in Bengal, under the authorities vested in them by the act of 1773. Instructions were sent, through Colonel Upton, from Bengal, to negociate a peace: the treaty of Poonah was concluded and ratified in March 1776, by which the island of Salsette, with Baroach and the islands of Caranja, Canary, Elephanta, and Hog Island adjacent to Bombay, were ceded in perpetuity to the Company. The death of Colonel Monson in 1776, and General Clavering in 1777, two of the members of the Supreme Council who had been instrumental in effecting the peace between the Bombay Government and the Mahrattas, left the majority of the council at Calcutta and the Government of Bombay agreed as to the course to be adopted; a fresh war was accordingly commenced against the Mahrattas. The measure was strongly supported by the Bengal Government, who resolved to send a military force by land to Bombay, in aid of the policy which it had been determined to adopt, *viz.* to effect a treaty with the Rajah of Berar, in order that he might enforce his claims to the throne of the Ram Rajah, and by establishing himself in the Mahratta empire, effectually support his claims on the Nizam.

In November 1778 the Bombay Government sent forward Captain Stuart with a small detachment to take possession of the Boru Ghaut, a pass through the mountains of much importance, opening the way to Poonah, which city was within fifty miles of the pass. The object was effected, and the pass fortified.

The Bombay army, under Colonel Egerton, having joined Captain Stuart on the 1st January 1779, they marched

1778-1779. marched from Condal, a village immediately beyond the pass. On the route they were harassed by the enemy, and when within twenty miles of Poonah so severely attacked as to be obliged to retreat, and ultimately constrained to enter into a treaty at Wurgaon with the Mahrattas in 1778; by which treaty Ragonaut Rao was to be given up, and Salsette and the other conquered countries restored to the Mahrattas. Messrs. Farmer and Stuart, who had been deputed to frame the terms, were to remain as hostages until the treaty was confirmed by the Bombay Government. The Government refused to ratify it: and in this refusal they were supported by the Supreme Government.

Moodajee Bhoosla, the Rajah of Berar, although aware of the object entertained by the Supreme Government of supporting his pretensions to the throne of the Ram Rajah, used every exertion to produce a friendly understanding between the courts of Poonah and Calcutta, and effected the dismissal of some French officers of note from the former city. At the same time he expostulated with the Governor-general against the expedition of Colonel Goddard, who had been deputed with a considerable force to Bombay, and pointed out the danger to which the detachment would necessarily be exposed in passing through the Mahratta states. His representation was disregarded. Colonel Goddard was sent forward, and though made acquainted on his route with the treaty of Wurgaon, by the provisions of which he was to return to Calcutta, he proceeded on his march, and reached Surat in February 1779, with full powers to treat with the Mahrattas; but with a strict injunction against admitting the French, or giving up any of the conquests or accessions

sions. Colonel Goddard had been advanced to the rank of Brigadier-General. Before entering upon his mission, Ragonaut Rao had fled from the custody of Madajee Scindiah to Goddard's camp at Surat. The protection afforded him was approved in Bengal: but the effects at one period tended to shake the very existence of the English in India. A confederacy was formed, consisting of the Nizam, Hyder Ali, the Mahrattas, and the Rajah of Berar. The Nizam and Hyder were to attack the Carnatic and Northern Circars; the Mahrattas, Surat and Guzerat; and Moodajee Bhooslah, Bengal; whilst some other chiefs on the western side of India were to attack Oude, Allahabad, and other provinces.

A treaty had been concluded with Futty Sing Guico- 1780.
war, by which he ceded to the Company a portion of Guzerat, and engaged to supply 3,000 horse; in return for which he was to have Ahmedabad and other possessions, from which the Government of Poonah was to be entirely excluded. General Goddard besieged and took Ahmedabad, the capital of Guzerat, in February 1780.

Overtures were, about the same time, made by Scindiah, through Messrs. Farmer and Stuart, the hostages who had been released from the Mahratta camp, to treat with the English. The aggrandizement of Scindiah and the possession of Ragonaut appearing to be the objects, the overtures were rejected, and on the 3d April the Mahratta force was completely defeated by General Goddard. Subsequent affairs took place with various English detachments in which the Mahrattas were repulsed and dispersed. The English army went into quarters for the rainy season.

On the side of the Carnatic much jealousy had been 1780.
created in the minds of the Nizam and Hyder, on ac- Carnatic.
count of the treaty with Bazalet Jung, by which the

1780. Carnatic.

Guntoor Circar was ceded to the Company at a certain rent. Manifestations of hostility on the part of Hyder were apparent. The Nabob of Arcot was inert and indifferent in preparing a force to co-operate with the Company in the defence of the Carnatic. The Madras army consisted of thirty thousand effective men, but it was broken and dispersed in various detached services; some were sent to Major-General Goddard, others to the garrisons on the Malabar coast, and a valuable detachment was in the Guntoor Circar, under Colonel Baillie. Hyder had for some months been assembling a large army on the frontiers. Alive to the indisposition manifested by the English to assist him against the Mahrattas under the treaty of 1769, he determined to resent their conduct.* Aware of the dissensions in the Council of Madras, he commenced operations in the month of July 1780, and burst like a torrent into the Carnatic, accompanied by the French officers and troops whom he had obtained from the Nizam. Terror and consternation prevailed at the Presidency. The danger became immediate. Sir Hector Munro proceeded to take the command of the army at the Mount, and an express was sent to Colonel Baillie in the Guntoor Circar to march towards the Presidency, at the same time directing him to take such a course as might afford him an opportunity of cutting off some of the enemy's convoys.

Conjeveram was ultimately fixed upon as the spot of rendezvous; thither Sir Hector Munro, with the army, amounting altogether only to 6,000 troops, marched from the Mount.

Hyder, who was before Arcot, raised the siege, and managed to throw his army across the course which he

* *Vide* page xxviii.

supposed Colonel Baillie would take to join the main body: and, by other movements evincing great dexterity, he induced Sir Hector Munro to alter his position, whilst at the same time he determined to make a decided attack on Colonel Baillie's detachment; for which purpose Tippoo Saib, Hyder's son, was sent with a large force, consisting of 6,000 infantry, 18,000 cavalry, and twelve pieces of cannon. A severe conflict took place at Peerambaucum, and Tippoo was completely repulsed. In consequence of a communication from Colonel Baillie after he had defeated Tippoo a force under Colonel Fletcher was sent to his relief. Its progress, though conducted in the night and with great secrecy, was attempted to be intercepted by Hyder, who had exact information, through spies, of what was passing; but Colonel Fletcher changed his route, and effected a junction with Colonel Baillie: this point, coupled with the defeat of Tippoo, spread dismay through the Mysore army. After much discussion, and in opposition to M. Lally, Hyder planned an ambuscade through the route Colonel Baillie was to pass, enfilading the road with batteries of cannon. The fatal result is too well known to need recapitulation. The commander and men evinced heroic courage, sustaining the contest against an overwhelming force, until they were literally borne down and trampled upon by the horse and elephants. Colonel Baillie himself, being severely wounded, and two hundred Europeans, were made prisoners.* Sir Hector Munro retreated to Chingleput

1780.

* The Hon. Capt. Lindsay of His Majesty's service, the brother of the present Deputy Chairman of the East-India Company, fell in the engagement. Sir David Baird, together with Lieut.-Gen. Bowser of the Madras Establishment, Capt. Melvill, late Lieutenant Governor of Pendennis Castle and father of J. C. Melvill, Esq. Auditor of Indian Accounts, were amongst the prisoners confined at Seringapatam.

1780. Chingleput. The Guntoor Circar was restored to Bazalet Jung. The siege of Arcot was renewed by Hyder, and capitulated to that chief on the 3d November 1780. The Bengal Government despatched reinforcements and provisions to Madras, and sent down Sir Eyre Coote as commander of all the forces; who, notwithstanding the ill state of his health, immediately met the wishes of the Government, and reached Fort St. George on the 5th November.

Mr. Whitehill, the president of Fort St. George, was removed under orders from Bengal. The conduct of Sir Eyre Coote in the measures which he adopted, fully justified the unlimited confidence which was reposed in his skill and judgment. Few generals have had a more arduous task committed to them. The fate of Madras, of the British interests in the Carnatic, and indeed in all India, rested upon the application of the comparatively trifling means (only 7,000 troops) possessed by the general, of whom 1,700 were Europeans, opposed to an army of the enemy amounting to upwards one hundred thousand men. It was determined to attempt the relief of Vellore, Wandewash, Permacoil, and Chingleput, which were besieged. Sir Eyre Coote marched on the 17th January, at the head of the army, from the Mount to Wandewash. Hyder, on learning his approach, raised the siege of Wandewash and abandoned the others in the same manner.

The siege of Trichinopoly being meditated by Hyder, Sir Eyre Coote marched to Porto Novo, the wants of the army being supplied with stores from the fleet under Sir Edward Hughes, who had already rendered great service by destroying Hyder's shipping on the coast of Malabar. On the 1st July 1781 the battle of Porto

Porto Novo was fought; the force of Hyder consisting of nearly 150,000 men, that of the English scarcely 10,000. The position chosen by Sir Eyre Coote was most judicious; he was ably supported by Generals Stuart and Sir Hector Munro. The enemy were totally defeated, and Tippoo Saib, then before Wandewash, was obliged to raise the siege. Hyder withdrew to Arcot. Reinforcements reached Sir Eyre Coote from Bengal, with which he immediately attacked and carried Tripassore on the 23d August. Hyder fell back on the spot where he had defeated Colonel Baillie, and was followed up by the English army. A severe and hardly-contested battle took place on the 27th, lasting from nine in the morning until sunset, in which he was completely defeated; but the loss of the English army was great. General Stuart lost a leg by a cannon-shot; Colonel Brown was killed by the same means; and Captain Hislop, one of the general's aide-de-camps, was killed close to his side. 1780-1781.

On the 27th September Hyder was defeated again by Sir Eyre Coote, near Sholingur, on the progress of the army to Vellore.

On the 12th November Negapatam was taken by the joint forces under Sir Edward Hughes and Sir Hector Munro, causing Hyder to evacuate all the strong posts in the country of Tanjore.

1779-1780. Bengal and Oude. The war in the Carnatic had involved the Company's finances in great embarrassment, the supplies remitted from Bengal having nearly drained the treasury. The intelligence of the war with France in 1778, induced the Governor-general to make arrangements to meet the additional charges which must necessarily be incurred. When the peace was arranged with Sujah-ul-Dowlah, in 1765, a stipulation was made that Rajah Bulwunt Sing, a tributary to the Nabob

1780-1782. Nabob Vizier, should be preserved in his territory. Upon the death of the Nabob Vizier, in 1775, and the accession of his son and successor, Asoff-ul-Dowlah, the sovereignty of Benares and its dependencies was entirely transferred to the Company; the Rajah, Cheit Sing, successor of Bulwunt Sing, standing in exactly the same situation to the Company as he had to the Nabob. The measure apparently gave great satisfaction to the Rajah and his family. On the breaking out of the war, the Governor-general accordingly required that the Rajah should contribute towards the increased charge that would necessarily be incurred. The indisposition and backwardness of the Rajah was manifest: it was also apparent that he gradually became alienated from the interests of the British Government; and as he was surrounded by territories in which marks of disaffection towards the Company existed, it was evident, in the general state of feeling throughout India, that the first opportunity would be seized to throw off the government of the Company. The affairs of Oude required to be organized, and there, as in later times, money was to be procured. A separate peace was likewise in agitation with Madhajee Scindiah. The Governor-general proceeded to the Upper Provinces in July 1781. On reaching Benares in August, after repeated conferences, the Governor-general determined on placing the Rajah Cheit Sing under arrest. The inadequate means taken to effect the object, and the delay which ensued, enabled the multitude attached to the Rajah to rally round his person; the three European officers commanding the detachment and eighty-two sepoys were killed on the spot, and ninety-two desperately wounded.

The Rajah, overwhelmed at the unexpected tumult, was

was hurried off: he fled from Ramnagur to one 1781-1782.
of his strongest fortresses, for shelter. The Governor-general's firmness was unshaken, both in that instance and at the unfortunate defeat on the attack of Ramnagur. It was, however, deemed expedient that he should quit Benares and proceed to Chunar, where he was visited by Sadut Ali, the Vizier. A manifesto was published by Cheit Sing to the several Rajahs, and disaffection spread in Bahar. The perseverance of the Governor-general overcame all obstacles. A revolution was effected: Cheit Sing fled from Bidjeeghur, which was besieged by Major Popham, and a grandson of Bulwunt Sing was proclaimed Rajah.

At the period of these transactions the fleets of Madras.
France and England, the former under M. Suffrein, the latter under Sir Edward Hughes, had various skirmishes off the Coromandel coast, and a bloody action ensued in April 1782, which, though not decisive, was very important in its consequences to the English. On the Malabar coast, the blockade of Tellicherry by Malabar.
Hyder's troops was raised by the arrival of a force under Major Abingdon from Bombay: after a severe action, Hyder's army under Sudass Cawn was defeated, the whole of his treasure and the matériel of his army falling into possession of the British, and a communication opened on either side of Tellicherry, the country being cleared of the enemy. This check on the coast of Malabar was met by the defeat of the detachment under Colonel Braithwaite, on the borders of the kingdom of Tanjore, by Tippoo Saib; on which occasion the interference of M. Lally saved the force from annihilation: many of the captives, however, suffered a long imprisonment at Seringapatam.

A detachment

1781-1782. A detachment of French troops having been landed at Pondicherry in March 1781, they were immediately joined by a body of Hyder's forces, by whom Permacoil was besieged and taken, and an attack meditated on Wandewash. The latter was, however, prevented by the advance of Sir Eyre Coote, who followed Hyder on his retiring. Whilst the force under Sir E. Coote was marking out the camp at Arnee, Hyder suddenly appeared. An engagement ensued on the 2d June; the enemy were repulsed, and Sir Eyre Coote returned to the Presidency. This was the last occasion on which Hyder and Sir Eyre Coote ever met.

Various severe engagements took place at this time between the English and French fleets on the coast of Coromandel and Ceylon.

Peace was concluded with the Mahrattas by the treaty of May 1782, through the mediation of Madahjee Scindiah. Ragonaut Row, to whom, in a great measure, was to be attributed the lengthened hostilities in which the two powers had been engaged, was to have a certain fixed allowance, and to choose his place of residence.

The Mahrattas engaged that Hyder Ali, should, within six months, relinquish to the English or their allies all the places he had taken during the war, and that the prisoners on both sides should be released. The Paishwa bound himself, for the whole of the Mahrattas, not to suffer other European nations to establish factories in their dominions. The treaty was that of Salbey. Nana Furnavese, the Paishwa's prime minister, and Madahjee Scindiah, were the two great parties which governed the Mahratta empire.

The famine occurred this year at Madras, in the month of October, by which ten thousand persons perished.

The

1782-1783. The Governments of Bengal and Bombay now directed their attention to free the Carnatic from Hyder Ali. Colonel Humberstone had been sent from Bombay to the Malabar coast, and took possession of Calicut and other inferior places. The Bombay Government had despatched General Matthews in support of Colonel Humberstone. Tippoo Saib, incensed at this proceeding of Colonel Humberstone, departed rapidly from the Carnatic to cut him off at Mungary Cottah. By some means Humberstone learned Tippoo's intention, and having blown up the fortifications fell back to Ramgerry; from whence, on hearing of Tippoo's approach, he retired, first destroying the works. Tippoo, with M. Lally and a large force, attacked the English army; but was repulsed by Colonel Macleod, who shortly afterwards besieged and took Onore.

Carnatic.

Bombay.

Malabar. On the report of Hyder's death, the Bombay Government ordered General Matthews to penetrate through the Ghauts to the Bednore country. The General passed the Ghauts, and proceeded towards Bednore. There the misunderstanding arose on the subject of prize and other points, in which Colonels Humberstone, Macleod, and Major Shaw differed so widely from General Matthews, that they quitted him, and returned to Bombay; on their representation General Matthews was superseded, and Colonel Macleod appointed to the command. Whilst proceeding in the Ranger to join the troops, that vessel was attacked off Gheria by a Mahratta fleet, Major Shaw was killed and Colonel Macleod severely wounded.

Tippoo Sultaun determined to relinquish all other objects for the recovery of the favourite possessions which he had lost in the Bednore country. The conduct

1783. duct of General Matthews was inexplicable: aware of the approach of Tippoo with an immense force, instead of returning to the Ghauts he marched out of Bednore with a force of little more than 2,000 men to meet the enemy. He was immediately driven back by a French detachment into the fort, with the loss of five hundred of his men. The report of the disaster reaching Cundapore, the garrison, panic-struck, fled without even the appearance of the enemy, some of the fugitives taking refuge in the fort of Onore.

The firmness and prudence of the late Major (then Captain) Torriano, who commanded at Onore, not only preserved the troops in that fort from being infected with the same panic, but, through their commander's spirited exertions, an attempt was made to recover the artillery which had been abandoned at Cundapore.

In April 1783 the garrison at Bednore capitulated; the survivors suffered the most cruel indignities, General Matthews, with many of his officers, being marched into the interior and barbarously murdered. After the reduction of Bednore Tippoo appeared before Mangalore, which fort was commanded by Major Campbell. During the siege accounts were received, in July, of the peace between England and France. On learning the event, the French commander positively refusing to permit his troops to act in any manner against the English, the siege of Mangalore was accordingly converted into a blockade. The garrisons of Mangalore and Onore were reduced to the greatest distress; but under the exertions of their gallant commanders, they stood out until relief was afforded by the arrival of General Macleod with a force from Bombay.

Coast of Coromandel. On the Coromandel coast, Sir Eyre Coote's state of

of health was such as to have obliged him to quit 1783.
the field and proceed to Calcutta: at the same time
the last remains of the select force which he had
originally brought down from Bengal were re- Carnatic.
turned to that presidency. In April 1783 he again
returned to Madras: but having suffered a relapse
during the voyage, his valuable life fell a sacrifice two
days after he had landed. The command of the army
devolved on General Stuart. The object of the campaign was to oblige the French to evacuate the
Carnatic; they were strongly fortified at Cudalore.
The Marquis de Bussy had arrived to take the command, and had brought with him a force from the
Mauritius. General Stuart approached Cudalore in
the month of June. Observing the rapidity with which
the enemy threw up the fortifications, he determined at
once on attacking the outworks, and confided the execution of it to General Bruce, by whom it was conducted with great skill and bravery. The engagement
becoming general, the reserve under the commander-
in-chief was brought up. The French fought with
such determined valour that the assailants were
repulsed; and a sortie was made in order to drive
the reserve completely back. In the eagerness of
pursuit the French advanced too far from the works,
when the grenadiers, under General Stuart, turned,
and gaining possession of a strong hold which had
been the point of contention, the enemy abandoned
the whole of their outworks and retired within the
fortress. The French fleet under M. Suffrein ap-
peared off Cudalore at the same time with Sir Ed-
ward Hughes commanding the English fleet: some
cannonading passed, but no close engagement took
place.

1785-1786. Madras.

The sickly state of the English obliged the admiral to bear up for Madras. M. Suffrein availed himself of the opportunity not only to return to M. Bussy at Cudalore the 1,200 men lent from that fortress, but to supply 2,400 men in addition for the defence of the place. The effective force under General Stuart being considerably reduced, the French made a night attack on the English in their trenches, in which they were repulsed with considerable loss, the sepoys behaving admirably. In two or three days after this occurrence intelligence arrived from Lord Macartney of the conclusion of peace between the two nations. A cessation of hostilities took place, together with a restoration of prisoners. The treaty with Tippoo Sultaun was signed at Mangalore on the 11th March 1784.

Lord Cornwallis.

In the same year Mr. Pitt's bill for the future administration of the affairs of India was passed; and in 1786 Lord Cornwallis proceeded to India as governor-general and commander-in-chief. The act of the 24th Geo. III, cap. 25, contained the declaratory clause: "That to "pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, "the honour, and policy of this nation; and that it "shall not be lawful for any governor-general, without "the express command of the Court of Directors or of "the Secret Committee, in any case (except where "hostilities have been actually commenced, or preparations actually made against the British nation in India, or against some of the princes or states dependant "thereon, or whose territories the Company shall be "by any existing treaty engaged to defend or guarantee) either to declare war or commence hostilities," &c.

By the treaty concluded with the Nizam in February 1768,

1768, the Guntoor Circar was to be ceded to the Company, a certain peshcush being paid to the Nizam. It was also agreed that a corps of two battalions of Sepoys, with guns, should be furnished by the Company to the Nizam, on his requisition to that effect. The corps had never been required by the Nizam; and the connexion between that prince and the Company being of an unsettled nature, Lord Cornwallis, in 1788, deputed Sir John (then Captain) Kennaway to Hyderabad, as the British resident, with the view of obtaining the Guntoor Circars, and effecting a settlement of the peshcush. The arrangement was acceded to by the Nizam, who despatched Meer Abdool Cossim to Calcutta, to make known his sentiments to the Governor-general. 1786-1788. Carnatic.

The arrangement included a stipulation, that the corps agreed to be supplied by the British, on the demand of the Nizam, should not be employed against any powers in alliance with the Company, which powers were specified, but no mention was made of Tippoo Sultaun. These circumstances excited apprehensions in the mind of that chief, who was aware that he was an object of jealousy to the Mahrattas and to the Nizam, and that those powers, although differing in laws, institutions, and religion, urged by the common danger, were joined in the closest alliance.

Malabar.

In 1788 Tippoo marched his army down the Ghauts, towards the Malabar coast, with hostile intentions against the Rajah of Travancore, then an ally of the Company. He stirred up the Rajah of Cochin to lay claim to a portion of Travancore on which the lines were built. The Rajah of Travancore despatched

1789-1790. a messenger to Madras for succour; Sir Archibald Campbell sent some troops to his assistance: the measure was approved by the Bengal Government, and Tippoo withdrew to Seringapatam.

In the following year the Dutch offered for sale to the Rajah of Travancore Cranganore and Jaycottah, which lay before Cochin and Mysore. Tippoo, to prevent this measure, marched an army to the frontier of Travancore, and attacked the lines on the 29th December: but was repulsed, and retired until he procured supplies to enable him to make a regular approach. In the following spring he effected his object, subduing Travancore, laying waste the country, and taking the fortresses of Cranganore and Jaycottah.

The conduct of the Madras Government excited the strongest indignation in the mind of Lord Cornwallis, who reprobated the supineness which they had manifested in making preparations to support the Rajah.

Carnatic. General Meadows, who succeeded Mr. Holland as governor, was entrusted with the conduct of the war. An army of 15,000 men was assembled in the Carnatic, under his command; and one of about 8,000 at Bombay, under General Abercrombie: the latter to act against Tippoo's possessions in the Ghauts; the grand army to march towards Coimbatore, and afterwards to penetrate into Mysore; the Mahrattas and the Nizam co-operating, by making a diversion on the north. General Meadows took Caroor, Coimbatore, and Dindigul; Tippoo surprised and attacked an expedition under Colonel Floyd, but was repulsed at Shoroor after an obstinate engagement, his brother-in-law being killed.

Tippoo,

Tippoo, avoiding a general action, returned from 1792.
the Ghauts, drawing off the English forces from his own possessions; and, passing through the Carnatic, committed the most dreadful ravages. The operations in the course of the first campaign were in favour of the English, but another campaign was necessary to subdue the power of Tippoo.

Lord Cornwallis, although it had not been his original intention, proceeded to Madras to take the command of the army in person: he embarked on board the Vestal frigate, and reached Fort St. George on the 13th December. His Lordship having examined the state of the army and of the supplies, and arranged the plan for the ensuing campaign, determined to penetrate into Mysore direct from Madras, Mysore.
and to attempt some of the passes about the middle of the Carnatic. At the close of January 1791 he moved forward; and in five days pushed on to Bangalore, where the Mysore forces arrived on the same day. On the 7th February the town was assaulted and carried. On the 14th, the batteries opened against the fort. On the 21st, a practicable breach being effected, his Lordship determined to storm the place that night; and to prevent Tippoo learning his intention, he did not make it known till the moment the execution of it was ordered. The assault began at eleven at night; complete success attended the measure, and in two hours the British standard floated on the ramparts. Lord Cornwallis then moved northward to meet a large reinforcement of the Nizam's cavalry, by which he was joined; and, in order to bring the war to a termination, notwithstanding the season was far advanced, pressed on towards

 Seringa-

1792. Seringapatam, encountering great difficulties and embarrassments from the nature of the roads. Tippoo had returned, and posted himself between his capital and the English army. A general engagement took place on the 15th May; the enemy were driven under the guns of Seringapatam, and there was every prospect of its falling into our hands, when scarcity began to appear in the camp, and the unexpected delay in the arrival of the Mahrattas deprived the army of a covering force.

Lord Cornwallis determined to fall back on Bangalore. At the completion of the first day's march, the appearance of a large body of horse riding in on the baggage flanks created great alarm; it proved, however, to be the advanced guard of the Mahratta army, the main body being at no great distance. With this reinforcement, and all fear of want being removed, the army was again encamped before Seringapatam; but as the monsoon was expected to set in, the siege was deferred to the ensuing season, and Lord Cornwallis retired northwards.

Mysore. In the interim the strong fort of Ryacottah, with various hill-forts, were taken, and subsequently that of Nundydroog. In February 1792, Lord Cornwallis arrived before Seringapatam for the second time. Tippoo was with his army in a fortified camp on the river Cauvery. Lord Cornwallis determined to dislodge him the following night; and after detailing the plan of attack, his Lordship commanding the centre, General Meadows the right, and Colonel Maxwell the left, the army moved forward: the enemy were driven across the Cauvery, which river surrounds Seringapatam, their redoubts taken, and a lodgment was made in the island by a detachment from the centre division.

division. During the operations Lord Cornwallis was 1791-1792.
in imminent danger, the greater part of his detachment being separated from him in the confusion of a nocturnal attack. His Lordship was assailed by a considerable body of the enemy, but being joined by a reinforcement he was enabled to repulse them. After repeated ineffectual but determined attempts, on the part of Tippoo, to drive the British forces from the island, he retired within Seringapatam. Ample preparations had been made for the assault, but orders were issued on the 22d February to desist from farther hostilities; negotiations for peace having been brought to a close by the signing of preliminaries on the 24th, by which Tippoo was to cede half his dominions to the allied powers, *viz.* the British, the Nizam, and the Mahrattas; to pay three crore and thirty lacs of rupees (nearly £3,500,000); to restore the whole of the prisoners who had been captured from the time of Hyder; and to deliver two of his sons as hostages for the fulfilment of the treaty. Tippoo procrastinated the negotiation as long as possible, and was actually engaged with increasing diligence in repairing the damages of the fort, absolutely refusing to yield up some territory on the borders of the Coorg Rajah. Lord Cornwallis immediately issued orders for the recommencement of the siege, and for the two princes to be sent to the Carnatic: these determined and prompt proceedings on the part of his Lordship led to Tippoo's signing the definitive treaty, on the 19th March 1792.

Peace being thus restored, Lord Cornwallis was fully engaged in introducing systems for the administration of the revenue and judicial affairs of the Company's territories, including those acquired under the fore-

1798-1797. going treaty, and likewise in settling the affairs of the Vizier of Oude.

Coast of Coromandel. On the receipt of the intelligence of the war between France and England, Pondicherry was attacked and taken by a force under Sir John Brathwaite. Lord Cornwallis proceeded to Madras to direct the service, but arrived after it had been accomplished. His Lordship did not return to Calcutta, but embarked for England in August 1798.

Bengal. Sir John Shore, now Lord Teignmouth, succeeded as governor-general. His Lordship's administration included a period of six years, during which, although peace was maintained, it has been questioned whether a course of policy indisputably governed by a conscientious desire to act in accordance with the literal declaration of the Legislature, was not rather calculated to admit of the other states in India increasing their strength; whilst that of the British Government, if not lessened, did not keep pace with the growing influence of the Native Powers.

Bombay and Poonah. In 1794, the court of Poonah manifested hostile dispositions towards the Nizam; and Tippoo Sultan, who had assembled an army, also threatened to come forward and join the Mahrattas. The decision of the Governor-general to abstain from taking any part, was supported on strong grounds of expediency:—"When "he contemplated the difficulties which presented "themselves on viewing the Nizam's administra- "tion—the impossibility of directing his politics "without usurping his Government—the difficulty of "making any impression upon the Mahrattas—the "comparative facility with which they could injure "the British Government—the magnitude of the re- "sources of the Mahrattas and Tippoo, the number "of

"of troops necessary to oppose them—and the inevi- 1797-1798.
"table ruin of a long protracted war—it was consi-
"dered that the inducement to support the Nizam at
"the hazard of such impending consequences, ought
"to be much stronger than the apprehensions of fu-
"ture evils from the subversion of his power."

Oude. The war between the Mahrattas and the Nizam was not of long duration, Tippoo being too fully occupied in his own country to take part in the quarrel. The affairs of Oude engaged a considerable portion of his Lordship's attention. The death of Hyder Beg, the minister, put a stop to the measures of reform contemplated by Lord Cornwallis. Asoff-ul-Dowlah was succeeded by Vizier Ali, whose legitimacy was questioned, although he was supported by a considerable party at Lucknow. Saadut Ali, the eldest surviving brother of Asoff-ul-Dowlah, had appealed to the British Government in support of his right: that of Vizier Ali was, however, countenanced by the Governor-general, on the full persuasion that he was the lawful heir. In January 1798 the Governor-general proceeded to Lucknow, with the view of settling the affairs of the Vizier. Amongst other questions, that of Vizier Ali's right to the musnud was brought under discussion. After a minute examination, it appearing that all the reputed sons of Asoff-ul-Dowlah were undoubtedly spurious, it was resolved that Vizier Ali should be deposed, and that Saadut Ali Khan should be placed on the throne. A treaty was accordingly entered into on the 21st of February 1798, vesting in the Company the defence of the Vizier's dominions. The fortress of Allahabad was at the same time ceded to the Company.

Lord Wellesley. Lord Wellesley, who had been appointed Governor-general

1798-1799. general in October 1797, reached India in April 1798. His Lordship soon discovered that Tippoo had been engaged in secret negociations with the French, whose influence was also paramount at the courts of the Nizam and Scindiah, and that Poonah was entirely subject to the latter power, whilst the Rajah of Berar was decidedly adverse to the British Government.

The first step determined upon by the Governor-general was to form a new treaty with the Nizam: this measure was effected on the 1st of September 1798, by which the subsidiary detachment of British troops at Hyderabad was made permanent, and the great political object of obtaining the dismissal from the service of the Nizam of a French force, consisting of fourteen thousand men, was provided for, and ultimately carried into effect, under circumstances of peculiar difficulty, the whole force being surrounded and disarmed, by the joint operation of the British troops and a body of the Nizam's horse, on the 22d of October.

Similar success did not attend the negociations with the Paishwa or Scindiah. It being apparent that Tippoo's designs were ripe for execution, the Governor-general was obliged to proceed in his operations Mysore. against Mysore without coming to any satisfactory conclusion with those chiefs.

Indisputable proofs were established of Tippoo Sultaun having sent ambassadors to the Isle of France, to Kabul, Persia, and Turkey—all with designs hostile to the British power.

The proceedings of the French in Egypt, and the insincerity of Tippoo, determined Lord Wellesley either to compel him to detach himself from the French interests, or to commence immediate hostilities

tilities against Mysore; with this purpose he pro- 1799.
ceeded to Madras in December, and landed on the Mysore.
31st of that month. All expectation of inducing Tippoo to come to an amicable adjustment having ceased, the British force under General (now Lord) Harris was directed, in February 1799, to advance against Mysore. Tippoo, when aware of the proceedings, hastened to attack the Bombay army under General Stuart: he was repulsed with great loss. H then attempted to obstruct the advance of General Harris at Sultanpet, when being again defeated in a partial action, he instantly retreated to Seringapatam, against which place the British forces proceeded. A full and interesting detail of the operations will be found in Lieutenant-Colonel (now Major-General) Beatson's account of the war in Mysore.

The batteries erected under the order of General Harris opened against Seringapatam on the 30th Seringapatam. April. On the 3d May a breach was reported practicable, and at one o'clock on the fourth the assault was made in the most gallant manner by Sir David Baird, who nearly twenty years before had been one of the detachment under Colonel Baillie who were carried prisoners to that fortress:* every obstacle was overcome, and complete success attended the operations. "Tippoo Sultaun was slain, and the empire of the "House of Hyder subverted." It was in this campaign that his Grace the Duke of Wellington commenced his military career in India, as Colonel of the thirty-third regiment of foot, commanding a detachment of the army under General Harris. General Wellesley formed one of the Commissioners nominated to settle the conquered

* Vide p. xxxiii.

1799-1802. quered territories, and was afterwards appointed to the permanent command of Seringapatam.

Mysore. A central and separate government, under the Company's protection, was established in Mysore, the Mahrattas participating in a division of the conquered territories. The districts of Canara, including the sea-coast of Mysore, and the provinces immediately contiguous to the possessions of the Company on the coast of Malabar, were assigned to the British Government.

The sons of Tippoo were removed to Vellore; and Kistna Rajah Oodiaver, a child of five years old, the lineal descendant of the ancient family of Mysore, whose power was usurped by Hyder in 1761, was raised to the throne. The partition treaty was signed the 22d June, and the subsidiary treaty the 8th July

Mahrattas. 1799. The ulterior measures adopted by Lord Wellesley—the hostilities between Holkar and Scindiah, in the beginning of 1801, which obliged the latter to move from Poonah—the contest which took place in 1802 between Scindiah and Holkar, in which the forces of the former joined with those of the Paishwa were defeated near Poonah, on the 25th October—and the flight of Bajee Rao, placing himself under British

Paishwa. protection, led to the treaty of Bassein, whither the Paishwa proceeded on the 31st December 1802.

By that treaty, a subsidiary force of not less than 6,000 regular infantry was to be furnished by the Company, and for payment of its expenses the Paishwa was to make over territory to the amount of twenty-six lacs of rupees; he was likewise to dismiss any Europeans from his service hostile to the English, in the event of war breaking out between the English and any European nation.

As it was important to secure the early arrival of the British

British troops at Poonah, Lord Clive (then Governor of 1803-1805.
Madras), on the 27th February, directed General Stuart, with the army on the frontier of Mysore, to adopt the Mahrattas.
necessary measures for the march of the troops into the Mahratta territory. The advanced detachment was placed by Lord Clive under General Wellesley, who crossed the Tumbudra river on the 12th of March, and after a long route at a most unfavourable season, passing through the Boru Ghaut at night on the 19th of April, reached Poonah on the 20th at the head of the cavalry, making the total distance marched, since the morning of the 19th, sixty miles in thirty-two hours. Amrut Rao fled from Poonah, and Bajee Rao was reseated on the musnud by General Wellesley on the 13th May. Shortly after the adoption of the foregoing measures, Scindiah having taken up a threatening position on the Nizam's frontier, was required to retire, or to give some unequivocal proofs of his intention not to attempt a derangement of the engagements between the British Government and the Paishwa. A contest being apprehended, General Wellesley was ordered to be in preparation to act.

After fruitless negociations with Scindiah, from May to August, and it being apparent that a confederacy between Scindiah and the Rajah of Berar was forming against the British power, offensive operations were resolved on. They were commenced by General Wellesley on the 8th of August, by an attack on the fortified town of Ahmednuggur, which was carried by escalade. On the 12th the fortress capitulated. Jalnapoor was taken by a force under Colonel Stevenson on the 2d September. On the 23d the battle of Assye took place. The British army had marched twenty miles to the attack of the combined forces of the confede-

rates.

1803-1805. rates. The British troops did not amount to more than 4,500, the enemy to 10,500, commanded by European officers, and a train of artillery of one hundred guns, with some very large bodies of horse. The British suffered severely on the advance, the line being led by General Wellesley in person. A charge by Colonel Maxwell, of His Majesty's service, in which that gallant and lamented officer fell, materially promoted the success of the day. Boorhanpoor surrendered on the 16th October, and Asseerghur on the 21st.

Guzerat. In Guzerat, Broach was stormed and carried on the 29th August, and Champaneer on the 17th September —both under Colonel Woodington.

Cuttack. Cuttack was invaded under the Governor-general's orders in September; the Pagoda of Jaggernaut occupied on the 18th. The town of Cuttack was taken on the 10th of October, and the fort of Barabatty by storm on the 14th.

Oude and Mahrattas. On the north-west frontier of Oude the operations were carried on under Lord Lake, the Commander-in-chief in India. His Lordship entered the Mahratta territories in August, and reached Alighur on the 29th, which fort was taken by storm on the 4th September. On the 7th, M. Perron, the French commander, who had been in Scindiah's service, sought the protection of the British. On the 8th the fort of Koorjah was abandoned by the enemy. On the 11th the battle of Delhi took place, in which the enemy were defeated after a most severe engagement. On the 14th September, M. Bourquieur, who commanded on the 11th, together with the other French, surrendered themselves prisoners to Lord Lake.

Agra was taken by assault on the 10th October, and the

the fort capitulated on the 17th. On the 1st November 1803-1805.
the battle of Laswarree took place, in which Lord Lake had two horses killed under him. The enemy behaved with the utmost gallantry; and the victory, which completely subverted Scindiah's hostile power, was not gained without very severe loss.

A treaty was concluded with the Rajah of Berar Berar.
on the 17th December 1803 by General Wellesley, at Deogaum, under which he agreed to give up the province of Cuttack, and all his share of the provinces of Berar westward of the Windah, and not to admit any Frenchman, or the subject of any other European power, into his service. Resident ministers were to be kept at the court of each of the contracting states.

The treaty with Scindiah at Anjengaum imme- Scindiah.
diately followed, by which he ceded to the Company all the territories he possessed in Hindostan northward of those of the Rajahs of Jyepore, Jodepre, and the Ranah of Gohud: he ceded also all the lands south of the Adjuntee, and all claims of every desciption upon the British Government and its allies, the Soubah of the Deccan, the Paishwa, and the Guicowar.

Holkar stood out and committed aggresions on the Holkar.
territories of the Jyepore Rajah; war was accordingly declared and commenced against him, in which some extraordinary failures occurred. Amongt them, the retreat of Colonel Monson's corps and the unsuccessful attack on Bhurtpore; but the battle of Deg was fatal to Holkar's infantry, and the action of Futtyghur broke the spirit of his cavalry. A treaty was concluded with him in 1805.

The following is a summary of the leading results of Lord Wellesley's administration.

The revenues of Mysore were greatly increased from its

its ameliorated system of management and the internal tranquillity which it enjoyed. That state had, after the payment of the Company's subsidy and of its own civil and military establishments, a considerable surplus revenue, part of which has been annually employed in great and useful works.

Such was the change in a country which, when Lord Wellesley reached India, was in possession of a tyrant who had no object but that of collecting means to annihilate the British power in India.

The authority of the Company was completely introduced into the Carnatic; and that fine country, no longer a prey to a system of usury and oppression, was rising rapidly into prosperity, and the condition of the inhabitants greatly improved.

The conquest of Cuttack had connected the territories of Madras and Bengal; and combined with the important cessions we had before obtained in Guzerat, Malabar, and Canara, gave the Company the possession of almost the whole line of seacoast from the mouths of the Ganges to those of the Indus.

The subordinate Government of Bombay obtained, during the administration of Lord Wellesley, a great addition to its territories by cessions in Guzerat from the Paishwa and Scindiah, and from the Guicowar, with whom the Government of Bombay, acting under his Lordship's orders, had formed a subsidiary alliance.

The Paishwa, sensible of the advantages which the connexion with the British brought to him and his subjects, endeavoured, by every means within his power, to evince his fidelity to the engagements that he had formed; and his territories, which had been, from the day of his accession till that on which the treaty of Hussein was concluded, annually wasted by his

his rebellious feudatories, had enjoyed from that date uninterrupted tranquillity. 1805.

The power of Dowlut Rao Scindiah was reduced; as was also that of Jeswunt Rao Holkar.

The French party had been annihilated, the Mahrattas expelled, the British Government established over the whole of the Dooab and along the right banks of the Jumna; and a line of petty states, under the protection of the British Government, were established, as a barrier between its most fruitful provinces and the future predatory encroachments of the Mahrattas. The rich province of Bundlecund was subdued, and occupied by British troops; and the country ceded by the Vizier in 1801 was completely settled, and greatly improved in revenue.

Lord Cornwallis.

The Marquis Wellesley quitted India in July 1805, and was succeeded by the Marquis Cornwallis, who arrived at Fort William in July 1805. His Lordship was immediately engaged in effecting a treaty with Dowlut Rao Scindiah, in order to remove all doubts of the misunderstanding arising out of the treaty of 1803, and in settling the British connexion with the Rajah of Jyepore, one of the principal Rajpoot chiefs whose territory divided Malwah from Hindostan. His Lordship's measures were directed with the view of relieving the Company's finances from the embarrassment in which the preceding loans had involved them. His health, which was in a declining state when he left England, became worse from the period of his leaving Calcutta for the Upper Provinces, and he closed his valuable life at Gazeepore, near Benares, on the 5th October 1805.

Sir George Barlow.

Sir George Barlow, who had been appointed provisionally, succeeded to the government. On the 23d November

1805-1807. November the treaty was concluded by the political agent of the Governor-general (Lieutenant-Colonel Malcolm,) with Scindiah, by the sixth article of which the river Chumbul was to form the boundary between the two states; Scindiah resigning all claim and pretensions on the countries of Boondee, Sumedee, Dhoelpoor, Baree, and Rajah Kerrah. The Company engaged not to enter into treaties with the Rajahs of Oudepore Joudepore, and Kotah, and other chiefs, tributaries of Scindiah in Malwa.

In December 1805 a treaty was concluded by Lieutenant-Colonel Malcolm with Holkar, under the direction of Lord Lake. The system of policy pursued by Sr George Barlow was to withdraw, as far as possible, from all interference in the affairs of the petty chiefs, incuding the dissolution of the defensive alliance with the state of Jyepore; and by thus contracting the political relations of the British Government, avoid a recurrence of the embarrassments to which such extended engagements had given rise.

Lord Minto. Lord Minto reached Bengal as Governor-general in July 1807. During his Lordship's administration, little variation occurred in the political relations of the British Government with the several native powers. The Duch possessions in the Indian seas, including Java, and the Isles of France and Bourbon, were successively reduced and brought under British rule.

1813. Marquis of Hastings. The Earl of Minto was succeeded by the Marquis of Hastings, then Lord Moira, who proceeded to India as Governor-general and Commander-in-chief, and arrived at Calcutta in October 1813. The states at that period connected with the British power by subsidiary alliances were, the Nizam at Hyderabad, the Paishwa at Poonah, the Guicowar in Guzerat, the Rajahs of Mysore

Mysore and Travancore, and the Vizier of Oude. 1813-1814.
By these alliances, which were formed on the same principles, a specific force was to be furnished by the British Government for the protection of the countries, and the maintenance of the sovereigns' legitimate authority. A subsidy equivalent to the charge was to be furnished by the state so protected, either in money or territorial cession. These states were not to engage in any political negociation with the other powers of India, except in concert with the British Government.

With the Rajahs of Bhurtpore and Macherree, with the Bundela chiefs on the frontier of Bundlelund, with the Seikhs, and with some other inferior chieftainships and principalities, the relations of the British Government had the same controlling character; but any consideration for the protection afforded was seldom exacted, nor was there any obligation on the British Government to maintain a specific force for that purpose.

With Scindiah, the Rajah of Nagpoor, and Holkar, the connexion was one of mutual amity alone: British Residents were at the courts of Scindiah and Nagpoor. Since Jeswunt Rao Holkar's death in 1811, the power which he had established was falling to decay. Mulhar Rao, the son of Jeswunt Rao, being a minor, Ameer Khan and Mahomed Khan, two Patan chiefs, were raising themselves to power on the ruins of Holkar's house.

In 1814 the aggressions of the Nepaulese led to hostilities with that state. The British forces entered the country in four divisions. Nepaul.

The first division, of 7,112 rank and file, under the late Sir David Ochterlony, was to act against the western

 proinces

1814. provinces of the Goorkas and their forces under Ummer Sing Thappa.

The second, which devolved on Colonel Mawbey in consequence of the death of General Sir Robert Gillespie at Kalunga, on the 30th October, afterwards conferred on Major-General Martindell, consisting of 10,422 rank and file, was stationed in the Dhoon, and was also appointed to act against Jyetuck.

The third, under Major-General Wood, consisting of 4,698 rank and file, was to enter the Terraie from Gorackpore; and

The fourth, under Major-General Marley, consisting of 7987 rank and file, was to march directly on Catmandoo, through Muckwanpore.

The enemy, after a most determined resistance, were driven from their fortified positions on the Mahwn range by General Ochterlony, in April 1815. The divisions under Generals Wood and Marley were not equally successful; an attack also by General Martindell on a stockaded fort was repulsed with considerable loss.

In another quarter, Colonel Jasper Nicholls* carried by assault the fortified heights and town of Almora, and repulsed a night attack of the enemy. On the 27th April that officer concluded a convention with the principal Goorka chiefs of Kemaoon, by which the whole country from Kemaoon to the Sutledge was ceded to the Company.

On the 2d October a peace was finally settled between the Nepaulese and the British Governments at Segowlee. When, however, the troops were withdrawn, the Nepaulese evinced so strong an indisposition to fulfil

* Now Major-General Nicholls, and since distinguished at the siege of Bhurtpore, in 1826.

fulfil the conditions of the treaty, that it was found necessary to have recourse to compulsion, and Sir David Ochterlony was directed to advance through the great Saul forest to the foot of the pass of Buhiaki leading to Muckwanpore, which position he reached about the close of January 1816. From Muckwanpore Sir David Ochterlony sent accounts of his proceedings. It appears that he had been engaged in some severe contests with the Nepaulese, by whom the village in which the British forces were assembled was obstinately attacked. On the 3d March intelligence was received of the capture of the fortress of Hurriapore, which had been evacuated by the enemy, after they had been repulsed in a sally made with desperate bravery. On the 15th March 1816 the ratification of the treaty made in December 1815 was announced, which put an end to the war. 1814-1815.

In February a force under Colonel East entered Cutch, and captured the fortress of Anjar. A treaty of alliance was entered into with the state of Cutch, and a detachment under Colonel Barclay was sent to Wagur, to reduce the uncivilized districts to the authority of the Rao of Cutch. Cutch.

During the early part of the war with the Nepaulese, an agreement appeared to have been entered into between Scindiah and the Nagpoor Rajah, for reducing the state of Bopaul: the measures adopted by the Governor-general counteracted the design. Mahrattas.

At the same juncture, the proceedings of Bajee Rao at Poonah, towards the Guicowar in Guzerat, rendered the interposition of the British authority necessary to induce, on the part of the Paishwa, an abandonment of all right of interference with the Guicowar. Gungadhur Sastree, the prime minister of the Guicowar, who was opposed to the influence of the court

1815-1816. court of Poonah, was induced, with the countenance of the British Government, to proceed to Poonah for the purpose of compromising the Paishwa's claims.

Poonah. At Poonah there was a worthless and profligate minister named Trimbuckjee Danglia, who possessed great influence with Bajee Rao. Through this misguided counsellor, the Paishwa began to feel the British influence as a restraint which he determined to throw off, with the view of restoring in his own person the Mahratta empire to its original splendour. The negociations for an adjustment of the differences between the two states proved fruitless, and the attempts to gain over the Sastree failing of success, Trimbuckjee determined to remove by violence a man whose existence was so inimical to his views and wishes; he accordingly persuaded the Sastree to accompany him to a temple, for the purpose of performing his devotions, where he was inhumanly murdered in the month of July 1815. It was fully apparent that the Paishwa was privy to the proceedings. Mr. Elphinstone, the resident at Poonah, demanded that Trimbuckjee should be given up. Negociations for that purpose were carried on till September, when he was delivered up, and sent to the fort of Tannah in Salsette, from whence he escaped on the 12th September 1816, and fled to the territories of the Paishwa, who was required to withhold from him all protection, but who professed entire ignorance of the place of his concealment.

Pindarries. In the latter part of 1815, the Pindarries, in two large bodies, crossed the Nerbudda and committed great devastations, passing through the valley of the Taptee and returning along the Godavry, making good their route to Nemawur with an immense booty collected from the Nizam's territory.

In

In February 1816 they planned the second expedition, and appeared in the district of Masulipatam on the 10th March. From this point they shaped their course southward, making a march the next day of thirty-eight miles, plundering ninety-two villages, committing in each the most horrid cruelties. On the 12th, after a similar march, they arrived at the civil station of Guntoor, where they plundered a considerable part of the town and houses of the civil officers. Such was the dread entertained of those merciless ruffians, that the inhabitants of Aniavote, a village in the western district of Guntoor, on their approach unanimously resolved to sacrifice themselves and their families, rather than submit to the violation of their wives and daughters; and when their noble resistance was overpowered by the superior strength of their assailants, they applied the torch to their habitations, and perished, with their relations, in the general conflagration. 1816.

In December 1816 Lord Hastings determined on hostilities, for the purpose of exterminating those lawless freebooters. The intention was made known to Scindiah. Opposition was anticipated on the part of Ameer Khan, and likewise a probable attempt of the Paishwa to counteract the measures of the Governor-general.

At the period of this determination, the unprovoked aggressions of Dya Ram and Bugwhunt Sing, Zemindars in the Dooab, who possessed the two very strong forts of Hatrass and Moorsaun, on the peaceable inhabitants of Agra, and the harbour which they afforded to thieves and robbers, and the total disregard of all the constituted authorities, induced the Supreme Government to resent their conduct, especially with reference

1816-1817. to the disposition which had been evinced by the Patan population in Rohilcund to rise in opposition to a regulation issued by Government.

Hatrass. Hatrass was considered one of the strongest forts in India, and was kept in perfect repair. On the 11th February 1817 the place was invested by the forces under Major-General Marshall. After a fruitless negociation the siege was commenced on the 16th: the fortified town was taken on the 23d; approaches were then made to the fort. The works of the besiegers were completed on the 1st March, and on the following day forty-two mortars and three trenching-batteries of heavy guns began to play on the fort. In the evening a magazine in the fort blew up. Dya Ram made his retreat in the darkness of the night, and the rest of the garrison surrendered. Bugwhunt Sing agreed to dismantle his fort at the first summons.

Poonah. Early in March 1817, it was ascertained that Trimbuckjee, who had escaped from Tannah in September 1816, was in the Mahadeo hills, making extensive levies of troops and raising an insurrection in that quarter. The British resident, Mr. Elphinstone, demanded explanation from the Paishwa, who professed to have sent troops to quell the insurgents. The continued preparations of Bajee Rao determined the Resident to bring matters to an issue.

On the 3d May 1817, having heard of the insurrection in Cuttack and of the communications by dawk being cut off, he determined to wait till the 6th; when, not receiving further advice from the Governor-general, Mr. Elphinstone demanded the surrender of Trimbuckjee, also that three hill-forts should be delivered up as pledges for his being given up. Instructions were received

received from Lord Hastings on the 16th May, and a treaty was concluded on the 7th June; by the first article of which Trimbuckjee Danglia was renounced. It was ratified by Lord Hastings on the 5th July. 1817.

Pindarries. On the 8th July 1817 Lord Hastings embarked a second time for the Upper Provinces. The objects of his Lordship's measures were the extermination of the predatory hordes of Pindarries from their haunts in Malwa, and a complete reform of the condition of central India (then "the arena of a general scramble "for dominion") by removing all inducements to predatory and ambitious adventure.

The Governor-general took the field on the 20th October 1817. The centre division of the grand army being assembled at Secunderabad, information was given to Scindiah of the intentions of the British Government; and a note was delivered to him in October 1817, remonstrating with him for having harboured the freebooters. Discussions took place, the result of which was a treaty signed on the 5th November 1817, and ratified on the following day, by which Scindiah engaged to afford every facility to the British troops in their pursuit of the Pindarries through his dominions, and to co-operate actively towards their extinction. He was to furnish 5,000 auxiliary horse for the service of the campaign; and his country and troops were accordingly to be regarded as those of an ally.

In the same month an engagement was entered into with Ameer Khan, by which the territories he held under grants from the Maharajah Holkar, were guaranteed to him; the British Government taking them under their protection, and Ameer Khan disbanding his army, with the exception of such portion as might be

1817. be requisite for the internal management of his possessions.

The Paishwa. On the same day that the treaty was signed, Bajee Rao, the Paishwa, attacked the Pindarries and the British troops at Poonah. The battle of Kirkee immediately followed.

At the moment when the arrangements had been made to drive the Pindarries out of Malwa, intelligence was received by Sir Thomas Hislop that the Paishwa had risen in arms. Lord Hastings, on hearing this circumstance, issued orders for Sir Thomas Hislop (who was proceeding towards Bombay), to adhere to the original plan laid down for the campaign, and to continue his advance into Malwa. Captain Vaughan and his brother were shortly afterwards murdered by the Mahrattas at Tulleegaum; and Appa Sahib, the Rajah of Nagpore, after much evasion, joined the confederacy of the Mahrattas.

Nagpore. Hostilities commenced on the 26th November 1817, by the Rajah's Arab infantry firing on the British picquets. On the following day Dr. Neven and Lieut. Clarke of the 20th infantry fell, and immediately afterwards Mr. Sotheby, the Resident's first assistant. At the moment that the enemy were seen advancing in great numbers, and when the prospect was most discouraging, the contest having been continued for eighteen hours, a brilliant charge of cavalry, under Captain Fitzgerald, of the Bengal establishment, who had reserved himself within the Residency ground, was eminently successful in driving the enemy back, and is one amongst the many gallant exploits recorded during the campaign.

Strong reinforcements were immediately ordered to Nagpore by Lord Hastings. Colonel Gahan and Major Pitman

Pitman successively arrived with detachments, and on 1817.
the 12th December Brigadier-General Doveton, with the whole of the second division of the army of the Deccan.

On the 15th December 1817 terms of submission were offered to the Rajah Appa Sahib, who ultimately delivered himself up to Mr. Jenkins; but the troops in the Residency and fort determined on holding out against our forces. An attempt on our part to penetrate into the fort failed, from the want of a more sufficient battering train: before it arrived, the garrison, on the 30th December, evacuated the fort.

Holkar. Intelligence of the Paishwa's defection reaching the camp of Holkar, the reigning authorities determined on marching south, to rally round Bajee Rao, as the head of the Mahrattas. Negociations had been carrying on with the Regency of Holkar. On the 15th November 1817, Lord Hastings received an overture from the Regent, Tool-shee-Bhye, offering to place herselfand young Mulhar Rao under British protection. It was supposed that the Bhye wished to rid herself of the influence of Ameer Khan. At this moment the camp of Holkar was joined by Cheetoo, one of the Pindarry chieftains.

Sir John Malcolm formed a junction with the force under Sir Thomas Hislop on the 12th December, and on the 14th marched from Oojein towards the camp of Holkar. Negociations were opened; the Patan chiefs were opposed to terms, and imprisoned the Bhye, whom they shortly after murdered on the banks of the Soopra.

Mahidpoor. On the 20th December Sir Thomas Hislop determined to advance, and on the 21st the battle of Mahidpoor was fought, the main attack on the enemy being

1817-1818. being entrusted to the first division, which Sir John Malcolm had obtained permission to lead to the attack, Lieutenant-Colonel Murray Macgregor leading a detachment of that division, consisting of the Royal Scots. The enemy were completely defeated. Sir John Malcolm continued the pursuit with his light division, and followed up the victory. Sir William Keir was despatched by Sir Thomas Hislop in pursuit of the Pindarries under Cheetoo. These marauders were entirely subdued, and in the early part of 1818 they successively surrendered; Namda Khan on the 3d of February, to Colonel Adams; Wasil Mahomed, at the camp of Scindiah, Kurreem, and Cheetoo, to Sir John Malcolm.

These operations led to a peace with Holkar on the 16th January 1818.

Paishwa. The Paishwa, after his defeat at Poonah in November 1817, fled to Sattarah, from whence he took a northerly direction; and not being joined by the force which he expected, he returned to Wattoor on the 28th December, and from thence proceeded on the direct road to Poonah, where Colonel Burr commanded. That officer having applied for a reinforcement, Captain Staunton, of the Bombay establishment, was ordered to join him with about five hundred infantry and three hundred auxiliary horse. In his route he fell in with the whole of the Paishwa's force, amounting to twenty thousand horse and several thou-

Korygaum. sand infantry, at Korygaum. An action took place, in which the most heroic bravery was displayed by Captain Staunton, who, with his handful of men, succeeded in driving off the enemy. Six officers and two assistant-surgeons were all that accompanied the detachment: of these three were killed and two wounded.

wounded. The fortress of Sattarah was taken pos- 1818.
session of by Brigadier-General Smith, on the 11th February 1818. The Paishwa had succeeded in Appa Sahib.
evading his pursuers, and bent his course northward. Notwithstanding Appa Sahib had received such countenance and support at the hands of the Resident at Nagpoor, it was discovered, notwithstanding his solemn engagement to the British Government, that he had held out promises of succour to Bajee Rao: he was accordingly placed under close arrest; but contrived to effect his escape in disguise on the 13th May, and all attempts to trace his flight were ineffectual. On the 16th May the Paishwa sent to Sir The Paishwa.
John Malcolm (then at Mhow) for the purpose of obtaining a personal interview; Sir John Malcolm declined, but despatched two of his officers with the vakeel to Bajee Rao. On the 31st an interview took place between Bajee Rao and Sir John Malcolm; when propositions were made, by which Bajee Rao was to relinquish, for himself and successors, all right and title to the government of Poonah, and to proceed to Benares, or any other place in Hindostan that the Governor-General might appoint, with a pension of not less than eight lacs of rupees per annum. On the 3d June he assented to these propositions.

Kandeish was subjugated; and Mr. Elphinstone (the present governor) was appointed commissioner of the conquered territories.

The whole of the Paishwa's dominions were incorporated with the former conquests of the British nation, with the exception of that part forming the dependant sovereignty for the Rajah of Sattarah; and Bajee Rao Bhoosla, the grandson of Ragojee Bhoosla, succeeded

1818-1825. succeeded as Rajah of Nagpore, in the room of the fugitive Appa Sahib.

By the political measures of Lord Hastings the aggressions of the Nepaulese were repressed, and a peace with that kingdom concluded; the Pindarry association was annihilated; the Mahratta confederacy subverted, and the peace of Central India secured; whilst the Company's government was firmly established throughout their extensive empire.

Lord Amherst. The Marquis of Hastings quitted the government of India in January 1823. In August of that year Lord Amherst reached Calcutta as Governor-General.

Burmese. The aggressions of the Burmese led to the manifesto of the Supreme Government on the 24th February 1824. Hostilities immediately commenced: the seaport of Rangoon was taken on the 11th May, by a force under Major-General Sir Archibald Campbell. Prome was occupied on the 26th April 1825. The operations at Meady took place on the 1st, 2d, and 5th December 1825, when the Burmese, after a brave defence, were completely defeated; in consequence of which a preliminary treaty was entered into on the 3d January 1826, at Patanagoh. The principal articles of the treaty were the cession of Assam and its dependencies, of the four districts of Arracan, and the provinces on the coast of Tennasserim. The time granted for the receipt of the ratification of the treaty having expired on the 18th January, and the Burman chiefs continuing to act with base duplicity and evasion, no alternative appeared to be left to the commander of the forces but renewal of hostilities, which took place on the 19th, and was attended with the complete defeat of the enemy and the capture of Melloun.

Bhurtpore. In the early part of 1825, during the operations against

against the Burmese, the attention of the Bengal Government was drawn to the proceedings at Bhurtpore, where Doorjun Sal, aided by his brother Madoo Sing, attempted to usurp the right of Bulwunt Sing, their cousin, who was a minor and rightful heir to Buldoo Sing, the deceased Rajah. All exertions and intreaties on the part of the Resident, Sir Charles Metcalfe, to induce Doorjun Sal to abstain from the course which he was pursuing proving fruitless, offensive operations were resolved on; and General Lord Combermere, who arrived in Bengal as commander-in-chief in October 1825, proceeded to Bhurtpore to take the command in person of 25,000 of the finest troops of the Bengal army, together with a heavy and well-formed battering train and other ordnance. The batteries were erected and opened against the outworks on the 25th December; approaches were made, and operations carried on until the 18th of January, on which day, after a most vigorous defence on the part of the enemy, the breaches were carried by storm, and the fortress surrendered unconditionally. Doorjunt Sal was made prisoner in an attempt to escape, together with his wife, two sons, and a hundred and sixty chosen horse. This satisfactory intelligence was received in London on the 29th May 1826. The ample preparations which were made to effect the reduction of Burtpore, left little doubt as to the result. Its fall is important, as it will tend to efface the impression created in the minds of the natives by the ill-success which attended the four attempts made in 1805 to storm that fort, when the loss of the British army amounted to between three and four thousand men. 1825-1826.

The foregoing outline does not touch upon the various

rious measures involved in the interior administration of India. The extent and importance of the subjects connected with that branch of the Government may, in some degree, be inferred from the documents which have, from time to time, been laid before Parliament, and also, at various periods, printed for the information of the Proprietors and the public.

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ANALYSIS.

ACCOUNTS.

By the Charter of King William in 1688, the Company are required to lay before the Privy Council, in the month of October in each year, an account of all the goods exported, the growth, produce, or manufacture of Great Britain. By the 33d Geo. III, cap. 52 (1793), a general statement of the Company's affairs, both at home and abroad, is to be annually laid before Parliament. Under the 64th section of the Act of the 53d Geo. III, cap. 155 (1813), the Company are required to keep distinct accounts of their territorial, political, and commercial affairs, and the Court of Directors were to frame a plan for such an arrangement of their accounts, for the approbation of the Board of Commissioners for the Affairs of India. This plan was approved by the Board on the 30th June 1814, and was laid before Parliament on the 9th of May 1816, pursuant to an order of the House of Commons. An account of the Court's proceedings under the Act of the 57th Geo. III, cap. 120 (1817), authorizing the Company to grant additional allowances to owners of certain ships, is to be laid before Parliament.

The By-laws of the Company are noticed in every case immediately after the Acts of Parliament.

LAWS.

Privy Council.

(1) A true account and inventory to be delivered to the Privy Council in the month of October in each year, of the goods exported, the growth and produce of England. Ch. 1698. Wm. 3.

LAWS.

Ch. 1698. Wm. 3.

1771. 21 Geo. 3, c. 65. § 16.

Principal and additional Stock.

(2) A book of account of the principal and additional stock to be kept by an accomptant, and to be by him attested on oath, if required.

(3) The Directors shall cause copies of the accounts, directed to be made up for Parliament, to be laid before the General Court of Proprietors to be holden next after the same shall be so made up.

Directors to lay copies of said accounts before a General Court.

Parliament, Accounts for.

1793. 33 Geo. 3, c. 52. § 126. 1814. 54 Geo. 3, c. 36, § 55.

(4) And be it further enacted, that the Court of Directors of the said Company shall, within the first *fourteen sitting days next after the* 1st *day of May in every year*, lay before both Houses of Parliament an account, made up according to the latest advices which shall have been received, and with as much accuracy as the nature of the case will admit, of the annual produce of the revenues of the British territories in India, distinguishing the same under the respective heads thereof, at each of their several presidencies or settlements, with the amount of their sales of goods and stores within the limits of their exclusive trade, and of all their annual disbursements within the said limits, distinguishing the same under the respective heads thereof, together with the latest estimate of the same, and also the amount of their debts abroad, with the rates of interest they respectively carry, and the annual amount of such interest, the state of their effects at each presidency or settlement, and in China, consisting of cash and bills in their treasuries, goods and stores, and debts owing to the said Company, according to the latest advices which shall have been received thereof; and also a list of their several establishments in India, and other parts within the limits of their exclusive trade, and the salaries and allowances payable by the said Company in respect thereof: And also another annual account, made up to the first day of May next preceding the delivery thereof to Parliament, containing the amount of the proceeds of the sale of the goods and merchandizes of the said Company in Great Britain, and of their commercial and other receipts, charges, and payments in Great Britain, under the several heads thereof, together with an estimate of the same for the current year, and a statement of their bond debts and simple contract debts, with the rates of interest they respectively carry, and the amount of such interest, and the state of the cash remaining in their treasury, and other effects appertaining to the Company in Great Britain or afloat; and if any new or increased salaries, establishments, or pensions, payable in Great Britain, shall have been granted or created within the preceding year, the particulars thereof shall be specially stated and inserted at the foot of such account.

Directors to lay before Parliament certain yearly accounts.

Separation

LAWS.

1813. 53 Geo. 3, c. 155, § 64.

Separation of Accounts.

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.

(5) 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 St. 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 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 plan was approved* 30*th June* 1814, *and laid before Parliament* 9*th May* 1816.)

The principle to be attended to in accounts to be laid before Parliament. 33 Geo. 3, c. 52.

1813. 53 Geo. 3, c. 155, §65.

(6) 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 herein-before directed, of the territorial and political branch from the commercial branch of the affairs of the said United Company.

§ 66

(7) Regulations made by several Governors in India under 37 Geo. III, cap. 142; 39 and 40 Geo. III, cap. 79; and 47 Geo. III, Sess. 2, cap. 68; to be laid annually with accounts before Parliament.

§ 78.

(8) *Board of Commissioners* for the Affairs of India may require accounts to be prepared by Directors.

Allowances to Ship-Owners.

1817. 57 Geo. 3, c. 120, § 10.

(9) Accounts of the Court's proceedings relative to the grant of additional allowances to the owners of certain ships to be laid before Parliament.

LAWS.

Prize-Money.

1820. 1&2, Geo. 4, c. 61, § 4. (10) Accounts of unclaimed shares of prize-money belonging to soldiers or sailors in the Company's service to be delivered to the Company on oath.

BY-LAWS.

Chap. 1, § 1. *Accounts, general*, Books of, to be balanced yearly to 30th April.

§ 4. *Accounts* laid before Parliament to be laid before General Court.

§ 10. *Accounts* to pass Court of Directors quarterly.

§ 6, 7, & 8. *Exports and Payments*, Accounts of, to be kept by clerks to Committee of Shipping and Buying.

§ 9. *Freight and Demorage*, Account of each ship to be kept in Freight Office.

§ 2. *Indian Books* to be balanced yearly to 30th April and sent home.

§ 3. *Nett Proceeds of Sales, Duties on Private Trade, and Application of all Nett Profits*, Account of, to be laid before General Court annually.

§ 11. *Receipts and Payments*, Accountant, his deputy, or person keeping journal, to examine all, fourteen days after every month.

§ 5. *State of Company's affairs* per computation to 30th April, to be laid before Quarterly General Court in the month of December following at latest.

Chap. 6, § 19. *Superannuations* to officers and servants, to be laid before the General Court.

ALIENS.

At the period of the French revolution the influx of foreigners was great; and, as many of them had conducted themselves in such a manner as to justify suspicion of their intentions, Government deemed it expedient, for the security of Great Britain, to submit a bill to Parliament, containing various proposed legislative provisions relative to Aliens. Lord Grenville accordingly, on the 19th December 1793, brought a bill into the House of Lords for that purpose. The bill was considered an extraordinary measure, but the country was in a situation to render extraordinary measures necessary. Reference was made to the reign of Queen Elizabeth, when the overgrown power of Philip the Second agitated and alarmed every surrounding nation. It was asserted that many seditious writings, as well as forces and secret emissaries, were at work. In the Lords, the bill was supported by the Dukes of Leeds, Richmond, and Portland, and Lords Carlisle, Spenser, Stormont, Hawkesbury, Loughborough, and Grenville; and opposed by the Duke of Norfolk, Lords Lansdowne, Guildford, and Lauderdale;—it passed without a division.

In the House of Commons the measure was more fully discussed. Mr. Dundas, on the second reading, stated that many of the foreigners who had fled from their country, were liable to suspicion, and had been engaged in those very transactions of cruelty and outrage, which he was confident none could defend; it became matter of still more serious consideration, since there had been found men in this country so infatuated, as to have adopted those very principles which in the country where they originated had overthrown the constitution, and were inimical to the principles of every government. On the occasion of this debate, Mr. Burke made his celebrated speech; in the course of which he adverted to three thousand daggers having been manufactured at Birmingham,

ham, and to enforce his account threw down one of them on the floor of the House, and bid them look to it as a sample of the fruits to be obtained by an alliance with France, exclaiming, at the same time, that he would to the utmost of his power keep French infection from our country, their principles from our minds, and their daggers from our hearts. It was likewise supported by Mr. Pitt, but opposed by Mr. Fox. The measure was carried.

The act of the 33d Geo. III, cap. 4, commonly called the Alien Act, was accordingly passed, by which masters of ships arriving from foreign ports, under certain penalties, were required to report the number and names of every foreigner on board to the custom-house officers. Justices and others were appointed to grant passports to such aliens; power was given to the King to restrain and send them out of the kingdom, on pain of transportation, and, on their return, of death. Aliens were required to give in an account of the arms which they possessed, and, if necessary, to surrender them; neither could they proceed from one part of the kingdom to another without a passport. Amendments were made in the 34th Geo. III. The act was continued in a modified shape, after the peace of Amiens in 1801, and that of Paris in 1814. The 56th Geo. III. was the last act which passed on the subject: as connected with the United Kingdom: it has been designated as the Peace Alien Act.

As respects the British possessions in India, a circumstance arising out of the case of two Roman Catholic priests who had incurred the censure of their diocesan, and were subsequently suspended by him from their functions as priests, at St. Thomé, caused the subject to be discussed at Madras in the year 1814. It was determined that the priests should be required to depart from the Company's territories. They refused to obey the order; in consequence of which they were taken into custody under an order of Government. A writ of *habeas corpus* having been obtained, the parties were brought before the Supreme Court, where the Advocate-General contended, that the Government possessed the power of seizing and deporting aliens. He was opposed by Mr. Gahagan; the Chief Justice, in expressing his opinion, observed that it might be

be desirable that Government should have such power, under proper modifications, particularly looking forward to the possible restitution of the foreign settlements in the neighbourhood upon the approaching peace; but, however desirable, it did not appear to him that we possessed it, and therefore the party must be discharged. The other two judges concurred in such opinion, and the priests were discharged accordingly.

The subject was brought to the notice of the authorities in England; and in the following session of Parliament an act was passed, by which the Indian Governments were respectively empowered to remove persons not being British subjects, under the following provisions.

LAWS.

Aliens.

1815. 55 Geo. 3, c. 84, § 6.

Removal of persons not being British subjects.

(1) Whereas it is expedient that the several governments in the East-Indies should be enabled to prevent subjects of foreign states from residing or sojourning within the British territories there, against the consent of such governments respectively; be it further enacted, that it shall and may be lawful to and for the Governor-General in Council, and to and for the Governor in Council or chief officer for the time being of any presidency, or of any place not being subordinate to any presidency under the government of the United Company of Merchants of England trading to the East-Indies, to cause notice in writing to be given to any person, not being a native of any part of the British territories in India, or within the limits of the charter of the said United Company, other than such natural-born subjects of his Majesty as may from time to time lawfully resort to or reside in the East-Indies, to remove himself or herself from such presidency, or from all or any part of the British territories in the East-Indies, as may be deemed expedient, within a time to be limited by such notice: and in case any such person shall not obey such notice, then it shall and may be lawful to and for the Governor-General in Council or Governor in Council or other chief officer (as the case may be) of the place where such person shall be found, to cause such person to be apprehended and brought before the court of civil or criminal judicature, to the jurisdiction whereof such place may be subject; and upon proof being made upon oath to the satisfaction of such court, by any credible witness swearing to his knowledge or belief, stating the ground of such belief, that such person is an alien and the subject of a foreign state, and that such notice as aforesaid has been served on

LAWS.

such person, either personally or by leaving the same at his dwelling-house, unless such person shall prove that he is a natural-born subject of his Majesty authorized to reside in India, or a native of the British territories in India, or within the limits of the charter of the Company (for the making which proof, reasonable time and opportunity shall be allowed by the said court), such person shall be remanded by the said court into the custody of the Governor-General, Governor, or chief officer, who shall, as soon as may be, cause such person to be removed, in such manner as his or her rank, state, and condition in life shall require, by the first convenient opportunity, to the country or place to which he or she shall belong if he or she shall be willing to go thereto, or otherwise to such country or place as the Governor-General, Governor, or officer by whose authority he or she shall have been apprehended or shall be detained, shall be of opinion shall be most proper, regard being had to the convenience of the person to be removed, and the peace and security of the British territories in the East-Indies, and of the allies of his Majesty and the East-India Company, and of any neighbouring princes or states; and in the meantime, and until such person can be conveniently and properly removed, it shall and may be lawful to detain him or her in such custody, or under such guard as the person by whose authority he or she shall have been apprehended or shall be detained shall see fit and necessary, so as that the person detained may be put to as little inconvenience as shall be, consistent with the object of his or her detention; and in case any such person, having removed him or herself in pursuance of any such notice, or having been so removed, shall again wilfully return to any country or place from which he or she shall have had notice to remove, without the consent of the Government or chief officer of the place to which he or she shall so return, it shall and may be lawful to and for the Governor-General in Council, or Governor in Council, or chief officer of the place where such person shall be found, to cause such person to be apprehended and detained in safe custody, until he or she shall be discharged out of custody, upon such terms and conditions as the Governor-General in Council, Governor in Council, or other chief officer at the place where he or she shall be detained, shall deem sufficient for the peace and security of the British territories, and of the allies of his Majesty and of the East-India Company, and of the neighbouring princes and states.

Warrant for Apprehension.

1815. 55 Geo. 3, c. 84, § 7.

(2) It shall be lawful to carry into execution any warrant or authority for the apprehension, detention, or removal of any such person or persons as aforesaid, notwithstanding he, she, or they may be in custody, or delivered to bail, or in execution on any civil process, and notwithstanding any license, privilege, or protection whatsoever, any law, statute, or usage to the contrary notwithstanding: provided always, that no British subject, Warrant or authority for apprehension.

LAWS.

ject, nor any native of the British territories in India, or within the limits of the charter of the said Company, shall be apprehended, detained, or removed, by virtue of any of the provisions herein contained, nor shall any thing herein contained in anywise alter or affect any law or statute under or by virtue of which any British subject may resort to or is restrained from resorting to the East-Indies: provided also, that it shall not be lawful to apprehend, detain, or remove any person being the subject of any foreign state, under or by virtue of this act, in any way inconsistent with any treaty made or to be made by his Majesty or the East-India Company, and to the benefit of which such person shall be entitled.

AMERICA.

In the same year (1765) that the policy observed by Great Britain towards her North-American colonies, extending at that time from the Greenland Sea to the mouths of the Mississippi, led to the separation of the Thirteen States from the mother country, we have to record the acquisition, under the East-India Company, of the Dewanny, in Bengal, which laid the foundation of that extensive empire in the East, from whence we have derived such important political and commercial advantages.

The original introduction of the Stamp Act into America, and the measures consequent thereon, led to a prediction that the independence of that country was not far distant. An assembly of delegates met at Philadelphia in 1774, at which it was agreed to abstain from importing into the Thirteen States any British goods. That measure gave rise to the Act of the 16th Geo. III, which prohibited all intercourse with the revolted countries either in British or neutral ships.

In 1775, Congress declared the Thirteen United States to be free and independent, and their ports open to vessels of all nations. At that period the incursions of the American privateers were so daring, that it became necessary to appoint convoy for the purpose of protecting the linen trade with Ireland.

Plenipotentiaries were dispatched from America to the several European courts of Germany, France, Spain, and Prussia, to solicit their assistance. A treaty of friendship and alliance between France and America was signed at Paris on the 6th February 1778, by which, in the event of England breaking peace with France, in consequence of the said treaty, the latter power and America were to make it a common cause. A declaration was sent by France to the British

British Court, giving notice of the treaty, and expressing a hope that the harmony which subsisted between the two kingdoms might not be disturbed; at the same time stating, that the King of France was determined to protect the commerce of his subjects and to maintain the dignity of his flag; and had, in consequence, taken eventual measures in concert with the United States.

Immediately after this declaration, the British ambassador was recalled from France, upon which the French ambassador left London.

Those occurrences were shortly followed by a declaration of war on the part of Spain against Great Britain.

A negociation had been carried on between America and the Dutch, with the intention of framing a treaty, to be termed "the Union of the Twenty States," *viz.* the seven Dutch and thirteen American. The discovery of the fact, which was not made till 1780, led to a rupture with the Dutch; and thus was Great Britain involved in hostilities with the four great maritime powers—France, Spain, Holland, and America. In the manifesto, dated St. James's the 20th December 1780, is the following passage: "In the *East-Indies* the subjects of the States-General, in concert with France, have endeavoured to raise up enemies against us."

The secret treaty before alluded to between the Dutch and Americans was publicly ratified in 1782. In that year the nation had become earnestly desirous of peace; and the subjugation of America appeared to be a vain attempt. Mr. Grenville was accordingly sent to Paris with full authority to treat with all the powers allied against Great Britain, including an acknowledgment of the independence of the United States. A provisional treaty with America was signed at Paris on the 30th November; in the month of January in the following year (1783), preliminary treaties of peace between France, Spain, and Great Britain, were signed, and that with the Dutch in the month of September.

The French ports of Dunkirk and L'Orient, Bayonne, and Marseilles, were permitted to remain free ports; principally with the view of retaining as much as possible the

American

American trade: the vessels of the United States were likewise permitted to touch at the French islands of Mauritius and Bourbon, for the purpose of disposing of and purchasing Indian produce.

In the year 1784, the first American vessel with East-India goods arrived at New York; in the following year the American flag was first displayed at Canton in a vessel from Baltimore. Teas, china-ware, &c., were imported by her into the United States.

In the year 1789, the American ship Chesapeake was allowed to enter the Ganges on favourable terms, and the intercourse continued without material interruption till the war broke out between Great Britain and France in 1793. The latter power attempted to procure the produce of her West-India possessions on neutral bottoms, and the flag of the United States was made available for that purpose. An Order in Council was issued for securing and detaining all vessels having on board the produce of the French colonies. This measure led to the detention of so many ships belonging to Americans, that Congress laid an embargo, in 1794, upon all British vessels then in their ports, and despatched M. Say to seek at the hands of the British Government redress of the grievances complained of on the part of the citizens of the United States.

The explanation afforded to that gentleman by the British Government, through Lord Grenville, then secretary of state for foreign affairs, paved the way for the treaty of amity, commerce, and navigation, which was signed by that nobleman and M. Say in November 1794. By the thirteenth article of the treaty, American vessels were to be admitted and hospitably received into all the ports of the British territories in the East-Indies, and to be allowed to trade in all articles, the importation or exportation of which were not prohibited, paying only the same tonnage duties as were paid by British ships on entering the ports in America; likewise the same duties on goods imported or exported by them, as were paid on the like goods imported or exported in British vessels. The Americans were to carry the articles exported by them from the British ports in India to America only;

only; and when Great-Britain was engaged in war, they were not to export any military or naval stores without the sanction of the British authorities in India. Neither were they to enter into the coasting trade of India, or to settle in the British territories, or to travel into the interior, without the permission of the Government at each place.

To this treaty, which was confirmed by the act of the 37th Geo. III, cap. 97; to the belligerent state of Europe; and to the neutral character possessed by the Americans, which enabled them to navigate more cheaply, more expeditiously, and with greater safety than the British merchant, is to be attributed their advantage and success in the Indian trade.

The provisions of the 37th Geo. III, cap. 97, were continued by subsequent acts to the year 1808. The resistance by the American frigate Chesapeake to a search for British deserters having occasioned the loss of some lives, a prohibition was issued by the American Government against British armed vessels entering the harbours and waters of the United States. In March 1809 the Non-Intercourse Act with Great Britain and France was passed. In 1811 the act prohibiting the importation of British manufactures or merchandize took place; and in June 1812 war was declared against Great-Britain, which continued until December 1814; on the 24th of which month a treaty of peace was signed between the British and American plenipotentiaries at Ghent. A convention of commerce was signed on the 3d July 1815, the provisions of which were to continue for four years from that date; the third article of which provides as follows:

"His Britannic Majesty agrees that the vessels of the United "States of America shall be admitted, and hospitably received "at the principal settlements of the British dominions in the "East-Indies, *viz.* Calcutta, Madras, Bombay, and Prince of "Wales' Island; and that the citizens of the said United "States may freely carry on trade between the said principal "settlements and the said United States, in all articles of "which the importation and exportation respectively, to and "from the said territories, shall not be entirely prohibited: pro-"vided only, that it shall not be lawful for them, in any time of "war

" war between the British Government and any State or " Power whatever, to export from the said territories, with- " out the special permission of the British Government, any " military stores, or naval stores, or rice. The citizens of the " United States shall pay for their vessels, when admitted, no " higher or other duty or charge than shall be payable on the " vessels of the most favoured European nations; and they " shall pay no higher or other duties or charges on the impor- " tation or exportation of the cargoes of the said vessels than " shall be payable on the same articles, when imported or " exported in the vessels of the most favoured European " nations.

" But it is expressly agreed, that the vessels of the United " States shall not carry any articles from the said principal " settlements to any port or place, except to some port or " place in the United States of America where the same shall " be unladen.

" It is also understood, that the permission granted by this " article is not to extend to allow the vessels of the United " States to carry on any part of the coasting trade of the said " British territories; but the vessels of the United States hav- " ing, in the first instance, proceeded to one of the said prin- " cipal settlements of the British dominions in the East-Indies, " and then going with their original cargoes to any part " thereof, from one of the said principal settlements to ano- " ther, shall not be considered as carrying on the coasting " trade. The vessels of the United States may also touch " for refreshment, but not for commerce, in the course of " their voyage to or from the British territories in India, or " to or from the dominions of the Emperor of China, at the " Cape of Good Hope, the island of St. Helena, or such " other places as may be in the possession of Great-Britain, " in the African or Indian seas; it being well understood that " in all that regards this article, the citizens of the United " States shall be subject, in all respects, to the laws and " regulations of the British Government, from time to time " established.

" Art. IV. It shall be free for each of the two contracting " parties respectively to appoint consuls, for the protection of " trade,

" trade, to reside in the dominions and territories of the other " party; but before any consul shall act as such, he shall, in " the usual form, be approved and admitted by the govern- " ment to which he is sent; and it is hereby declared, that in " case of illegal or improper conduct towards the laws or " government of the country to which he is sent, such consul " may either be punished according to law, if the laws will " reach the case, or be sent back, the offended government " assigning to the other the reasons for the same.

" It is hereby declared, that either of the contracting par- " ties may except from the residence of consuls such particular " places as such party shall judge fit to be so excepted."

On the 20th of October 1818, a further convention was signed, explanatory of and arranging the differences which had arisen respecting liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish, &c., on certain coasts, bays, harbours, and creeks of his Britannic Majesty's dominions. By this convention, the term of four years, to which that of 1815 was confined, was extended to the term of ten years from the said 20th October 1818.

The act of the 59th Geo. III, cap. 54, was passed to carry into effect the provisions of the convention; by the sixth section of which American vessels are permitted to clear out from any port in the United Kingdom for the British settlements in the East-Indies, subject to the same regulations as British vessels.

LAWS.

1819. 59 Geo. 3, c. 54, § 6.

Vessels of American-built allowed to clear out for British settlements in India.

(1) And whereas it is expedient that vessels built in the countries belonging to the United States of America, or any of them, or condemned as prize there, and being owned and navigated as hereinbefore-mentioned,* should be allowed to clear out from any part of the United Kingdom, for the principal settlements of the British dominions in the East-Indies, *viz.* Calcutta, Madras, Bombay, and Prince of Wales' Island, with any articles which may be legally exported from the United Kingdom to the said settlements in British-built ships; be it therefore enacted, that all vessels built in the said United States of America, or any of them, or condemned as prizes there, and being owned

* Master and three-fourths of the mariners to be subjects of the said states.

LAWS.

owned and navigated as herein-before mentioned, shall be allowed to clear out from any port of the United Kingdom for the following principal settlements of the British dominions in the East-Indies, *viz.* Calcutta, Madras, Bombay, and Prince of Wales' Island, with any goods, wares, or merchandize, which may be legally exported from the United Kingdom to the said settlements in British-built vessels, subject to the like rules and regulations, restrictions, penalties, and forfeitures as are now by law imposed upon the exportation of such goods to the said settlements in British-built ships, any law, custom, or usage to the contrary notwithstanding.

ANNUITIES.

By the 10th of Wm. III. a new East-India Company was established; the union between the old and the new Companies took place in 1702. The new Company had advanced to the Government, at the time of their incorporation, the sum of £2,000,000, at eight per cent. interest, payable quarterly; in 1708 the Joint Company lent a further sum of £1,200,000 without interest: thus the loan to Government was £3,200,000, bearing an interest on the whole of £5 per cent. In 1730, the Company consenting to the interest being reduced from five to four per cent., and paying the sum of £200,000 to the public, the exclusive trade was continued to them until 1766. In 1744 the Company agreed to lend £1,000,000 at three per cent. to the Government, on their exclusive trade being continued to 1783. In 1749 the Company consented to a reduction in the interest on the £4,200,000 from four to three per cent., on condition that they were empowered to raise money towards the discharge of their bond debt by the sale of three per cent. annuities to the amount of the debt due from the public to the Company. The sum of £2,992,440. 5*s.* was raised, the dividends on which were paid at the East-India House, Government allowing the Company £1,687 per annum for charges of management: these, together with £1,207,559. 15*s.*, being the residue of the debt of £4,200,000 from the public, form the East-India Annuities, which, by the Act of the 33d Geo. III, cap. 47, were placed under the management of the Bank, and engrafted on the Three per Cent. Reduced Annuities. By the same Act the Company was allowed to increase their capital stock from five to six millions.

APPEALS.

The right of appeal forms a most important part of every well-devised system of legal administration; it guards against the injury which might be inflicted by unjust decisions of inferior courts of primary jurisdiction, whether arising from error in judgment or any less venal cause, at the same time that it is calculated to maintain regularity and enforce duty. In England, appeals lie from the lowest court, as well as from Courts Baron and County Courts, to the Courts of Record at Westminster: and from those courts and the Court of Chancery to the one great court of appeal, the House of Lords, which is described by Blackstone in the following terms: "it is the last resort, in matters both of law "and equity, and which will, therefore, take care to preserve "an uniformity and equilibrium among all the inferior juris-"dictions—a court composed of prelates, selected for their "piety, and of nobles, advanced to that honour for their "personal merit, or deriving both honour and merit from an "illustrious train of ancestors, who are formed by their edu-"cation, interested by their property, and bound upon their "conscience and honour to be skilled in the laws of their "country."

13 Geo. 3, c. 63.

The act of 1773, commonly called the Regulating Act, authorized the establishment of a Supreme Court of Judicature for the administration of British laws in India, and provided at the same time for investing the Governor General and Council with powers to make such rules, ordinances, and regulations for the good government of the Company's possessions as they might judge to be expedient. By the Explanatory Act of 1781, the jurisdiction of the Supreme Court was more accurately defined, with a reservation of the laws and usages of the natives.—(*Vide* Courts of Judicature.)

§ 36.

21 Geo. 3, c. 70.

Many rules and orders were passed by Government from 1772; but it was not until 1793 that the existing code of regulations

lations for the administration of justice in the provinces subject to the presidency of Fort William was introduced. The Regulations for Madras and Bombay are likewise framed into separate codes and printed.

Appeals lie from the inferior native courts to the Sudder Dewanny Adawlut,* and from thence to the King in Council, in civil suits, the value of which shall be £5,000, or upwards. By the act of 1813, British subjects in suits commenced against them in any subordinate civil or revenue court of justice, instead of appealing to the Sudder Dewanny Adawlut, may appeal to the Supreme Court. Appeals lie from the Supreme Courts of Judicature to the King in Council. No appeal is to be allowed unless the petition for that purpose is preferred within six months from the day of pronouncing the judgment or determination complained of. In appeals from Bengal and Madras, the value of the matter in dispute must exceed 1,000 pagodas; and from Bombay, 3,000 rupees.

53 Geo. 3, c. 155.

It has already been observed that, by the act of 1773, the Governor-General and Council are empowered to make such regulations as they shall see fit for the government of Fort-William, and the factories and places subordinate to it, such regulations not being repugnant to the laws of the realm; neither are they to have any force or effect until they have been duly registered and published in the Supreme Court of Judicature. From such rules and regulations an appeal lies to his Majesty in Council, who is empowered to set aside or repeal such rules, &c. Notice of the appeal is to be lodged in the Supreme Court within sixty days after the register of the regulation; and it is open to any person in England to appeal, in like manner, within sixty days after the said regulation shall have been published in England. Copies of such rules and regulations are to be exposed in some conspicuous place in the East-India House.

A case occurred on the 13th February 1824, when Mr. Buckingham, the appellant, presented a petition to his Majesty in Council against a rule, regulation, and ordinance, issued

* Chief Civil Court.

issued at Fort William on the 4th April 1823, for regulating the press at Calcutta.

The appeal was argued at great length on Monday, the 23d May 1825, before a Commission of the Lords of the Privy Council, consisting of

The Earl of Harrowby, Lord President;
The Lord Chancellor,
Lord Teignmouth,
Lord Colchester,
Lord Stowell,
Lord Bexley,
Lord Gifford, Master of the Rolls,
The Lord Chief Justice of the Court of King's Bench,
The Lord Chief Justice of the Court of Common Pleas,
The Lord Chief Baron,
The Right Hon. C. W. W. Wynne,
The Right Hon. Sir John Nicoll,
The Right Hon. John Beckett, Judge-Advocate,
The Right Hon. John Sulivan,
The Right Hon. Sir Henry Russell,
The Right Hon. W. H. Freemantle,
The Right Hon. Sir George Warrender, Bart.

Assessors to the Lords' Committee,
His Majesty's Attorney-General,
His Majesty's Solicitor-General.

Counsel for the Appellant,
Mr. Common Serjeant,
Mr. John Williams.

Counsel for the East-India Company,
Mr. Serjeant Bosanquet,
Mr. Serjeant Spankie,
Mr. Brougham,
Mr. Tindal.

The following is an extract from the arguments urged by Mr. Serjeant Bosanquet in support of the ordinance:—

"My Lords, is it argued (for that is the way to try it) "that the subject which has been considered as a fit sub- "ject of legislation in India (the press), has, by the Parlia- "ment

"ment of England, by any public law, been declared to be "free and unrestricted, and not a fit subject for legislation "even in England? I can find nothing of the kind; but I "can find that, from the earliest time since printing was "introduced into this country down to the latest period, "restrictions have been imposed by the authorities which for "the time were supposed to have a control over it, without "the aid of Parliament, and subsequently by the Parliament "itself; therefore, as I apprehend, it has been considered in "this country as a subject not wholly exempted from restric- "tion. I need not call your Lordships' attention to the state "of things at an early period, especially in the reign of Eliza- "beth—perhaps it might be said that those restrictions were "imposed by a court, the authority of which is no longer "admitted; but they were enforced by a court supposed to "have the controlling power at that time over the subject; "and when the power of that court ceased, the regulations "imposed by the Commonwealth were certainly as strict, in "all respects, as any thing that is to be found among the "restrictions of the preceding reigns, or is now sought to be "introduced with respect to India. The same power of "licensing every species of work, the same power of search, "and every strict power which your Lordships could well "imagine, you will find in the various regulations in Scobell. "It would be a waste of your Lordships' time to refer to them, "particularly as you are well acquainted with them; they "occur among the ordinances for the years 1643, 1647, 1649, "and 1652, in which periods regulations were made, certainly "by authority, which we no longer recognize, because it was "during the Commonwealth; but no sooner did the Restora- "tion take place, than you find that all the regulations com- "prehended in those ordinances were adopted by a statute "of Charles II, which statute was in force for a considerable "length of time. That statute expired, and was again revived, "and there were many discussions respecting the renewal of "it; but it was at length suffered to expire, as we all know, "in the year 1697, or somewhere thereabouts.

"But give me leave to ask, my Lords—independently "of the regulations of comparatively an ancient date, whether

" there are not subsisting at this moment, consistent with " the law of England, restrictions upon printing, of a very " high and important nature—limited, it is true, with re- " spect to their particular subjects, but just as much the " law of the land as if they extended to any other matters? " We all know what are called prerogative copies; we " know that translations of the Bible, that translations of the " Psalms, that the Book of Common Prayer, the Statutes " of the realm, proclamations, and other acts of the state— " that none of these can be printed but under the license " of his Majesty; we know that the King's printer and the " Universities have that privilege; and we also know that " there are restrictions imposed by recent statutes* upon " printing and printing presses, extending to other subjects " besides those which I have particularly mentioned. Those, " my Lords, are restrictions imposed by the law, because such " regulations have been found necessary, and were thought " applicable to the particular exigencies which occasioned " them."

Mr. Serjeant Spankie, in support of the power of the Bengal Government to make such regulation, made the following remarks:—

" I have found instances in which, by his Majesty's prero- " gative, colonial acts have been disallowed, sometimes as " being unreasonable, and sometimes for encroaching on the " royal authority; but I find no objection made to the " legal competence to enact those regulations which were " necessary for the safety and protection of the colony, in " matters, and some of a very high nature, where the law " of England furnished none, or inadequate remedies; the " examples of colonial legislation on which, under the advice " of its law officers in the particular instances, and not pass- " ing *sub silentio*, are extremely various, comprehending the " subjects already specified, and indeed a great variety of " others. Some are rather curious. I recollect a case† from " the island of Barbadoes, in which the legislature had gone " so

* 38 Geo. III, c. 78, and 39 Geo. III, c. 79.
† 2 Chalmers, 38, 39.

" so far as to enact, that if any person should bid at any " auction for an estate, being unable to pay for it, he should " be imprisoned for twelve months; that at the expiration " of the term of his imprisonment he should stand in the " pillory, and have his ears cut off. This is pretty strong; " and certainly the law of England had no corresponding " provision for such a case. Sir Edward Northey, the attor- " ney-general of that time (1717), was consulted about this " and other acts of the Assembly of Barbadoes. He notices " this act, as imposing, what he calls, rather a singular, and " severe punishment, for the offence of bidding at an auction " without having money to pay for the goods; 'but,' con- " cludes he, 'as this punishment is only for those who know " 'their own inability, I have no objection to it.' "

" This instance may serve, and many similar might be " adduced, to shew that the meaning of the qualification not " being repugnant to the laws of England is, that laws to be " made by the colonial legislatures shall not contradict the " laws of England in cases for which the law of England has " provided, for that would be a power to repeal the laws of " England. They shall not introduce any thing so absurd " as a *conflictus legum*, by the inferior legislature enacting " any thing contrary to what the supreme legislature has " enacted in the same matter. They shall not enact any " thing that is contradictory and repugnant to the general " laws and statutes of the realm, meant for universal appli- " cation, and founded on principles of permanent imperial " policy. But where the law of England is silent, where " local circumstances demand local remedies, where the ends " of good order and civil government require new laws, the " local legislative power is competent to enact such laws for " the public safety, and the legislative authority was granted " to afford a prompt and present remedy in unforeseen cases " for which the laws of England had not provided."

The following extracts are also given from the argument of the learned Serjeant before the Privy Council, and they are entitled to every consideration from the fact of Mr. Serjeant Spankie having resided some years at Calcutta, filling the high office of Advocate-General, consequently fully qualified

lified to form a just opinion as to the effects to be anticipated from a free and unrestricted press in India.

" I think the government of India acted on solid grounds " in establishing this restraint of printing, when they saw " the consequences to which the freedom of the press, as it " was exercised in Calcutta, was tending. What, my Lords, " can you think of having three or four daily papers, in a " place which could hardly furnish news for a paper in the " course of a month, filled with political essays and disqui- " sitions? Yet, in the rage for this novelty, daily papers " sprang up in all shapes—all languages. The government " was attacked, its measures arraigned, the individual mem- " bers were attacked, the judicial system was attacked, every " department and office of administration was attacked. In " such a society as Calcutta, your Lordships may conceive the " unsocial spirit and contentious habits which were produced. " The happiness and good-humour of the place were de- " stroyed. People unaccustomed to such contests, were irri- " tated by public charges in a degree hardly to be conceived " here. It was necessary for the peace of society, my Lords, " to adopt this regulation, to suppress such an intolerable " nuisance, and give the inhabitants the benefit of quiet and " ordinary life.

" But, my Lords, the inconvenience experienced by private " society, though no slight evil, was nothing to the danger " with which, as the press was exercised, its licentiousness " was pregnant to the safety and permanence of the British " power in India. No rational man, I am convinced, can " seriously think that, consistently with duty to itself and the " dictates of self-preservation, the government of India could " have allowed the unrestrained freedom of printing to con- " tinue.

" It is a government which rules over an innumerable people, " of a different religion, of different character, of different habits, " as different in mind as in body, from ourselves. They are " placed under our rule, with nothing but power and opinion " to protect us. We have claims to the allegiance of the " people, and to their support of our government, as better " than the Mahomedan usurpation which it has superseded;

" but,

" but, with all the advantage of that comparison, a foreign " dominion like ours cannot be quite secure, in such a com- " parison, upon a question of right with the people we govern " as a conquered people, without their choice, their partici- " pation, their natural sympathies.

" I believe that in the government of India there is the " strongest and most sincere disposition to protect the person " and property of every individual under its rule, and to " govern by fixed law, and not by arbitrary discretion; but " there is nothing that can give to the people, the natives of " that vast empire, that strong and warm affection and attach- " ment to us which can naturally influence them to rise and " take up arms in our defence. The most that can be said " for it is, that while our government continues to respect " the prejudices of the natives, and to perform the duties of " government in promoting their interests (purposes, on the " whole, better secured now than for many centuries of their " past history), the people of those countries will patiently, " contentedly submit: they will not think of changing our " foreign dominion for national government. If, however, " they are taught the principles of liberty—if they are to be " taught that a people ought not to submit to a foreign yoke— " that they ought to be governed by laws of their own enact- " ing, and to pay taxes of their own imposing, by themselves " and their representatives, and to enjoy all the privileges of " a free government: things which a free press (in the sense " of the advocates of a free press, as desired by the friends " of a free press in India,) would naturally have taught and " enforced—the British government of India must give way " to some new and untried state of existence, calamitous to " the people of that country. As matter of argument and " debate, the advocates of the government of India could " have little to urge in answer to such topics of popular " seductive declamation. The people of India, indeed, enjoy " under our protection the substantial blessings of practical " good government. They enjoy, without any exception, " the advantages of protection for person and property. " They have that which they never enjoyed before—a full " sense of security for property. Through your equal pro- tecting

" tecting authority, they may now be wealthy without danger, " a thing almost unknown in Asiatic countries.. The people " now feel that perfect security, they have ceased to hoard " and conceal. This is a notorious fact, and it shews, beyond " a thousand arguments, and in refutation of a thousand de- " clamations, the practical benefits of the British power to the " people of that country. That great change in the state " of an Asiatic people shews that the government is good, " and that the government possesses the confidence of its " subjects."

The argument lasted from eleven till half-past four o'clock. A report was made to the King, as the opinion of their Lordships, that the prayer ought not to be complied with; which decision his Majesty was pleased, by and with the advice of his Privy Council, to confirm on the 14th June 1825.

An APPEAL is likewise provided for in the case of the Court of Directors, who may petition his Majesty in Council if they consider that the Board of Commissioners have exceeded their powers, by issuing orders and instructions which do not relate to points connected with the civil or military government or revenues of the British territories or possessions in India; or by expunging, varying, or altering any despatches proposed by the Court of Directors, which do not relate to such points. His Majesty, on such petition, is to decide how far the said ordinance, &c. be or be not connected with the civil or military governments or revenues, which decision is to be final and conclusive. An instance of appeal under the foregoing provisions occurred in the year 1815, in the case of Major Hart, formerly of the Madras establishment. That officer had been commissary of grain to the army commanded by General Harris, which proceeded against Seringapatam in 1799. On the 16th April in that year, during the siege, an alarming deficiency was discovered in the quantity of grain then supposed to be in camp, he having reported that there was only sufficient for the fighting men of the army for eighteen days, at half allowance, and the deficiency in the markets of the camp amounted to famine. On the 22d of that month Major Hart stated that he had in his possession a quantity of private rice, which he had provided for the eventual consumption

sumption of the followers in his department, which he wished to sell for the use of the army. The Commander-in-chief ordered 106,000 seers of such rice to be taken by Major Hart on account of the public service, but no agreement as to price, &c. was made. Major Hart's conduct was impugned with reference to the transaction; he was suspended from the service by Earl Powis, then Governor of Madras, with the privity and direction of the Marquis Wellesley, then Governor General; and, on consideration of the subject at home, in March 1801, the Court removed him from the Company's service. Notification of this resolution was sent to Madras, and instructions were likewise given to reimburse him in the full cost and charges of the rice. The Madras government referred to the Court for further directions as to the rate of reimbursement. A despatch was accordingly prepared, directing the Madras government, on Major Hart, or his attorney, producing satisfactory vouchers to shew the prime cost, and of whom purchased, with all charges thereupon previous to its delivery for the public use, to cause the amount to be paid, with simple interest thereon at eight per cent. per annum. The Board of Commissioners altered the despatch, and ordered one rupee per seer to be the rate at which reimbursement was to be made. This was considered by the Court of Directors as a most exorbitant rate; one, indeed, only conceivable in a state of excessive famine: they accordingly made a representation to the Board. The Board adhered to their view of the subject, and ordered the paragraphs to be sent out. The Court, in the mean time, took the opinion of counsel as to the right of the Board to direct the transmission of the paragraphs to India; which opinion supported the Court's objections. The matter rested till the year 1815, when the Court were called upon either to transmit the paragraphs to India, or appeal to his Majesty in Council; otherwise, the Board would consider themselves compelled to take the necessary steps for enforcing the transmission of the paragraphs. The Court resolved not to send the paragraphs unless it was judicially determined that they were precluded from exercising their discretion. On the 8th June 1815, a writ of mandamus was moved for in the Court of King's Bench, caus-

cause was shewn, on the part of the Court of Directors, by Mr. Serjeant Lens, Mr. Park, Mr. Serjeant Bosanquet, and Mr. Spankie, why a writ of mandamus should not issue. The Bench decided that there was matter for appeal to the Privy Council. The Privy Council accordingly met on the 28th July 1815, and the Court's petition having been read, the appeal was opened by Sir Arthur Piggott; who, after claiming for the Company the privilege of being heard by two counsel, entered into a review of the case. The Privy Council adjourned to Wednesday, the 2d August, on which day Sir Samuel Romilly argued the case on behalf of the Company, and Mr. Leach on the part of the Board of Commissioners. The Privy Council adjourned to the 5th August. On the 27th November the Report of the Council, dated the 17th of that month, was laid before the Prince Regent; when his Royal Highness decided, by and with the advice of his Privy Council, that the paragraphs, as altered by the Board, did relate to points connected with the military government of the British territories and acquisitions in India and the revenues thereof, and that the Commissioners had power to vary, alter, or expunge the same. On the 26th January 1816, on the motion of the Attorney-General, the Court of King's Bench made the rule for the mandamus absolute. The mandamus was served upon the members present at a court held on Wednesday the 14th February; on the 21st of that month, the Court adopted a unanimous resolution of protest against the propriety of the orders which they were required to send out. On the 20th March, the same was communicated to the General Court, when the whole of the papers relative to the case of Major Hart were ordered to be printed for the Proprietors; who, on the 16th April 1817, unanimously approved of the course pursued by the Court of Directors.

LAWS.

From Provincial Court to Supreme Court.

Limitation of actions before Supreme Court. Suits may originate in said court, or be brought by appeal from Provincial Courts.

1773. 13 Geo. c. 63. § 16.

(1) The Supreme Court of Judicature shall hear and determine any suits or actions whatsoever of any of his Majesty's subjects, against any inhabitant of India residing in any of the said kingdoms or provinces of Bengal, Bahar, or Orissa, or any of them, upon any contract or agreement in writing entered into by any of the said inhabitants with any of his Majesty's said subjects, where the cause of action shall exceed the sum of five hundred current rupees; and where the said inhabitant shall have agreed in the said contract, that, in case of dispute, the matter shall be heard and determined in the said Supreme Court; and all such suits or actions may be brought, in the first instance, before the said court, or by appeal from the sentence of any of the courts established in the said provinces, or any of them.

From Supreme Court to King in Council.

Appeal may be made to his Majesty in Council.

§ 18.

(2) In case any person or persons whatsoever shall think himself, herself, or themselves, aggrieved by any judgment or determination of the Supreme Court of Judicature to be established as aforesaid, he, she, or they shall and may appeal from such judgment or determination to his Majesty in Council, his heirs or successors, within such time, in such manner and in such cases, and on such security as his Majesty, in his said charter, shall judge proper and reasonable to be appointed and prescribed.—(*Vide* Charter of Justice, p. 35, 36, and 37.)

From Rules, Ordinances, and Regulations, issued by Governor-General and Council to the King.

Appeals may be made for the King in Council, who may repeal rules. A copy of all regulations to be affixed in the India-House.

1773. 13 Geo. 3, c. 63. § 36.

(3) It shall be lawful for any person or persons in India to appeal therefrom to his Majesty, his heirs or successors, in Council, who are hereby empowered, if they think fit, to set aside and repeal any such rules, ordinances, and regulations respectively, so as such appeal, or notice thereof, be lodged in the Supreme Court of Judicature within the space of sixty days after the time of the registering and publishing the same; and it shall be lawful for any person or persons in England to appeal therefrom, in like manner, within sixty days after the publishing the same in England; and it is hereby directed and required, that a copy of all such rules, ordinances, and regulations, from time to time, as the same shall be so received, shall be affixed in some conspicuous and public place in the India-House, there to remain and be resorted to as occasion shall require; yet, nevertheless, such appeal shall not obstruct.

LAWS. obstruct, impede, or hinder the immediate execution of any rule, ordinance, or regulation, so made and registered as aforesaid, until the same shall appear to have been set aside or repealed, upon the hearing and determination of such appeal.

From Governor-General and Council to the King.

1781. 21 Geo. 3, c. 70, § 21. (4) Whereas the Governor-General and Council, or some committee thereof or appointed thereby, do determine on appeals and references from the country or Provincial Courts in civil causes; be it further enacted, that the said court shall and lawfully may hold all such pleas and appeals, in the manner and with such powers as it hitherto hath held the same, and shall be deemed in law a court of record: and the judgments therein given shall be final and conclusive, except upon appeal to his Majesty, in civil suits only, the value of which shall be five thousand pounds and upwards.

In civil suits only, the value of which shall be £5,000 and upwards.

By Court of Directors to King in Council.

1793. 33 Geo. 3, c. 52, § 16. (5) Nothing in this act contained shall extend, or be construed to extend, to give to the Board of Commissioners any power or authority to issue or send any orders or instructions, which do not relate to points connected with the civil or military government or revenues of the British territories or possessions in India, nor to expunge, vary, or alter any despatches proposed by the said Court of Directors as aforesaid, which do not relate to the said government or revenues; and that if the said Board shall send any orders or instructions to the said Court of Directors, to be by them transmitted, which in the opinion of the said Court of Directors shall relate to points not connected with the said civil or military government or revenues, then and on any such occasion it shall be lawful for the said Court of Directors to apply by petition to his Majesty in Council touching the same, and his Majesty in Council shall decide how far the same be or be not connected with the civil or military governments and revenues of the said territories and possessions in India, which decision shall be final and conclusive.

If the Board issue or alter any orders, &c. not relating to civil or military government or revenues.

From Courts of Judicature at Madras and Bombay.

1797. 37 Geo. 3, c. 142, § 17. (6) In case any person or persons whatever shall think him, her, or themselves aggrieved, by any judgment or determination of either of the said Courts of Judicature of Madras or Bombay, he, she, or they may appeal from such judgment or determination to his Majesty in Council, within such time and in such manner, and in such cases, as his Majesty in his said charter shall judge proper and reasonable to be appointed and prescribed.

Persons may appeal from the courts to his Majesty in Council.

From

LAWS.

From Rules, Ordinances, and Regulations made by Governors in Council of Madras and Bombay.

1807. 47 Geo. 3, c. 68, § 2. (7) All such rules, ordinances, and regulations, so to be made as aforesaid, shall be subject, in all respects, to the like power of appeal, and to all the like regulations and provisions as are mentioned and contained in an act made in the thirteenth year of the reign of his present Majesty, intituled, "An Act for establishing certain Regu- "lations for the better Management of the Affairs of the East- "India Company, as well in India as in Europe;" and in an act, made in the thirty-ninth and fortieth year of the reign of his present 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:" as to the rules, ordinances, and regulations therein respectively authorized to be made by the said Governor-General in Council, as aforesaid.—(*Vide* supra.)

Rules, ordinances, and regulations, made by Governors in Council, subject to appeal.

From Decrees of subordinate Civil or Revenue Courts.

1813. 53 Geo. 3, c 155, § 107. (8) 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, 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 courts 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 power 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 courts 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 proceeding 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

British subjects may appeal to Supreme Courts.

LAWS. 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 herein-before 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 government of the said Presidencies.

APPROPRIATION

OF

TERRITORIAL REVENUE AND HOME PROFITS.

ANTERIOR to 1765 the revenues of the East-India Company in India arose principally from duties of customs, &c., and were comparatively trifling. In that year, by the grant of the Dewanny, they acquired considerable territorial possessions, whereby the revenues were greatly augmented.

The attention of Parliament was almost immediately directed to the affairs of the Company. After a lengthened negotiation and much discussion, an act was passed in 1767, 7 Geo. 3, c. 57. giving effect to a temporary arrangement, under which the territorial acquisitions and revenues were to remain with the Company during the term of two years, to be computed from the 1st July 1767. By a subsequent act, the Company paying £400,000 per annum to the public, the same arrangement was continued till 1774. In the year 1773, the Company, from a series of great and unusual difficulties, were obliged to apply to Parliament for relief. A loan of £1,400,000 was granted; on which occasion the first specific enactments as to the appropriation of the revenues and profits were passed. The surplus was to be applied, first, to a dividend of six per cent., and secondly, to the reduction of the loan of £1,400,000. 13 Geo. 3, c. 64.

In 1779 the territorial acquisitions were confirmed to the Company for another year; at the same time it was provided that, after paying a dividend of eight per cent., the clear surplus of revenue and profits should be reserved, and await any further agreement that might be made between the public and the Company; in 1780, the same were extended till the 5th April 1781, upon similar terms. 19 Geo. 3, c. 61. 20 Geo. 3, c. 56.

In that year the exclusive privilege of trade was granted to the 21 Geo. 3, c 65

the Company, until the expiration of three years' notice after the 1st of March 1791. The territorial acquisitions were likewise to remain with the Company for the same time. From the profits arising from territory and commerce such a sum was to be set apart as should be equal to a dividend of eight per cent. per annum on the capital stock; and of the surplus, after such payment, three-fourths was to be set apart for the use of the public, and one-fourth for the Company.

23 Geo. 3, c. 83.

In 1783, in consequence of the expenses of the wars in India and in Europe, the Company's home affairs had become much distressed; relief was granted, and the participation of the public in the surplus profits of territory and commerce was postponed till the debts then incurred were paid.

53 Geo. 3, c. 52.

In 1793 the Company were granted an extension of the exclusive privilege for the further term of twenty years, when a more specific and detailed appropriation was laid down.

53 Geo. 3, c. 155.

In 1813 the exclusive privilege of the China trade, with the territorial possessions in India, were vested in the Company for a further term of twenty years from 1814, and new provisions for the appropriation of the profits of territory and commerce were passed.

LAWS.

Territorial Revenue.

1813, Geo. 3, c. 155, § 55.

(1) 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 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

Application of the revenues arising from the territorial acquisitions in India.—1st, in maintaining forces.—2d, in payment of interest of Indian debt.—3d, in defraying expenses of establishments.—4th, towards liquidation of territorial debt, or bond debt, &c.

may be hereafter incurred by the said Company in the East-Indies, or parts aforesaid, including that portion 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 Court of Directors, with the approbation of the 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.

§ 56.

A sum equal to payments from commercial funds at home on account of territorial charges take annually applied in India to investment or remittance, &c.

(2) 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.

§ 57

Home Profits.

Applications of the profits of the Company in Great Britain.—1st in paying bills of exchange. — 2d in paying debts; except principal of bond debt.—3d in payment of dividend of ten per cent. till separate fund exhausted, and then 10½ per

(3) 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 nett 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 disposed of in manner following; (that is to say), first, in providing for the payment 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

LAWS. 1813. 52 Geo. 3, c. 155. § 57.

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 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-mentioned 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 shillings 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.

4th in cent. — reduction of Indian debt, or bond debt at home.

§ 58.

(4) 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 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 liquidation 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 Company, as provided in an act passed in the fifty-second year of his present Majesty, intituled, "An Act for advancing

Home profits not liable to territorial charges, till after dividend provided for; except to bills and certificates for value received in India, and to interest and sinking fund on loan of 1812, from the public to the Company. — If home funds insufficient after dividend to discharge bills drawn for interest of existing Indian debt, deficiency to be paid as Parliament shall direct. — Monies received at home on credit of bills drawn on territorial funds, or for advances in India, to be applied to payment of liable territorial charges in Europe. — And deficiency of commercial profits at home in any year for dividend to be made good out of surplus of territorial revenues.

LAWS. 1813. 53 Geo. 3, c. 155, § 58.

"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 10th day of April 1814, 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: 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 on any other account, the said monies shall be set apart and applied to defray the territorial 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 insufficient in any year fully to defray the said dividend, it shall and may be lawful 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.

Surplus Territorial and Home Profits.

§ 59.

Application of the surplus of territorial revenues, and home profits. — In repayment of the capital of public funds created for Company; any further surplus to be paid into the Exchequer, to be a guarantee fund, not exceeding twelve millions, for the capital stock and dividends, &c. —

(5) 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

LAWS. 1813. 53 Geo. 3, c. 155, § 59.

Company, or in any other manner, after providing for the payments aforesaid, shall be applied to the more speedy repayments 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 parts 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.

§ 60.

(6) 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, 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.

If the debts after reduction shall be again increased beyond certain sums, reduction again to take place.

BALLOT.

The mode of deciding questions by ballot in the General Court of Proprietors is prescribed by the charter of King William III, 1698. At that period every proprietor of £500 stock in his own right was entitled to give his vote in General Court; and no proprietor, whatever amount of stock he might hold beyond that sum, could give more than one vote.

As it was not requisite that a proprietor should have held his stock for any prescribed period to qualify him to vote, it may be readily conceived that, upon any occasion where questions involving conflicting interests were to be decided by ballot, parties did not hesitate to become proprietors for the immediate occasion, and parting with their stock so soon as the object for which they qualified was effected. The evils attendant on such a system became more apparent as the Company's affairs enlarged; and, as ballots took place immediately on their being demanded, the privilege was open to the most flagrant abuse, and made subservient to the views of interested parties.

Between the years 1757 and 1764, various questions relative to the state of the Company's affairs and possessions abroad came under discussion in General Court. On the appointment of a successor to the government of Bengal, and on the proposed re-appointment, in 1764, of Lord Clive, party spirit ran high. So great was the inconvenience arising from the facility with which individuals could qualify, that, on the 12th March 1764, a General Court was held at the instance of several proprietors, amongst whom were Lords Clive and Elibank; at which Court a motion was made to limit the right of voting to those who had possessed their stock for a certain period. The question was adjourned to the 21st of that month, when it was resolved that an

 application

application be made to Parliament for an act to prevent parties voting who should not have been in possession of their stock for *at least four months*.

The first ballot that took place after such resolution was on the 4th of May following, on a motion for empowering the Court of Directors to agree with Lord Clive for the payment of his jaghire for the space of ten years. With the view of preventing, as far as possible, in the absence of legislative provision, a recurrence of the evil complained of, the ballot was demanded in General Court on the 2d May; it was fixed for the 4th; the transfer books were ordered to be forthwith closed, and not to be re-opened until the ballot should have been concluded. The petition, which had been prepared in conformity with the resolution of the 21st March, was presented to the House of Commons on the 16th January 1765; on the 14th March a bill was brought in, which was ordered to be read that day three months. In September following, the Company resolved to renew their application to Parliament; and, at the same time, solicit such an alteration in the oath taken on balloting, as should prevent parties voting who did not possess the stock in *their own right*. A petition to the above effect was accordingly presented, and thrown out on the third reading on the 17th March 1766. The number being equal, forty-three ayes and noes, the speaker (Mr. Cust) observed, that as the bill might be brought in, if a proper one, another year, he declared himself in the negative, and the bill was consequently lost. The provisions of the charter remained in force until 1767. On the 6th of May in that year an improvident proposition was brought forward and carried, notwithstanding the opposition of the Directors, to increase the dividend to twelve and a half per cent. To check the recurrence of such a proceeding, a bill was brought into Parliament to regulate the declaration of dividends; and on the 18th May a motion was made in General Court, at the hour of nine in the evening, that the Company should agree to petition against such a bill: it was demanded that the ballot should take place the same evening. A protest, signed by fifty-two proprietors, and one from the Court of Directors, against such a precipitate, unprecedented, and

and irregular proceeding, were delivered in and read. The proprietors then proceeded to appoint scrutineers. The Court of Directors declined to nominate any on the occasion. At eleven o'clock the glasses were delivered to the scrutineers; and the General Court being resumed, the protests were again read. Shortly after, the scrutineers reported one hundred and thirty-eight votes for the question, and two against—the directors and proprietors who had protested against the ballot taking no share in that transaction. Counsel was then named to oppose the bill in Parliament. On the same evening a further discussion took place on the subject of the protest delivered in by the Court of Directors against the ballot, and it was recommended to them to reconsider the same; the Court adjourning at four o'clock on the morning of the 19th. On the 27th May the General Court again met; when the Chairman stated, "that the Court of Directors, having deli-
"berately reconsidered their protest, were unanimously of
"opinion, that they had an undoubted right and good cause
"to make such protest, and that they saw no reason to with-
"draw or alter the same."

The Chairman also stated to the Court, that a bill for regulating the qualification of Proprietors had been read a second time, and was ordered to be printed. Discussions on the principles of such bill took place on the 29th of May, the 5th and 11th of June; in the latter month the acts of 7th Geo. III, cap. 48 and 49, were passed: the former to regulate the qualifications (*vide* General Court of Proprietors) and limiting the power of voting to those who had held *their stock six months*; the latter providing, that no *ballot* on any question proposed in General Court should be begun within a less space of time than eight hours after the adjournment of such General Court in which the question was proposed; and that, in no case, should the ballot commence at a later hour than twelve o'clock at noon, nor close earlier than six. Instances have occurred of a ballot having been kept open till ten at night, on the occasion of the Feast of the Passover. In 1770 an act passed, by which no ballot can take place until twenty-four hours after the adjournment of the Court in which the question to be decided has been

been proposed. Further provisions affecting the right of Proprietors were made in the Regulating Act of 1773.

A proprietor holding in his own right, for twelve months,

£1,000 stock, is entitled to give one vote at a ballot.

3,000 ..... two votes.

6,000 ..... three votes.

10,000 ..... four votes.

The oath which a proprietor takes before he can vote is founded upon the provisions in the charter, and the 7th of Geo. III, c. 48.

In the year 1813, the 53d Geo. III. c. 155. s. 77, was passed; by which it is declared, that in cases of equality of votes (except on questions for the appointment of two or more candidates for office), the question is rejected.

LAWS.

Ballot, when to commence and close.

1767. 7 Geo. 3, c. 49, § 3. (1) And be it further enacted by the authority aforesaid, in no case the balloting shall be begun at a later hour of the day than twelve of the clock at noon, nor closed at an earlier hour than six of the clock in the afternoon.

1770. 10 Geo. 3, c. 47, § 4. (2) From and after the passing of this act, no balloting upon any question proposed in any General Court of the said Company, relative to any matter whatsoever, shall be begun within a less space of time than twenty-four hours after the adjournment or breaking-up of the General Court in which it shall have been determined that such question should be decided by balloting.

Equality of Votes.

1813. 53 Geo. 3, c. 155, § 77. (3) Whereas, by the Charter of Incorporation of said United Company, granted under the authority of an act passed in the ninth and tenth years 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

In cases of equality of votes in General Courts or Courts of Directors, the questions to be considered as rejected, except in cases of two, or more candidates for office, which are still to be determined by lot.

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. LAWS. 1813. 53 Geo. 3, c. 155, § 77.

Oath to be taken by a Proprietor at a Ballot.

Upon election of Directors, every Proprietor shall, before admitted to vote, take the following oath.

1773. 13 Geo. 3, c. 63, § 6. (4) And be it further enacted, that from and after the first day of October 1773, upon every ballot to be taken at any General Court of the said United Company, every member or proprietor of the said Company shall, before admitted to vote in such General Court, first take the oath hereafter mentioned before two or more of the Directors of the said United Company, who are hereby empowered to administer such oath; (that is to say),

"I, A. B., do swear," (or, being one of the people called Quakers, "do solemnly affirm"), "that the sum of one thousand pounds or "more of the capital stock of the United Company of Merchants of "England trading to the East-Indies, standing in my name, doth at "this time belong, and hath for the space of twelve calendar months "actually belonged to me, in my own right, and not in trust for any "person or persons whatsoever; and that I have been in the actual "receipt of the dividends and profits thereof for my own use, freed "and discharged of all incumbrances which can or may affect the "same, for the said space of twelve calendar months; or that the "same came to me within the time aforesaid by bequest, or by mar"riage, or by succession to an intestate's estate, or by the custom of "the City of London, or by settlement; and that such stock has not "been transferred or made to me fraudulently or collusively, on pur"pose to qualify me to give my vote; and that I have not before "given my vote on this ballot—*So help me God.*"

Perjury liable to Penalty.

Persons committing wilful perjury, or corruptly suborning others so to do, shall be liable to penalties.

(5) And in case any person taking the oath or affirmation hereby appointed shall thereby commit wilful perjury, and be thereof convicted; and if any person do unlawfully or corruptly procure or suborn any other person to take the said oath or affirmation, in order to vote, whereby he or she shall commit such wilful perjury,

LAWS. jury, and shall be thereof convicted, be, she, and they, for every such offence, shall incur such pains and penalties as are in and by two acts
1773. of parliament, the one made in the fifth year of the late Queen Eliza-
13 Geo. 3, c. 63, § 6. beth, intituled, "An Act for punishing such Persons as shall procure "or commit wilful Perjury, or suborn or procure any Person to com-"mit any wilful or corrupt Perjury;" the other, made in the second year of his Majesty King George the Second, intituled, "An Act for "the more effectual Preventing and further Punishment of Forgery, "Perjury, and Subornation of Perjury, and to make it Felony to "steal Bonds, Notes, or other Securities for Payment of Money," directed to be inflicted for offences committed contrary to the said acts.

BY-LAWS.

c. 7, § 10. Whenever two or more ballots are to be taken on distinct questions on the same days the same ballots be taken in separate rooms; and that upon every public ballot the Directors in charge of the glasses, at their being opened, shall require the scrutineers, should any be then present, to satisfy themselves of their being empty, and that at the conclusion of each ballot, the Directors in charge of the glasses deliver the same sealed up to the scrutineers.

Ballots, how to be taken. Glasses to be examined when opened, and sealed up when the ballot is concluded.

c. 8, § 1. If at any General Court, nine of the members present, duly qualified to vote, shall demand a ballot for determining any question, except for adjournment, or the previous question, or an amendment, such question shall be put by the ballot, and not otherwise.

A ballot to be taken when demanded by nine members.

BANKS,

ENGLAND AND INDIA.

Although the only legislative enactment which has joint reference to the Bank of England and the East-India Company was passed in the year 1710, and provides that no person can be a director of both corporations at the same time, it may not be uninteresting to take a brief review of the several banks which have been established in Europe, especially that of the Bank of England. The same principles which led to the maintenance and support of such an establishment in this country, induced the East-India Company, at the recommendation of the Government abroad, to sanction the formation of banks at Calcutta; and as doubts were entertained whether it was competent to those Governments to establish such banks within the local limits of the jurisdiction of the several courts of justice in India, an Act was passed in the year 1807, declaring it lawful to and for the several Governments to authorize public banks, with perpetual succession, and with such privileges and franchises as are granted to such corporations in the country. 9 Ann, c. 7.

The earliest banks were those of Venice and Barcelona; they were established at the commencement of the fifteenth century. The former arose out of the loans required by the State, and became an establishment for the payment and transfer of the national debt, which had been created on the funding system. That at Barcelona was established by the magistrates, as one of exchange and deposits upon the security of the funds of the city, with the intention of extending those accommodations to foreigners as well as to their own citizens. Foreign bills were negotiated, and assistance was afforded by the directors to the manufacturers, when engaged in purchasing raw materials, especially wool from England.

The bank of Genoa was established in 1407. It had been customary

customary for the Republic to borrow large sums from the citizens, and to assign certain branches of the public revenue as funds for the payment of interest. The management was placed in the hands of the most respectable citizens, who were to pay the creditors, and account to the State for their disbursements. In process of time, it was thought proper to consolidate the loans which had been made at various periods into one capital stock, to be managed by eight protectors, who were to be elected annually by the creditors or stock-holders. The establishment was denominated "the Chamber of St. "George."

In 1609 the famous bank at Amsterdam was incorporated. Mr. Adam Smith, in his "Wealth of Nations," gives a full description of that extensive establishment, which was more a bank for deposits; and at one period was supposed to contain almost all the wealth of the burghers. Regular books were kept for registering the amount deposited, which was not to be of a less sum than 300 guilders; and transfers were made by tickets or notes, specifying the value of which they were the representatives.

In 1635 the bank at Rotterdam was established; in 1688 that at Hamburgh; and in 1694 those of Naples and Bologna. The public bank in France, under Mr. Law's scheme, was established in 1716.

By an act of the Parliament of Scotland a bank was established first in 1695, its capital being equal to £100,000. In 1727 the Royal Bank at Edinburgh was incorporated under charter from King George I.; its capital £150,000. In 1774 the proprietors of the bank which had been established in 1695, generally called the Old Bank, applied to Parliament for permission to double their capital; their request was granted, and the act of the 14th Geo. III, cap. 32, passed accordingly. In 1784, by the 24th Geo. III, cap. 12, they were allowed to increase their capital in the further sum of £100,000, making £300,000. In 1792 they were empowered to increase their capital stock to £600,000. The shares of the bank, originally £83. 6*s.* 8*d.*, sold at £180; and in 1794 they were permitted to increase the capital £400,000 more, making the total capital £1,000,000.

In

In 1721 an unsuccessful attempt was made to establish a bank in Ireland. In 1783 a public bank was opened in Dublin, with an original capital of £600,000.

With respect to England, an attempt appears to have been made in 1683, by a Dr. Chamberlain and a Mr. Murray, to establish a bank for circulating bills of credit on merchandize to be pawned there, and also for lending money to the industrious poor on pawns, at six per cent., but the whole project failed. Shortly after the above period, the necessities of the State were such as to render it expedient to raise loans for the purpose of defraying the unavoidable expenses of the war in which Great Britain was involved. The wants of Government only incited the monied men to demand more exorbitant profits;—eight per cent. on the land-tax, besides additional premiums, did not satisfy them. Other anticipations of the public revenues were much higher, and all contracts with the Government were made at forty and fifty per cent. above the current value of the supplies. To remedy these excessive evils, and with the view of bringing down the high rates of interests and premiums paid by Government, it was deemed expedient to establish a public transferable fund of interest; also that the same should be for the convenience of daily receipts and payments. It was contended by those whose interests were likely to be effected, that none but republics were calculated for the existence of a bank; at the same time, it was urged as a reason against it, that it would tend to make the King absolute. Parliament determined to countenance the measure, having passed an act for granting certain rates and duties on tonnage of ships, beer, ale, and other liquors, they also empowered their Majesties to incorporate any persons who should voluntarily advance £1,200,000, and to grant them a yearly allowance of £100,000; being, at the rate of eight per cent., £96,000, and £4,000 a-year for management: the corporation to have the name of the Governor and Company of the Bank of England. The charter was issued on the 27th July 1694. 5th and 6th William and Mary.

In 1708, by the statute of Queen Anne, no body politic other than the Bank, or any other persons who may be united in partnership, above six persons, were to issue notes or bills

bills payable on demand in less than six months. In 1711, by the act of the 9th of Anne, cap. 7, a clause was inserted, disabling any person from being a Director of the Bank and the East-India Company at the same time.

The capital of the Bank in 1717 was £5,375,027. In 1744 £10,700,000. In 1745, in consequence of the alarm raised in London by the progress of the Pretender's son, there was a great run on the Bank. The Directors endeavoured to make the cash hold out by paying in silver, and that in sixpences. More effectual measures were adopted by a meeting of merchants, bankers, and traders, who drew up a paper, wherein they declared their resolution to support the credit of the Bank, by receiving their notes in all payments, and using their utmost endeavours to pay them away to all persons receiving payments. The resolution was soon signed by 1,100 persons, and had the effect of quieting apprehension and restoring confidence. In 1773, imitating the water-mark of the Bank-note paper was made punishable with death, and no person was allowed to engrave any bill or promissory note containing the words "Bank of England," or "Bank Post Bill," under penalty of imprisonment. In 1781, the 60th of Geo. III. was passed, granting a renewal of the Bank's exclusive privilege to the year 1812, with one year's notice upon the lending the public two millions at three per cent.

15 Geo. 3, c. 79.

In September 1781 the capital of the Bank was increased, by an addition of eight per cent. to the capital stock, from £10,780,000 to £11,642,400, and their dividends were raised from five and a half to six per cent. The stamp-duties imposed on inland bills of exchange by the act of 1783, were extended in 1784 to foreign bills of exchange, and to receipts for sums above forty shillings. The notes of the Bank of England were exempted from stamp-duties, the Bank paying for that indulgence a composition of £12,000 annually. In 1778 the dividends were raised to seven per cent. In 1791 the unclaimed dividends in the public funds amounted to £660,000. Mr. Pitt proposed that £500,000 of that dormant money should be applied to the public service: the Directors of the Bank opposed it. A compromise was effected, by which that sum was made as a loan from the Bank to the

Geo. 3, c. 49.

the public without interest, on condition that a balance of not less than £600,000 should at all times remain in the hands of the Bank, and that the annual allowance to the Bank for the management of the public debt should continue at the rate of £450 for every million of the capital.

In the early part of 1793, the commercial distress was universal. The calamity was greatly augmented by the immense issues of paper from the country banks, who thereby not only laid the foundation of their own misfortunes, but spread ruin around them; one hundred of them failed before the month of April had expired. Measures were adopted, in concert with the prime minister, Mr. Pitt; a meeting was held at the Mansion House on the 23d of April, when several merchants were appointed a committee, for the purpose of drawing up the outlines of a plan for the revival of commercial credit. The committee consisted of the most eminent merchants, *viz.* Messrs. Anderson, Bosanquet, Thornton, Baring, and others; who suggested an advance of Exchequer bills, under Parliamentary authority and proper regulations, to houses of real capital. A copy of the report was laid before Mr. Pitt by the Lord Mayor and Mr. Bosanquet.

A Select Committee was appointed by the House of Commons, to whom Mr. Pitt submitted the proposition; and, at the same time, stated the circumstances which had led to the paper being drawn up. That he had received representations from many different quarters, which induced him to believe that the failures which had taken place had begun by a run on those houses who had issued circulating paper without being possessed of sufficient capital; but that the consequences had soon extended themselves so far as to affect many houses of great solidity, and possessed of funds, ultimately, much more than sufficient to answer all demands upon them; but which had not the means of converting those funds into money, or negotiable securities, in time to meet the pressure of the moment. That the sudden discredit of a considerable quantity of paper which had been issued by different banks, in itself produced a deficiency of the circulating medium, which in the ordinary course of things could not be immediately replaced, and that this deficiency occasioned material inconvenience

venience in mercantile transactions. That, in addition to this immediate effect, these circumstances also were represented to have induced bankers and others to keep in their hands a greater quantity of money than they thought necessary in the usual train of business, and that large sums were thus kept out of circulation, and great difficulty arose in procuring the usual advances on bills of exchange, particularly those of a long date. That many persons were said to be possessed of large stocks of goods, which they could not at present dispose of, and on the credit of which they could not raise money: that this occasioned an interruption of the usual orders to manufacturers, which circumstance, together with the interruption of the means by which they were enabled to make their weekly payments, tended to prevent the employment of a number of persons engaged in different manufactures. That these evils were represented as likely rapidly to increase to a very serious extent, if some extraordinary means were not adopted to restore credit and circulation. That in consequence of these representations, he had desired a meeting of different gentlemen, in order to obtain the best information in his power respecting the extent of the evil, and the possibility and propriety of any measure to remedy it. That, after much discussion, all the gentlemen present seemed to agree in a very strong opinion of the extent of the evil, though many objections at first occurred to any plan for remedying it. That, in the result, it was agreed to desire the gentlemen whose names were mentioned in the paper now delivered, to meet the next day at the Mansion-House, to consider more particularly the proposal for the issue of Exchequer bills to a certain amount, to be advanced, under proper regulations, for the accommodation of such persons as might apply for the same, and likewise the objections to which such a proposal might be liable; and that the paper which he had laid before the Committee contained the opinion of this second meeting.

The extent of the evil, and the necessity of a remedy, which to be effectual must be immediate, was made apparent to the Committee. In touching upon the latter point, they thought it material to remark, that if the distress had been confined in its effects to individuals, however they might regret the extent of

of private calamity, they should not have considered the case as justifying an extraordinary public interposition; much less should they have recommended such a measure if the pressure had been felt only by houses of doubtful credit, or who had suffered from the consequences of rash and unwarrantable speculations: but it appeared to the Committee that the embarrassments arising from the want of credit had already affected houses of undoubted solidity and sufficient ultimate resources, and that there was too much reason to apprehend that these embarrassments might extend in a degree which no individual exertions could counteract, with sufficient expedition and certainty, to prevent consequences of the most serious national importance.

The principal objects in any measure for affording relief appeared to be, to enable those who had securities ultimately good, but which were not available till too distant a period, to receive such advances as might give them the means of supporting the pressure to which they might be exposed in the interval; to furnish some medium of circulation which might, either directly or indirectly, replace the quantity of currency suddenly withdrawn; and, by the effect of those measures, to afford such assistance to individuals as might revive confidence and credit.

The result was an act (33 Geo. III, cap. 29) authorizing the advance of Exchequer bills to the amount of £5,000,000 to such merchants, &c. as should apply for them, in sums of not less than £4,000, on approved security by the commissioners, or on the deposit of goods. The measure was the cause of a speedy restoration of confidence in mercantile transactions; the difficulties of many houses were removed, the manufactures resumed, and employment afforded to numerous workpeople who would otherwise have been thrown on the parish. A similar measure, to the extent of £1,500,000, was passed in 1795, for affording relief to persons connected with the islands of Grenada and St. Vincent's, from the difficulties occasioned by the insurrection in those islands. In 1799, a similar relief, to the extent of £500,000, was granted to the merchants at Liverpool, in consequence of the sufferings occasioned by the stagnation of the sugar trade.

In

In 1817, £500,000 in Exchequer bills were placed in a commission, to advance in completion of public works, for encouraging fisheries and employing the poor. By subsequent acts, the same system has been continued from time to time.

In 1795, the commercial pressure was such, that the Bank felt it necessary to diminish their discounts. Being the centre of all the circulation of money, and the repositors of all the spare cash of the nation, it is subjected to be called upon for cash directly or indirectly, and is necessarily affected by every material failure or distress which arises from any deficiency of coin in the United Kingdom.

In 1797, the continual drain of bullion, owing to the expensive war and loans to foreign powers, raised the price of gold from £3. 17*s.* 10½*d.* per oz. to £4. 4*s.* per oz., and made it evident that the precious metals would soon disappear. The Bank had made various representations to the Chancellor of the Exchequer on the subject, and anxiously required repayment of a considerable portion of the debt due to them from Government, then amounting to nearly £8,000,000. A loan of £1,500,000 was about to be raised for Ireland; it was represented that if the measure was carried through it would be necessary to retain the amount in cash, and that the Bank would consequently be drained of specie. The run upon the country banks throughout the kingdom was severe; that upon the Bank of England was increasing, and had reached so alarming an extent on the 24th February, that the Deputy-Governor and Mr. Bosanquet waited on Mr. Pitt to represent the dreadful drain of cash, and to ask him how far he thought the Bank might go on in paying cash, and when he would deem it necessary to interfere to prevent the balance of cash being so reduced as to prove detrimental to the immediate service of the state. In this crisis, the King was requested to come to town to assist at a meeting of the Privy Council, on Sunday the 26th, which was accordingly held at St. James's; when the following order was passed:—

"At

"*At the Council Chamber, Whitehall, February 26th* 1797.

"By the Lords of his Majesty's Most Honourable Privy Council:—

"Present, the Lord Chancellor, Lord President; Duke of Portland, Marquis Cornwallis, Earl Spencer, Earl of Liverpool, Lord Grenville, Mr. Chancellor of the Exchequer;

"Upon the representation of the Chancellor of the Exchequer, stating that, from the result of the information which he has received, and of the inquiries which it has been his duty to make respecting the effect of the unusual demands for specie that have been made upon the metropolis, in consequence of ill-founded or exaggerated alarms in different parts of the country, it appears that, unless some measure is immediately taken, there may be reason to apprehend a want of a sufficient supply of cash to answer the exigencies of the public service. It is the unanimous opinion of the Board, that it is indispensably necessary for the public service, that the Directors of the Bank of England should forbear issuing any cash in payment until the sense of Parliament can be taken on that subject, and the proper measures adopted thereupon for maintaining the means of circulation, and supporting the public and commercial credit of the kingdom at this important conjuncture; and it is ordered, that a copy of this minute be transmitted to the Directors of the Bank of England, and they are hereby required, on the grounds of the exigency of the case, to conform thereto, until the sense of Parliament can be taken as aforesaid.

(Signed) "W. Fawkener."

The Bank immediately issued the following notice:—

"*Bank of England, February 27th* 1797.

"In consequence of an order of his Majesty's Privy Council, notified to the Bank last night, copy of which is hereunto annexed;

"The Governor, Deputy Governor, and Directors of the Bank of England, think it their duty to inform the Proprietors of the Bank Stock, as well as the public at large, "that

" that the general concerns of the Bank are in the most " affluent and prosperous situation, and such as to preclude " every doubt as to the security of its notes.

" The Directors mean to continue their usual discounts for " the accommodation of the commercial interest, paying the " amount in Bank notes, and the dividend warrants will be " paid in the same manner."

At a meeting at the Mansion-House on the same day, a resolution was passed declaratory of the readiness of the parties then present to receive Bank-notes. It was immediately signed by all the gentlemen present, and in a few days by above three thousand principal merchants, bankers, and traders. Shortly after the Bank began to issue one and two pound notes.

The measure was sanctioned by the 37 Geo. III. cap. 28, and by a subsequent act of the same year, cap. 45, they were prohibited from issuing cash in payment of any debt or demand whatsoever, except in sums under twenty shillings.

A writer of that day, referring to the subject of gold and paper currency, remarks: " Gold and silver and other precious " metals have a twofold value—a value intrinsic and a value " conventional; they are valuable on account of their own " qualities, and they are valuable as the signs and pledges of " wealth. This distinction men learnt to make in the progress " of commerce, and there never was an abstraction more " curious in itself, or in common affairs more important in its " consequences. The conventional or arbitrary value of gold " and silver, the signs and pledges of wealth, has been taken " off—has been abstracted from the solid metals and transferred " to paper—a very flimsy and unsubstantial body, and which " may be considered as holding a middle place between matter " and spirit. It is not, however, the paper that is in fact the " substitute for money, but something still more exile—the " promise, the act of the mind stamped upon it; so that money " has come to be not so much a substantial or material, as a " metaphysical thing, and so easily multiplied that the number " of paper dollars in America, assignats in France, and Bank- " notes in Great Britain, have almost exceeded calculation."

The prompt and decisive measures, however, which were authorized

authorized by the Privy Council, and confirmed by Parliament, had the desired effect of entirely restoring public confidence.

On the 15th December 1803, an act was passed, to continue until six months after the ratification of a definitive treaty of peace the restrictions contained in the acts of 1797, 1798, 1802, and 1803, on payments of cash by the Bank.

By the 59th Geo. III. cap. 49, passed in 1819, the restrictions were to cease on the 1st May 1823. That act however provided, that whenever any person should tender to the Bank any note or notes payable on demand, to an amount not less than the price or value of sixty ounces of gold, the Bank should exchange the same for standard gold in bars at the following rates:—

Between 1st February, and 1st October 1820, at the rate of.....per ounce	£4	1	0
Between 1st October 1820 and 1st May 1821...	3	19	6
——— 1st May 1821 and 1st May 1823	3	17	10½

In 1816, £2,910,600 capital was added by the division among the proprietors of part of the surplus profits, at the rate of 25 per cent., in proportion to the interest on the capital.

In May 1821 an act was passed, authorizing the Bank to pay in coin of the realm instead of ingots or bars of gold, as provided for in 1819—thereby virtually authorizing the resumption of cash-payments. In July 1822, Parliament resolved that the burthen occasioned by the military and naval pensions and civil superannuations should be apportioned into equal annual payments to trustees, for a specific term of years; and voted, accordingly, that an equal annuity of £2,800,000, terminable at the end of forty-five years from the 5th of April 1822, should be vested in trustees named by Parliament, and that the said annuity should be charged on the Consolidated Fund. The trustees, under an authority vested in them to sell and dispose of so much of the annuity as might be necessary for enabling them to pay into the Exchequer the sums required by the acts, entered into an agreement with the Bank of England, in March 1823, by which the Bank are to pay within the years 1823 and 1828, both inclusive, the gross sum of £13,089,419, in consideration of the trustees transferring to

the Bank an annuity of £585,740, to commence from the 5th April 1823, and to continue for a term of forty-four years, and then to cease.

The sums payable by the Bank in each year are as follow:—

In 1823	£2,178,589
1824	2,445,740
1825	2,293,240
1826	2,165,740
1827	2,030,740
1828	1,975,370
Total	£13,089,419

4 Geo. 5, cap. 22. The arrangement was confirmed by the act of May 1823.

There were two other important financial measures adopted in the same year, *viz.* the reduction in the Navy Five per Cent. to four per cent., every holder consenting to such reduction, receiving for every £100 five per cent. stock, £105 four per cent.; the other was the determination of the Bank to reduce their rates of discount from five to four per cent., which was however raised again in December to five per cent.

BANKS IN INDIA.

Public as well as private, though not chartered banks, existed from an early period of the Company's Government in India; it was not, however, till 1806 that a public chartered bank was established at Calcutta. In that year the Bengal Government, upon the ground that it would be conducive to the maintenance of public credit, to the augmentation of capital applicable to commerce, to the equalization of the value of money and to the reduction of interest, and, moreover, that it would enable the Government to withstand the combination of the monied interest, whether directed against Government or an individual, established a bank under the countenance and authority of Government. It was to consist of nine Directors, and Government were to have

have a voice in the management, by nominating three of such Directors. The subject was fully considered by the authorities at home, and their sanction obtained, under a persuasion that it might be productive of the advantages contemplated. In order to remove all doubts whether the power of the local Governments were competent to the establishment of banks within the limits of the Supreme Courts, an act (the 47th Geo. III, cap. 68) was obtained, vesting the requisite powers in the Governments: subject, upon any occasion of its exercise, to approbation from England.

The advantages anticipated appear to have been fully realized; Government was enabled to withdraw from circulation a depreciated currency which embarrassed all its operations, and was productive of infinite inconvenience and injury to the public; an unobjectionable currency was substituted; a fund was established which supplied the demands of the community; no scarcity of specie was any longer heard of; the rate of interest, both on public and private loans, was reduced, and the Government relieved from all financial difficulty.

The establishment of the Government Bank at Madras, which took place in 1805, was occasioned by intelligence having reached India of the hostile designs of the French; when, among other precautionary measures, it was deemed advisable to secure a deposit of funds. This bank was solely under the authority of Government, upon which principle it has since continued to be conducted.

At Bombay no bank under the authority of Government has yet been established.

LAWS.

Directors of Bank of England not to be Directors of the East-India Company.

1710. 9 Anne, c. 7. § 11.

None may be Governor, &c., of the Bank and East-India Company at the same time.

(1) And be it enacted by the authority aforesaid, that in all future elections of Governor, Deputy-Governor, or Directors of the respective corporations of the Bank of England and of the United Company of Merchants of England trading to the East-Indies, all and every person or persons who shall be elected Governor, Deputy-Governor, or Director of the Bank of England, shall, during the year for which he or they shall be elected, be incapable of being chosen

LAWS.

chosen Director or Directors for the management of the affairs of the said United Company; and all and every person or persons who shall be elected a Director or Directors of the said United Company, shall, during the year for which he or they shall be so elected, be incapable of being chosen a Governor, or Deputy-Governor, or Director or Directors of the Bank of England.

Banks may be established in India.

1807. 47 Geo. 3, c. 68. § 4.

(2) And whereas it may be expedient that public banks for the deposit and loan of money, and the negotiation of securities, and other purposes, should be established in the East-Indies, and that the individuals who may become members thereof should be incorporated under and by the authority of the respective governments in the East-Indies; but doubts have been entertained, whether the powers of those governments are competent to the establishment of such banks within the local limits of the jurisdiction of the several courts of justice in India which have been established by his Majesty's charters, and it is expedient that such doubts should be removed; be it therefore enacted, and it is hereby enacted and declared, that it shall and may be lawful to and for the several governments in the East-Indies to establish such public banks, with perpetual succession, and such rights, privileges, franchises, and immunities as are incidental or are usually granted to corporations legally erected in that part of the United Kingdom of Great Britain and Ireland called England, and under and subject to such terms and conditions as they shall see fit; and that the several persons who shall be so incorporated, and their heirs, executors, administrators, and assigns, shall have, hold, enjoy, and be entitled to all such rights, privileges, franchises, and immunities, as well within as beyond the local limits of the jurisdiction of the several courts of justice so established as aforesaid, according to the true intent and meaning of the several orders or acts, by virtue of which any such banks or corporations shall be so established: provided always, that the establishment of any such banks or corporations shall not be valid or effectual, until they shall have received the approbation of the Court of Directors of the said Company, subject to the control of the Board of Commissioners for the Affairs of India for the time being.

The Government in India may establish public banks there.

Members or Subscribers to Banks.

§ 9.

(3) And be it enacted, that it shall and may be lawful to and for all persons whomsoever in the service of the said Company, and for all the judges of the several courts of justice in India, to subscribe to and become members of any such bank or corporation as aforesaid, and that it shall be lawful to and for any person or persons in the service

All persons in the service of the Company may subscribe to banks.

LAWS.

service of the said Company to be elected or appointed, or to become directors or managers thereof; any thing contained in the said act of the thirty-third year of his present Majesty's reign, or any other act of Parliament, to the contrary thereof in anywise notwithstanding.

1807. 47 Geo. 3, c. 68, § 9.

§ 10.

(4) Provided always, and be it further enacted, that no judge of any of the said courts of justice in India, established by his Majesty's charter, shall be capable of being appointed to or holding the office of the director or manager of any such bank or corporation.

No judge to be a Director.

BOARD OF COMMISSIONERS FOR THE AFFAIRS OF INDIA.

PREVIOUS to 1781, the affairs of India were administered by the East-India Company, without any direct control on the part of his Majesty's Government. In that year it was enacted by Parliament, that the Court of Directors should deliver to the Lords of Treasury copies of all letters and orders relating to the revenues of the Company, and to one of his Majesty's Secretaries of State copies of all letters and orders relating to the civil and military government and affairs of the Company, or of their servants in India; also that the Court should be bound by such instructions as they might receive from his Majesty, through one of the Secretaries of State, so far as related to the conduct and transactions of the Company and their servants with the country powers in India, as well to the levying war as to making peace.

21 Geo. 3, c. 65, § 34.

This arrangement continued in force until the year 1784, when it was superseded by the act of 24th Geo. III, cap. 25, under which the Board of Commissioners for the Affairs of India was first constituted.

The following statement of the circumstances which led to the institution of that Board, may afford a useful introduction to the various enactments which prescribe the nature and extent of the powers with which it is invested.

About the year 1780, various discussions upon points connected with India took place in the House of Commons, and were continued with great earnestness during the two succeeding years. In 1782 a select committee of the House of Commons was appointed, for the specific purpose of inquiring into the state of the administration of justice in India, and of considering how the British possessions in the East could be held with most advantage to Great Britain, as well as to the native population of India. The session of 1782 closed without any measure being proposed to Parliament; but the affairs of the Company, and the necessity of framing some regulations

tions for the future management of them, formed a prominent feature in the King's speech upon the opening of Parliament in the year 1783:—"The situation of the East-India Com-"pany will require the utmost exertions of your wisdom to "maintain and improve the valuable advantages derived from "our Indian possessions, and to promote and to secure the "happiness of the native inhabitants of those provinces." On the 18th of November in that year, leave was given to bring in a bill for vesting the affairs of the Company in the hands of commissioners, for the benefit of the proprietors and the public; and also another bill for the better government of the territorial possessions and dependencies in India. These bills were subsequently formed into one, well known as "Mr. "Fox's East-India Bill." The following is a brief outline of the nature of the bills, their objects, and the grounds upon which they were brought forward and opposed.

By the former of these bills the whole government and management of the territorial possessions, revenues, and commerce of the Company, together with all the powers before vested in the Courts of Directors or Proprietors, should be vested in *Seven Directors* named in the act, for four years. The persons nominated in the Committee to be Directors were, Earl Fitzwilliam, Mr. Frederick Montagu, Lord Lewisham, Mr. Geo. Aug. North, Sir Gilbert Elliott, Sir Henry Fletcher, and Mr. Gregory.

Nine Assistant-Directors, being proprietors of £2,000 stock each, were to be appointed, for the sole purpose of managing the commercial concerns of the Company—to act under the orders of, and be subject to the seven Directors before named.

All vacancies in the office of Directors were to be filled by his Majesty, and those of the Assistant-Directors by the Proprietors, at an election by open poll.

The Assistant-Directors were to be removeable by five Directors; the Directors and Assistant-Directors were to be removeable by his Majesty, upon an address of either House of Parliament.

The Directors were to have authority to remove, suspend, appoint, or restore any of the officers in the Company's service, either civil or military.

It

It provided for the speedy and effectual trial of all persons charged with offences in India, and for the prevention of all parties so charged from returning to India before an examination had taken place:—each Director was to enter upon the journals, and subscribe his name, with the specific reasons for his vote on the particular case. A decision was to be had on any differences or doubts which might arise amongst the members of the Governments in India, within three months after the account should have reached the Directors. If any delay in such decision, their reasons were to be entered for not coming to a determination.

The Directors and Assistant-Directors were not to hold any office whatever in the service of the Company, or any place of profit from the Crown, during pleasure. The Directors were not disqualified from sitting in the House of Commons. Each Assistant-Director was to receive a salary of £500 per annum from the Company.

The second bill went to explain the powers vested in the Governor-General and Council by the act of 1773, and forbad the exchange, acquisition, or invasion of any territory in India; declared the acceptance of presents illegal; prescribed a mode for adjusting the disputes between the Nabob of Arcot and the Rajah of Tanjore, or between them and their British creditors; explained the powers of the Governor-General in Council over the other Presidencies, as to war, peace, and treaties; disqualified the agent of any protected prince, and all persons in the service of the Company, from sitting in the House of Commons during their continuance in such employment, and for a certain time after their quitting such service; lastly, it directed that all offences against the proposed act might be prosecuted in the courts in India, or in the Court of King's Bench.

The arguments urged in opposition to the bills were, first, the arbitrary defeasance of the chartered rights of the Courts of Proprietors and Directors, without a justifiable plea of necessity; and, secondly, the dangerous power lodged in the hands of the new commissioners.

The supporters of the bill, with regard to the first objection, referred to the acts of 1773, depriving the £500 stock-holders of the right of voting, and to the act of 1781; which, it was contended,

contended, all interfered, more or less, with the Company's chartered rights. They remarked, that it was admitted on all sides that some revision was requisite, and asked how it was possible to attempt any regulation without violating the Company's charter. On the other side it was contended that, though some reform was necessary, the extent of the remedy went infinitely beyond the extent of the necessity; that the disfranchisement of the members of the Company, and the confiscation of their property, could only be justified by acts of delinquency legally established. It was replied, that the bill vested it in the Company in trust for the sole benefit of the Proprietors.

But to whom, it was asked, were the Proprietors to apply for relief in cases of the grossest abuse of the trust? It could only be to Parliament; where, in any dispute, the corrupt influence created by the bills would readily procure to any minister a majority in his favour.

In support of the bills, accounts were brought forward to shew that the Company were on the verge of bankruptcy; whilst, on the other side, it was averred that these accounts were absolutely false; and another account was presented to the House, prepared by the Court of Directors, shewing a balance of nearly four millions in the Company's favour.

The second head of abuses brought forward related to the government in India. Three points were noticed as affected by the prevailing system: first, the independent powers of that country, against whom, it was contended, extravagant projects and expensive wars had been entered into by the Company, for the purpose of extending their dominions: secondly, the states in alliance with us, or dependent on us, towards whom a ruinous interference had been exercised, their rights invaded, aids and tribute unjustly exacted, and the enormous peculations of the Company's servants, and disorders and rapacity of the military; and, thirdly, our own territorial possessions, governed with the single view of transmitting wealth to Europe.

Although the evils were allowed to exist, still the picture drawn of them was deemed to be much exaggerated; but whilst remedies were admitted to be necessary, a total change of

system

system was most strongly opposed. It was insisted on, that the Company's despatches to India were, for the most part, consonant to policy and humanity; and, as a check upon any collusion between the servants of the Company and their masters had been given by act of Parliament, it was stated that, by amending a few errors and supplying a few defects, a control might be established over the Company sufficient for the purpose of good government, without the violent demolition of its rights, as aimed at by the proposed bill. But the argument most strongly insisted upon was, the creation of a new and unconstitutional power—a kind of fourth estate in the realm; and by the enormous influence it lodged in the hands of a faction for four years, might, in the end, annihilate the power of the Crown and subvert the constitution.

The bill excited the immediate and warm opposition of the Directors and Proprietors: an appeal against it was agreed to in the General Court, on the 21st of November 1783. A petition from the Company was accordingly presented to the House of Commons on the 25th of that month, setting forth that the proposed bill destroyed the constitution, and wholly subverted the rights and privileges given to the Company by their charter, made for valuable considerations, and confirmed by divers acts of Parliament, confiscating their property, and seizing and taking possession of all their lands, tenements, houses, warehouses, and other buildings, books, records, charters, letters and other papers, ships, vessels, goods, wares, merchandize, money, securities for money, and other effects belonging to the Company (a proceeding most contrary to the sacred rights of British subjects), and praying to be heard by counsel. Messrs. Rous and Dallas were appointed counsel.

In the debate on the 27th November 1783, Mr. Pitt stated that he had pledged himself to the House, and to the world at large, to point out the dreadful tendency of the bill on every thing dear and sacred to Englishmen, to prove its inimical influence on the constitution and liberties of the country, and to establish, by undeniable evidence, the false and pernicious principles on which it was founded. The alleged bankruptcy of the East-India Company, he contended, was not proved; but had it been founded, he denied it to be a fit plea to warrant the

the passing the bill. He trusted the House had too much regard for its own honour and dignity, too scrupulous an attention to justice, and too conscientious an adherence to their duty to their constituents, to support the minister in one of the boldest, most unprecedented, most desperate and alarming attempts at the exercise of tyranny that ever disgraced the annals of this or any other country. Alluding to Mr. Fox, he observes, "The right honourable gentleman, whose eloquence "and whose abilities would lend a grace to deformity, has "appealed to the passions, and pressed home the distressed "situation of the unhappy natives of India, a situation which "every man must deeply deplore and anxiously wish to "relieve: but ought the right honourable gentleman to pro-"ceed to the protection of the oppressed abroad, by enforcing "the most unparalleled oppression at home? Was the relief to "be administered in Asia, to be grounded on violence and "injustice in Europe?"

Mr. Pitt afterwards justified the financial statement set forth by the Court of Directors, and moved the adjournment of the debate: which motion was negatived by 229 noes to 120 ayes. On the 8th December the bill passed the Commons, on a division of 208 to 102, and was the next day carried to the Lords.

It has been remarked, that on the division, several of the members well known as the friends of his Majesty gave their votes on the side of opposition. It was, however, generally imagined that ministers were too strong to be affected, and it was deemed to the last degree improbable that they should have adopted a measure of such infinite importance, either without knowing, or contrary to, the inclinations of the King. The Company lost no time in presenting a petition to the House of Lords, similar in import to that which had been laid before the House of Commons; and here the appeal was more successful. On the first reading, which took place the 11th December, Earl Temple, Lord Thurlow, and the Duke of Richmond, expressed their abhorrence of the measure in the most unqualified terms. The second reading was fixed for Monday the 15th December. Various rumours began to circulate. It was confidently affirmed that Earl Temple had been ordered to attend the King, and that a written note had been

been put into his hands, in which his Majesty declared that "he "should deem those who should vote for it, not only not his "friends but his enemies, and that if Lord Temple could put it "in stronger words, he had full authority to do so." Circumstances which took place on the second reading of the bill, on the 15th December, appeared to confirm the truth of the reports. —Several peers who had entrusted their proxies to the minister and his friends, withdrew them only a few hours before the House met, and others voted in opposition to him, so that he was left in a minority of 79 to 87. In the debate, on the question for adjournment moved by the Duke of Chandos, for the purpose of hearing counsel, Lord Temple acknowledged that he had been admitted to an audience of the King, and contended that, as a peer of the realm, he had a right to offer his Majesty such advice as he might think proper. He had, he said, given his advice: what that was he would not say—it was lodged in the breast of the King; nor would he declare the purport of it without his Majesty's consent, or till he saw a proper occasion. But though he would not declare affirmatively what his advice to his sovereign was, he would tell their Lordships, negatively, what it was not—it was not friendly to the principles and objects of the bill.

In the House of Commons, reference was made to the above-mentioned reports, and a motion was submitted by Mr. Baker, "That it is *now* necessary to declare, that to report any "opinion, or pretended opinion of his Majesty, upon any bill "or other proceedings depending in either House of Parlia-"ment, with a view to influence the votes of the members, is "a high crime and misdemeanor, derogatory to the honour of "the Crown, a breach of the fundamental privileges of Parlia-"ment, and subversive of the constitution." Lord Maitland seconded the motion: which was strongly opposed by Mr. Pitt, who, with reference to the criminality of the facts which were the subjects of these reports, denied that it was criminal in any of the peers, who were the acknowledged hereditary counsellors of the crown, to give his advice to the King, in any case whatever; and as to the breach of privilege of Parliament, he contended that the precedents which had been read from the journals, though selected from the *glorious times* of King Charles

Charles the First, were in no wise applicable to the present case. After a warm debate, the motion was carried by 153 to 80. It was then resolved, that on the Monday following the House would resolve itself into a committee of the whole House, to take into consideration the present state of the nation.

As a change of ministers appeared to be determined on, and, consequently, a dissolution of Parliament, immediately after these resolutions Mr. Erskine moved, "that it is neces-"sary to the most essential interests of this kingdom, and "peculiarly incumbent on this House, to pursue with unre-"mitting attention the consideration of a suitable remedy for "the abuses which have prevailed in the government of the "British dominions in the East-Indies; and that this House "will consider as an enemy to his country any person who "shall presume to advise his Majesty to prevent, or in any "manner interrupt the discharge of this important duty." The motion was opposed as factious, and touching on the undoubted prerogative of the Crown without any justifiable cause. A member observed, that the true meaning and intent of the motion was, "that it is necessary, for securing the pre-"sent administration's continuance in office, that no dissolu-"tion of Parliament should take place at present."

The motion was, however, carried by the same majority as the former. On Wednesday, the 17th December, the bill was rejected by the Lords, on a division of ninety-five to seventy-six.

At twelve o'clock on the following night, the 18th December, a messenger delivered to the two Secretaries of State his Majesty's orders, "that they should deliver up the seals of "their offices, and send them by the under Secretaries, Mr. "Fraser and Mr. Nepean, as a personal interview on the "occasion would be disagreeable to him."

Lord Temple received the seals from his Majesty, and his Lordship sent letters of dismission to the Cabinet Council the following day. At the same time, Mr. Pitt was appointed First Lord of the Treasury and Chancellor of the Exchequer, and Earl Gower President of the Council. On the 22d, Lord Temple resigned the seals of office, and they were delivered to Lord Sydney, as Secretary of State for the Home Depart-

 ment,

ment, and also to the Marquess of Carmarthen for the Foreign. Lord Thurlow was appointed Lord Chancellor; the Duke of Rutland, Lord Privy-Seal; Viscount Howe, First Lord of the Admiralty; and the Duke of Richmond, Master-General of the Ordnance; Mr. William Grenville and Lord Mulgrave succeeded Mr. Burke in the Pay-Office; and Mr. Henry Dundas was appointed Treasurer of the Navy.

On the fate of the bill being communicated to the General Court, on the 19th December, a motion was made, "that "the thanks of the Court be presented to fourteen members "of the Court of Directors (naming each), for their steady, "virtuous, and manly fortitude, in adhering to their duty, "and opposing the late violent attempts made upon the "chartered rights and franchises of the Company, also for the "assistance thus rendered to the Committee of Proprietors, "appointed by the General Court to watch over the rights of "the Company and maintain their privileges." An amendment was moved, "to leave out the names of the fourteen "members, and insert the words 'the Court of Directors;'" which was lost, and the original motion carried by a very large majority; the Directors who were named being

Nathaniel Smith, Esq., Chairman;
William Devaynes, Esq. Deputy Chairman;
Benjamin Booth, Esq.
William Bensley, Esq.
Jacob Bosanquet, Esq.
Charles Boddam, Esq.
Lionel Darell, Esq.
John Hunter, Esq.
William Mills, Esq.
Thomas Parry, Esq.
John Roberts, Esq.
Samuel Smith, jun. Esq.
Lawrence Sulivan, Esq. and
John Townson, Esq.

Unanimous votes of thanks were passed to George Johnston, Esq., and Richard Atkinson, Esq., for their services in the Committee of Proprietors, and to the Council who had defended the Company's rights at the bars of both Houses of Parliament;

Parliament; and three proprietors were unanimously requested to come forward as candidates to fill the three vacancies occasioned by the resignations of Sir Henry Fletcher, Bart., and Jacob Wilkinson, Esq., and the death of Sir William James, Bart.

At a General Court held on the following day, a unanimous resolution was passed, declaratory of the Company's readiness at all times to treat in an amicable manner with his Majesty's ministers, upon all such regulations of the Company's affairs as shall be for the general welfare of the public and the Company. Votes of thanks also were passed unanimously to the Lord Mayor, Aldermen, Common Council and Livery of the city of London, for the ready and firm assistance given by them to the Company; and to John Smith, Esq., the Company's solicitor, for the great ability, zeal, and diligence he had shewn in defence of the Company's rights; and it was unanimously recommended to the Court of Directors to make such complimentary present as they might think fit to the counsel employed in the Company's defence, and also to the Company's solicitor.

A report being prevalent of an intended dissolution of Parliament, the House of Commons went into a committee on the State of the Nation, on the 22d of December 1783, and agreed to supplicate his Majesty not to dissolve the Parliament; urging, among other considerations, the necessity for "reformation in the government of the East-Indies at "home and abroad."

His Majesty was pleased, on the 24th December 1783, to signify his acquiescence in the request of the House of Commons; and, in his reply, his Majesty observed, "the state "of the East-Indies is an object of as much delicacy and "importance as can exercise the wisdom and justice of "Parliament."

A resolution having been proposed by Lord Beauchamp, and agreed to by the House, restricting the Company from accepting bills of exchange but under certain conditions, and another resolution moved by the Earl of Surrey for an address to his Majesty, praying that his Majesty would not grant the office of Chancellor of the Duchy of Lancaster to any person,

otherwise than during pleasure, before the 20th January, the House adjourned to the 12th of that month.

Conferences had been held between his Majesty's ministers and the Court of Directors, with the view of framing a bill to be submitted to Parliament for the future government of the Company: the same having been agreed upon, it was communicated by the Court of Directors to the Court of Proprietors on the 8th of January 1784; who, on the 10th, adopted the following resolution by the ballot, the numbers being 250 ayes and 50 nays: "that, confiding in the wisdom "of Parliament for an effectual relief in the respite of duties, "for such time as the exigency of the Company's affairs may "appear to require, and for permitting the acceptance of the "unaccepted bills, so that they may become payable at such "times as it shall appear that the Company will, in the "ordinary course of their affairs, be able to pay the same; "and also confiding that all appointments of servants and the "management of the Company's commerce shall remain "wholly with the Company; it is the opinion of this Court, "that it will be expedient for the Company cheerfully to "acquiesce in the following powers being vested in Govern-"ment, *viz.* first, that all despatches to or from India on the "subject of the civil or military government or revenue be "communicated to one of the King's ministers, and that "the Directors shall be bound to conform to his Majesty's "pleasure, signified within a competent time; thereupon the "Company confiding that such controlling power will be "vested in an efficient minister, or other person or persons, "enabled by their situation and functions to attend to the "affairs of the Company as they arise.—Secondly, that as "despatches to India relative to commercial affairs may be "connected with the civil or military government or revenues "of the Company, all despatches on commercial affairs shall "also be transmitted in like manner; and the minister to "whom they are transmitted shall have power to put a nega-"tive thereupon, in such cases only where the commercial "affairs are connected with the civil or military government "or revenues of the Company, stating his reasons in writing "for such negative; and if the Company shall not alter the "same

"same so as to obtain its approbation, they may apply by "petition to his Majesty in Council, whose decision on the "matter in dispute shall be conclusive."

On the 14th January, four days after the above resolutions had been agreed to by the Proprietors, Mr. Pitt moved for leave to bring in a bill, "for the better Government and "Management of the Affairs of the East-India Company." Such bill was accordingly introduced on the 16th of January 1784, and read a second time on the 23d; but, on the motion for its being committed, was lost: the numbers having been, 214 for, and 222 against the motion.

No sooner had this decision taken place, than Mr. Fox gave notice of his intention to bring in another bill, "for the "better Regulation and Management of the Affairs of the "East-India Company."

On the following day, as an impression prevailed that a dissolution of Parliament would take place, Mr. Powys asked the minister whether he could pledge himself that the House should meet there in Parliament on Monday next. The minister was also called upon to give the House some satisfactory reasons for his continuing in office, after repeated resolutions had passed against him. Mr. Pitt observed, that although a minister continuing at his post after the House of Commons had declared him undeserving of their confidence was novel and extraordinary, yet it was by no means unconstitutional. He conceived that, by the constitution, neither the appointment or removal of a minister rested with that House. That he neither could or ought to remain long in such a situation; but it behoved him to consider who were likely to be his successors; and he was bound in honour and duty so far to support the prerogative of the Crown, as not to quit a situation because it was become difficult or dangerous, till he saw some prospect of its being filled in a manner more acceptable to all the parties concerned.

With the view of promoting a reconciliation of parties, a meeting of nearly seventy members took place on the 26th January, at the St. Alban's Tavern; but the Duke of Portland declined having any interview with Mr. Pitt, so long as the latter held his situation of prime minister in defiance of the

resolutions of the House. Mr. Pitt still declined resigning, either virtually or actually, as a preliminary to a negotiation. On the 2d February, in the House of Commons, Mr. Coke moved a resolution, having for its object the reprehension of Mr. Pitt's refusal to resign, declaring "that the continuance "of the present ministers in office was an obstacle to the "forming a firm, efficient, extended, and united administra-"tion." This motion was strongly opposed, on the grounds of the growing popularity of the new administration, and the House were adjured not to provoke the people to go to the foot of the throne and implore the Crown to rescue them from its tyranny. Mr. Pitt threw himself on the candour and justice of the House, but declared firmly that he would not, by any management be induced to resign. To march out of his post with a halter about his neck, change his armour, and meanly beg to be readmitted and considered as a volunteer in the army of the enemy, was an humiliation to which he would never submit.

In the House of Lords, on the 4th of February, Lord Effingham brought forward a motion, declaring "that, accord-"ing to the known principles of this excellent constitution, "the undoubted authority of appointing to the great offices "of the executive government is solely vested in his Majesty, "and that this House has every reason to place the firmest "reliance in his Majesty's wisdom in the exercise of this pre-"rogative." It passed without a division; and an address, founded thereon, was presented to the King.

It appears that his Majesty wrote to Mr. Pitt on the day this address was expected to be moved in the House of Lords, and expressed himself in this manner, after lamenting the length to which the House of Commons had gone: "I trust "the House of Lords will this day feel that the hour is come "for which the wisdom of our ancestors established that "respectable corps in the state, to prevent either the Crown "or the Commons from encroaching on each other. Indeed, "should not the Lords stand boldly forth, this constitution "must soon be changed; for if the only two remaining pri-"vileges of the Crown are infringed, that of negativing bills "which have passed both Houses of Parliament, and that of "naming the ministers to be employed, I cannot but feel, "as

"as far as regards my person, that I can be no longer of "utility to this country, nor can with honour continue in "this island."

On the 11th of February, in a debate in the House of Commons, on the necessity of a ministry being formed which should embrace members of both administrations, Mr. Fox avowed his opinion that the House of Commons had, and ought to have, a real and substantial negative in the nomination of minister of state. Mr. Pitt declared, that he would not recede from his former determination. He denied that there were any constitutional means to force him to resign; the proper method was by an address to the Crown.

During these transactions, addresses from the corporation and merchants of London, and from various parts of the country, were presented to the King, strongly expressive of their confidence in the ministers, condemning the violent proceedings of the House of Commons in consequence of Mr. Fox's dismissal from office, and promising support to his Majesty in the exercise of his constitutional prerogative.

Endeavours to bring about an amicable negotiation being still persevered in, it was suggested that the Duke of Portland should be requested by the King to have a conference with Mr. Pitt, for the purpose of forming a new administration. This proposition was reluctantly acceded to by the King, who on the 15th February 1784 wrote to Mr. Pitt: "My present "situation is, perhaps, the most singular that ever occurred, "either in the annals of this or any other country; for the "House of Lords, by a not less majority than near two to one, "have declared in my favour, and my subjects at large, in a "much more considerable proportion, are not less decided; "to combat which Opposition have only a majority of twenty, "or at most thirty, in the House of Commons; who, I am "sorry to add, seem as yet willing to prevent the public sup-"plies. Though I certainly have never much valued popu-"larity, yet I do not think it is to be despised when arising "from a rectitude of conduct, and when it is to be retained "by following the same respectable path which conviction "makes me esteem—that of duty; as calculated to prevent "one branch of the legislature from annihilating the other "two,

" two, and seizing also the executive power, to which she has " no claim. I will, though reluctantly, go so far as to autho- " rize a message in my name to be carried to the Duke of " Portland, expressing a desire that he and Mr. Pitt may " confer on the means of forming an administration on a " wide basis, as the only means of healing the divisions which " stop the business of the nation. Should the Duke of Port- " land, when required by me, refuse to meet Mr. Pitt, more " especially upon the strange plea he has as yet held forth" (a refusal to resign), " I must here declare, that I shall not " deem it right for me ever to address myself again to him. " The message must be drawn on paper, as must every thing " in such a negociation, as far as my name is concerned."

A message was accordingly sent by Mr. Pitt to the Duke; but misunderstanding as to the terms of the message rendered all hopes of a coalition illusory. On the 18th February, Mr. Pitt, in reply to some questions put to him, informed the House " that his Majesty, after a consideration of all the circum- " stances of the country, had not thought proper to dismiss " his ministers, and that his ministers had not resigned." A warm debate ensued, in which it was remarked, that the only course would be to refuse the supplies; and it was proposed to defer the ordnance estimates by the question of adjourn- ment, which was carried by 208 to 196. On the following day, Mr. Powys, who had voted with Mr. Fox, stated that he was ready to vote the supply, relying with the utmost confi- dence that his Majesty would attend to the voice of his faithful Commons, and gratify those wishes with which their anxiety for the constitution inspired them. Mr. Pitt declared that he would not enter into any compromise; he would not stipulate any condition for the passing of the supply. When any pro- position should be submitted to the House, it would be for the House to dispose of it as they should think proper; but he would never make any compromise upon the subject. The ordnance supplies appear to have gone on in the usual course.

On the 20th of February, a resolution was moved by Mr. Powys for an address to his Majesty, having for its object the removal of ministers. On this occasion Mr. Pitt, in reply to Mr. Fox, who had reprobated the numerous addresses pre- sented

sented to the King in support of ministers, observed, " that " the right honourable gentleman had appeared in a charac- " ter perfectly new to him,—he is the champion of the majo- " rity of this house against the voice of the people. It is by " way of complimenting the people of England that their " opinions are stated to be founded in imposture; and then, " by way of libelling their addresses, and of libelling this " reign, he recalls to your mind the addresses offered in the " infamous reign of Charles II, and warning them not to " trust at all to the most unanimous addresses of the people " of England, by summarily mentioning those which were " offered to that monarch, requesting the Crown to take into " its hands and protection the several charters of this country. " The allusions must not pass off unexplained. The case was " this: after many cruel and scandalous decisions in the " courts against chartered companies, in a fit of desperation, " the several corporations offered their charters to the Crown, " as the only protection against this tyranny—and is this to be " cited by way of libelling the addresses of the people at this " time? The right honourable gentleman is exasperated and " surprised at the manly spirit of the people, who will not " wait till their charters are prostituted to the purpose of " ministers, and then seek relief by yielding them to the " Crown, but who boldly resist the violence in the first " instance, and who are as hardy in their resistance as the " right honourable gentleman has been in his attack. The " right honourable gentleman asks, how should the people " understand the India Bill? Do they know the abuses in " India? True, they may not have read all the voluminous " reports; neither, perhaps, have one-half of the members " of the house: but they know that no correction of abuses " in India, not even the rescuing India from loss or annihila- " tion, could compensate for the loss of the constitution. The " plain sense of this country could see that the objection to " the India-bill was, that it raised up a new power in the con- " stitution; that it stripped at once the Crown of its preroga- " tive and the people of their chartered rights, and that it " created the right honourable gentleman the dictator of his " king and his country."

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The address was, however, carried by a majority of twenty, the numbers being 197 to 177, and presented to the King on the 25th. His Majesty's reply was reported to the House by the speaker, on the 27th, in which his Majesty declared that he could not see that the divisions and distractions of the country could at all be remedied by the dismission of ministers. On the 1st March his Majesty's answer was considered by the House of Commons, when another address was agreed to, in which the House claimed as a right, to advise his Majesty on every proper occasion touching the exercise of his royal prerogative, and urging the removal of ministers. The numbers for the address were 201 to 189. It was presented on the 4th. His Majesty's reply expressed a conviction that the objects contemplated were not likely to be obtained by the dismission of ministers. His Majesty's answer was ordered to be taken into consideration on the 8th of March. On that day Mr. Fox moved that a representation be presented to his Majesty, in which it was stated, that it had been the practice of the House to withhold supplies until grievances were redressed, and that the continuation of the administration was an innovation upon the system which had till then prevailed. The motion was carried by a majority of one only, the numbers being 191 to 190; upon which it was ordered, without a division, that the representation should be presented to his Majesty by such members as were privy counsellors.

Mr. Pitt sent to his Majesty at Windsor an account of what had passed. In the answer which he received were the following passages: "The avowal that all negotiation is at an end "gives every reason to hope that, by a firm and proper con- "duct, this faction will be deserted by many, and at length "be forgot. I shall ever with pleasure consider, that by the "prudence as well as rectitude of one person in the House "of Commons, this great change has been effected; and that "he will ever be able to reflect, with satisfaction, that in hav- "ing supported me he has saved the constitution, the most "perfect of human formation."

The Mutiny bill and some other bills as to supplies, were passed, and nothing of moment occurred till the 22d of March, when,

when, upon the Secretary at War moving the order of the day for a committee on the army estimates, Sir Grey Cooper mentioned the report of an intended dissolution of Parliament, which measure he termed daring and unwarrantable. Various inquiries were made of the minister by several members, who took no notice of them. On the following day Mr. Eden, Lord North, and General Conway successively mentioned the subject; but Mr. Pitt remained silent.

On the 24th the King went to the House of Lords, and after giving the royal assent to several bills, delivered a speech, in the course of which his Majesty stated that, "on a full "consideration of the present situation of affairs, and of the "extraordinary circumstances which have produced it, I am "induced to put an end to this session of Parliament. I feel "it a duty which I owe to the constitution and to the country, "in such a situation, to recur as speedily as possible to the "sense of my people by calling a new Parliament. I can "have no other object but to preserve the true principles of "our free and happy constitution, and to employ the powers "entrusted to me by law for the only end for which they were "given, the good of my people." The dissolution took place on the 25th March, and the new Parliament was summoned to meet on the 18th May.

Thus ended a contest which decided the point at issue; a point which was considered by the nation to involve the preservation of our constitution. Mr. Pitt's age, at the period when these memorable struggles took place, was only twenty-five.

Parliament met on the 18th of May; Mr. Pitt was elected to represent the university of Cambridge. A scrutiny being demanded on the return for Westminster, Mr. Fox took his seat for some Scotch boroughs, through the interest of Sir Thomas Dundas.

On the 19th, after approving Mr. Cornwall as Speaker, his Majesty addressed the Houses of Lords and Commons. The speech contained the following passage on the affairs of India: "Whilst the affairs of the East-India Company form an "object of deliberation deeply connected with the general "interests of the country—whilst you feel a just anxiety to "provide for the good government of our possessions in that "part

" part of the world, you will, I trust, never lose sight of the " effect which any measure to be adopted for that purpose may " have on our own constitution, and our dearest interests at " home."

The address which was moved returned thanks to his Majesty for the late dissolution. To this Lord Surrey objected, and moved by way of amendment " that it should be omitted." The importance of unanimity was pressed upon the minister, who declined purchasing it at the expense of a great constitutional question: a division took place, when the numbers for the original address were 282, and against it 114. This negative given to Lord Surrey's motion was considered as so unequivocal an approbation of the dissolution, that no direct question was brought forward by Opposition on the subject.

Measures for improving the revenue, and for settling the affairs of the East-India Company, engaged the attention of Parliament.

With regard to the first, amongst other measures was that of the Commutation Act. (*Vide* Tea.)

With reference to the East-India Company, a petition had been presented by the Company on the 26th May, stating their inability to discharge a debt due to the public; and, under existing circumstances, they were incapacitated from accepting bills drawn from India, or from making a dividend, and praying such relief as the House might see fit. The Directors being called on, afforded information which was referred to a select committee, Mr. Dundas being chairman. The committee reported on the 22d June, which report was printed. After some discussion a bill was brought in, authorizing the Company to make a dividend at the rate of eight per cent.; and also for enabling them to accept bills of exchange (with the consent of the Lords of the Treasury) drawn on them from India, beyond the amount laid down by the act of 1773, *viz.* £300,000 in any one year. These two objects being effected, the next measure was that of providing for the permanent regulation and future government of the East-India Company, and their various and extensive affairs.

A bill was accordingly brought into the House by Mr. Pitt, on the 6th July 1784; on which occasion he observed, that his endeavours

endeavours were directed to suggesting the means of doing the most good to India and to the East-India Company, with the least injury to our constitution. In framing such a system, he thought it his duty never to lose sight of this principle, that though no charter could or ought to supersede state necessity, still nothing but absolute necessity could justify a departure from charters; they ought never to be invaded, except when the public safety called for alteration. Charters were sacred things; on them depended the property, franchises, and every thing that was dear to Englishmen; and wantonly to invade them would be to unhinge the constitution, and throw the state into anarchy and confusion. There no longer existed any danger of the best and most sacred rights of Englishmen being made a sacrifice to the ambitious projects of those who, under the necessity that actually existed of some revision being made, had taken the desperate resolution, that nothing short of measures of the most decisive and extreme nature, and measures far exceeding the necessity of the case, could be effectual. He thanked God so great a sacrifice had been escaped; and he trusted that the sense plainly and incontrovertibly declared to be entertained upon the subject, would prove to be the sense of the majority of the House of Commons. Neither state policy nor common prudence called for the Legislature's proceeding beyond the limit of the existing necessity, much less of going the length either of destroying the rights of any individuals or bodies of men, established upon the most sacred of all foundations, the express words of solemn charters, recognized and confirmed by repeated acts of Parliaments, or of directly changing the constitution of the country, and departing from those known principles of government which the wisdom of our ancestors had provided, and which had proved for ages the uninterrupted source of security to the liberties of Englishmen. With reference to the remark that commercial companies could not govern empires, Mr. Pitt observed, that was matter of mere speculation, which general experience proved to be not true in practice, however admitted in theory. The East-India Company had governed a vast empire for years. In the measures to be taken for its future government, if they had the Company's concurrence, it would surely be admitted

admitted that they took the safest line—that they pursued the wisest course; and the measures he should propose were such as the Company agreed to.

With respect to the new establishment at home, Mr. Pitt proposed to place all the civil and military affairs, the revenues of the East-India Company, and the government of their territorial possessions, under the control and superintendance of a Board of Commissioners to be appointed by his Majesty, consisting of six privy counsellors, of whom one of the Secretaries of State and the Chancellor of the Exchequer were to be two; and the other four were to be persons who should hold offices of considerable emolument under Government, to which little or no employment belonged, and who would therefore have leisure, and might be expected to discharge the duties of their new situation, without any remuneration for that trouble. The Secretary of State was to be president of this Board, and in his absence the Chancellor of the Exchequer; but it being impossible that either of those ministers should be able to attend constantly, though they might be present when points of great importance were discussed, the senior of the other four privy counsellors was, in the absence of the Secretary of State and the Chancellor of the Exchequer, to be president; and it was intended that he should take the active part in the general business of the Board. If the members present should be equally divided upon any question, the president was to have a casting vote. This Board was to have access to all papers and muniments of the Company, and to be furnished with such extracts or copies of them, as they might from time to time desire. To this Board the Directors were to communicate copies of all proceedings, both of their own Court and of the Court of Proprietors, relative to the civil, military, and financial affairs of the Company; copies of all despatches from their servants in India, and also of all despatches proposed to be sent by them to India. These intended despatches the Board was to return to the Directors within fourteen days, with the written approbation of three commissioners, or their reasons for disapproving them, together with instructions for alterations, if necessary, and the Directors were to send to India

India the despatches so approved or amended: the Court of Proprietors was not to have the power of rescinding or altering any resolution or act of the Directors, after it was approved by the Board. The Board was also to have power to require the Directors to prepare despatches upon any proposed subject, and if such despatches should not be sent within fourteen days to the Commissioners for their revisal, the Board might itself draw up the despatches, and order the Directors to send them to India; and in any case where secresy was necessary, the Board might send its orders to a committee of three Directors, to be appointed by the Court of Directors for that purpose, who were to transmit them to India without disclosing the substance of them; and the answers were to be sent to the Secret Committee of Directors, by whom they were to be communicated to the Board of Control. These powers were not to extend to the commercial affairs of the Company; and if at any time the Commissioners should send orders or instructions to the Directors to be transmitted to India, in the opinion of the latter not authorized by this bill, they might appeal to the King in Council, whose decision was to be final. Similar powers had been given to the Secretaries of State by former Acts of Parliament; but they had never, or at least very rarely, been exercised, those great officers having been too much occupied by the immediate duties of their station. But this was to be an active, efficient, responsible board, whose positive concurrence, expressed by the signature of its members, was to be essential to every despatch sent to India. This board was not, however, to have the appointment of a single servant of the Company, in Europe or in Asia.

With regard to India, Mr. Pitt proposed that the government in each of the three presidencies should consist of a President and three Counsellors; that the Governor-General of India should be president of the government in Bengal; and that the Commander-in-chief of all the Company's forces in India should be one of the Council, and next in rank to the Governor-General; that the Commanders-in-chief at Madras and at Bombay should be members of the council in those presidencies, next in rank to the respective Governors; but if the Commander-in-chief of all

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the forces in India should at any time be at Madras or Bombay, he should be a member of the council there; and the Commander-in-chief of the presidency should in that case continue to have a seat in the council, but no vote. If the members of the council present in any of the presidencies should be equally divided upon any question, the Governor or President should have a casting vote. And with a view of producing an unity of system in the different parts of our extensive Indian territories, the Supreme Government in Bengal was to have an effectual control over the other presidencies, the Governors and Councils of which were to be required to obey all orders they might receive from the Government in Bengal, unless they were contrary to orders which they had previously received from the Directors, and of which the Government in Bengal was ignorant; and in case of disobedience they were to be liable to suspension. The appointment of the Governors, of the Commanders-in-chief, and of the other members of the council, was to be in the Directors; but either the King or the Court of Directors might recall the Governor-General, or any other person employed by the Company. If the Directors should omit to fill up any vacancy which might take place in the council for two months after it was regularly notified to them, the King might appoint to such vacancy, and the person so appointed was not to be liable to recall by the Directors. All other appointments were to be in the Governments of the respective presidencies; and to prevent any corrupt or improper use of this patronage, it was to be provided, that all promotions in India, both civil and military, beneath the degree of members of the councils, should be made according to seniority, in a regular progressive succession, unless for some very urgent cause: in which case the reasons for such deviation from this general rule were to be entered at length upon the minutes of the council, and copies of these entries transmitted by the first opportunity to the Directors, for their confirmation or repeal of the appointment. The Governors and Councils were to be empowered to apprehend all persons in their respective presidencies suspected of carrying on illicit correspondence, and to bring them to trial in India, or to send them to England. To prevent all

all ambitious projects for the extension of dominion, the Governor-General and Council of Bengal were not to be permitted, without the express command of the Directors, to enter into any offensive treaty, or to make war with any of the country powers, unless they should actually have committed hostilities, or have given evident proof of such intentions against the British nation in India, or against some country power dependent upon the Company, or whose territories they were by subsisting treaty bound to defend; and the Governors and Councils of the other presidencies were to be prohibited from commencing hostilities, or concluding any treaty whatever with the country powers, without express orders from the Governor-General and Council or from the Directors, unless some imminent danger or sudden emergency should render it unsafe to postpone such hostilities or treaty; and every treaty so concluded was, if possible, to contain a clause, subjecting it to the ratification or rejection of the Governor-General and Council. The Governors and Councils of the other presidencies were to transmit to the Governor-General and Council copies of all their proceedings, and of all material occurrences in their respective presidencies. Provision was to be made for the investigation of the claims of British subjects on the Nabob of Arcot, and for settling disputes between that prince and the Rajah of Tanjore; and also for redressing, according to the respective circumstances of each particular case, all complaints of injustice and oppression from zemindars and other native landholders who had been dispossessed of their lands, or subjected to exorbitant rents or heavy contributions; and, in future, payments from tributary princes and renters of land were to be definite and moderate. All practicable retrenchments were to be made in the different establishments. The ages at which writers and cadets should be appointed were to be regulated, and no greater number was to be sent out than would be necessary to keep up the proper complement: the acceptance of presents from the natives was to be forbidden, under the penalty of forfeiture and punishment as extortion: it was to be made a misdemeanor in the Company's servants to disobey the orders or instructions of the Directors, to neglect the duties of any trust or employment, or to make

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a corrupt bargain or contract relative to any office. No person removed from any situation by the sentence of a court of law could be again employed by the Company.

The last part of the bill related to the erection of a Court of Judicature in England for the trial of offences committed in India.

Such is a brief outline of the measure which was proposed by Mr. Pitt, and ultimately agreed to, the motion for the bill going into a committee being 271 to 60: only two subsequent divisions took place, on which occasions the numbers were 92 to 7, and 110 to 39 on the other. Among the objections urged to it was the division of power between the Board of Commissioners and the Court of Directors, which it was asserted would render the government of India weak and inefficient. To this it was replied, that such was not the necessary consequence of divided power, since in the English constitution the supreme power is divided into three branches, designed to be a control on each other, and producing the happiest and most perfect form of political government known in ancient or modern times. The difference between the bills proposed by Mr. Fox and Mr. Pitt have been stated as follows:—That of Mr. Fox took the commerce entirely away from the Company; it abolished the Court of Directors, and deprived the Company of every appointment, civil, military, and commercial, both at home and abroad, vesting the whole in commissioners: Mr. Pitt's bill left the commerce with the Company, and the Directors and their servants in possession of the whole patronage. Mr. Fox's bill was a total abrogation of all the Company's rights, and a violent confiscation of all their property; Mr. Pitt's bill was a partial deviation from the charter, making only such changes as were absolutely necessary, at the same time securing to the constitutional executive power of these realms the superintendance over all the political affairs of so vast an empire; whilst Mr. Fox's bill enacted what has been termed an *imperium in imperio*, the commissioners whom he proposed not having any dependance upon or communication with his Majesty's ministers, and possessing an influence of the most dangerous nature to the established authorities, with the means of involving this country

country in war with any of the European states connected with India, without even the knowledge of his Majesty's Government.

The bill subsequently passed the Lords on the 12th of August 1784, and on the following day received the royal assent.

Thus originated the act of the 24th Geo. III, cap. 25, under the authority of which the Board of Commissioners for the Affairs of India was instituted. Alterations have been made from time to time, which will be briefly noticed. In 1788, the act was passed which authorized the Board to direct the payment of King's troops, to the extent of 8,045 men.

In 1791, the act which authorized an additional number of King's troops, making the total number 10,727.

In 1793, by the act of the 33d Geo. III, cap. 52, the Board was continued, with the following additional provisions:—the person first named in the King's commission was declared to be president; three members were to form a Board; officers might be appointed by the Board; the salaries to the commissioners and officers were first authorized: those to the commissioners were not to exceed in the whole £5,000 a-year, and to the officers of the Board £11,000, making a total of £16,000. The Board are to approve all grants of salaries beyond £200 a year. The Secret Committee was also instituted. In 1811 the sum for the salaries and expenses of the Board was fixed at £22,000, and in 1813 at £26,000. In the latter year, also, the Board was invested with control over territorial appropriation, and the Board's confirmation is necessary to gratuities above £600, and also to the restoration of servants.

The Board, as constituted under the 33d Geo. III, cap. 32, and subsequent enactments, is now given.

1784. 24 Geo. 3, c. 25.

LAWS.

1793. 33 Geo. 3, c. 52, § 2.

LAWS.

Constitution of the Board.

His Majesty may appoint Commissioners for the Affairs of India.

(1) And be it further enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs and successors, by any letters-patent, or by any commission or commissions to be issued under the great seal of Great Britain, from time to time to nominate, constitute, and appoint, during his or their 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 shall always be three), and such other two persons as his Majesty, his heirs or successors, shall think fit to be, and who shall accordingly be and be styled Commissioners for the Affairs of India.

§ 3. Three to form a Board.

(2) And be it further enacted, that any three or more of the said commissioners shall and may form a Board for executing the several powers which by this act, or by any other act or acts, are or shall be given to or vested in the said commissioners; and that the first-named commissioner in any such letters-patent or commission for the time being shall be the president of the said Board; and that when any Board shall be formed in the absence of the president, the commissioner whose name shall stand next in the order of their nomination in the said commission of those who shall be present, shall for that turn preside at the said Board.

§ 4. President to have casting vote.

(3) And be it further enacted, that if the commissioners present at any Board shall be equally divided in opinion in respect to any matter by them discussed, then and on every such occasion the president, or in his absence the commissioner acting as such, shall have two voices, or the casting vote.

§ 5. Board may appoint officers; their salaries to be fixed by his Majesty, &c.

(4) And be it further enacted, that the said Board of Commissioners shall and may nominate and appoint such secretaries and officers as shall be necessary to attend upon the said Board, who shall be subject to dismission at the pleasure of the said Board; and that the proceedings of the said commissioners shall be entered in proper books; and that as well the said commissioners, or such and so many of them as his Majesty shall think fit, as likewise their secretaries and other officers, shall be paid such fixed salaries as his Majesty shall, by any warrant or warrants under his sign-manual, countersigned by the Chancellor of the Exchequer for the time being, direct, the quarterly amount thereof being first settled and allowed by the said Board, and certified by the president or acting president of the said Board for the time being, to the Court of Directors of the said Company.*

And

* Salaries and expenses of Board in 1793, £16,000 per annum; 1811, £22,000 ditto; 1813, £26,000 ditto.

LAWS.

1813. 53 Geo. 3, c. 155, §90.

Additional provision for salaries and charges of the Board; not to exceed £26,000 per annum.

(5) 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," 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 expenses 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 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 said Company.

1811. 51 Geo. 3 c. 75, § 3.

(6) So much of 50 Geo. III., cap. 117, as directs accounts of increase and diminution of salaries, &c. to be laid before Parliament, shall extend to the office of the Commissioners for the Affairs of India.

1793. 33 Geo. 3, c. 52, § 6.

Oath to be taken by commissioners.

(7) Provided also, and be it further enacted, that the said commissioners, before they shall proceed to act in execution of any of the powers or authorities vested in them (save only the power of administering the oath after-mentioned), shall severally take and subscribe the following oath (that is to say):

"I, A. B., do faithfully promise and swear, that, as a commissioner "or member of the Board for the Affairs of India, I will give my "best advice and assistance for the good government of the British "possessions of the East-Indies, and the due administration of the "revenues of the same, according to law, and will execute the several "powers and trusts reposed in me, according to the best of my skill "and judgment, without favour or affection, prejudice or malice, to "any person whatever."

Which oath any two of the said commissioners shall and are hereby empowered to administer to the others of them, or any of them; and the said oath shall be entered by their chief secretary amongst the acts of the Board, and be duly subscribed and attested by the said commissioners, at the time of their taking and administering the same to each other respectively.

§ 7. Officers to be sworn.

(8) And be it further enacted, that the several secretaries and other officers of the said Board shall also take

LAWS. 1793. 33 Geo. 3, c. 52, § 8.

take and subscribe before the said Board such oath of secrecy, and for the execution of the duties of their respective stations, as the said Board shall direct.

Commissioners and chief secretary may be elected to Parliament.

(9) And for obviating any doubt which might otherwise arise, how far the office or appointment of a commissioner of the said Board for the Affairs of India by virtue of this act, or of the chief secretary of the said Board, be within any of the provisions contained in an act of the sixth year of the reign of Queen Anne, intituled "An Act for the "Security of her Majesty's Person and Government, and of the "Succession to the Crown of Great Britian in the Protestant Line," or how far the appointment of any such commissioner or secretary, being a member or members of the House of Commons, shall vacate his or their seat or seats in that House, be it further enacted and declared, that the said respective offices, places, or appointments of a commissioner or chief secretary of the said Board for the Affairs of India, to be made under the authority of this act, shall not be deemed or taken to be within the intent or purview of the said act of the sixth year of Queen Anne, whereby to disqualify any such commissioner or chief secretary from being elected, or sitting or voting as a member of the House of Commons; nor shall the appointment of any such commissioner, not having any special salary annexed to such appointment, or the said chief secretary, if a member or members of the House of Commons, vacate his or their seat or seats in the said house: any thing contained in the said act of the sixth year of Queen Anne, or in any other act, to the contrary notwithstanding.

Powers of the Board.

§ 9.

To direct and control all concerns, civil, military or revenue.

(10) And be it further enacted, that the said Board of Commissioners shall, by force and virtue of this act, have and be invested with full power and authority to superintend, direct and control all acts, operations, and, concerns which in any wise 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 are by this act made, provided, or established, and not otherwise or in any other manner, any former act or acts to the contrary notwithstanding.

§ 10.

Board and officers to have access to, and copies of records.

(11) And be it further enacted, that the said commissioners, or any of them, or their chief secretary, or any other of the officers of the said Board, by the order and authority of the said Board, shall have free access to the books, papers, letters of correspondence, evidences, and other records of the said Company, and be assisted by the proper officers of the said Company in their searches for the same, and furnished, by and at the expense of the said Company, with copies or extracts of so

so many or such parts thereof respectively as the said Board shall require. LAWS. 1813. 53 Geo. 3, c. 155, § 78.

May require accounts, abstracts and statements from Directors.

(12) And be it further enacted, that the said 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 them, 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 despatch, 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.

Approval necessary of despatches relative to civil or military government or revenue of India, and loans to investment.

1793. 33 Geo. 3, c. 52, § 12.

(13) And be it further enacted, that no orders or instructions whatever, relating to the civil or military government or revenues of the said territorial acquisitions in India, 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, 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.

No despatches relative to appropriation of revenue, &c. to be sent to India till approved by Board.

1813. 53 Geo. 3, c. 155, § 70.

(14) 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, 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 despatches, the said Board shall with all reasonable despatch, 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 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

LAWS. 1813. 53 Geo. 3, c. 155, § 70.

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 despatch 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.

§ 67.

Duties in India on Company's and private trade goods to be considered as territorial revenue, and subject to the control of the Board.

(15) And be it further enacted, that all rates, customs, and duties of export and import which shall be charged in the East-Indies or other places under the government of 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 control of the said Board of Commissioners, in like manner, to all intents and purposes, as any other part of such territorial revenues.

§ 68.

Board to have control over territorial revenues, with exception of sums issued in India to make good home payments, on account of territory or loans in India.

(16) 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 control all orders and instructions whatsoever which in any wise 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 and 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 if any monies arising from any loan raised or to be raised in the East-Indies, or

LAWS. 1813. 53 Geo. 3, c. 155, § 68.

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 first-mentioned act of the thirty-third year of his present Majesty, or of any other act or acts, to the contrary notwithstanding.

§ 71.

Board to return despatches within two months, instead of fourteen days.

(17) 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 despatches the said Board shall return the same to the said Court of Directors or Commitee of Directors, in the manner directed by the said act: and whereas the said limitation of fourteen days for the return of such proposed despatches 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 such proposed despatches 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 despatches 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 despatch, not exceeding two months.

1793. 33 Geo. 3, c. 52, § 13.

Representations may be made by Directors, as to orders disapproved or altered by Board. After Board have corrected the same, their orders thereon to be final.

(18) Provided always, that nothing shall extend, or be construed to extend, to restrict or prohibit the Directors from expressing, by representation in writing to the said Board, such remarks, observations, or explanations as shall occur, or they shall think fit, touching or concerning any letters, orders, or instructions, which shall have been varied in substance, or disapproved by the said Board: and that the said Board shall, and they are hereby required, to take every such representation, and the several matters therein contained or alleged, into their consideration, and to give such further orders or instructions thereupon as they shall think fit and expedient; which orders or instructions shall be final and conclusive upon the said Directors.

1813. 53 Geo. 3, c. 155, § 72.

Proceedings of Board may be signed by chief or assistant secretary.

(19) 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

LAWS. 1793. 33 Geo. 3, c. 52,

signature of the said chief secretary is now by law required, may be signed either by such chief secretary or by the assistant-secretary to the said Board; any act, matter, or thing to the contrary notwithstanding.

§ 15.

Board may require Directors to frame despatches connected with civil or military government; if Court neglect to do so beyond fourteen days after requisition, the Board may prepare instructions, and Directors shall forward them to India.

(20) And be it further enacted, that whenever the Court of Directors of the said United Company shall neglect to frame, and to transmit to the said Board, despatches on any subject connected with the civil or military government of the said territories and acquisitions, or with the revenues thereof, beyond the space of fourteen days after requisition made to them by order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the said Directors (without waiting for the receipt of the copies of despatches intended to be sent by the said Directors) any orders or instructions for any of the governments or presidencies in India, concerning the civil or military government of the said territories or the revenues thereof: and the said Directors shall, and they are hereby required to transmit despatches, according to the tenor of the said orders and instructions so transmitted to them by the said Board, unto the respective governments and presidencies in India, unless, on any representation made by the said Directors to the said Board touching such orders or instructions, the said Board shall direct any alterations to be made in the same, which directions the said Court of Directors shall in such case be bound to conform to.

§ 16.

Board only to issue orders relative to civil or military government or the revenues only; and if the Directors think they do not relate to them, they may petition his Majesty in Council.

(21) Provided always, and be it further enacted, that nothing in this act contained shall extend, or be construed to extend, to give to the said Board of Commissioners any power or authority to issue or send any orders or instructions which do not relate to points connected with the civil or military government or revenues of the British territories or possessions in India, nor to expunge, vary, or alter any despatches proposed by the said Court of Directors as aforesaid, which do not relate to the said government or revenues: and that if the said Board shall send any orders or instructions to the said Court of Directors, to be by them transmitted, which in the opinion of the said Court of Directors shall relate to points not connected with the said civil or military government or revenues, then, and on any such occasion, it shall be lawful for the said Court of Directors to apply by petition to his Majesty in Council touching the same, and his Majesty in Council shall decide how far the same be or be not connected with the civil or military government and revenues of the said territories and possessions in India, which decision shall be final and conclusive.

LAWS. 1793. 33 Geo. 3, c. 52, § 19.

Board may send orders to the Secret Committee of Directors, who shall transmit the same to India.

(22) Provided also, and be it further enacted, that if the said Board of Commissioners shall be 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, intended to be communicated in orders to any of the governments or presidencies in India, shall be of a nature to require secresy, it shall and may be lawful for the said Board to send their orders and instructions to the Secret Committee of the said Court of Directors, to be appointed as is by this act directed, who shall thereupon, without disclosing the same, transmit their orders and despatches, according to the tenor of the said orders and instructions of the said Board, to the respective governments and presidencies in India; and that the said governments and presidencies shall be bound to pay a faithful obedience thereto, in like manner as if such orders and instructions had been sent to them by the said Court of Directors.

§ 22.

Presidencies in India may send despatches to the Secret Committee, who shall deliver them to the Board.

(23) And be it further enacted, that when any of the governments or presidencies in India shall be of opinion that any of their despatches to Great Britain, concerning the government of the said territories and acquisitions, or the levying war, or making peace or negociations or treaties with any of the native princes or states of India, shall be of a nature to require the same to be kept secret, it shall be lawful for the said governments or presidencies respectively to address their despatches requiring such secrecy, under cover, sealed with their seals, unto the said Secret Committee of Directors of the said Company, for the inspection of such committee; and that immediately upon the arrival of such despatches so addressed, the said Secret Committee of Directors shall deliver the same or copies thereof to the said Board.

1813. 53 Geo. 3, c. 155, § 73.

Secret Committee not to disclose or make known contents of any despatches until authorized by Board.

(24) 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 act of the thirty-third year of his present Majesty, address any despatches 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 despatches which relate to the levying of 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.

Actions

LAWS.

Actions not to be stayed or compounded without Approbation of Board.

1793. 33 Geo. 3, c. 52, § 68. (25) And be it further enacted, that it shall not be lawful for the said United Company, or for any of their officers or servants, or for the Court of Directors of the said Company, to discontinue, stay, or compound, or settle or agree to any actions or suits at law or equity, now depending or hereafter to be commenced, before a final decree or judgment shall be obtained or given therein, unless by and with the approbation of the Board of Commissioners for the Affairs of India.

Appointments, Board not to interfere in.

§ 11. (26) Provided also, and be it further enacted and declared, that nothing in this act contained shall extend to give to the said Board of Commissioners the power of nominating or appointing any of the servants of the said United Company, any thing herein contained to the contrary notwithstanding.

Banks in India.

1807. 47 Geo. 3, c. 68, sess. 2. (27) Board's consent necessary to the establishment of banks in India.

Bond Debt.

1811. 51 Geo. 3, c. 64, § 2. (28) Board's consent necessary for borrowing on bond the further sum of £2,000,000; thus making the total bond debt £7,000,000.

China.

1793. 33 Geo. 3, c. 52, § 70. (29) In case of cession from the Chinese government of territory separate from the continent of China, and wholly free from any jurisdiction or authority of the Chinese government, any of his Majesty's subjects may export British or Irish manufactures in Company's ships, under regulations and restrictions to be approved by the Board of Commissioners.

Copies of all Minutes of Courts of Directors and Proprietors, and of Despatches, &c. from India, to be sent to the Board.

1793. 33 Geo. 3, c. 52, § 11. 1813. 53 Geo. 3, c. 155, § 69. (30) 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 despatches, 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 St. Helena, Bussora, Suez, Aleppo, or other parts beyond the seas, in anywise relating to or concerning the civil or military government or revenues of the said territories, or concerning

Court of Directors to deliver to the Board copies of all proceedings, and of despatches received relating to the appropriation of revenues and loans to investment.

LAWS.

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.

1813. 53 Geo. 3, c. 155, § 69.

Colleges and Seminaries.

§ 42. (31) Colleges and seminaries at home and abroad to be subject to the control of the Board.—(*Vide* Colleges, &c.)

Duties in India.

§ 25. (32) No duties imposed in India by regulations to be valid till sanctioned by Directors and approved by Board.

§ 67. (33) 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 control of the Board.

General Court of Proprietors.

1793. 33 Geo. 3, c. 52, § 27. (34) The orders of the Court of Directors, when approved by the Board, not liable to be rescinded, suspended, revoked, or varied by any General Court of Proprietors.

Governor-General.

§ 59. (35) The Court of Directors, with the approbation of the Board, may suspend the powers of the Governor-General to act upon his own authority.

Gratuities.

1813. 53 Geo. 3, c. 155, § 88. (36) No gratuities above £600 to be valid unless confirmed by the Board.—(*Vide* Salaries and Gratuities)

1793. 33 Geo. 3, c. 52, § 18. (37) Provided also, and be it further enacted, that it shall not be lawful for the said Board to give or cause to be given any direction for the payment of any extraordinary allowance or gratuity from the said revenues to any person, on account of services performed in India, or on any other account whatever, to any greater amount, or to any other person than shall be specified and contained in some despatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Board for their approbation; and that in every case where any such directions shall be so given, a distinct account of all such allowances or gratuities shall be added to the next list of establishments laid before Parliament by the said Court of Directors.

King's Troops.

1813. 53 Geo. 3, c. 155, § 87. (38) Not lawful for the Board to give or approve orders or directions that there shall be paid, defrayed, and allowed any sums of money in respect of any greater number of his Majesty's forces than shall amount to 20,000 men, including commissioned and non-commissioned

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sioned officers, unless a larger number is required by the Court of Directors.—(*Vide* Military Forces.)

1813. 53 Geo. 3, c. 155, § 11, 12.

Licenses for Ships and Persons.

(39) Form of licenses for ships in private trade to be settled by the Court of Directors, with the approbation of the Board.

(40) Special licenses for the continent of Asia, between the Indus and Malacca (except the Company's principal settlements), or islands north of the Equator or Bencoolen, to be at the discretion of the Directors, subject to the control of the Board, who may direct the issue of such license, recording the special circumstances inducing them to give such license in the book of the Board. Licenses for other places more north than 11 degrees south latitude, and between 64 and 150 degrees east longitude, to be granted by the Board, who are to frame rules and regulations for the same; and in all cases in which any license may be granted by the Board otherwise than according to such rules and regulations, the special circumstances under which such is granted shall be recorded in the books of the said Board, and communicated to the Court of Directors.

§ 33, 34. (41) When the Court of Directors refuse permission to any person to proceed to the East-Indies, the 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.

1817. 57 Geo. 3. § 36. (42) Board to approve forms of lists of persons and arms on board ships sailing from Malta and Gibraltar to India.—(*Vide* Licenses.)

Postage.

1819. 59 Geo. 3, c. 111, § 11. (43) Board of Commissioners may send and receive packets to and from India, Ceylon, Mauritius, and the Cape, provided no such packet exceeds three ounces.

§ 13. (44) Secretary of the Board to have the same privilege of franking as the under-secretaries.

Regulations issued in India.

1797. 37 Geo. 3, c. 142, § 8. (45) Ten copies of the regulations issued by the Governor-General in Council, affecting the rights, persons, or property of the natives, to be sent home to the Board of Commissioners for the Affairs of India.

1813. 53 Geo. 3, c. 155, § 25. (46) Regulations imposing duties in India not valid till sanctioned by Directors and Board.

1815. 55 Geo. 3, c. 84 § 1. (47) Regulations for extending the limits of the towns of Calcutta, Madras, and Bombay, to be approved by Board.

Regulations by Directors as to Trade.

1797. 37 Geo. 3. c. 117, § 2. (48) And be it further enacted, that all such regulations as shall be framed by the said Court of Directors, for carrying on the trade to and

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and from the British possessions in India and the countries and states in amity with his Majesty, shall be, and they are hereby directed to be subject to the superintendance, direction, and control of the Board of Commissioners for the Affairs of India, in the same manner as all acts, operations, and concerns, which anywise relate to or concern the civil and military governments and revenues of the British territories and acquisitions in the East-Indies now are.

1797. 37 Geo. 3, c. 117, § 2.

Salaries and Establishments in India and at Home.

Board not to direct the increase of established salaries unless proposed by the Directors, and laid before Parliament.

1793. 33 Geo. 3, c. 52, § 17 & 125. (49) Provided also, and be it further enacted, that it shall not be lawful for the said Board to give, or cause to be given any directions, ordering or authorizing, by any despatches to be sent to India, the increase of the established salaries, allowances, or emoluments of any Governor-General, Governor, or president, or member of council of any of the presidencies and settlements there, or of any other officer in the service of the said Company, beyond the amount to which the same now stands fixed by the orders which have been sent to India, unless such increase shall be specified and contained in some despatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Board for their approbation, and unless an account of the actual salaries, allowances, and emoluments of such Governor-General, Governor, or president, or member of council, or other officer respectively, and of the increase proposed to be made therein, with the reasons for such increase, shall have been laid before both Houses of Parliament thirty days before such despatch shall be sent.

Servants, Civil and Military.

Return after five years.

1793. 33 Geo. 3, c. 52, § 70. (50) No military officer who shall have been absent from India more than five years to return, unless the Court of Directors and Board are satisfied that the said absence has been occasioned by sickness, infirmity, or some inevitable accident.

Restoration after removal or suspension.

1813. 53 Geo. 3, c. 155, § 83, 42. (51) Restoration of servants, civil and military, suspended or removed by the governments abroad, not to be valid without consent of the Board.

1811. 51 Geo. 3, c. 75, § 4 & 5. (52) The Company may restore to their service military officers removed by sentences of court-martial, subject to approval by the Board.

Officers who may return, although beyond five years.

1813. 53 Geo. 3, c. 155, § 84. (53) Any military officer, being of the rank of a general officer or colonel commanding a regiment, or being a lieutenant-colonel commandant of a regiment, may return to India, although they may have been absent more than five years; with consent of Court and Board.—(*Vide* Servants, Civil and Military.)

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Superannuations.

1813. 53 Geo. 3, c. 155, § 91. (54) His Majesty, his heirs or successors, have power to grant allowances, compensations, remunerations or superannuations, to the secretaries and other officers of the said Board.—(*Vide* Superannuations.)

Territorial Acquisitions.

1800. 39 and 40 Geo. 3, c. 79. (55) The Court of Directors may appoint what parts of the territorial acquisitions, revenue, &c. shall be subject to either, and which of their presidencies subject to the control of the Board.

Vacancies in India.

Not to be supplied by Directors without the approbation of the Board.

1813. 53 Geo. 3, c. 155, § 81. (56) 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.

War not to be declared.

War not to be declared, &c. by the Governor-General in Council at Fort William without the command of the Directors, &c. except preparations of hostilities shall be made, &c.—Communication of commencement of hostilities, &c. to be made to the Directors, &c.

1793. 33 Geo. 3, c. 52, § 42. (57) And forasmuch as to pursue schemes of conquest and extension of dominion in India, are measures repugnant to the wish, the honour, and policy of this nation: be it further enacted, that it shall not be lawful for the Governor-General in Council of Fort-William aforesaid, without the express command and authority of the said Court of Directors, or of the said Secret Committee by the authority of the said Board of Commissioners for the Affairs of India, in any case (except where hostilities have actually been commenced, or preparations actually made for the commencement of hostilities, against the British nation in India, or against some of the princes or states dependant thereon, or whose territories the said United Company shall be at such time engaged by any subsisting treaty to defend or guarantee), either

LAWS.

1793. 33 Geo. 3, c. 52, § 42. either to declare war or commence hostilities, or enter into any treaty for making war against any of the country princes or states in India, or any treaty for guaranteeing the possessions of any country princes or states; and that in any such case, it shall not be lawful for the said Governor-General and Council to declare war or to commence hostilities, or to enter into any treaty for making war against any other prince or state, than such as shall be actually committing hostilities, or making preparations as aforesaid, or to make such treaty for guaranteeing the possessions of any prince or state, but upon the consideration of such prince or state actually engaging to assist the Company against such hostilities commenced, or preparations made as aforesaid; and in all cases where hostilities shall be commenced, or treaty made, the said Governor-General and Council shall, by the most expeditious means they can devise, communicate the same unto the said Court of Directors, or to the said Secret Committee, together with a full state of the information and intelligence upon which they shall have commenced such hostilities, or made such treaties, and their motives and reasons for the same at large.—(*Vide* Government in India.)

BRITISH SUBJECTS.

A SECRET committee of the House of Commons was appointed in the year 1771, to inquire into the state of the East-India Company. Between the date of the committee's nomination and the month of June 1773, they made nine voluminous reports on the affairs of India, in which a full review was taken of the various and extensive subjects connected with every branch of the Company's government, both at home and abroad.

The committee dwelt upon the sufferings experienced by the natives from oppression practised in a country where the name of an European was sufficient to authorize any act of injustice. The committee urged upon the House the importance of introducing a new system of government, supported by a new system of jurisprudence, and thereby secure prompt and effective obedience from the Company's servants and other British subjects to the governing power; and likewise facilitate the means of redress, by establishing a fixed, lasting, and regular course of justice for the permanent security of liberty and property. The regulating act of 1773, appointing a Governor-General and Council, and establishing a supreme court at Calcutta, was the result of the committee's investigation.

That act, together with acts which have been subsequently passed, provide for the resort to India of British subjects, and their responsibility to the local authorities during their residence in that country. No person can proceed to India without a license or certificate from the Court of Directors, to whom application is to be made in the first instance; if the Court do not see fit to comply with such request, it is transmitted to the Board of Commissioners for the Affairs of India: who, if they concur in opinion with the Court, intimate that they have no instructions to issue with regard to it; otherwise they direct a certificate to be issued to the party from the Court of Directors, permitting the applicant to proceed to India.

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The governments in India are not to license the residence of parties who shall not have been previously furnished with a license or certificate from the Court of Directors, unless the Governor-General or Governor shall authorize by special license the residence of any British subject; his reasons for so doing are to be entered on the Minutes of Council, and a copy of such license, and the reasons for granting it, are to be sent home, accompanied by an application from the party for a license from the Court of Directors.

All British subjects are amenable to the courts of justice there, and to the local regulations. No British subject is to reside more than ten miles from a principal settlement, without a special license from the Company, or the Governor-General or Governor of such principal settlement; if resident beyond ten miles, then to be subject to the local civil judicature under certain restrictions, and to have power of appeal to the Supreme Court of Judicature, instead of to the Sudder Dewanny Adawlut; but all persons having cause of action against any British subject, may, at their election, commence and prosecute their suit in supreme courts, instead of suing in such provincial courts. 1753. 1813.

The governments in India may declare licenses and certificates to be void; and after the expiration of two months from the notification to the party of his license being withdrawn, he is liable to prosecution for being in India without a license.

Unlicensed parties who shall be found in India, or trading within the Company's exclusive limits, are subjected to various forfeitures and penalties prescribed by the acts of 1793 and 1813. Dismissed persons or persons who shall have voluntarily resigned the service, or any free merchant, mariner, or other person whose covenants with the Company shall have expired or ceased, being found within the limits aforesaid, are to be deemed to have unlawfully traded, and are subject to all the penalties and forfeitures contained in the various Acts. Provision has likewise been made for the summary conviction and punishment of British subjects being in India without license, or exceeding the 1813. 53 Geo. 3, c. 155, § 101.

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the terms of such license, upon information by the Advocate General or other principal law-officer of the Company in either of the Supreme Courts, and the offender is liable to such fine as the Court may see fit, not exceeding 2,000 rupees for the first offence, and imprisonment for two months if the fine is not paid: on conviction of a second offence, 4,000 rupees or four months imprisonment, or he may be sent home and prosecuted for a misdemeanor. Persons not licensed may be sent home without being afterwards prosecuted, and the Governor-General, or in his absence the Vice President and Governor of any presidency or settlement, to take, arrest, seize, and send them to the United Kingdom on board any ship or ships in the Company's service.

All British subjects are required to enter in the provincial office the name and place of their native stewards and agents. Justices of the peace may be appointed from the British subjects. By the act of 1813, justices of the peace in the provinces have jurisdiction in case of assault and trespass committed by British subjects on the natives of India, and in cases of small debts due to natives from British subjects.

LAWS.

Amenable to Courts in India and England, and subject to the local Regulations.

1784. 24 Geo. 3, c. 25, § 44.

British subjects amenable to justice for all acts done in India.

(1) All his Majesty's subjects, as well servants of the United Company as others, shall be and are hereby declared to be amenable to all courts of justice (both in India and in Great Britain) of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions, trespasses, misdemeanors, crimes, and offences whatsoever, by them or any of them done, or to be done or committed, in any of the lands or territories of any native prince or state, or against their persons or properties, or the persons or properties of any of their subjects or people, in the same manner as if the same had been done or committed within the territories directly subject to and under the British government in India.

1786. 26 Geo. 3, c. 57, § 29.

Persons resident in India amenable to the courts there.

(2) As well the servants of the United Company as all other of his Majesty's subjects resident or to be resident in India, shall be, and are hereby declared to be amenable to the courts of Oyer and Terminer and gaol-delivery, and courts of murders, felonies, homicides, manslaughters, burglaries, rapes of women, perjuries, confederacies, riots, routs, retainings,

retainings, oppressions, trespasses, wrongs, and other misdemeanors, offences and injuries whatsoever, by them done, committed, or perpetrated, or to be by them hereafter done, committed, or perpetrated in any of the countries or parts of Asia, Africa, or America, beyond the Cape of Good Hope to the Streights of Magellan, within the limits of the exclusive trade of the said United Company, whether the same shall have been done, committed, or perpetrated, or shall hereafter be done, committed, or perpetrated against any of his Majesty's subjects, or against any other person or persons whatsoever.

1786. 26 Geo. 3, c. 57, § 29.

1793. 33 Geo. 3, c. 52. § 67.

His Majesty's subjects amenable to courts of justice in India and Great Britain for offences in the territories of native princes.

(3) All his Majesty's subjects, as well servants of the United Company as others, shall be and are hereby declared to be amenable to all courts of justice, both in India and Great Britain, of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions, trespasses, misdemeanors, offences and crimes whatever, by them or any of them done or to be done or committed in any of the lands or territories of any native prince or state, or against their persons or properties, or the persons or properties of any of their subjects or people, in the same manner as if the same had been done or committed within the territories directly subject to and under the British government in India.

1813. 53 Geo. 3. c. 155, § 35.

All persons to be subject to the regulations of the local governments.

(4) All persons who shall proceed to the East-Indies 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.

As to granting Licenses.

§ 33.

When the Court of Directors refuse, the applications to be transmitted to the Board.

(5) 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 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

LAWS. 1813. 53 Geo. 3, c. 155, § 33.

mission so 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.

§ 34. (6) 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.

Directors may make representations thereon to the Board.

Governments not to license but under special circumstances.

§ 37. (7) 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 tenth day of April one thousand eight hundred and fourteen, unless such person shall have been previously furnished with a license 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, 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 license 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

Governments in India not to sanction the residence of his Majesty's subjects without the authority of the Directors, except under special circumstances.

LAWS. 1813. 53 Geo. 3, c. 155, § 37.

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.

§ 38. Board of Control may authorize any persons to proceed to and reside, except within certain limits of the charter.

(8) It shall and may be lawful for the 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.

§ 39. His Majesty's subjects authorized to go to and reside at places within certain limits without license.

(9) 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 any license whatsoever; any thing in this or any other act, or in any charter contained to the contrary notwithstanding.

British Subjects to reside within ten miles of a principal Settlement, unless licensed by Government to reside beyond it.

1793. 33 Geo. 3, c. 52, § 98. No persons to reside more than ten miles from a principal settlement without leave of the Governor, &c.

(10) During all such time as the Company shall be entitled to the said exclusive trade, subject as aforesaid, it shall not be lawful for any British subject or subjects in the service of the said Company, or licensed by them to go to, or to live, or continue in India, to reside in any other place there than in one of the principal settlements of the said Company, or within ten miles of such principal settlement, without the special license of the said Company, or of the Governor-General, or Governors of such principal settlement, in writing, for that purpose first had and obtained; nor shall any such British subject or subjects go to or continue beyond the limits aforesaid for any longer space of time, or at any other time or times respectively, than shall be specified in his or their license or order of leave in that behalf, on pain of being dismissed the service of the said Company, and forfeiting to the said Company such wages, salaries

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salaries and allowances as shall be due by the said Company to the person or persons so offending, and of his or their license or licenses to continue or reside in India.

Resident beyond ten miles.

1813. 53 Geo. 3, c. 155, § 107.

(11) 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 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 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 Saint George, and Bombay aforesaid, it would be competent to a party to any final judgment or decree of any subordinate civil or revenue

§ 34

British subjects residing or trading or occupying immoveable property, ten 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 courts.—Not to bar the jurisdiction of the King's courts.—The plaintiff may sue there, at his election.

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1813. 53 Geo. 3, c. 155, § 107.

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, 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 Saint 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.

§ 108.

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 not filing it.

(12) 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 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

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53 Geo. 3, c. 155, § 108.

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.

Licenses and Certificates to British Subjects may be withdrawn.

§ 36.

(13) If any person, having obtained a certificate or license 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 license 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

Governments in India may declare certificates and licenses to be void. — Persons not to be prosecuted for residing without a license, until two months after notice.

taken to be a person residing and being in the East-Indies without license 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 license 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 license 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 a subject of itself.

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1813.
53 Geo. 3, c. 155, § 36.

Unlicensed and dismissed Persons, or Persons who have voluntarily resigned.

1793.
33 Geo. 3, c. 52, § 129.

Ships, &c. of unlicensed persons trading within the limits of the East-India Company forfeited, &c.

(14) And whereas various statutes have been heretofore made for securing to the said United Company their sole and exclusive right of trading to the East-Indies, and parts aforesaid, during the continuance of such sole and exclusive right, and to restrain all illicit and clandestine trade to, in, and from the East-Indies, and parts aforesaid; and whereas the limitations and provisions in this act contained, concerning the future conduct of the said trade, require that some alterations should be made in the said statutes; and it may be convenient that such provisions as shall be deemed necessary for securing to the said Company the full benefit of such sole and exclusive right (subject to the provisions and limitations contained in this act), and for restraining all clandestine and illicit trade in, to, and from the East-Indies, and parts aforesaid, should be reduced into one act of Parliament: be it further enacted, that if any of the subjects of his Majesty, his heirs or successors, of or belonging to Great Britain, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, or Faro Isles, or to any of his Majesty's colonies, islands, or plantations in America or the West-Indies, other than such as by the said United Company shall be licensed, or otherwise thereunto lawfully authorized, shall at any time or times, before such determination of the said Company's whole and sole trade as is hereinbefore limited, directly or indirectly sail to, visit, haunt, frequent, trade, traffic, or adventure to, in, or from the said East-Indies, or other parts hereinbefore mentioned, contrary to the limitations and provisions of this act, or the true intent and meaning thereof, all and every such offender or offenders shall incur the forfeiture and loss of all the ships and vessels belonging to or employed by such subjects respectively, with the guns, tackle, apparel and furniture thereunto belonging, and also all the goods and merchandize laden thereupon, or which were or shall be sent, acquired, traded, trafficked, or adventured within the said East-Indies, or

LAWS. 1793. 33 Geo. 3, c. 52, § 129.

or parts aforesaid; and all the proceeds and effects of such goods and merchandize, and double the value thereof (to wit), one-fourth part of such forfeiture to such person or persons who shall seize, inform, or sue for the same; and the other three-fourth parts thereof to the use of the said United Company, they defraying thereout the charges of prosecution.

§ 130.

(15) All and every subject and subjects of his Majesty, his heirs or successors, of or belonging to Great Britain, or the islands, colonies, or plantations aforesaid, or any of them, who shall at any time or times before such determination of the said United Company's whole and sole trade, as is hereinbefore limited, go, sail, or repair to the said East-Indies, or parts aforesaid, against any of the provisions of this act, shall be deemed and accounted to have unlawfully traded and trafficked there, and all the ships, goods and merchandize which shall be employed therein, or found in his or their custody, or in the custody of any other person or persons by his or their employment, order, or procurement, shall and may be seized, and shall be forfeited, with double the value thereof; one-fourth of which forfeiture shall belong to the person or persons who shall seize, inform, or sue for the same; and three-fourths thereof to the use of the said United Company, they thereout defraying the charges of prosecution.

Persons going to the said parts contrary to this act, to be deemed to have traded unlawfully.

§ 131.

(16) If any subject or subjects of his Majesty, his heirs or successors, of or belonging to Great Britain, or any of the islands, colonies, or plantations aforesaid, not being lawfully licensed or authorized, shall at any one time or times before such determination of the said Company's whole and sole trade, as is hereinbefore limited, directly or indirectly go, sail, or repair to, or be found in the East-Indies, or any of the parts aforesaid, all and every such person and persons are hereby declared to be guilty of a high crime and misdemeanor, and being convicted thereof, shall be liable to such fine or imprisonment, or both fine and imprisonment, as the court in which such person or persons shall be convicted shall think fit; and in case of a fine, one moiety thereof shall belong to his Majesty, his heirs or successors, and the other moiety thereof to the said United Company, if they shall prosecute the said offence, or otherwise such moiety shall be to the use of such person or persons as shall prosecute the same.

Any unlicensed persons going to those parts, or found therein, liable to fine and imprisonment.

§ 132.

(17) At any time or times before such determination of the said Company's whole and sole trade as is hereinbefore limited, it shall and may be lawful to and for the said Company and their successors, by and through such person or persons as is and are hereafter mentioned, to take, arrest and seize, or cause to be taken, arrested and seized, at any place or places within the East-Indies, or parts aforesaid, all and every person and persons, being a subject or subjects

Such persons may be arrested and sent to England for trial, and may be committed.

LAWS. 1793. 33 Geo. 3, c. 52, § 132.

jects of his Majesty, his heirs or successors, of or belonging to Great Britain, or to any of the islands, colonies, or plantations aforesaid, who shall go, sail, or repair to, or be, or be found within the said East-Indies or parts aforesaid, against any of the provisions of this act, and him or them to remit and send or bring to England, there to answer for his, her, or their offence according to due course of law; and when such person or persons shall arrive in England, it shall and may be lawful to and for any one or more of his Majesty's justices of the peace, and he and they are hereby authorized and required to commit all and every such person or persons to the next county gaol, there to remain until sufficient security be given, by natural-born subjects or denizens, for the appearance of such person or persons in the court in which he or they shall or may be sued or prosecuted, or shall be under actual prosecution in respect of such his or their offence, and for his or their not going out of court, or out of the kingdom, without the leave of such court.

By whom such persons may be arrested, and forfeited vessels, &c. seized.

§ 133.

(18) The powers and authorities hereby given to the said Company, of taking, arresting, seizing, remitting, or sending to England, any such person or persons as aforesaid, together with the power of seizing any ships, vessels, goods, merchandize and effects, by this act made liable to seizure or forfeiture, shall and may be enforced and put in execution in the name of the said Company, by the order and authority of the Governor-General of Fort William in Bengal, or the Governor of Fort St. George and Governor of Bombay for the time being respectively, or by any chief officer of the said Company resident at any other of the British settlements in the East-Indies respectively, or by the order and authority of the said Company's council of supracargoes for the time being, at the town or factory of Canton, within the said town or factory, and upon the river of Canton, or other part of the coasts of China, and by such other persons as shall be from time to time especially deputed and authorized for that purpose by the Court of Directors of the said United Company for the time being.

Persons dismissed, &c., who shall be found within the limits aforesaid, after the time allowed, to be deemed to have unlawfully traded.

§ 134.

(19) During such time as the said Company shall have such whole and sole trade as aforesaid, if any person or persons who shall have been dismissed from, or shall have voluntarily resigned the service of the said Company, or any free merchant, free mariner, or other person, whose covenants or agreements with the said Company shall be expired or have ceased, or whose license to go to, or traffic, trade, or reside within the said East-Indies, or parts aforesaid, shall have ceased and determined, shall be or be found in the East-Indies, or parts and limits aforesaid, after the expiration of such time as shall be allowed by the respective governments or presidencies in India wherein such person or persons

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1793. 33 Geo. 3, c. 52. § 134.

sons shall be or be found, every such person and persons shall be deemed and taken, to all intents and purposes whatever, to have unlawfully traded in the said parts and limits contrary to this act, and shall be subject to all the penalties, forfeitures and provisions of this act, against persons unlawfully going to or trafficking, trading or adventuring or found in any place within the said parts and limits accordingly.

1813. 53 Geo. 3, c. 155, § 40.

(20) 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 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 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 traffic, and the owners, masters, and crews thereof, and all goods, merchandize, treasure and effects shipped or laden therein, 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 (act supra), or either of them, or in any act or acts now in force, and which pains, penalties, forfeitures, disabilities, and methods of [illegible] 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 exclusiue 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 traffic 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 term hereby granted to the said Company, for the purpose

Unlicensed persons trading to or going within the limits of the Company's charter, otherwise than as allowed by this act, shall be subject to all the penalties imposed on illicit traders. 33 Geo. 3, c. 52, § 129, and subsequent sections.

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1813. 53 Geo. 3, c. 155, § 40.

purpose of preventing any such unlawful trade or traffic 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.

§ 101.

Provision for summary conviction and punishment of British subjects being in India without license, or exceeding the terms of their license.—Penalty.—Not to prevent such British subjects from being prosecuted for misdemeanors, or sent home;—but not on account of residence previous to conviction.

(21) 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 license or certificate, or beyond the terms of such license 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 license 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 license 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 not within the true intent and meaning of such license 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 authorized 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,

LAWS. 1813. 53 Geo. 3, c. 155. § 101.

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 license 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 the United Kingdom, in respect of any residence in the East-Indies, or parts aforesaid, previously to the date of such conviction.

§ 104.

Persons residing in India without license, may be sent home without being afterwards prosecuted.

(22) 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 license 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

LAWS. 1813. 53 Geo. 3, c. 155, § 104.

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.

§ 123.

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.—Treble costs.

(23) And be it farther 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 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 possessed of a license or licenses, certificate or certificates in writing, authorizing him or them to go to or reside and traffic 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, licenses, 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.

Assault and Trespass on Natives.

§ 105.

Justices of peace in the provinces shall have jurisdiction in case of assault and tres-

(24) 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

LAWS. 1813. 53 Geo. 3, c. 155, § 105.

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 town 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, 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

Magistrates to transmit copies of convictions of British subjects on the natives of India, and proceedings, to the government. — Fines to be paid to the magistrate. — Application thereof. — Convictions removable by *certiorari*, and subject to provisions of 33 Geo. 3. cap. 52.

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: 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.

LAWS. 1813. 53 Geo. 3, c. 155. § 105.

Debts to Natives from British Subjects.

Justices of the peace to have jurisdiction in cases of small debts due to natives from British subjects.

(25) 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 herein-before made and provided in respect to the levying of fines in case of the conviction of a British subject before such magistrate.

§ 106.

LAWS.

Justices of the Peace.

1793. 33 Geo. 3, c. 52, § 151. (25) Justices of the peace may be appointed from the British subjects or inhabitants by the Governor-General in Council.

Loans in India.

1773. 13 Geo. 3, c. 63, § 30. (27) No Person shall take on loan of monies above twelve per cent. per annum—and persons engaging in such shall forfeit for every offence treble the value.

1797. 37 Geo. 3, c. 142, § 28. (28) From 1797, no British subject to lend any money, or be concerned in raising any for native Princes, without the consent of the Court of Directors or Governor in Council.

1781. 21 Geo. 3, c. 65, § 29 (29) No British subject in India to lend any sum or sums to foreign companies or foreign European merchants.—(*Vide* Loans and Interest on Loans.)

Misdemeanors beyond 100 *Miles from Presidency.*

1813. 53 Geo. 3, c. 155, § 103. (30) 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 St. 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.

For misdemeanors committed by British subjects more than one hundred miles from a presidency, informations may be filed *ex-officio*, and prosecuted as in the Court of King's Bench in England.

1823. 4 Geo. 4, c. 81, § 2. (31) Persons accused of capital crimes 125 miles from the presidency can be tried by court martial.—(*Vide* Military Forces.)

Native Partner or Servant of British Subjects to be registered.

1781. 21 Geo. 3, c. 70, § 13. (32) All and every of his Majesty's British subjects shall cause to be entered in the Provincial Office of the district in which the said British subject does most commonly reside, the name, description, and place of abode of his native steward or stewards, agent or agents, or partner or partners in any concern of revenue or merchandize (if any such steward,

All British subjects shall enter in the Provincial Office the name and place of abode of their native stewards, agents, &c.

LAWS.

steward, agent, or partner he hath), and in like manner shall enter, or cause to be entered, within three months from the time of succession, or new appointment, or new partnership, the names of him or them who are dismissed, dead, or new-appointed in the said Provincial Office; and the president of the said Council is directed to transmit within three months to Calcutta, the name of every person who shall succeed to the said employment or partnership, for which a fee of one sicca rupee for every entry, and no more, shall be paid to the officer keeping the said register. 1781. 21 Geo. 3, c. 70, § 13.

§ 14.

Penalty on British subjects employing any native agent, &c. not so registered. (33) If any British subject shall be convicted before the Supreme Court of employing any native agent, or engaging with any native partner, not registered as hereinbefore is provided, or who shall be *bonâ fide*, and in effect and substance, such agent or partner (although by covin, collusion, or deceit, the same may be recovered and concealed, contrary to the true intent and meaning of this act), the said British subject, if in the Company's service, shall forfeit, on conviction, the sum of five hundred pounds, and if not in the Company's service, shall forfeit one hundred pounds to any person suing for the same.

§ 15.

§ 16.

(34) No native entitled to any salary till registered.

Penalty on British European subjects engaging in trade with native partners not registered. (35) If any British European subject shall engage in any concern of trade with a native partner not registered as herein directed, the said British subject shall not be entitled to recover or receive any sum or sums of money by reason of the said joint concern, or to compel an account thereof by any suit in law or equity in any court within the said provinces; and any person prosecuting to conviction, in the Supreme Court, a British subject having a native partner or agent not being registered as aforesaid, shall be entitled to, and shall recover by due process of the said Court, the whole of the salary engaged for, and shall also be entitled to an account and receipt of the said British subject's share of profit of any partnership entered into with any person or persons not conforming to the regulations of this act.*

Counterfeiting Licenses.

1813. 53 Geo. 3, c. 155, § 120.

Counterfeiting licenses or certificates, or attested copies thereof, punishable with fine and imprisonment. (35*) Be it 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 Straits of Magellan, where the said Company shall have a settlement, factory, or other establishment, shall counterfeit, erase, alter or falsify any license, authorizing any ship or vessel to proceed to any place in the East-Indies, or parts aforesaid, or any license or certificate authorizing any person to go to or reside at any such place, or any attested copy of any such license or certificate, or shall utter or publish as true any such counterfeited, erased, altered or falsified license, 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.

* The same provisions as to registry of natives extended to Madras and Bombay by the 37th Geo. 3, c. 142.

BY-LAWS.

The power of making and constituting By-Laws is vested in the majority of Proprietors qualified for electors when assembled in General Court, by the charter of William III.

At the first General Court of the United East-India Company, held under that charter on the 25th March 1709, it was resolved that a committee of fifteen proprietors, whereof nine to form a quorum, should be chosen by ballot to frame by-laws for the government of the Company. No proprietor was eligible to be chosen, who did not possess £2,000 stock. The committee, which was chosen on the 29th March, reported on the 29th September.

By the twenty-sixth by-law then ordained, the committee was henceforth to consist of seven members, who were to be chosen by baliot, in the month of June in each year. In the year 1716 it was resolved in General Court that the choice should in future be made by shew of hands instead of by ballot and by motion, for the appointment of each member separately: this mode has existed to the present time. In 1775 a motion was made to revert to the system of electing the committee by ballot, but it was negatived. Alterations have been made from time to time in the code of By-laws.

In 1813, in consequence of the act of the 53d Geo. III, c. 155, the committee met to consider whether any alterations were requisite in the then existing laws. On the 16th February 1815, they reported their proceedings to the court, with suggestions for such alterations as had become requisite under the provisions of the above-mentioned act. In concluding the report, the committee expressed the gratification which they felt at observing the clear and comprehensive system upon which the extensive affairs of the Company had been conducted, reflecting much honour upon the Court of Directors, and the officers employed under them.

Sundry

Sundry alterations in the laws were proposed in General Court; and, among others, it was resolved that the committee of by-laws should in future consist of fifteen members instead of seven, and that five should be a quorum.

The committee are required to meet twice in the year, and to be summoned by the secretary for the time being, on the requisition of any two of its members.

No by-law can be effectual which shall alter the constitution of the Company, as provided for by charter, or which shall be contrary to any act of Parliament either existing or which may be passed for regulating the Company's affairs. The by-laws are required to be read in the first Court of Directors and first General Court after every annual election. No by-law can be suspended, altered, or repealed without the consent and approbation of two special General Courts; of the first of which fourteen days' public notice, at the least, must be given. Offending against the by-laws subjects the party, if a Director, to be removed, and renders him incapable of holding any other office or employment under the Company; if an officer, to be dismissed the service.

LAWS.

1698. Charter Wm. 3.

The General Court to make by-laws for calling in money, making dividends, and government of the Company.

(1) And we do hereby, for us, our heirs and successors, grant to the said English Company trading to the East-Indies, that all and every the said members qualified for electors as aforesaid shall have full power, and they are hereby authorized in the General Courts or assemblies aforesaid, by majority of their votes as aforesaid, to make and constitute reasonable by-laws, constitutions, orders, and ordinances from time to time, as well for raising and calling in, and payment of monies for an additional joint stock, for the better carrying on and managing the said trade, and for the applying and proportioning the profit, advantage, and produce arising by the joint stock and trade, as for the good government of the said trade to the East-Indies and other the parts aforesaid, and of the factors, agents, officers, and others concerned in the same; and to inflict reasonable penalties and punishments by imprisonments, mulcts, fines, or amerciaments for any breach or breaches thereof, and to levy such fines, mulcts, or amerciaments to the use of the said Company and their successors, so that such by-laws be not repugnant to the laws of this our kingdom, and be confirmed and approved according to the statutes in such cases made and provided; all which mulcts, fines, and

and amerciaments shall and may be recovered and received, to the only use and behoof of the said Company and their successors, without any account or other matter or thing, to be therefore rendered to us, our heirs or successors.

By-Laws.

BY-LAWS. c. 3, § 1 to 4.

A committee of by-laws to be chosen annually in June.

Item, it is ordained, that at the General Court to be held yearly in the month of June, a committee of fifteen shall be chosen, whereof five to be a quorum, who being thereby authorized and empowered, are required to meet at least twice in the year, to inspect the by-laws, and to make inquiry into the observance and execution of them, and to consider what alterations and additions may be proper to be made, and to report their opinions from time to time to the General Court; and that the said committee shall be summoned to meet by the secretary for the time being, on the requisition of any two members thereof.

By-laws, when to be read.

That the by-laws shall be read in the first Court of Directors, and first General Court, after every annual election.

No by-laws to be altered without the consent of two General Courts.

That no by-laws shall be ordained, altered, repealed, or suspended without the consent and approbation of two General Courts, especially to be called for that purpose; of the first of which General Courts fourteen days' public notice, at the least, shall by given.

Directors or other persons guilty of a wilful breach of the by-laws, to be removed, and rendered incapable of holding any office.

That if any Director shall be guilty of a wilful breach of any of the by-laws of this corporation, to which any other special penalty is not annexed, and shall be so adjudged by a General Court, he shall be liable to be removed from his office of Director, and shall be incapable thereafter of holding any other office or employment under this Company; and if any other officer or servant of this Company shall be guilty of a wilful breach of any of the by-laws of the corporation, to which any other special penalty is not annexed, he shall be dismissed from the service, and be incapable of holding any office or employment under this Company, the qualification for which is subject to the regulation of the General Court.

CAPITAL STOCK.

The original amount of the Company's capital stock, under the 10th Wm. III. was £2,000,000. In 1708, by the 6th Anne, the Company were permitted to increase it to £3,200,000. In 1786, by the 26th Geo. III., the amount was further increased by raising £800,000 at £155 per cent., making a total of £4,000,000, which in 1789 was increased to £5,000,000, by raising another million at £174 per cent. In 1793 the Company were permitted, under the 33d Geo. III. cap. 47, to increase it to £6,000,000, on condition that, of the sum so raised, such part as was necessary should be applied to reduce the bond debt, then £3,200,000, to £1,500,000. By another act in the same year, cap. 52, a guarantee fund was provided for to the extent of £12,000,000: by the act of 1813 other provisions were introduced, which will be noticed.

In 1797, the affairs of the Company required the permanent advance of a considerable sum of money. An act was accordingly passed permitting an addition of £2,000,000 to be made to the capital stock, which stock, had it been raised, would have made the total £8,000,000; the guarantee fund provided for in the act of 1793 was to be increased to £16,000,000.

The Company did not avail themselves of such permission to increase the capital stock, but in 1807 obtained an act authorizing them to increase their bond debt from £3,000,000 to £5,000,000. At the same time it was provided, in the event of the Company increasing their capital under the act of the 37th Geo. III. cap. 31, the amount of the increased bond debt was to be reduced after the rate of £200 for every £106 stock raised, till the bond debt should be reduced to £3,000,000.—Subsequent provisions, in the 51st Geo. III. cap. 64., enabled the

47 Geo. 3, Sess. 2, c. 41, § 1—3.

the Company to raise money, either by the increase of the capital stock under the 37th Geo. III, cap. 31, £2,000,000, or by increasing their bond debt £2,000,000, so that the whole sum raised on bond should not exceed £7,000,000.—(*Vide* Debts of the Company.)

The present amount of the capital stock is £6,000,000; the dividend on which is 10½ per cent.

Guarantee Fund.

By the act of the 53d Geo. III. cap. 155, sec. 59, it is provided, that when the principal debt of the Company in India shall have been reduced to ten millions (£10,000,000), calculated at 2*s.* the Bengal current rupee, 8*s.* the Madras pagoda, and 2*s.* 3*d.* the Bombay rupee, and the bonded debt in Great Britain reduced to £3,000,000, the surplus proceeds of territorial revenue and home profits are to be applied in repayment of the capital of public funds created for the Company; and any further surplus is to be paid into the Exchequer, to be a guarantee fund, not exceeding £12,000,000, for the capital stock and dividends.—(*Vide* Appropriation.)

LAWS.

Capital may be Six Millions.

1793. 33 Geo. 3, c. 47, § 8.

The Company, with consent of the Treasury, may add £1,000,000 to their capital stock. — Subscribers to be incorporated with the Company.

(1) And whereas, in the present circumstances of the said Company, it is fit and proper that they should be empowered to raise a further sum of money, beyond what they are authorized by law to raise, for the purposes to which the same is hereinafter directed to be applied; and it is expedient that such money should be raised by a further increase of their capital stock: be it further enacted, that it shall and may be lawful to and for the said Company, and they are hereby authorized and empowered, by and with the consent and approbation of the Commissioners of his Majesty's Treasury for the time being, or any three or more of them, or of the high-treasurer for the time being, at any time or times hereafter, to open books, and to receive subscriptions from any person or persons, natives or foreigners, bodies politic or corporate, for enlarging their present capital stock or fund of *five millions* to any sum not exceeding the further sum of one million capital stock, *so as to make their whole capital stock the sum of six millions*; which said additional capital stock shall be subscribed and paid

LAWS.

1793. 33 Geo. 3, c. 47, § 8.

paid for at the rate of two hundred pounds for every one hundred pounds of such stock, or at such other rate as the Court of Directors of the said Company, with the consent and approbation of the Commissioners of his Majesty's Treasury for the time being, or any three or more of them, or of the high-treasurer for the time being, shall direct; which said subscription shall be made, and the money for the said additional stock shall be paid, in such manner and form, and by such instalments and proportions, as the said Court of Directors, with such consent and approbation as aforesaid, shall appoint; and the capital stock so subscribed and paid for shall, from and after the time of such payment, be deemed, considered, and taken as and for a part of the capital stock of the said Company; and the said subscribers, from and after the time of making full payment for the said additional stock, and their respective executors or administrators and assigns, shall at all times be deemed and reputed to be Members of the said Company, and incorporated therewith, and shall be intitled unto, and have, hold, and enjoy all and every the profits, benefits, privileges, advantages, and immunities, and be subject and liable to all and every the regulations, rules, and orders whereto the present stock-holders and Members of the said Company, in respect of the stock held by and belonging to them, are respectively intitled, subject, and liable unto, by any act or acts of Parliament, charter, or by-law, or otherwise howsoever; and the said additional stock shall be transferable and assignable, and the proprietors and holders thereof shall hold their respective shares of the said additional stock, in like manner respectively as the present stockholders of the said Company now do and hereafter shall hold and enjoy the respective sums belonging or to belong to them in the present capital stock of the said Company, and the same shall in all respects be consolidated and united into one joint capital stock.

Capital may be raised to Eight Millions.

1797. 37 Geo. 3, c. 31, § 1.

Preamble. — The Company, with consent of the treasury, may add £2,000,000 to their capital stock. — Subscribers to be incorporated with the Company.

(2) Whereas the affairs of the United Company of Merchants of England trading to the East-Indies require a permanent advance of a considerable sum of money beyond what the said Company can raise under the powers now vested in them by law: and it is expedient that such money should be raised by an increase of their capital stock; be it enacted by the King's most excellent Majesty, that it shall and may be lawful to and for the said United Company, and they are hereby authorized and empowered, by and with the consent and approbation of the Commissioners of his Majesty's Treasury for the time being, or any three or more of them, or of the high treasurer for the time being, from time to time, and at any time or times hereafter, to open books and receive subscriptions from any person or persons, natives or foreigners,

LAWS. 1797. 37 Geo. 3, c. 31, § 1.

reigners, bodies politic or corporate, for enlarging their present capital stock or fund of six millions of pounds to any sum or sums not exceeding the further sum of two millions capital stock, *so that their whole capital stock shall not exceed the sum of* £8,000,000; which said additional capital stock shall from time to time be subscribed and paid for at such rate for every one hundred pounds of such stock as the Court of Directors of the said United Company, with the consent and approbation of the Commissioners of his Majesty's Treasury for the time being, or any three or more of them, or of the high treasurer for the time being, shall direct; which said subscriptions shall be made, and the money for the said additional stock shall from time to time be paid, in such manner and form, and by such instalments and proportions, as the said Court of Directors, with such consent and approbation as aforesaid, shall appoint; and the capital stock so subscribed and paid for, shall, from and after the time of such payment, be deemed, considered, and taken as and for a part of the capital stock of the said Company; and the said subscribers, from and after the time of making full payment for the said additional stock, and their respective executors or administrators and assigns, shall at all times be deemed and reputed to be members of the said United Company, and incorporated therewith, and shall be entitled unto, and have, hold, and enjoy all and every the profits, benefits, privileges, advantages, and immunities, and be subject and liable to all and every the regulations, rules, and orders, whereto the present stockholders and members of the said United Company, in respect of the stock held by and belonging to them, are respectively entitled, subject, and liable unto by any act or acts of parliament, charter, or by-law, or otherwise howsoever.

§ 2.

(3) And be it further enacted by the authority aforesaid, that the said United Company shall and may, from time to time, make and pay the like dividends to the proprietors of the said additional stock, as they now do and hereafter shall and may make and pay to the proprietors and holders of the present stock of the said United Company, the first of which said dividends shall commence from such time as shall be specified in the proposals or terms to be offered for the said subscription, by the said Court of Directors, with such consent and approbation as aforesaid.

The like dividends to be paid on the additional as on the present stock.

§ 3.

(4) Provided nevertheless, and be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said Court of Directors, with such consent and approbation as aforesaid, to give the option and preference in subscribing for the said additional stock, to such persons as shall hold the said Company's stock at the time or times of such subscription as aforesaid, as far as and not exceeding the amount

Preference to be given to present proprietors, not exceeding fifty per cent. on their capital.—If their subscriptions be more than sufficient, a proportionable deduction to be made; and if less, the deficiency may be supplied by others.

LAWS. 1797. 37 Geo. 3, c. 31, § 3.

amount of fifty pounds per centum on the capital stock which shall then be held by each stockholder so subscribing, for all such sums as they shall subscribe, on or before a day to be named by the said Court of Directors, with such consent and approbation as aforesaid; and in case the subscriptions made by them on or before such day shall exceed the sum proposed to be sold at that time, a proportionable deduction shall be made from each subscription; and if such subscription shall, on the close thereof on such day as aforesaid, fall short of the sum proposed to be sold, the deficiency shall be disposed of to other persons, as the said Court of Directors, with such consent and approbation as aforesaid, shall think fit.

§ 4.

(5) Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend, or be construed to extend, to prevent or restrain the Court of Directors of the said United Company, by and with such consent and approbation as aforesaid, from agreeing with one or more person or persons, bodies politic or corporate, for the sale of the whole of the said additional capital stock, or for such part or parts thereof as they shall from time to time think fit and find it necessary and proper to sell; but it shall and may be lawful for the said Court, with such consent and approbation as aforesaid, to contract for and agree to sell the whole, or any part thereof, to one or more person or persons.

The additional stock, with consent of the Treasury, may be sold to one or more persons.

§ 5.

(6) And be it further enacted by the authority aforesaid, that as soon as reasonably may be after the deposit or first payment shall be made for the said additional stock to be subscribed for, the said Company's cashier or treasurer shall give a receipt for the same, and so from time to time as future payments shall be made; which said receipts shall be assignable and transferable by indorsement thereon; and when the last payment shall be made on the said additional stock to be subscribed for as aforesaid, the holder of such receipt, on delivering up the same, shall have his or her name entered in proper books to be kept by the said United Company for that purpose, with an account of the capital stock belonging to each proprietor, in like manner as the accounts of the present proprietors of India stock are kept.

Receipts to be given for deposits, which may be assigned, &c.

§ 6.

(7) Provided always, nevertheless, and be it further enacted, that in case any subscriber or subscribers, after having subscribed, shall fail in making all or any the payments agreed at the respective times for such payments, then and in every such case the said United Company shall and may take in subscriptions for and sell the stock subscribed for by such defaulter, to any other person or persons; and all deposits and payments made by such defaulter, previous to such default, shall be forfeited to and become the property of the said United Company.

Deposits of defaulters to be forfeited.

(8) And

LAWS.

1797.
37 Geo. 3, c. 31, § 7.

(8) And be it further enacted by the authority aforesaid, that it shall and may be lawful for any guardian or trustee having the disposition of the money of any infant, to subscribe and pay for the said additional stock, or any part thereof, upon the terms and conditions contained in this act; and such infant, upon the payment of such sum or sums by such guardian or trustee, shall be entitled unto the stock so subscribed and paid for on his account, and to all advantages in respect thereof, in like manner as any other purchaser or subscriber; and the said guardian or trustee, as to the sum or sums advanced by him, shall be, and is hereby discharged in respect thereof, so as the name of such infant shall be expressed in the receipt or receipts for such money.

Guardians may subscribe for infants.

CARNATIC COMMISSIONERS.

The country of the Carnatic, from whence the commission treated of in the following sketch takes its name, extends from the eighth to the sixteenth degree of north latitude, along the coast of Coromandel westward from the sea; it has been distinguished as the Carnatic below and above the Ghauts. It was annexed to the Mogul conquests under Aurungzebe, at the close of the seventeenth century, and made a dependency or nabobship on the Soubah of the Deccan, of which power it formed one of the grand divisions.

With the view of putting an end to the hostilities in which we had been engaged with the French from time to time, during a period little short of fifteen years, a negotiation between M. Dupleix and Mr. Saunders took place at Madras, in January 1754.

The point in dispute was, whether Mahomed Ali should be acknowledged Nabob of the Carnatic; his pretensions were supported by the English, and opposed by the French. The negotiation was broken off, and matters were taken up by the governments of the two nations in Europe—Lord Holderness negotiating for the English, and M. Daveleur on the part of the French: the Duke of Newcastle and the French ambassador, the Duc de Mirepoix, sharing in the conference and decisions when necessary. The little knowledge possessed by the parties in Europe as to Indian affairs rendering it utterly impossible for them to adopt any definitive arrangement, M. Godheu was sent out to supersede M. Dupleix in the government of all the French possessions in India, and arrived at Pondicherry in August 1754. On the 11th October a suspension of arms was agreed upon; and, on the 23d December, a provisional treaty, which was to be confirmed or altered in Europe, was signed at Pondicherry. By that treaty Mahomed Ali was left Nabob of the Carnatic.

1754.

The peace resulting from the treaty was but of short duration, as the war which broke out between the two nations in Europe in 1756 extended itself to India. The French ministry meditated a decisive blow in India; the Comte de Lally, a member of one of the Irish families who accompanied James II. to France, was despatched as Commander-in-chief of all the French forces. The memorable contests, in which the Comte de Lally and M. Bussy were opposed to Lawrence, Clive, and Coote, followed, and led to the final evacuation of the Carnatic by the French in 1761. The different reception given by the two nations to their respective commanders, on their return to their native shores, presents a strong contrast: La Bourdonnais (the French naval commander) and Lally were thrown into the Bastile; the former not liberated till he had suffered three years' imprisonment; the latter condemned to suffer an unjust and ignominious death, being dragged through the streets of Paris to his execution.

Dupleix suffered in health and fortune, and his death is reported to have been hastened by grief.

The English having expended large sums in maintaining the interest of Mahomed Ali, looked for some return out of the revennes of the country which they had secured for him.

Treaties were accordingly entered into in 1763 and 1765, specifying the payments to be made by the Nabob. In 1766, the Mogul issued a phirmaund, rendering the Carnatic independent of the Nizam, and bestowing it on Mahomed Ali, together with the title of Wallah Jah Ummeer-ul-Hind, a title which he afterwards invariably used.

In 1767, Hyder (whose great grandfather, a native of the Punjaub, entered the Deccan in the character of a fākir) had raised himself, by his talents and valour, to the government of the kingdom of Mysore, originally one of the dependencies of the great Hindu government of Bijanuggur, and ultimately proved the most formidable enemy we had to contend with in India. He had effected an alliance with the Nizam, and having planned an attack on the Carnatic, actually approached within a short distance of Madras with five thousand horse. In 1769, having drawn the English army a considerable way from Madras,

Madras, he marched with great rapidity six thousand horse to St. Thomé, from whence he sent a message to the Governor of Fort St. George, requiring that a negotiation should be immediately opened. The result was a treaty concluded on the 4th April 1769; by the second article of which the contracting parties agreed mutually to assist each other in driving out their enemies; and, by the fifth article, to restore all the forts and places which might have been taken by either party from the other.

The incursions of Hyder, and the continued wars to which the Carnatic had been subjected for a series of years, had drained the country of its resources; its revenues were nearly swallowed up in payment of exorbitant interest, by the grant of tunkas or assignments of land. In 1770, the military defence of the country was committed to the English. With the view of recovering his affairs, Mahomed Ali, in 1781, assigned all his revenues to the East-India Company, and an arrangement was entered into with his Highness by the Bengal Government, when provision was made for a settlement of his debts, and a plan for their adjudication was subsequently communicated by the Madras Government to the authorities in Europe.

A Secret Committee of the House of Commons had, in the same year, been appointed to inquire into the causes of the war in the Carnatic, and into the condition of the British possessions in those parts: this Committee, in their Fourth Report, which was presented in February 1782, called the attention of the House of Commons to the debts due by the Nabob to the Company and to private individuals.

By the 37th section of the act of 1784, cap. 25, which first established the Board of Commissioners, the Court of Directors were required to take into consideration the origin and justice of the demands of British subjects on the Nabob.

At the time when this enactment was passed, the private debts of the Nabob were divided into three classes; *viz.*

Old Debt, consolidated in 1767;—New Debt, consolidated in 1777;—and, debt commonly called the "Cavalry Loan;" due for "advances made to the Nabob to enable him to pay "arrears to his cavalry."

Independently of these debts, the Nabob was considerably

in arrear to the Company: and he had, by treaty with the Bengal Government, engaged to liquidate such arrear by an annual payment of seven lacs of pagodas. He subsequently offered to set apart a further sum of five lacs for the discharge of his debts, making a total of twelve lacs.

The Court of Directors, in obedience to the directions of the Legislature, took into consideration the subject of the debts of the Nabob; and finding themselves unable to come to satisfactory conclusions respecting the origin and justice of the whole of such demands, they proposed to instruct the Government of Madras to institute a full examination into them.

The Board of Commissioners for the Affairs of India, which had recently been instituted, and to whom the proposed instructions were necessarily submitted, took a different view of the subject. Directions were substituted for making up the three classes of debts, with interest, and for discharging them out of the before-mentioned fund of twelve lacs of pagodas; to be applied—1st, to the growing interest on the cavalry loan:—2d, to the growing interest on the new debt of 1777. The remainder was then to be equally divided; one-half to be applied to the payment of the arrears to the Company, and the other half to the growing interest and the discharge of the principal of the debt of 1767; and after that should be discharged, then such half was to be applied to the current interest and principal of the cavalry loan. When the cavalry loan was discharged, then the Company were to receive towards their arrears the sum of seven lacs, instead of the moiety of a balance, as stated above; and when the Company's debt was liquidated, the whole of the twelve lacs was to be applied to the discharge of the new consolidated debt of 1777.

The mode thus prescribed by the Board for the settlement of the Nabob's debts, took from the Company for a length of time the greater part of the benefit of the seven lacs of pagodas, which the Nabob had agreed to set apart in satisfaction of their demands.

The Court of Directors made a strong but ineffectual remonstrance against these early proceedings of the Board.

A warm

A warm discussion on the subject took place in the House of Commons, upon a motion for the production of papers, which was made by Mr. Fox on the 28th of February 1785.

The arrangement, as framed by the Board, was despatched to Madras, and promulgated there; in consequence of which, and of other directions from home respecting the affairs of the Carnatic, the preliminary articles of a treaty were entered into between the Government of Fort St. George and the Nabob; in the second article of which his Highness agreed to pay "twelve lacs of pagodas per annum, on account of his "debts to the Company and to private creditors, until those "debts should be discharged." This article was confirmed in a treaty concluded with the Nabob in 1787.

By Art. 2. of that treaty, provision was made for the grant to the Company by the Nabob of an annual sum by way of peace subsidy; and in case of war, for the appropriation, under the Company's direction, of four-fifths of the revenues of the Carnatic to war expenses; the Nabob's proportion of which was fixed at $\frac{25}{31}$ parts. The contingency which was contemplated soon arose, and the Carnatic again became the scene of an extensive war with Tippoo. The entire expenses incurred in consequence, after deducting a payment from Tippoo at the conclusion of the war, amounted to £3,310,000; of which the Nabob's share, and which formed a debt to the Company, amounted to £1,623,000.

Article 10.

Article 11.

On the termination of the war in 1792, a new treaty was formed with the Nabob, by which he engaged to allow the sum of nine lacs of pagodas annually, as peace subsidy; but the sum applicable to the discharge of his private debts was fixed by this treaty at only 6,21,105 pagodas annually.

Under the arrangements framed in 1784, the old consolidated debt of 1767, and a part of the cavalry debt, had been discharged previously to the breaking out of the war with Tippoo in 1790; during which the Company, as stipulated by the treaty of 1787, had received and applied to war expenses four-fifths of the Carnatic revenues; and for that period all payments on account of the creditors were suspended.

The

The state of the debts of the Nabob came again under the consideration of the authorities at home in the year 1794; when Mr. Dundas, then President of the India-Board, proposed a plan for transferring those debts to the Company. That plan did not meet with the concurrence of the Court of Directors. Much correspondence ensued between the Board and the Court; in the course of which the Board proposed, that instructions should be issued to the Government of Fort St. George to the following effect:

The cavalry loan, it was presumed, had been discharged by the payments under the treaty of 1792; and it was calculated that if the payments under the arrangement of 1784 had not been suspended by the war, that loan would have been finally liquidated in 1790; and that, consequently, five lacs would have been applicable from that period to the liquidation of the debt of 1777. The payment of interest to the holders of that debt had also ceased during the war.

It was now proposed, that as the Company found it necessary, in order to provide for the defence of the country, to take possession of the Nabob's territories, and to apply the revenues arising from them to the expense of the war, and not to the payment of the sums which became annually due to the creditors, according to the agreement of 1784, the Company should be considered as having borrowed the sums which ought to have been paid to the creditors from the treaty of 1792.

Upon this principle it was proposed to instruct the Madras Government to pay to the creditors, either in cash or by bonds bearing six per cent. interest, the sums which, but for the suspension in the payments of the cavalry loan, they would have received in liquidation of the principal of their debt, and also the amount of interest which had been suspended during the war. These payments were calculated at upwards of eighteen lacs of pagodas.

The Court of Directors objected in strong terms (although some members dissented from such objection) to these proposals, contending that, during the war, the existing treaties, and the interests of the creditors themselves, required the appropriation of the revenues to the war expenses; and, therefore,

fore, that the creditors, during the war, had no just claim on the revenues.

After much correspondence with the Board of Commissioners and with the agents for the creditors, and after remonstrance on the part of the Court of Directors, the proposed arrangement was accordingly despatched to Madras. The despatch also contained instructions for the payment of the whole of the sum of pagodas 6,21,105, under the treaty of 1792, to the creditors of 1777; and that such payment should not be suspended, on any account whatever, until the debt should be fully liquidated.

It has been before stated, that the sum which was to be paid to the creditors under the orders enforced by the Board, was estimated at upwards of eighteen lacs of pagodas. Under the construction put upon those orders by the Government of Fort St. George, the sum due to the creditors appeared to be more than twenty-three lacs, or one million two hundred thousand pounds.

That Government experiencing considerable difficulty in the execution of the orders, referred them to the Government of Bengal in August 1796, by whom it was determined to issue, in proportions of twenty-five per cent. annually, notes for the amount transferable to Bengal, receivable on the remittance for the Indian debt, and providing for the regular payment of the interest and the discharge of the notes, according to the priority of date.

The whole of these proceedings came under the consideration of the General Court of Proprietors in May 1797, which was held on a requisition from nine proprietors, when a motion was made, declaring that, by the act of the Board of Commissioners for the Affairs of India, the Company had been unjustly subjected to the loss of £1,200,000, and proposing the appointment of a Committee of Proprietors "to consider "what relief could be obtained for the Company, and what "measures ought to be adopted to secure them for the future "from those fatal consequences which must ensue from an "adherence to the principles laid down by the Board."*

A long debate arose upon this motion, the question on

 which

* Vide Papers printed for the Proprietors, 1797.

which was decided by the ballot in the negative on the 18th May 1797; the numbers having been 344 votes for the question, and 563 votes against it. Notwithstanding this decision, the General Court of Proprietors subsequently came to an unanimous resolution approving the proceedings which the Court of Directors had adopted, in consequence of the measures proposed by the Board, declaring that the Board, by enforcing those measures, had placed the Company, in respect to the Nabob of the Carnatic, in a situation different from that which the Legislature had contemplated, and recommending the Court of Directors to take the subject again into consideration, and to adopt such measures as they might think likely to relieve the Company, and to protect them "against "the alarming responsibility and dangers to which they would "be liable according to the principle avowed in the orders "enforced by the Board."

The Directors accordingly addressed another remonstrance to the Board, but to no purpose, the Board being determined to adhere to the arrangement which they had framed. Mahomed Ali died in October 1795, aged seventy-eight, and was succeeded by Omdut-ul-Omrah, his eldest son. In the year 1796, several creditors of the late Nabob of the Carnatic for *unconsolidated* debts addressed the Court of Directors, with a view to an adjustment of their claims: no provision with respect to unconsolidated debts having been made in the former arrangements.

Much correspondence followed, and a reference was made to the Government of Fort St. George, in order that arrangements might be proposed to the existing Nabob, Omdut-ul-Omrah, for the investigation of those demands, and for the appropriation of a fund to the discharge of such of them as might be satisfactorily established.

In July 1801 the Nabob died, when a total change took place in the state of the family of Arcot and the territory of the Carnatic. His successor was Azeem-ul-Dowlah, with whom a treaty was entered into, by which the civil and military government of all the territories and dependencies of the Carnatic, together with the full and exclusive right to the revenues, were vested in the Company for ever.

The

The Company, in the treaty concluded upon that occasion, charged themselves with the annual payment to the creditors in the registered debt, until the same should be liquidated, of the sum of pagodas 6,21,105, which, by the treaty of 1792, the Nabob had engaged to reserve for that purpose; but no provision was made with respect to unconsolidated debts.

In the year 1804, the payment of the consolidated debts was completed. The claimants on account of unconsolidated debts had urged their claims upon the attention of the Court of Directors and the Board of Commissioners for the Affairs of India.

The Court of Directors soon after proposed a plan for the appropriation of a portion of the revenues of the Carnatic to a fund for the liquidation of the debts remaining unsettled, and for the appointment of Commissioners for the purpose of investigating and adjudicating the several claims.

After some discussion, this plan was, in substance, approved by the Board and by the creditors, with whom a formal agreement was executed on the 10th of July 1805; the principal features of which will now be noticed.

Agreement between the Company and the Carnatic Creditors, 10th July 1805.

The agreement provides that the sum of three lacs and forty thousand star pagodas (should so much be derived from the revenues of the Carnatic) shall be appropriated annually to the formation of a fund for the payment of all the just debts to private creditors of the Nabobs Wallah Jah, Omdut-ul-Omrah, and Ameer-ul-Omrah, and that the Company shall allow an interest of six per cent. per annum on the unappropriated balance of such fund.

The Company are not responsible to the creditors for more than such annual payment, nor liable to make good any loss in consequence of a deficiency of revenue, except such deficiency shall have been occasioned by the fault or negligence of the Company's servants.

Classification of debts.

By the agreement the debts are divided into two classes. In the first class are comprized all debts incurred previously to the 12th of February 1785, the day on which the act of the 24th Geo. III, cap. 25, sec. 37, was promulgated at Madras; also all debts of pay to civil and military servants, and all

debts

debts contracted to persons acting under the Company's authority. In the second class are comprized all debts not included in the first class.

Interest upon allowed claims.

The claims are subject to investigation by Commissioners as hereinafter mentioned; and when adjudicated, interest upon the principal is allowed as follows, *viz.*

On claims in the first Class.—From the date when the debt was contracted to the 12th of February 1785, twelve per cent. per annum. From the 12th February 1785 to the 15th May 1804, six per cent. per annum. From the 15th May 1804, four per cent. per annum.

On claims in the second Class.—From the date when the debt was contracted to the 15th May 1804, five per cent. per annum; and from the 15th May 1804, three per cent. per annum.

It is further stipulated that such interest shall be paid half-yearly; *viz.* on the 5th January and the 5th July. That should the fund prove inadequate to meet the demand on account of interest, a proportionate reduction shall be made, and that, in the event of its being more than adequate for that purpose, the surplus shall form a Sinking Fund for the redemption of the principal.

As to the redemption of the principal.

The surplus of the fund, after payment of charges of management and of interest on the allowed claims, it is agreed shall be placed to the credit of the Commissioners of the Sinking Fund at Madras; to be invested in Company's securities, and applied at the discretion of the Commissioners (subject to the control of the Madras Government and of the Court of Directors), to the liquidation of the principal. Six months' notice is required before any of the principal can be paid off; and the payment, if in India, must be made in cash at Madras, or by bills on the Court at twelve months sight, and at eight shillings the pagoda; and if in England, at eight shillings the pagoda. It is also stipulated, that when any of the principal is to be redeemed, advertisements shall be issued inviting proposals for the sale of it; and that, if proposals be made for the sale of a larger sum than is required, the lowest offers shall have the preference; it being always understood that

that the Company are not obliged to accept any unreasonable proposals. The Company may, if they please, pay off the whole debt at par.

Mode of investigation of claims.

The agreement provides that three Commissioners shall be appointed in England to arbitrate and decide on the claims of the creditors; and that three Bengal civil servants shall be appointed by the government of Bengal to sit at Madras, to act as Commissioners and Referees under the Commissioners in England—those in India not being competent to decide any claim.

The first Commissioners in England were named in the agreement, and provision was therein made to enable the Court of Directors, in conjunction with a majority of the creditors, to supply vacancies; if fourteen days elapse after the communication to the Court of a vacancy without its being supplied, the other Commissioners may nominate: if they differ in opinion, the casting vote to be given by lot.

It is to be observed, that no person interested in any claim is qualified to act as a Commissioner.

Power of the Commissioners.

The Commissioners take a prescribed oath, and are empowered to administer oaths to compel the attendance of witnesses and the production of papers, and to commit persons refusing to be examined. They cannot compel any one in England to go to India, or the reverse. The Commissioners in England are required to send copies of any instructions which they may propose to despatch to India, to the Board of Commissioners for the Affairs of India, to the Court of Directors, and to the agents for the creditors, fourteen days before a final decision is had upon them. Each of those authorities may transmit observations upon such instructions; when the Carnatic Commissioners may finally decide and forward the instructions through the Court of Directors, who are required to direct the Local Government to give every proper aid in carrying the same into effect.

Salaries of the Commissioners.

The Commissioners in England enjoy the salary of Parliamentary Commissioners, *viz.* £1,500 per annum. Those in India enjoy salaries as follows: *viz.*

First	Rupees 45,000
Second	35,000
Third	30,000

In

In 1824 the same gentlemen were appointed Commissioners for investigating the claims of the creditors on the Rajah of Tanjore; and it was resolved, that, for the joint duties, they should receive an addition of £300 per annum each, making a total of £1,800 per annum; the same to be reduced to £1,500, whenever one of the Commissions should be closed.—*(Vide* Tanjore Commissioners.)

Registers. There are two Registers of Claims, one at Madras and one in England, who are each allowed a salary of £500 per annum. The appointment of Registers rests with the creditors, subject to the approbation of the Court of Directors, who may dismiss them.

Expenses of the Commission. The Commissioners' expenses and the expenses of investigation are chargeable, one-half to the Company and one-half to the fund.

It may further be observed, that the powers of the Commissioners, as stated above, were confirmed by the Act of the 46th Geo. III, cap. 133, and have been continued from time to time by subsequent enactments.

The Commissioners are required annually to lay a statement before Parliament of the claims decided. The utility of the commission is abundantly evidenced by the result exhibited in the Twenty-first Report of the Commissioners, of the 21st February, which is as follows:—

	£.	s.	d.
" Total aggregate sterling Amount of the Claims.....	30,216,707	11	4½
" Aggregate of absolute Adjudications *in favour* of parties	2,445,630	0	8½
" Aggregate of provisional Adjudications in favour of parties.....	40,000	17	10
	£2,485,630	18	6½
" Aggregate of absolute Adjudications *against* the parties, including the portions disallowed in claims favourably adjudicated	27,163,979	2	4½
Carried over.....	£29,649,610	0	11

" Balance

Brought over	£29,649,610	0	11
" Balance of Claims remaining for Adjudication, when returns, containing the results of the investigations by the Commissioners in India, shall be received, but exclusive of a number of small claims (exceeding 8,000), the subject of the proposed arrangements, mentioned in the following paragraph.....	567,097	10	5½
	£30,216,707	11	4½

" We had the honour to state in our last Report, that we had " decided absolutely on all the cases (with the exception of a " numerous class of small claims proposed to be comprehended " under new arrangements between the East-India Company " and the creditors) which the returns made by the Commissioners in India enabled us to adjudicate; and we also stated, " that we waited their returns to our instructions in reference " to the said arrangements then in progress, for relieving us " from the necessity of investigating the said class of small " debts; and we further stated, that we had lost no time in " transmitting instructions for the investigation of the claims " of Messieurs Chase and Company, and others, whose cases " were included in the Relief Act (59th Geo. III.): it is " again our duty to state to this honourable House, that no " return, in respect to either of these subjects, has as yet " been received by us from India.

" We had the honour to report, that we had not failed " repeatedly to require returns to our several instructions, but " that we apprehended that the illness of the Second Commissioner, and his absence at the Cape of Good Hope, and " the death of the Third Commissioner at a later period, and " the arrangements for the appointment of their successors " (which, though we believed them to have been complete, had " not been announced to us), had occasioned the delay during " the then past year. We have now to state to this honour-

" able

" able House, that, having waited until the arrival of all the " ships which sailed from Madras in the beginning of the year " 1824, and having received no despatches from the Com- " missioners in India, we, on the 20th August 1824, felt it to " be our duty to address the Right Honourable the Governor- " General in Council of Bengal, who, by the fourth clause of " the Deed of Agreement between the East-India Company " and the creditors of the late Nabobs of the Carnatic and of " the Ameer-ul-Omrah, dated the 10th July 1805, alone pos- " sesses control over the said Commissioners, as such; request- " ing that he would be pleased to call upon the Commissioners " to explain the causes which have so long prevented a com- " pliance with our numerous instructions; and, in the event " of these explanations not proving satisfactory to his Lordship " in Council, that he would adopt such measures as might " seem to his Lordship fit and proper to ensure due and " prompt obedience, on the part of the Commissioners in " India, to the directions which they may have already " received, or may in future receive from this Board.

" We have further the honour to state to this honourable " House, that, with a view to accelerate the final close of this " Commission, in the event of the failure or partial failure of " the measures now in operation in India for withdrawing the " small claims, above adverted to, from our jurisdiction, we " have under our consideration such preliminary steps for " enabling us eventually to expedite the adjudication of them, " as can be adopted without embarrassing the arrangements in " progress in India.

" Benjamin Hobhouse,
" Thomas Cockburn,
" Robert Harry Inglis."

LAWS.

1806. 46 Geo. 3, c. 133, § 1.

(1) The said Commissioners,* as soon as they conveniently can after the passing of this act, and before they proceed further in the execution of the trusts reposed

The Commissioners to be sworn.

* The Honourable Richard Ryder,
Benjamin Hobhouse, Esq.
Thomas Cockburn, Esq.

LAWS.

1806. 46 Geo. 3, c. 133, § 1.

reposed in them, and all future commissioners to be named and appointed for the purposes aforesaid, as well in England as in India, before they respectively shall enter upon the execution of the trusts to be reposed in them, shall take the oath following: (that is to say),

" I, A.B., do swear, that, according to the best of my skill and " knowledge, I will faithfully, impartially, and truly execute the " several powers and trusts vested in me by certain articles of agree- " ment, bearing date the 10th day of July, in the year of our Lord " one thousand eight hundred and five, and made between the United " Company of Merchants of England trading to the East-Indies, of " the one part, and the several persons whose hands and seals are " thereto set and affixed, and who respectively are, or claim to be, " creditors of his Highness the Nabob Wallah Jah, formerly Nabob " of Arcot and of the Carnatic in the East-Indies, and then de- " ceased; and of his Highness the Nabob Omdut-ul-Omrah, late " Nabob of Arcot and of the Carnatic, eldest son and successor of " his said Highness the Nabob Wallah Jah, and then also deceased; " and of his Highness the Ameer-ul-Omrah, the second son of his " said Highness the Nabob Wallah Jah, and then also deceased, or " of some or one of them, of the other part, according to the true " intent and meaning of the said articles of agreement, and of the " parties thereto.—So help me God."

Which oath shall and may be administered by any one of the persons already appointed, or hereafter to be appointed, a Commissioner, as well in England as in India, to any other or others of them.

§ 2.

The Commissioners and Courts and Magistrates authorized to administer oaths to parties and witnesses.

(2) And be it further enacted, that it shall and may be lawful for the said persons already appointed, or hereafter to be appointed Commissioners, as well in England as in India, or any two of them, and they are hereby authorized and empowered to examine, *viva voce*, or upon written interrogatories, upon oath or affirmation (which oath and affirmation they, or any two or more of them, are hereby authorized to administer), all persons, whether parties or witnesses, touching any matter referred to the said Commissioners, and that it shall and may be lawful to and for the said Commissioners already appointed, or hereafter to be appointed, as well in England as in India, or any one of them, and for all Courts, Judges, Masters in Chancery, Magistrates, and Justices of the Peace, and for all Masters Extraordinary in Chancery, and all Commissioners, and persons who are or shall be authorized by any Court of Record to take affidavits, and all persons in the East-Indies duly authorized to administer oaths or affirmations, to administer an oath or affirmation to any person or persons making any affidavit or deposition in writing touching any matter referred to the said Commissioners, or relating to the execution of the trust reposed in them.

(3) And

LAWS. 1806. 46 Geo. 3, c. 133, § 3.

Persons guilty of false and corrupt swearing to be punished for perjury.

(3) And be it further enacted, that in case any person or persons upon examination upon oath, or, being a Quaker or Quakers, upon affirmation, before the said Commissioners already appointed, or hereafter to be appointed, whether such Commissioners shall be acting in England or in India, or any two of them, or in any such affidavit or deposition so to be sworn or affirmed before the said Commissioners or any one of them, or before any such Court, Judge, Master in Chancery, Magistrate, Justice of the Peace, Master Extraordinary in Chancery, Commissioner, or person so authorized to administer an oath or affirmation as hereinbefore is mentioned, shall wilfully and corruptly give false evidence, or make any false answer, statement, or deposition, every such person so offending, and being thereof duly convicted, shall be, and is hereby declared to be, subject and liable to such pains and penalties as by any law now in force persons convicted of wilful and corrupt perjury are subject and liable to.

§ 4.

The Commissioners authorized to compel the attendance of witnesses, and production of papers.

(4) And be it further enacted, that it shall and may be lawful to and for the said Commissioners already appointed, or hereafter to be appointed, whether such Commissioners shall be acting in England or India, or any two of them, if they or any two of them shall see fit, either of their own motion, or at the instance of the said United Company, or their agent or agents, or any person or persons having or claiming any interest to support or oppose any debt or otherwise in any matter referred to the said Commissioners, to issue their precept or precepts, under the hands and seals of any two or more of them, summoning any person or persons whomsoever to attend them, or any two of them, to declare the truth touching any matters or things referred to the said Commissioners, and to bring or produce any book, deed, paper, account, or writing, or any books deeds, papers, accounts, or writings, relating to any such matters, or as shall be necessary for executing the trusts reposed in the said Commissioners, and all and every such person and persons, so summoned, is and are hereby required and directed, upon reasonable notice of any such precept, punctually to attend the said Commissioners, at such time and times, place and places, as shall be by them, or any two of them, appointed.

§ 5.

Precepts to be indorsed.

(5) Provided always, and be it enacted, that in or at the foot of every precept to be issued for the attendance of any witness, or the production of any book, deed, paper, account, or writing, it shall be specified whether the same is issued on the proper motion of the Commissioners, or at whose instance the same is issued.

§ 6.

Authorizing the Commissioners to commit persons refusing to be examined.

(6) And be it further enacted, that if any person or persons shall abscond, or wilfully avoid being summoned by any such precept, or if any person or persons summoned, upon reasonable notice to appear before the said Commissioners, or any two of them, shall wilfully neglect or refuse to appear before the said Commissioners, or any two of them, or to bring or produce any book, deed, paper, account, or writing, relating to any matter referred to the said Commissioners, that shall be in his, her, or their possession, custody, or power, and which he, she, or they shall have been required by such precept to produce; or shall refuse to be sworn, or, being Quakers, shall refuse to affirm; or being sworn, or, being Quakers, having affirmed, shall refuse to answer to and before the said Commissioners, or any two of them, any question on oath or affirmation touching or concerning any matter referred to the said Commissioners, then and in every such case it shall and may be lawful to and for the said Commissioners, or any two of them, and they are hereby authorized and empowered to make and issue their warrant or warrants, under their hands and seals, or under the hands and seals of any two of them, for taking and apprehending any such person or persons, and committing him, her, or them to such prison as the said Commissioners, or any two of them, shall think fit; there to remain without bail or mainprize, until he, she, or they shall submit to be sworn and examined, touching and concerning all or any of the matters referred to the said Commissioners, or to make such production as aforesaid, as the case may be.

LAWS. 1806. 46 Geo. 3, c. 133, § 6.

§ 7.

No person in Great Britain or Ireland shall be compellable to go to India, nor in India to England.

(7) Provided also, and be it further enacted, that no person resident or being in the United Kingdom of Great Britain and Ireland shall be compellable, by virtue of this act, to go to or appear before the Commissioners to act in India, or to go out of the said United Kingdom; and no person resident or being in the East-Indies shall be compellable, by virtue of this act, to come to or appear before the Commissioners to act in England, or to go out to the East-Indies.

§ 8.

Payment of the witnesses' costs and charges.

(8) Provided always, and be it enacted, that no person or persons whosoever shall be compelled or compellable to appear before the said Commissioners now appointed, or hereafter to be appointed, either in England or in India, or to bring or produce to or before them any books, deeds, papers, accounts, or writing, unless at the time of service of such precept for such attendance or production, or at a reasonable time before the day appointed for such attendance or production, the probable amount of the costs and charges of the person or persons summoned, and a reasonable compensation for his, her, or their loss of time to be occasioned by such attendance or production, shall be tendered to him, her, or them; and every person who shall attend the said Commissioners, or produce any documents in pursuance of any precept, shall be entitled to be reimbursed and paid by the person or persons at whose instance such precept shall have been issued his or her reasonable costs and charges, and a reasonable compensation for his

or

LAWS. 1806. 46 Geo. 3, c. 133, § 8.

or her loss of time; and in case any such precept shall be issued on the proper motion of the said Commissioners, such costs, charges, and compensation shall be advanced and paid by the said United Company, to be afterwards charged and borne as part of the expenses incidental to the execution of the trusts reposed in the said Commissioners; and all persons entitled to any such reimbursement or payment shall be entitled to recover the same by action at law against the person or persons liable to the payment thereof, or his, her, or their successors, executors, or administrators, together with full costs of suit: and the said Commissioners, as well in England as in India, are hereby authorized and required, at the request of any person or persons entitled to any such reimbursement or payment, to settle and adjust the amount thereof, and to make an order, to be signed by the said Commissioners, or any two of them, fixing a time and place for the person or persons liable to the payment thereof to pay and discharge the same; and in such case the person or persons entitled thereto, or his, her, or their executors or administrators, shall be at liberty to make their election to accept thereof, or to proceed generally for the recovery of their reasonable costs and charges, and a reasonable compensation for their loss of time; and in case of the election by any person or persons to accept of the sum or sums so to be ordered to be paid, if the person or persons liable to the payment thereof shall make default in such payment, pursuant to such order, then the person or persons entitled thereto shall recover the specific sum or sums so ordered to be paid, together with double costs of suit.

§ 9. (9) Provided also, and be it further enacted, that the Commissioners acting from time to time in England under or by virtue of the said articles of agreement, shall, within twenty-one days after the commencement of the next and every subsequent session of Parliament, present to both Houses of Parliament a list of all the claims which have been or shall be preferred to them, or to the Commissioners in India, from time to time, and also a list of such claims as from time to time shall have been decided upon, either provisionally or absolutely, by the said Commissioners, with the grounds of their decision thereon: provided always, that this act shall in no ways be construed to extend to ratify or confirm the said articles of agreement, or to make the same, or any matter or thing therein contained, available, further or otherwise than the same would have been binding, effectual, and available in case this act had not been passed.

The Carnatic Commissioners shall lay a statement of the claims preferred to, and decided by them before Parliament, and that the act shall not confirm the articles of agreement.

§ 10. (10) And be it further enacted, that if any action or suit shall be brought against any person or persons for any thing done in pursuance of any of the provisions hereinbefore contained, such action or suit shall be commenced within six calendar months next after the fact committed, and not afterwards, and shall be laid in the county or place where the cause of complaint did arise, and

Limitation of actions.

LAWS. 1806. 46 Geo. 3, c. 133, § 10.

and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this act and the special matters in evidence at any trial to be had thereupon; and if the plaintiff or plaintiffs in any such action or suit shall discontinue or become nonsuit, or judgment shall be given against him, her, or them therein, the defendant or defendants shall have his, her, or their costs, with the like remedy or recovery thereof as in cases where by law costs are given to defendants.

CHINA.

The connexion of the East-India Company with China is purely of a commercial nature, and has existed for a long series of years. The earliest attempt on the part of the Company's servants to open an intercourse with that country was made in 1614, through the agency of some eminent Chinese merchants associated with houses at Japan. The conduct of the Dutch in China had created such an odium in the minds of the natives towards Europeans, that the scheme proved wholly unsuccessful. The result which attended the endeavour to obtain permission from the Emperor for the resort of British subjects, through letters from King James, was equally unfortunate.

In 1637 some of the Company's ships anchored off Macao, a rocky island at the entrance of the Canton river, on which the Portuguese had been allowed, in the year 1520, to establish themselves, on condition of their expelling the robbers who then inhabited it. The English expected to receive every assistance and encouragement but were disappointed, and accordingly proceeded up the river towards Canton, to open at once a direct trade with the Chinese. Through the duplicity of the natives they were obliged to abandon the project, and were moreover declared to be enemies of the Celestial Empire. It was not until 1683 that any further endeavours were made to prosecute the trade. In that year two of the Company's ships arrived off Macao; and in 1701 three more ships were despatched for Canton, at which port permission had been granted to British subjects to carry on commercial traffic. The intercourse has subsisted since that time; and the trade with China has, for a long period, formed an important part of the Company's exclusive privileges. It has been carried on upon principles conducive in an eminent degree to the interests of the Company, and to those of the British empire, in its revenue, in the employment of its shipping, and in a steady and continued demand for its manufactures.

factures. It is nevertheless a fact, that the Company have no footing whatever in China coming under the denomination of permanent. Their intercourse with the merchants of that extensive empire is very limited, being exclusively confined to a small factory in the vicinity of Canton, occupied by the sufferance of the court of Pekin, under strict regulations, specifying the parties with whom and the manner in which the trade is to be conducted. The factory is merely the place of occasional residence, which the members quit at the close of the season. The Chinese merchants with whom the Company's agents transact business are termed Hong merchants, expressly licensed by the Chinese government to have dealings with them. The designation of the official agents of the Company is that of Supra-cargoes: they are united in one commission, and the four senior generally are termed the president and select committee, who are assisted in transacting the business of the factory by the remainder, and by writers; the whole being under special covenants for the performance of the duties committed to them respectively. The business of the season being finished, and the ships laden and despatched on their return to England, the Supra-cargoes retire from the factory to the island of Macao, where they continue till the opening of the ensuing season, the commencement and close of which are not distinctly defined, being affected by various contingencies, but its close may be fixed about the month of April. The coins made use of are a tale, mace, candarine, and cash. The tale is reckoned at 6*s.* 8*d.*, and it is divided into 10 mace, 100 candarines, or 1,000 cash. Teas, silks, and nankeens, are the immediate object of the Company's trade.

The exclusive right of trading to India and China was granted to the Company in pursuance of the act of 9 and 10 Wm. III, cap. 44, and has been continued, so far as respects the trade to China, to the year 1834. In 1793, when the renewal of the Company's exclusive privileges was under discussion, it was agreed, in accordance with a proposition from Mr. Dundas, that if, in consequence of the embassy to Pekin, then in progress under Lord Macartney, any cession of territory should be obtained, distinct and separate from the continent of China, and

and wholly free from any jurisdiction or authority of the Chinese Government, individuals should be permitted, under certain regulations and restrictions, to export British and Irish merchandize in the Company's ships at a moderate rate of freight, the same being consigned to the Company's supra-cargoes, or such other persons as the Company, with the approbation of the Board of Commissioners for the Affairs of India, should license to reside for that purpose only; and that such persons should be restrained from any connexion or intercourse with the continent of China, and from any trade or concern whatever, save and except the sale of the manufactures before-mentioned, also from any interference with the affairs of the Company, and be subject to the usual covenants entered into by the servants of the Company, they paying the produce into the Company's treasury for bills at the existing rate of exchange at the time. No person was to be permitted to reside in any place or places so ceded, nor to trade or communicate with any port or place in China, who was not a servant of the Company. A clause to that effect was inserted in the 33d Geo. III, cap. 52, sec. 76.

By the 133d section of the same act, and the 104th section of the 53d Geo. III, cap. 155, the supra-cargoes have the power of sending unlicensed persons to England.—(*Vide* British Subjects, page 111, sec. 18.)

In the act of 1813, a clause was inserted for securing the exclusive trade with China to the Company. The 2d section of the act 4th Geo. IV, cap. 80, which consolidates the several laws as to the trade within the limits of the Company's charter, expressly reserves the trade with China and in tea to the Company; and the 9th section of the same act declares that none of his Majesty's subjects, unless licensed by the Company, can trade or traffic with the dominions of the Emperor of China, or import or export from or to any ports or places within or without the limits of the Company's charter tea, or in any manner to trade or traffic in tea. It is likewise provided by the 136th section of the 33d Geo. III, cap. 52, that none of his Majesty's subjects belonging to Great Britain, or any of the islands, colonies, or plantations recited in that act, shall procure, solicit for, or obtain, or act under

under any commission, authority, or pass from any foreign prince, state, or potentate whatever, to sail, go, or trade in or to the parts aforesaid in India or China.

The English, when they first adventured in the China trade, presented themselves to the notice of the Chinese necessarily under the double disadvantage of being foreigners and 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; securing at the same time to the revenue of Great Britain, an annual sum exceeding £3,500,000, without any charge of collection.

LAWS.

Exclusive Trade to China reserved to the Company.

1813. 53 Geo. 3, c. 155, § 2.

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.

(1) 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 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

LAWS.

1813. 53 Geo. 3, c. 155, § 2. 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.

1823. 4 Geo. 4, c. 80, § 2. (2) And be it further enacted, that it shall be lawful for any of his Majesty's subjects, in ships or vessels registered and navigated according to law, to carry on trade and traffic in any goods, wares, or merchandize, except tea, as well directly as circuitously, between all ports and places belonging either to his Majesty, or to any prince, state, or country at amity with his Majesty, and all ports and places whatsoever situate within the limits of the charter of the Company, except the dominions of the Emperor of China; and also from port to port and from place to place within the same limits, except the said dominions of the Emperor of China, under such rules and restrictions as are herein-after mentioned; any thing in any act or acts of Parliament, or in any charter of the said Company, to the contrary notwithstanding.—(*Vide* Trade.)

Trade may be carried on in British vessels with all places, except China, within East-India Company's charter.

Trade in Tea exclusively with the Company.

§ 9. (3) Provided also, and be it further enacted, that nothing herein contained shall authorize any of his Majesty's subjects, other than the said Company, or persons properly licensed by them, to carry on trade or traffic with the dominions of the Emperor of China, or to export or import from or to any ports or places within or without the limits of the said Company's charter, any tea, or in any manner to trade or traffic in tea.

Act not to permit trade with China, or in tea.

British Subjects not to Trade under Commission from Foreign Powers.

1793. 33 Geo. 3, c. 52, § 136. (4) And be it further enacted, that no person being a subject of his Majesty, his heirs or successors, of or belonging to Great Britain, or any of the islands, colonies, or plantations aforesaid, shall procure, solicit for, obtain, or act under any commission, authority, or pass from any foreign prince, state, or potentate whatsoever, to sail, go, or trade in or to the said East-Indies, or any of the parts aforesaid; and every such person who shall offend therein shall incur and forfeit for every offence five hundred pounds, one half part of which penalty shall belong to such person or persons as shall inform or sue for the same, and the other half to the said United Company, and if the said United Company shall inform or sue for the same, then the whole of the said penalty shall belong to the said Company.

COIN.

The right of coining money is vested in the Sovereign: it has ever been claimed and allowed as a prerogative of the executive power. Blackstone observes, that, as money is the medium of commerce, it is the King's prerogative, as the arbiter of domestic commerce, to give it authority or make it current. The exercise of this power in India was granted to the Company by letters patent from King Charles II., bearing date the 5th October 1677, in the 28th year of his reign; and was confirmed to the Company by letters patent from King James II., bearing date the 12th April 1686, in the second year of his reign.

The laws passed from time to time in England, to prevent and punish the counterfeiting the coin of the realm, are very severe, and evince the extreme jealousy with which the preservation of the lawful money has been guarded. With regard to the materials of which money is to be made, Sir Edward Coke (who died in 1634) lays it down that the money of England must be either gold or silver. At the time he wrote no other metals had been coined by authority of the monarch; but copper coins were issued by Charles II. to be current under certain limitations, and similar limitations were, by the 14th Geo. III. cap. 42, passed as to silver coins.

In Great Britain the accounts are kept in pounds, shillings, pence and farthings.

A Gold Coinage was first introduced in the year 1267, by the 41st of Henry III., when the King made a penny of the finest gold, which was to pass current for twenty pence.

In 1489, a new money of gold was issued. The coin was to be of fineness and standard of the gold monies of the realm, to be of the value of twenty shillings sterling, and to be called the Sovereign. Hen. 7.

In 1683, the twenty shilling pieces which were then coined obtained

obtained the name of GUINEAS, from the gold of which they were made being brought from the coast of Guinea. In 1695, the price of guineas having risen to thirty shillings, a motion was made in the House of Commons on the 21st January, to take the matter into consideration: but the motion was negatived. A petition was at the same time presented to the House from sundry eminent merchants, stating, that on account of the badness of the silver coin, gold had risen forty per cent. in value above the proportion of gold to silver in any other part of Europe. The House of Commons accordingly resolved, on the 15th February, that no guinea should pass at above the rate of twenty-eight shillings, and on the 28th, above twenty-six shillings; and an act was passed, declaring, that after the 25th March no person should receive any guinea at a greater or higher rate than twenty-six shillings for every guinea, and so on in proportion for half-guineas, double-guineas, and five-guinea pieces. It was subsequently enacted, that after the 10th April 1696, the guinea should only pass for twenty-two shillings. At the same time measures were taken for putting a stop to the currency of diminished coin, and for a new silver coinage, which was not completed until 1699.

7 & 8 Wm. and Mary.

On the 22d September 1698, a report was given in to the House of Commons, stating, that the currency of the guinea at twenty-two shillings was too high, and occasioned a disproportionate importation of gold and an exportation of silver. The house accordingly resolved, that, under the act of 1696, already adverted to, no person was obliged to take guineas at twenty-two shillings. The price of guineas immediately fell to twenty-one shillings and sixpence, at which rate they were received by the officers of the revenue.

In 1717, in consequence of an address of the House of Commons to his Majesty, King George I, a proclamation was issued on the 22d December, stating, that the value of gold coinage with that of silver was greater in proportion in England than in the neighbouring nations; which over-valuing had been the great cause of carrying out and lessening the specie of the silver coins. It was accordingly ordained, that no person whatsoever should utter or receive any of the pieces of

of gold coin of England, commonly called guineas, which the Mint coined at twenty-one shillings, but which had been current at twenty-one shillings and sixpence, at any greater or higher rate of value than twenty-one shillings, at which the guinea has since remained.

SEVEN SHILLING PIECES.—On the 29th of November 1797, a proclamation was issued for giving currency to a new species of coin, of the value of seven shillings, to be called seven-shilling pieces.

SOVEREIGNS.—On the 1st July 1817, a proclamation was issued giving currency to certain pieces of gold monies, to be called sovereigns, or twenty-shilling pieces. It has already been remarked, that a gold coin of the same denomination and value was issued in 1489.

HALF-SOVEREIGNS, or ten shilling pieces, were issued by proclamation on the 10th October following.

SILVER COINAGE is of very ancient date. The coin denominated SHILLINGS was first coined in the year 1504, in the reign of Henry VII.; CROWNS, HALF-CROWNS, and SIXPENCES, in 1551, in the reign of Edward VI. In order to discourage the silver coinage of the kingdom and to furnish the Mint with a supply of bullion, an act was passed in 1696, William and Mary, by which all persons bringing wrought plate to the Mint to be coined, were to receive sixpence per ounce, as a reward; and to prevent the waste of silver in wrought plate, it was further enacted, that, after the 4th May 1696, no person keeping any tavern, ale-house, or victualling-house, or selling wine or ale, &c., by retail, should publicly use or expose to be used in the house any wrought or manufactured plate whatsoever, or any utensil or vessel thereof, except spoons, under penalty of the forfeiture of the same, or the full value thereof. This act was not repealed until the year 1769.

In 1699, the great recoinage of silver money was completed; it had occupied above three years, and amounted to £6,882,908. 19*s.* 7*d.* For the greater expedition in that coinage, and for the more ready dispersion of the money when coined over the kingdom, mints were established at Bristol, Chester, Exeter, Norwich, and York. These provincial mints coined £1,791,787 of the above sum. The want of a circulating

culating medium, occasioned by the withdrawing of the diminished coins, was for a time severely felt, and various methods were suggested to supply it. It was at last effected by the issue of Exchequer Bills as low as £10 and £5, in the year 1696, at an interest of £7. 12*s.* per annum. This appears to have been the first issue of Exchequer Bills.

Notwithstanding this large amount of silver coinage, it became necessary in the 7th year of the reign of Queen Anne, 1708, to give further encouragement to the coinage of silver money, by offering a premium upon every ounce of foreign coin brought to the Mint.

In 1717, not more than eighteen years after the recoinage, Sir Isaac Newton observed in his Report, "if money should "become a little scarcer, people would in a little time refuse to "make payments in silver without a premium."

14 Geo. 3, c. 42. In 1774, an act was passed prohibiting the importation of foreign and debased coin, and it was at the same time enacted, that no tender in the payment of money in the silver coin of the realm of any sum exceeding £25, at any one time, should be allowed as a legal tender within Great Britain or Ireland, for more than according to its value by weight, after the rate of five shillings and twopence for each ounce of silver.

In March 1797, the deficiency of silver coin was attempted to be supplied by the issue of Spanish dollars, countermarked upon the neck of the bust with the mark of the King's head used at Goldsmith's Hall for distinguishing the plate of Great Britain. The Gazette of the 26th September contained a notice from the Speaker of the House of Commons, that the Governor and Deputy-Governor of the Bank of England had notified to him on the 23d of that month, that the Bank meant to issue gold coin to the amount of the dollars then in circulation, which had been stamped in the Tower.

The subject of the silver currency of the kingdom was brought before the House of Commons on the 3d May 1816, by a petition presented through Mr. Grenfell, from certain traders, praying for a new silver coinage. It was stated that the subject was then under the consideration of his Majesty's ministers. On the 28th, a message from the Prince Regent was delivered to both Houses of Parliament, intimating that directions

directions had been given for providing a new and extensive issue of silver coins, and that he relied on Parliament enabling him to carry such directions into effect. In the Lords, in a committee of the whole House, on the 3d May, the Earl of Liverpool proposed an address in answer, and stated the general outline of the measures which Government had in contemplation. His Lordship remarked, that they were to consider first, what was the present actual price of silver; secondly, what it was likely to be; thirdly, at what price it should be taken in the new coinage. The present price was 5*s.* 1½*d.* per oz.; at the rate calculated upon in 1773, of sixty-two shillings for the pound of silver, the price would be 5*s.* 2*d.*, so that it was now below the Mint price, and therefore might be coined on the old principle: but as the market price might rise, it would be proper to prevent the melting down the coin by rendering it an operation of no profit, which would be effected by fixing upon the coin a small seignorage, or raising its value above bullion. This security would be obtained by raising its coined value to 5*s.* 9*d.*; in which case the difference between the Mint price of sixty-two shillings for the pound, and sixty-eight or seventy shillings, would pay for the recoinage.

His Lordship then adverted to the most important part of the measure, which was the arrangements to be adopted in calling in the deteriorated silver coin, and substituting the new. The process should be simultaneous, for if the base silver should be suffered to circulate with the good, the latter would disappear, since the temptation of melting it down to be converted into the counterfeit would be irresistible. He considered that £2,500,000 of new coinage would be sufficient to supply the place of the shillings and sixpences called in or driven from circulation, which, from the improved machinery of the Mint, might be prepared in six or seven months. All silver of the old coin which could be considered as legal, by having the proper marks, should be received when called in at its current value: mere counterfeits at their value, as determined by weight and fineness. Similar steps were taken in the House of Commons, and on the 28th January 1817 a proclamation was issued, notifying that on the 3d February, and to the 17th, the

the old coin would be received at, and the new coin issued from, his Majesty's Mint.

The following is the full weight of the gold and silver coins:—

OLD COINAGE.

Gold.

	Dwts.	Grs.
Guinea	5	$9\frac{39}{89}$
Half-guinea	2	$16\frac{64}{89}$
Seven-shilling-piece	1	$19\frac{13}{89}$

Silver.

	Dwts.	Grs.
Shilling	3	$20\frac{20}{31}$
Sixpence	1	$22\frac{14}{31}$
Crown	19	$8\frac{16}{31}$
Half-crown	9	$16\frac{8}{31}$

NEW COINAGE.

Gold.

	Dwts.	Grs.
Sovereign	5	$3\frac{171}{623}$
Half-sovereign	2	$13\frac{397}{623}$
Double-sovereign	10	$6\frac{346}{623}$
Five-sovereign-piece	25	$16\frac{232}{623}$

Silver.

	Dwts.	Grs.
Shilling	3	$15\frac{3}{11}$
Sixpence	1	$19\frac{7}{11}$
Crown	18	$4\frac{3}{11}$
Half-crown	9	$2\frac{8}{11}$

Gold coins are allowed to pass under the full weight: thus the guinea weighing 5dwts. 8grs.—the sovereign, 5dwts. $2\frac{3}{4}$grs.—and their divisions, in proportion, are a legal tender.*

The process of milling the coin round the edges is adopted to prevent, as far as possible, the clipping or cutting the coins of gold and silver. It was first introduced in 1663 by strokes at right angles, in 1669 diagonally, and in 1739 angularly. The parties who carry into effect this process are sworn to secrecy.

COPPER

* Vide the Universal Cambist by Dr. Kelly.

COPPER COINAGE.—In 1665, some copper farthings and halfpence appear to have been struck off, by the command of King Charles II., but not circulated.

In 1672 small change had become so extremely scarce, that private persons, although contrary to law, struck off their own tokens. The parties were taken into custody, and notice was given that it was his Majesty's pleasure no person should for the future make, coin, exchange, or use any farthings or tokens, except such as should be coined in the mint: and in order to prevent those abuses, besides a large copper coinage, his Majesty ordered silver in pence and two-pences to be coined for the smaller traffic and commerce. In the reign of his Majesty George I, 1722, the want of small money was such in Ireland, that manufacturers paid their men in tallies or tokens, on cards signed on the back, to be after-wards exchanged for money; and counterfeit coins called *raps* were in common use, made of such bad metal, that what passed for a halfpenny was not worth a farthing—hence the deriva-tion of the term "not worth a rap." It was at that period Dean Swift attacked with so much severity, both from the pulpit and the press, the grant of a patent to Mr. Wood, whereby he was to enjoy the privilege of coining copper half-pence and farthings in Ireland for the term of fourteen years. The quantity to be coined was limited to three hundred and sixty tons, of which one hundred was to be coined in the first year, and twenty tons annually for the thirteen remain-ing years. The matter having caused a great sensation in Ireland, was referred to a Committee of the Lords of the Privy Council; their report was favourable to Mr. Wood's coinage, but recommended that the amount to be coined should be restricted to £40,000. The concession was of no avail. The Drapier's fourth letter appeared, attacking the Report; and, when a bill of indictment was preparing against the printer for a discovery of the author, Swift issued a pamphlet addressed to the Grand Jury, entitled "Seasonable Advice," and sent it round to each member the evening before they were to meet. It had the desired effect—the bill was not found. As an in-demnification for the loss Mr. Wood sustained, he received

Vide Swift's Works,

pensions

pensions to a considerable amount. The dissatisfaction is supposed to have arisen from Ireland not having been allowed a mint.

In 1797, a contract was entered into with Mr. Boulton, of Soho, near Birmingham, for the coinage of five hundred tons of copper money, in pence only; and an act was passed in order to prevent the counterfeiting any copper coin in the realm, made or to be made current by proclamation.

In the same year, on an address from the House of Commons to his Majesty, a proclamation was issued giving currency to a new coinage of copper money of one-penny and two-penny pieces. The two-penny were to weigh two ounces avoirdupois, and the penny in proportion. In December 1798, a proclamation was issued, giving currency to a new coinage of copper money, of two-penny and one-penny pieces, halfpenny pieces, and farthings; at the same time declaring, that no person should be obliged to take more of such two-penny or one-penny pieces in any one payment than should be of the value of one shilling, or of such halfpence and farthings than should be of the value of sixpence.

In 1806, a new copper coinage of penny pieces, halfpenny pieces and farthings, was made current. In this year the new mint on Tower-hill was erected.

On the 27th June 1825, an act was passed (6 Geo. 4, c. 79) assimilating the currency and monies of account throughout the United Kingdom of Great Britain and Ireland; so that the currency of Great Britain is henceforth the currency of the United Kingdom.

India.

It has already been observed, that the power of coining money was vested in the East-India Company in 1677 and 1686.

The penalties attached to *counterfeiting* coin within the British possessions in India, is transportation to such places beyond the seas, and for such term of years, as the court before whom the party is found guilty shall direct: and for *uttering* counterfeit coin, six months' imprisonment for the first offence; two years' imprisonment for the second offence, and for the third transportation for life. Any person having in his possession more than five pieces of counterfeit coin without lawful excuse, is punishable by a fine not exceeding forty or less than twenty sicca rupees; and in failure of payment thereof, to be committed to hard labour for three months. The coins or monies current under the authority of the Company's governments, are issued from the established mints under each presidency, where assay-masters are engaged, who have been instructed by the King's assay-master at the London mint.

In Bengal there are two mints: that at Calcutta, which may be termed the Government Mint, and that at Benares.

Under the Madras presidency there is only one mint, and that at Fort St. George.

Under Bombay there is one principal mint at the presidency, and several subordinate mints; but as such mints are not wholly under European superintendence, the coin issued from the former will be alone noticed.

At the Calcutta Mint, gold mohurs and sicca rupees are coined. At the mint of Madras and Bombay, gold and silver rupees, and at the mint at Benares rupees only. Copper money is coined at the mints at the three presidencies, for the East-India Company only. These mints are open to the public, and any person carrying bullion thither may have it coined at a charge of two per cent. on the standard value of such bullion, or coin, together with a charge for refining bullion or coin below the standard weight and fineness, which are as follow:—

Calcutta.

	Fine Metal. Troy Grains.	Alloy. Troy Grains.	Gross Weight. Troy Grains.
Gold mohur	187·651	17·059	204·710
Sicca rupees	175·923	15·993	191·916

The standard weight and fineness of the Benares rupee is—

Fine Silver. Troy Grains.	Alloy. Troy Grains.	Gross Weight. Troy Grains.
168·875	6·125	175.

MADRAS.

	Fine Metal. Troy Grains.	Alloy. Troy Grains.	Gross Weight. Troy Grains.
Gold rupee	165·	15·	180
Silver rupee	165·	15·	180

BOMBAY.

	Fine Metal. Troy Grains.	Alloy. Troy Grains.	Gross Weight. Troy Grains.
Gold rupee	164·74	14·26	179
Silver rupee	164·74	14·26	179

The gold rupee, both at Madras and Bombay, pass as equal to fifteen silver rupees. The terms gold *rupee* and silver *rupee* are understood to be misapplied in both instances, more especially in the case of the gold money; the term rupee literally signifying *silver*, and applied by the natives to silver money only, which being of the regulated weight of ten massa, or one sicca, the coin was called the sicca rupee, or the silver sicca.

The Bengal current rupee is calculated at two shillings, being sixteen per cent. less than the sicca, which is valued at two shillings and three-pence.

The Madras pagoda is eight shillings, being equal to three and a half Madras rupees, which is valued at two shillings and three-pence.

The Bombay rupee is two shillings and three-pence; the dollar at Prince of Wales' Island is five shillings.

In Bengal and at Madras the silver rupee is divided into sixteen annas, and the anna into twelve pice. At Bombay it is divided into four quarters, and each quarter into 100 rea.

The whole of the accounts relating to the British possessions on the continent of India are kept in the same denomination of money, *viz.* the rupee.

LAWS.

1813. 53 Geo. 3, c. 155, § 116.

(1) 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

Counterfeiting current coin punishable with transportation.

1813. 53 Geo. 3, c. 155, § 116.

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 terms of years as the said court shall direct.

§ 117.

Uttering counterfeit coins punishable: first offence with six months' imprisonment; second, with two years; third, with transportation for life.

(2) 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 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 or counterfeited, 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 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.

§ 118.

Certificate of former conviction in the courts, sufficient proof of such conviction.

(3) 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

LAWS.
1813.
53 Geo. 3, c. 155, § 118.

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.

§ 119.

Having in possession more than five pieces of counterfeit coin, without lawful excuse, punishable by fine or three months' imprisonment.

(4) 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 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 penalties 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.

COLLEGES AND SEMINARIES.

By the Act of 47th Geo. III, cap. 68, sec. 2, 1807, any person, after attaining the age of seventeen, and having *bonâ fide* spent, either before or after that age, two years at least at the East-India College in England, on his proceeding to India in the Company's civil service, was allowed to account such period of two years, as to offices, places, and emoluments, as so much time actually spent in India. By the act of the 53d Geo. III, cap. 155, sec. 42, the Board of Commissioners for the Affairs of India have full power and authority to superintend, direct, and control all orders and instructions whatsoever respecting colleges and seminaries in India: the Civil College and Military Seminary in England are to be continued and maintained, and all the regulations which may from time to time be framed for the good government of those institutions, are subject to alteration and approval by the Board.

The establishments in India will be first noticed, and afterwards those which have been formed in England.

It was during the administration of the Marquess Wellesley that the first regular institution was formed for the education of the civil servants of the Company in India. In the year 1800, that distinguished nobleman founded the Calcutta College, in order that ample means might be afforded to the junior civil servants to qualify themselves for the efficient discharge of the duties of the several offices to which they might be nominated. Provision was made for the study of the Oriental languages, and for lectures on almost every branch of literature and science. The plan, whilst it evinced the enlightened views of the noble founder, was considered by the authorities in Europe to involve an indefinite expense, to embrace far too wide a field, and to contemplate the acquirement of various branches of knowledge, the study of which, it was conceived, might be

prosecuted with far better prospect of success at home. On this point it was remarked, that if general knowledge be necessary, as much of it as can be imparted in Europe consistently with the nature of the service should be so imparted, and that the presumption is in favour of the knowledge thus bestowed being found of superior quality, and obtained at a much smaller expense. It was also proposed that every writer, on his appointment, should in the first instance proceed from Europe to Calcutta, and there enter the college, although his subsequent employment might be either at Madras or Bombay; and that it should be left to the Governor-General for the time being to determine to which establishment of the service the students should be finally appointed. To this it was objected, that the three presidencies were not on a similar footing; that a young man would more readily adapt his conduct to the manners and habits of the community of which he is to continue a member: and as Bengal might be considered the preferable presidency, the studies of each servant would be directed to the acquisition of that species of knowledge best calculated to qualify him for that establishment, to the manifest injury of the public service at Madras and Bombay; and that, were the Governor-General to possess the power of selecting the servants for the presidencies, it would, in fact, be delegating to a remote authority the patronage of India, and vesting in an individual that species of influence, to guard against which has been a leading object at each of the periods when a renewal of the Company's privileges has come under discussion.

The plan of the Marquess Wellesley having been greatly modified, was finally sanctioned, the writers for Madras and Bombay not being required to proceed to Calcutta, and considerable reductions being made in the proposed collegiate establishment.

Since the year 1804, when the college at Hertford was projected, the object of the Calcutta College has been confined to perfecting the students in Oriental literature.

In 1808, provision was made at Madras for civil servants, on their arrival at the presidency, continuing the study of the native languages: they have the assistance of native teachers,

teachers, and quarterly examinations take place for the purpose of ascertaining the progress which has been made: such examination also extends to subjects of general knowledge connected with the affairs of the Company. In 1812 the establishment was denominated a college, and placed under a board of superintendance. Measures have likewise been taken to promote the study of the Hindustannee, Mahratta, and Guzzeratte languages at Bombay, under a permanent public examination committee.

Whilst such ample means have been provided for enabling the Company's servants to perfect themselves in the knowledge of the Oriental languages, the education of the natives has been an object of solicitude. Schools where English may be taught grammatically, and instruction given in that language on history, geography, and the popular branches of science, have been established, under the sanction and patronage of the Company. The natives have themselves evinced an anxious desire to obtain the benefit of an English education for their children, and have contributed in many cases liberally towards the support of such schools.

Provision is likewise made, in the forty-third section of the Act of 1813, that, out of the surplus territorial revenues, one lac of rupees shall be set apart and applied to the revival and improvement of literature amongst the natives.

The institutions in ENGLAND are—the East-India College at Haileybury, near Hertford; and the Military Seminary at Addiscombe, near Croydon.

The college was established in the year 1805 by the East-India Company, with the view of affording the means of education to persons intended for the Company's civil service under the presidencies of Bengal, Madras, and Bombay, and of acquiring, with classical and mathematical instruction, the elements of those branches of science likely to be most useful in their future service in India. It is under the superintendence of a principal and professors, and is governed by statutes and regulations approved by the Board of Commissioners, which statutes are good and valid in law, and binding and effectual upon all persons and in all matters belonging to or relating to the said college. The Bishop of London exer-

 cises

cises visitatorial jurisdiction. No person can be appointed a writer who shall not have kept four terms at the college.

The expediency of continuing the college, as well as of applying to Parliament to repeal the obligatory clause requiring all persons to reside four terms before they can be nominated writers, has been discussed by the Court of Proprietors. The first question was debated during three days in 1817, and rejected by a shew of hands on the 4th of March in that year; the second in 1824, and, after a debate of equal duration, was negatived by the ballot on the 31st of March, the number in favour of the application to Parliament for a repeal of the compulsory clause being two hundred and seventy-two, and against it four hundred. The difference of opinion which still exists as to the clause in question, combined with the probable demand of the service abroad exceeding the means of supply from the college, may possibly lead to a relaxation in this enactment.

The Military Seminary was established in the year 1809, for the purpose of educating the cadets intended for the Company's engineer or artillery service in India. Prior to that period a certain number had been educated at Woolwich, and some under private tuition; but the inadequacy in point of number qualified to meet the exigency of the service became so apparent, that it was considered, by combining the whole establishment under the immediate government of the East-India Company, and making the professors and tutors, as well as the pupils, responsible to the Court of Directors for the due discharge of their respective duties, advantages would arise that could not be expected from institutions over which the Directors had no power or control whatsoever. The plan was accordingly laid before the Court of Proprietors in the month of March 1809, who highly approved thereof, confirming the appointment of the late General (then Colonel) Mudge as the first public examiner. Under the unceasing efforts of that distinguished and scientific officer, as well as those of his successor, Sir Howard Douglas, and of the present examiner, Sir Alexander Dickson, the greatest proficiency has been made by the students; and the public service in India has reaped all the advantages which were anticipated at the first foundation of

of the institution. It is under the superintendence of a lieutenant-governor, aided by professors in the various branches of study. The rules and regulations for its government are equally valid and binding as those relating to the Civil College.

LAWS.

Colleges and Seminaries in INDIA.

1813. 53 Geo. 3, c. 155, § 42.

Colleges and seminaries abroad to be subject to the control of the Board.

(1) And be it further enacted, that the 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 control all orders and instructions whatsoever which in anywise relate to or concern any rules, regulations, or establishments whatsoever of the several colleges established by the said Company at Calcutta or Fort St. 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.

§ 43.

Provision for schools, public lectures, or other literary institutions for the benefit of the natives, to be regulated by Governor-General in Council, subject to control of the Board; but appointments to offices therein to be made by the local governments.

(2) 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 lac 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 St. 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.

(Vide *Appropriation.*)

Colleges

LAWS.

1813. 53 Geo. 3, c. 155, § 44.

Colleges and Military Seminaries in ENGLAND.

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. Directors may make representations respecting alterations or additions by the Board.

(3) 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 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.

§ 45.

Bishop of London to exercise visitatorial jurisdiction.

(4) 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.

(5) And

LAWS.

1813. 53 Geo. 3, c. 155, § 47.

Establishment of officers in the college and military seminary to be subject to the control of the Board.

(5) 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.

§ 48.

Principal and professors exempted from parochial residence.

(6) 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 of 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.

COMMANDER-IN-CHIEF.

MILITARY.

The designation of *Commander-in-chief* is attached to the following stations in the East-Indies, *viz.* Commander-in-chief of all the Forces in India, Provincial Commander-in-chief in Bengal, Commander-in-chief at Madras, Commander-in-chief at Bombay.

Major-General Stringer Lawrence, who, from his first appointment to India as a Major in 1748, had highly distinguished himself in the military operations on the coast of Coromandel, held the station of Commander-in-chief of the Company's forces in 1763; Brigadier-General Caillaud, who had served under him, was appointed his successor. The important events consequent on the restoration of Meer Jaffir to the Soubahship* of Bengal, in 1764, led to lengthened discussions in the Court of Proprietors, who resolved, on the 12th of March in the same year, that Lord Clive (who had been raised to the peerage after his second return to Europe in 1760, as a mark of the high sense entertained of his Lordship's brilliant services) should be requested to take upon him the stations of President of Bengal and the command of the military forces. His Lordship accepted the appointment, was sworn in on the 30th of April 1764, arrived in India in the beginning of the following year, and retained those appointments till 1767, when his Lordship finally returned to his native country. Sir Eyre Coote was nominated his Lordship's successor as Commander-in-chief. On his arrival at Madras, his powers were disputed by the council there, in consequence of which he returned to Europe overland, in November 1771, and addressed a letter to the Court of Directors from Paris, representing the circumstances under which he had quitted India. The Court passed a resolution, severely animad-

* Viceroy or governor.

verting on the conduct of the authorities at Fort St. George, and at the same time required Sir Eyre Coote to hold himself in readiness to return to India. On the 26th of January 1773, the Court of Directors resolved, that as tranquillity prevailed in India, it was unnecessary to continue the office of commander-in-chief. At the commencement of the session of that year the affairs of the Company, which since 1767 had come under the cognizance of Parliament, more particularly engaged the attention of the House of Commons, and the various resolutions upon which the 13th Geo. III. cap. 63, commonly called the Regulating Act, was framed, were passed. Amongst them was a clause appointing a governor-general and four counsellors for the government of the Company's affairs abroad. Lord North, on the 9th of June 1773, had an interview with the Chairman and Deputy-Chairman of the Company, at which they were desired to state whether the Court of Directors would grant to Lieutenant-General Clavering, who had been nominated as first counsellor, a commission as commander-in-chief of the Company's forces in India. A communication to that effect was accordingly made by the Chairman to the Court of Directors, who, referring to their resolution of the 26th of January above adverted to, postponed the further consideration of the subject till the 16th of June; on which day it was further discussed, but no decision adopted. The state of the question was communicated to Lord North.

On the 3d of February 1774, a General Court was held, in pursuance of a requisition from nine proprietors, when it was moved to recommend to the Court of Directors forthwith to appoint General Clavering commander-in-chief in India. A ballot was demanded by thirteen proprietors, amongst whom were the Duke of Richmond and Lord Pigot. It took place on the 8th of February, and was carried in favour of the recommendation, there being three hundred and fifty-four ayes, and three hundred and eleven nayes.

General Clavering was accordingly appointed by the Court on the day following. Intelligence of that officer's death having been received by the Court in April 1778, Sir Eyre Coote was nominated to a seat in council, and also commander-in-chief

chief in India. As the act of the 13th Geo. III, cap. 63, sec. 10, required the approbation of his Majesty to any appointment to council made within the term of five years from the date of such act, the same was obtained, and Sir Eyre Coote took the oaths of office before the Court of Directors on the 28th April 1778.

In 1781, the 21st Geo. III, cap. 65, was passed, declaring that if a commander-in-chief was appointed to council, he should rank as second member of council, and not succeed as governor-general, or governor, unless specially appointed.

In 1784, by the act of the 24th Geo. III, cap. 25, the Board of Commissioners for the Affairs of India was first instituted, and provision was made that the Government should consist of a governor-general, and three, in the room of four (as prescribed by the Act of 1773) counsellors, and that the Commander-in-chief of the Company's forces should have voice and precedence in council next after the Governor-General. It also provides, that when the Commander-in-chief in India shall be present either at Madras or Bombay, he is to be one of the counsellors, instead of the commander-in-chief of such settlement, who during such time is to have a seat, but no voice in the council.

By the same act, commanders-in-chief are not to succeed to the office of governor-general or governor, unless specially appointed by the Court of Directors.

By the 26th Geo. III, cap. 16, 1786, the Commander-in-chief is not entitled to a voice or seat in council, unless specially appointed thereto by the Court of Directors. It is likewise provided, that the offices of governor-general, or governor and commander-in-chief, may be held by the same person.

On the 24th February 1786, the Earl Cornwallis was appointed governor-general and commander-in-chief in India, being the first instance in which those two high offices were combined in the same person. His Lordship, who quitted India in 1793, was solicited by the Court of Directors in the month of January 1797, with reference to the state of the military affairs in India, again to take upon himself the offices of governor-general and commander-in-chief. His Lordship,

ship, following up the principle which had distinguished his conduct through life, in sacrificing all private interest to the good of the state, met the call of the Court, and was accordingly unanimously appointed to those offices on the 1st February 1797. Intelligence having been shortly afterwards received from India, removing in a great measure the grounds upon which the Court had sought for his Lordship's services, they consented, at the request of his Lordship, to accept his resignation. The Marquess Wellesley, then Earl of Mornington, was nominated governor-general, and Sir Alured Clarke, commander-in-chief. In 1800, General, afterwards Lord Lake, proceeded as commander-in-chief to India. In the month of August in that year his Majesty, by letters-patent, appointed the Marquess Wellesley, then governor-general, to be his Majesty's captain-general and commander-in-chief of all his Majesty's land forces serving in the East-Indies. The same was made known by proclamation at Fort William, the 26th February 1801. As this is the only instance in which such a commission has been issued it is given at length, and immediately follows the laws respecting the commander-in-chief under this head. His Lordship issued general orders, desiring that all returns might be made as usual to the military commander-in-chief. It has already been observed that the Marquess Cornwallis, at the call of the East-India Company, in 1797, although at an age that "might have discouraged him "from engaging in so arduous an undertaking," had consented to reassume the administration of their affairs in India. That plea, strengthened by the addition of eight years to the age of the patriotic and venerable nobleman, was again waived at the intreaties of the Court of Directors, and the noble Marquess embarked for India in the month of April 1805, to assume the combined offices before conferred upon him. Lord Lake, who was then commander-in-chief in India, was nominated provincial commander-in-chief in Bengal; and an act was passed on the 10th April 1805, empowering the Court, when the offices of governor-general and commander-in-chief were vested in the same person, to appoint the provincial commander-in-chief in Bengal to a seat in council, as second member. Such

appointment

appointment was accordingly conferred by the Court on Lord Lake the following day.

On the death of Marquess Cornwallis, which occurred in the latter part of the same year, Lord Lake was re-appointed commander-in-chief in India.

In 1813, on the appointment of the Earl Moira as governor-general and commander-in-chief, Lieutenant-General Sir George Nugent, then commander-in-chief in India, was nominated commander-in-chief in Bengal, and second in council. Sir George Nugent returned to Europe in 1814. By the act of the 53d Geo. III, cap. 155, his Majesty's approbation is necessary to confirm the appointment of commander-in-chief in India, and of the commander-in-chief at the presidencies of Madras and Bombay.

LAWS.

1786. 26 Geo. 3, c. 16, § 5.

Not to be of council, unless specially appointed.

(1) And whereas, by the 24th Geo. III, cap. 25, it is enacted, that the commander-in-chief of the Company's forces in India for the time being shall have voice and precedence in the Supreme Council next after the Governor-General of Fort-William; and that the commanders-in-chief at Fort St. George and Bombay shall respectively be of the council in the said respective presidencies: and whereas it may be more expedient that any such commander-in-chief should not, by virtue of his said office, be a member of any of the said respective councils, unless he be specially appointed thereto, be it therefore enacted, that so much and such part of the said act as directs that the commander-in-chief of the Company's forces in India for the time being, or the commanders-in-chief in the presidencies or settlements of Fort St. George and Bombay, shall, by virtue of their said respective offices, be a member or members of any of the councils of Fort-William, Fort St. George, or Bombay respectively, or have any voice or precedence therein, shall be, and the same is hereby repealed.

§ 6.

The Court of Directors may appoint Commander-in-chief to be Governor-General, or Governor, and members of Council.

(2) Provided always, and be it enacted, that nothing in this or in any former act contained shall extend to preclude the Court of Directors of the said United Company from appointing the commander-in-chief of the Company's forces in India to be Governor-General, or a member of the Supreme Council at Fort-William in Bengal; or from appointing either of the said commanders-in-chief of Fort St. George and Bombay

LAWS.

1786. 26 Geo. 3, c. 16, § 6.

Bombay to be president or member of the council for the presidency wherein he shall so be the commander-in-chief; or to prevent or preclude the Court of Directors of the said Company from appointing the governor-general of Bengal, or any other member of the supreme council for the time being, to be the commander-in-chief of the Company's forces in India; or from appointing either of the governors or presidents of Fort St. George and Bombay, or any of the members of council of the said respective presidencies for the time being, to be commander-in-chief of the forces within the same presidency of which he shall be the governor or president, or a member of council, if the said Court of Directors shall think fit and expedient so to do.

1793. 33 Geo. 3, c. 52, § 30.

Commanders-in-chief not to succeed as governor-general or governor in the event of a vacancy, unless provisionally appointed.

(3) Provided always, and be it further enacted, that if at the time of any vacancy happening in the office of governor-general, or of a governor of any of the said presidencies, no eventual successor appointed under the authority of this act shall be present upon the spot, any commander-in-chief, although he shall be then a member of the council of the presidency where such vacancy shall occur, shall not succeed to the temporary government of such presidency, unless such commander-in-chief shall have been provisionally appointed to supply the same, but that the vacancy shall be supplied by the councillor next in rank at the Council Board to such commander-in-chief, any thing herein contained to the contrary notwithstanding.

§ 32.

When not governor-general or governor, may be appointed second in council.

(4) And be it further enacted, that when the office of governor-general, and the office of commander-in-chief of all the forces in India, shall not be vested in the same person, such commander-in-chief shall and may, if specially authorized for that purpose by the said Court of Directors, and not otherwise, be a member of the council of Fort William; and that when the offices of governor of Fort St. George, and commander-in-chief of the forces there shall be vested in different persons, or the offices of governor of Bombay, and commander-in-chief of the forces in Bombay, shall be vested in different persons, such respective commanders-in-chief shall and may, if specially authorized by the Court of Directors, and not otherwise, be a member of council at the said respective presidencies; and when any commander-in-chief shall be appointed a member of any of the said councils, such commander shall have rank and precedence at the council board next to the governor-general, or governor of the same presidency; but no commander-in-chief shall be entitled to any salary or emolument in respect of his being a member of any of the said councils, unless the same shall be specially granted by the Court of Directors of the said Company.

(5) Provided

LAWS.

1793. 33 Geo. 3, c. 52, § 33.

(5) Provided always, and be it further enacted, That when the commander-in-chief of all the forces in India (not being likewise governor-general) shall happen to be resident at either of the presidencies of Fort St. George or Bombay, the said commander-in-chief shall, from the time of his arrival, and during his continuance at such presidency, be a member of the council of such presidency, and during that period the provincial commander-in-chief of the forces of the same presidency, if he shall be a member of the council thereof, shall and may continue to sit and deliberate, but shall not have any voice at the council board.

Commander-in-chief in India, not being governor-general when at Madras or Bombay, to be a member of council, and the provincial commander-in-chief to sit in council and deliberate, but not vote.

35—37. (6) His Majesty by sign manual, countersigned by the president of the Board, may remove any officer or servant of the Company in India.—(*Vide* The King.)

(7) The departure from India of any commander-in-chief with intent to return to Europe, shall be deemed in law a resignation and avoidance of his office or employment; and that the arrival in any part of Europe of any such commander-in-chief, shall be a sufficient indication of such intent. His salary to cease on his quitting the presidency, unless on the known service of the Company.

Departure from India of any commander-in-chief to be deemed avoidance of office, and neglect of orders of Directors a misdemeanour.

§ 65. (8) Wilfully neglecting to execute the orders of the Court of Directors to be deemed a misdemeanor.

1805. 45 Geo. 3, c. 36, § 1.

(9) Whereas it is expedient that the Court of Directors of the United Company of Merchants of England trading to the East-Indies should be authorized and empowered, if they shall think fit, to appoint the commander of the military forces of the said United Company on the Bengal establishment to be a member of the supreme council of Fort William in Bengal, notwithstanding the office of governor-general of Fort William aforesaid, and the office of commander-in-chief of all the forces in India, shall be vested in the same person; 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 it shall and may be lawful to and for the Court of Directors of the said United Company especially to authorize and appoint the commander of the military forces of the said United Company on the Bengal establishment to be a member of the said supreme council of Fort William aforesaid, notwithstanding the office of governor-general of Fort William aforesaid, and the office of commander-

When governor-general and commander-in-chief in India is vested in the same person, the provincial commander-in-chief in Bengal may be appointed second in council.

LAWS.

mander-in-chief of all the forces in India, shall be vested in the same person.

1805. 45 Geo. 3, c. 36, § 2.

(10) And be it enacted, that when any such commander of the military forces of the said United Company on the Bengal establishment shall be appointed a member of the said supreme council, such commander shall have rank and precedence at the council board next to the governor-general, but he shall not succeed to the government of such presidency on the happening of a vacancy in the office of governor-general, unless such commander of the military forces of the said United Company on the Bengal establishment shall have been provisionally appointed to supply the same; but such vacancy shall be supplied by the councillor next in rank at the council board to such commander of the military forces of the said United Company on the Bengal establishment, any thing contained in an act, passed in the thirty-third year of the reign of his present Majesty, intituled, an act 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; 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 good order and government of the towns of Calcutta, Madras, and Bombay; or any other law, usage, or custom, to the contrary thereof in anywise notwithstanding.

§ 3.

(11) Provided always, and be it enacted, that any commander so to be appointed a member of the said supreme council as hereinbefore is mentioned, shall be subject to recall by the same persons and in the same manner, and shall have the same powers, franchises, and authorities, in all respects as a member of council, as if he had been appointed thereto as commander-in-chief of all the forces in India.

1813. 53 Geo. 3, c. 155, § 80.

Vacancies. (12) Vacancies in the office of commander-in-chief at Fort William, Fort St. George, or Bombay, to be filled by appointments from the court of Directors subject to approbation by the King.

§ 89.

Passage Money.]—If commander-in-chief of either presidency is resident in England at the time of his appointment, he is entitled to passage money, as follows:

Commander-in-chief in India	£2,500
Ditto at Fort St. George	2,000
Ditto at Bombay	1,500

Power of commuting sentence of Death to Transportation.

1823. 4 Geo. 4, c. 81, § 2.

Officer commanding-in-chief instead of causing sentence of death to be carried into execution, may order the offender to be transported, as a felon, for life, or for a certain term of years.—(*Vide* Military Forces.)

LAWS. August 1800.

Letters Patent to Marquess Wellesley, as CAPTAIN-GENERAL IN INDIA.

" George the Third, by the grace of God, of Great Britain, France, " and Ireland, King, defender of the faith, and so forth, to all " to whom these presents shall come, greeting:

" Whereas the United Company of Merchants of England trading " to the East-Indies by their commission, under the seal of the said " Company, bearing date the sixth day of October, one thousand seven " hundred and ninety-seven, have appointed our right trusty, and " entirely beloved cousin and councillor, Richard Wellesley, Marquis " Wellesley, (then Earl of Mornington) of our kingdom of Ireland, " and Baron Wellesley, of Wellesley, in our county of Somerset, in " our kingdom of Great Britain, and Knight of the most illustrious " order of Saint Patrick, to be, during the pleasure of the said Com- " pany, governor-general of the presidency of Fort-William in the " bay of Bengal, and of all the towns and territories thereunto " belonging, and of all and singular the forts, factories, settlements, " lands, territories, countries, and jurisdictions within the soubahship " of Bengal, and of, and for all the affairs whatsoever of the said " Company in the bay of Bengal, and other the places and provinces " thereto belonging, in the East-Indies, together with all and every " the powers and authorities committed and given to the governor- " general of Bengal, for the time being, by any act or acts of Par- " liament then in force; and by another commission under the seal " of the said Company, bearing date the same sixth day of October, " one thousand seven hundred and ninety-seven, have appointed the " said Richard, Marquis Wellesley, governor-general and comman- " der-in-chief of the fort and garrison of Fort-William in Bengal, of " the town of Calcutta, and of all the forces which then were or " thereafter should be employed in the service of the said United " Company within the said fort, garrison, and town; and the said " Company have also from time to time appointed officers to be com- " manders-in-chief of their forces at the said presidency of Fort- " William in Bengal, and their presidencies of Fort St. George and " Bombay respectively, and also have occasionally appointed persons " to be commanders-in-chief of all the said Company's forces in the " East-Indies; and whereas we have from time to time caused detach- " ments of our land forces to be employed in the East-Indies, for the " protection of the British territories there, and the annoyance of our " enemies in those parts; and whereas difficulties have arisen and " may arise in the direction and employment of our said forces, inas- " much as the same are under the immediate command of officers " commissioned by us, and not by the said Company, and we are " desirous of preventing such difficulties by giving authority to the " said Richard Marquis Wellesley to act as captain-general and " commander-in-chief of all our forces in the East-Indies, and " thereby

LAWS. August 1800.

" thereby to put under his orders and directions all our land forces, " as well as the military force in the service of the said United Com- " pany which may be employed in those parts: Now, know ye, that " we, reposing especial trust and confidence in the prudence, courage, " and loyalty of the said Richard, Marquis Wellesley, have made, " constituted, and appointed, and do by these presents make, consti- " tute, and appoint the said Richard, Marquis Wellesley, our captain- " general and commander-in-chief of all and singular our land forces " employed or to be employed in our service within any of the British " territories in India, and in all parts within the limits of the exclu- " sive trade of the said United Company, during our pleasure, to order, " do, and perform all things whatsoever, which do or ought to belong " to the office of our captain-general, and commander-in-chief of " our land forces, within the parts aforesaid, and generally to order, " do, and perform all, and whatsoever for us, and in our name ought " to be done, in the command, order, and direction of our said forces, " and also of all military forces whatsoever in the parts aforesaid " which the said Richard, Marquis Wellesley, is not authorized and " empowered to order, do, and perform by force and virtue of the " said commissions, from the said United Company, it being our " gracious will and intention by this our commission, to give to the " said Richard, Marquis Wellesley, full power and authority to order, " direct, and control all military forces employed, or to be employed, " in the territories and parts aforesaid, in all cases to which the " commissions so granted by the said United Company to the said " Richard, Marquis Wellesley, cannot extend for want of powers in " the said Company for that purpose; and we do hereby command " all our officers and soldiers who are, or shall be employed in our " land service within any of the territories and parts aforesaid, to " acknowledge and obey the said Richard, Marquis Wellesley, as " their captain-general and commander-in-chief; but, nevertheless, " we do strictly enjoin and command the said Richard, Marquis " Wellesley, in the exercise of the powers and authorities given " to him by these presents, to observe and obey all such instruc- " tions, orders, and directions, from time to time, as the said " Richard, Marquis Wellesley, shall receive from the first commis- " sioner for the affairs of India, or from any of our principal " secretaries of state; provided always, and our will and pleasure " is, that if the said Richard, Marquis Wellesley, shall cease to " be governor-general of the presidency of the British territories in " Bengal as aforesaid, then and from thenceforth all and every the " powers and authorities hereby given to the said Richard, Marquis " Wellesley, cease, determine, and become void; any thing herein- " contained to the contrary notwithstanding. In witness whereof, " we have caused these our letters to be made patent. Witness " ourself at Westminster, the seventh day of August, in the fortieth " year of our reign.

" By writ of privy seal." (Signed) " YORKE."

COMMITTEES.

THE charter of King William provides, that sub-committees may be appointed for the despatch of business. The term *sub-committee* arose from the meeting of the twenty-four Directors of the old or LONDON COMPANY having been designated, anterior to the projected union of the two companies in 1702, a *Court of Committees*.

The practice which appears to have prevailed before the union, of choosing the several sub-committees immediately after the annual election, was followed when that union was completed in 1708. After the first annual election, which took place in April 1709, the several committees were chosen; they consisted of the Committee of Accounts—Buying—Correspondence—Law Suits—Shipping—Treasury—Warehouses—and Private Trade. In April 1771, the Committee for the Management and Application of the Military, or Lord Clive's Fund, was added; and, in 1781, the Committee for Government Troops and Stores, for the purpose of carrying into effect the provisions contained in the 17th and 24th sections of the act of the 21st Geo. III, cap. 65. In 1784, by the 16th section of the 24th Geo. III, cap. 25, the Court of Directors were required to appoint a Secret Committee, to consist of three of their members, who by the 26th Geo. III, cap. 16, were required to take the oath therein prescribed.

The existing committees for conducting the Affairs of the East-India Company may be divided into four heads:—

1st. The standing Committees of the Court of Directors.
2d. The Committee of Secrecy appointed by the act of Parliament.
3d. The Secret Commercial Committee.
4th. The Committee of By-Laws.

The

The first class of committees consists of

The Committee of Correspondence,
..... Law Suits,
..... Military Fund,
..... Treasury,
..... Civil College,
..... Library.

The members composing these committees are the chairman and deputy-chairman and the nine senior Directors. The chairman and deputy-chairman are members of all committees.

The business assigned to the Committee of CORRESPONDENCE is by far the most extensive. The whole of the advices from India in the public, political, military, revenue, judicial, law, separate and ecclesiastical departments, come under their review and consideration; as also the replies to such despatches before they are submitted for the approbation of the Court of Directors. The Committee of Correspondence report the number of civil, military, and medical servants necessary for keeping up the establishments abroad, and on the applications of all such servants for leave of absence, or for permission to return to their respective presidencies. All representations and applications for redress of grievances or pecuniary demands from the Company's servants are, in the first instance, decided by this committee, and likewise the various subjects growing out of the employment of the royal navy, and of his Majesty's troops in India. The recruiting department is under the Committee of Correspondence, to whom it also belongs to submit such appointments as may be necessary in the secretary's, examiner's, auditor's, military secretary's, military fund, and treasury departments, to the decision of the Court of Directors, as well as the stationing of the several ships for their respective voyages.

It belongs to the Committee of Correspondence to issue the secret instructions to the commanders of the Company's ships as to the course they are to proceed on the voyage to and from India and China, and in the time of war to apply to the Admiralty for convoys, and for devising and taking such precautions as the committee may deem necessary for their safety with regard to signals and otherwise.

 The

The Committee of Law Suits directs prosecutions and defences in all suits in which the Company are parties, and also takes cognizance of whatever becomes the subject of litigation either abroad or at home, communicating with the other committee in whose department the subject litigated may originate. All bills of law charges are examined and reported on by the committee of Law Suits to the court.

The Committee for the Management and Application of the Military Fund was appointed to carry into effect a deed of agreement entered into between the Company and the first Lord Clive on the 6th April 1770. The sum given by his Lordship was £62,833. The Nabob of Bengal added £37,700, which sums, together with the further sum of £24,128, being the interest due by the Company on the cash notes granted on account of the two first-mentioned sums, formed the original capital with interest on the whole at the rate of eight per cent. The fund was established for the relief of *European* officers and soldiers, invalids, or superannuated, their widows, and the widows of officers and soldiers dying in the service. The Court of Directors, for the time being, are trustees for the due application of the proceeds, which are to be distributed, as nearly as possible, under regulations similar to those for paying Chelsea pensioners.

Every commissioned officer is to take an oath, before he is admitted, that he is not possessed of, or entitled to, real and personal estate:

A Colonel	of	£4,000
Lieutenant-Colonel		3,000
Major		2,500
Captain		2,000
Lieutenant		1,000
Ensign		750

All commissioned staff or warrant officers have half the ordinary stated pay they enjoyed whilst in service; sergeants of horse artillery, 9*d.* per day, and such as have lost a limb, 1s.: privates of the artillery, 6*d*, and such as have lost a limb, 9*d.* Other non-commissioned officers and privates, 4¾*d.* per day. All pensions commence from the time of their respective debarkations in England.

The

The widows to bring evidence that their husbands did not die possessed of the sums beforementioned: the pensions to be paid during widowhood. If parties are insane, the pension to be paid to the churchwardens of the parish towards the pensioner's subsistence.

In the event of the Company having no military force in India in their actual pay or service, then the fund is to be applied in the same manner to the support of the invalided marine servants or their widows; and if the Company should cease to employ troops or marine, then the sum out of which the fund originally arose reverts to the representatives of the donor.

The Committee of Treasury provides, agreeably to the order of Court, for the payment of dividends and of the interest on bonds, and negotiates whatever loans the Company's credit may at any time require. They also purchase when required all bullion for exportation, and arrange the sale of such specie as may be sent home from India. They affix the Company's seal to the counterparts of charter-parties, supracargoes', factors' and writers' covenants—to any bonds given at the Custom-House, and to whatever bonds or deeds the Court may order. They examine the state of the Company's cash, and judge on all applications on the loss of bonds or any other money transactions.

The Committee of *Civil* College has the superintendence of the regulations for the government of that institution, and reports on the nomination of the professors and students to the college, and to the fitness of the latter for appointment as writers.

The second class of committees comprehends

The Committee of Buying and Warehouses,
..... Accounts,
..... House,
..... Military Seminary.

The six members next in seniority to those forming the Committee of Correspondence compose the above-mentioned committees.

The business allotted to the Committee of Buying and Warehouses is the management and superintendence of the

Company's

Company's commercial concerns, both exports and imports; arranging and suiting the orders sent abroad to the state of the markets at home; the control of the servants employed in ascertaining that the articles procured are of a proper quality, and obtained at fair rates of cost; devising means for conveying these articles to England, providing for landing and putting them in the warehouses, arranging the order of sales, and collecting and digesting the opinions as to forming proper future provision for the trade; providing and superintending the purchase and export of the military stores for service in India, as well as the purchase of certain specified articles of export, such as lead, woollens, &c. This committee settles contracts with the dyers, appoints tradesmen, gives directions respecting cloth and long ells, which are brought in their white state to pass through the process which fits them for the market; and after they are returned from the dyer, for their being fine-drawn, plained, pressed, and properly packed for shipping. It likewise issues orders for the different goods being sent on board the several ships, audits the tradesmen's accounts, and directs and controls the extensive warehouse establishments at home.

The business of the Committee of Accounts is to examine whatever relates to bills of exchange and certificates granted in India or China, or elsewhere, on the Company, and to compare advices with the bills, &c., when presented for acceptance: to examine the estimates and actual accounts of cash or of stock formed for the use of the Court of Directors, of the Lords of his Majesty's Treasury, and of Parliament. To this committee is immediately subservient the Accountant's Office, with its dependencies, and the Transfer Office, in which letters of attorney for the sale and transfer of the Company's stock and annuities are investigated.

The business assigned to the Committee of House is limited. It issues orders for the necessary repairs and alterations required at the India House; and regulates all the internal arrangements of the establishment.

To the Military Seminary Committee belongs the framing regulations for the government of the establishment at Addiscombe, the appointment of the lieutenant-governor and other officers

officers and professors, and of the cadets who are to study there; as also the appointment of cadets for general service, as well as of the assistant-surgeons for the Company's service in India.

The third class of committees comprehends

The Committee of Shipping,
..... Private Trade.

The Committee of Shipping has the purchase of the stores for the voyages. It has to settle terms with the owners of freighted ships, and to examine the qualifications of the commanders and officers. It has the distribution of the outward cargoes, and superintends the raising and allotting the recruits to be sent to India in each ship. It examines and passes the volunteers for the marine. It directs the agreement for and payment of seamen's wages, outward and homeward. It superintends the regulation and allowances of private trade outward to the commanders and officers of the Company's ships. It issues orders for building, repairing, and fitting out the ships, packets, &c., of which the Company are proprietors; and it provides for the embarkation of his Majesty's troops, when ordered on service in the East-Indies.

To the Committee of Private Trade is allotted the duty of preparing the charter-parties, of adjusting the accounts of freight of goods carried out in the Company's chartered ships, and of the demorage payable on their sailing from England; of examining the commanders on their arrival from their respective voyages, to ascertain whether they have complied with the orders and instructions given them by the Court of Directors, and by the Company's servants abroad; of determining on the claims of the owners of chartered ships, in respect to the "earnings" of freight and demorage, adjusting the accounts between them and the Company, and ordering the payments to be made to them; of regulating the indulgences in private trade homeward; of comparing the accounts of private trade home, with the quantities and species allowed and manifested, in order to discover whether the established regulations have been complied with; and of considering and determining on the

the several applications which may be made on private trade, exceeding the allowances which may not be duly manifested.

The Committees for Government Troops and Stores, and for Preventing the Growth of Private Trade, are abolished.

The foregoing is a brief summary of the various duties which devolve upon the several committees to prepare and submit for the final approbation of the Court of Directors.

2d. The Committee of Secrecy appointed by Act of Parliament may be termed the Secret Political Committee.

When the Company's concerns began to assume the mixed aspects of commerce and revenue, it became difficult to assign to any of the standing committees, either the political interferences with the Indian princes, of whose sovereignties their foreign governments had become sharers or allies, or to manage the political connexion which the Company now necessarily had with the executive government. As early as the peace of 1748, and while the political struggle between the French and English on the Coromandel Coast was obviously the harbinger of a war, a Secret Committee was appointed and began to take an important lead in the Company's domestic and foreign affairs. As the war between England and France assumed a more serious aspect, the Secret Committee, besides its first character, was entrusted with the conduct of the Company's military and naval affairs; had the charge of providing for the safety of their chartered and trading ships, and authority to enter into such treaties and alliances with the Indian powers as might be thought requisite for the preservation and protection of the factories or the districts depending on them. These powers of the Secret Committee were renewed and enlarged during the
1756 to 61. whole course of the war, extending not only to the settlements on the peninsula, but to their establishments making on the west coast of Sumatra, for the purpose of promoting commerce in that quarter of the Company's limits. While the arms of Britain were making rapid acquisitions, particularly towards the close of this war, the Secret Committee began to be invested with more specific powers, *viz.* those of conferring with the King's ministers, on the proper and

and effectual plans for seconding the efforts of Government, in reducing the Manillas; of soliciting the Admiralty for convoys to the Company's ships; of opening such packets as might be addressed to the committee only, and communicating the contents to the Court of Directors, or not, as they might deem it prudent that the contents should be known; and of consulting with ministry on the measures for securing the Company's possessions and privileges of commerce, in the treaty of peace which now appeared to be approaching. To this Secret Committee, also, upon the same principle of securing to the Company their recent acquisitions, were confided the duty of soliciting the assistance of the executive power, to enable the Company to retain the possession of Masulipatam, as ceded by Salibat Jung. Similar powers with these already referred to, of opening packets which might be addressed to them, and of laying such parts only of them before the Court of Directors as it might be thought prudent to divulge, were renewed to this committee for seventeen successive years.

As the late general war approached, the powers of the Secret Committee were, in a measure, limited to the Chairman and Deputy-Chairman only, who were vested with the whole executive authority of the Company, that they might watch over the general safety of their dominions and trade. From 1778, till the passing of the act in 1784, instituting the India Board, the Secret Committee alone communicated with the King's ministers on the political interests of the Company. In that act it was declared to be a fixed part of the domestic establishment of the Company; and the Court of Directors were required, "from time to time, to appoint a secret committee, "to consist of any number of the Court not exceeding three "members." In 1786, by the 26th Geo. III, cap. 16, the members of the committee were required to take an oath of secrecy, and the parties who might be employed in transcribing or preparing any secret despatch, were likewise to be sworn. The oath prescribed in 1786 was renewed in the same terms in the act of 1793; but in 1813, by the 53d Geo. III, cap. 155, sec. 74, an addition is made to such oath, prohibiting the disclosure of all despatches received *from* India addressed to the Secret Committee, as well as those sent to India without authority from

from the Board of Commissioners for the Affairs of India. The despatches from India are to be sent by the Governments there to the Secret Committee, who are immediately to forward the same, or copies thereof, to the Board.

Two other secret committees are ordained by the by-laws; the one for selecting and settling all matters relating to signals, places of rendezvous, and convoys with the admiralty. It consists of the members of the Committee of Correspondence, and has already been noticed.

The other is the SECRET COMMERCIAL COMMITTEE, first appointed in 1815 under the by-laws. It consists of five directors, of whom the chairman and deputy are to be two; the other three members are chosen one from each of the Committees of Correspondence, Buying and Warehouses, and Shipping. It is nominated for the purpose of carrying into effect such commercial objects under the instruction of the Court of Directors as shall be of a nature to require secrecy; and the proceedings of the committee are to be reported to the Court whenever the same can be done with safety to the interests of the Company. Such report has been invariably made every year at the close of the direction in the month of April.

The Committee of By-Laws is described under the head of "BY-LAWS."

Every report from the committees appointed by the Court of Directors, to be valid, must be signed and laid before the Court of Directors within eight days from the date of its passing the committee.

The Committees of Buying and Warehouses and Shipping are required by the by-laws to report to the Court of Directors, at least ten days before the ships are taken up, the quantity of tonnage necessary for the service of the current year; and the tonnage to be contracted for is to be proportioned to such reports, provided the Court of Directors shall approve the same.

LAWS.

LAWS.

1698. Charter, Wm. 3.

Business may be done by sub-committees.

(1) Provided nevertheless, that all matters and things which the said Directors, or the major part of them, shall in manner as aforesaid order and direct to be done by sub-committees, or other persons appointed under them, shall and may, by virtue of such orders, be done by the said sub-committees, or other persons so appointed.

Secret Committee originally established in 1784.

1793. 33 Geo. 3, c. 52, § 19.

Board may send orders to the Secret Committee of Directors, who shall transmit the same to India.

(2) Provided also, and be it further enacted, that if the Board of Commissioners shall be 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, intended to be communicated in orders to any of the governments or presidencies in India, shall be of a nature to require secrecy, it shall and may be lawful for the said Board to send their orders and instructions to the Secret Committee of the said Court of Directors, to be appointed as is by this act directed, who shall thereupon, without disclosing the same, transmit their orders and despatches, according to the tenor of the said orders and insructions of the said Board, to the respective governments and presidencies in India; and that the said governments and presidencies shall be bound to pay a faithful obedience thereto, in like manner as if such orders and instructions had been sent to them by the said Court of Directors.

§ 20.

Directors to appoint a Secret Committee, who shall take an oath.

(3) And be it further enacted, that the said Court of Directors shall from time to time appoint a Secret Committee, to consist of any number not exceeding three of the said Directors, for the particular purposes in this act specified; which said Directors so appointed shall, before they or any of them shall act in the execution of the powers and trusts hereby reposed in them, take an oath.

1813. 53 Geo. 3, c. 155, § 74.

Secret Committee to take the following, instead of former oath.

(4) And, that instead of the oath in the 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., 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 despatches com-

"municated

LAWS.

" municated or transmitted to the said committee by any of the " governments or presidencies in India, which relate to the levying " of war or the making of peace, or treating or negociating 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 per- " son 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."

1793. 33 Geo. 3, c. 52, § 20.

Which said oath shall and may be administered by the several and respective members of the said Secret Committee to each other; and, being so by them taken and subscribed, the same shall be recorded by the secretary of the said Court of Directors for the time being amongst the acts of the said Court.

§ 21.

Despatches of the Secret Committee to be prepared only by the Secretary or Examiner of Indian Correspondence, who shall take an oath of secrecy.

(5) And be it further enacted, that if the said Secret Committee, in the execution of their said powers and trusts, shall find it necessary to employ any person in transcribing or preparing any secret despatches, orders, or instructions required to be transmitted by them to India under the direction of this act, the said despatches, orders, and instructions shall be transcribed and prepared either by the secretary of the Court of Directors for the time being, or by the officer called the examiner of Indian correspondence for the time being, and by no other person or persons, unless with the approbation and consent of the said board of commissioners for the affairs of India, for that purpose first had and obtained; and that as well the said secretary and examiner as every other person who shall be intrusted with the transcribing or preparing any of such despatches, orders, or instructions, 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; and the members of the said committee, or any two of them, are hereby authorized and required to frame and administer such oath accordingly, and to attest the taking and subscribing of the same by the said secretary and examiner, and all other persons who shall be employed by them as aforesaid, and to cause the same to be recorded amongst the acts of the said Court of Directors.

1813. 53 Geo. 3, c. 155, § 75.

New oath of secrecy to be taken by persons employed in preparing or transcribing secret despatches.

(6) 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 despatches, orders, or instructions, required to be transmitted by them to India, under the direction of the said act of Parliament of Great Britain of the thirty-third year of his

LAWS.

his Majesty's reign, or any secret despatches 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 secresy, 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 persons employed in preparing and transcribing secret despatches intended to be sent to India.

1813. 53 Geo. 3, c. 155, § 75.

1793. 33 Geo. 3, c. 52. § 22.

Presidencies in India may send despatches to the Secret Committee, who shall deliver them to the Board.

(7) Provided also, and be it further enacted, that when any of the governments or presidencies in India shall be of opinion that any of their despatches to Great Britain, concerning the government of the said territories and acquisitions, or the levying war, or making peace, or negociations or treaties with any of the native princes or states of India, shall be of a nature to require the same to be kept secret, it shall be lawful for the said governments or presidencies respectively to address their despatches requiring such secrecy, under cover, sealed with their seals, unto the said Secret Committee of Directors of the said Company, for the inspection of such committee, and that immediately upon the arrival of such despatches so addressed, the said Secret Committee of Directors shall deliver the same or copies thereof to the said Board.

1813. 53 Geo. 3, c. 155, § 73.

Secret Committee not to disclose despatches sent from the presidencies relative to war, peace, or negotiations, until authorized by the Board of Commissioners.

(8) 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 despatches 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 despatches which relate to the levying of 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.

BY-LAWS.

Election of Committees in General Court.

c. 7, § 9.

Elections of committees by ballot in the general court,

That in all elections of committees made by ballot in a general court, the same method (so near as the case will admit) shall be observed; under such penalties

By-Laws. ties as are before prescribed, concerning the election of directors.—(*Vide* Court of Directors.) — to be managed conformably to the election of Directors.

Secret Committee for Signals, &c.

c. 5, § 1. That a Committee of Secrecy, besides the Secret Committee authorized by the act of the 33d Geo. III, cap. 52, be annually appointed by the Court of Directors; and that the only subjects of reference to the said Committee of Secrecy shall be the soliciting and settling of all matters relative to signals, places of rendezvous, and convoys with the Admiralty. — Powers of the Committee of Secrecy.

Secret Commercial Committee.

c. 5, § 2. That the Court of Directors be empowered, so often as it shall appear to them to be necessary, to appoint a committee, to consist of five directors, of whom the chairman and deputy are to be two, for carrying into effect such commercial objects, under the instruction of the Court of Directors, as shall be of a nature to require secrecy; and that the committee so appointed, shall report their proceedings to the court, whenever the same, in their judgment, can be done with safety to the interests of the Company, and within the period to which the duration of such committee shall be limited. — Court of Directors may appoint a secret committee for commercial objects, who are to report their proceedings to the court when the same can be done with safety.

Reports to be laid before Court within eight days.

c. 5, § 3. That the report of every committee appointed by the Court of Directors, shall be signed and laid before a Court of Directors within eight days. — Report of committees to be laid before the Court of Directors within eight days.

Tonnage for the season to be reported.

c. 5, § 5. That the Committee of Buying and Warehouses and Committee of Shipping shall report to the Court of Directors, at least ten days before the ships are taken up, the quantity of tonnage necessary for the service of the current year; and that the tonnage to be contracted for shall be proportioned to those reports, provided the Court of Directors shall approve the same. — Reports from committees to be made to the Court of Directors of the tonnage wanted for the current year.

Treasury Committee not to have unlimited vote of credit, and not to consist of less than three Members.

c. 4, § 7. That no unlimited vote of credit shall be given by the Court of Directors to the Committee of Treasury on the Company's account. — No unlimited vote of credit to be given to the Committee of Treasury.

c 5, § 4. That the quorum of the Committee of Treasury shall never consist of less than three Directors. — Three to be a quorum of the Committee of Treasury.

COURT OF DIRECTORS.

Under the charter granted by Queen Elizabeth in 1600, it was ordained that a governor and twenty-four *committees*, as the members were then designated, should be chosen annually for the management of all the affairs of "the Governor "and Company of Merchants of *London* trading to the East-"Indies," which was their corporate name. It was likewise provided that a deputy-governor should be elected in a general court.

In 1698 the new company was incorporated, under the denomination of the *English* East-India Company, by King William III. In the choice of governor and committees, the same system was observed by the English Company as that which had been established by the old or London Company. The London Company's exclusive privileges of trade were to cease in 1701; so far, however, from being intimidated by the powers vested in the English Company, they determined to continue to trade on such portion of that company's stock for which they had subscribed, and thus retain the rights and privileges which they had acquired. The English Company, after having made three advances in payment of their subscriptions, found their stock depressed in price, and the public opinion of their credit beginning to waver, and they accordingly made the first overtures to the London Company for a coalition. Fruitless negociations were carried on for some time, during which intelligence was received by the London Company of the alarm which their foreign settlements had taken, on hearing of the establishment of the English Company. They immediately addressed their agents abroad, urging them not to be dismayed at what the committees described "as a blusteriug storm, "which was so far from tearing them up, that it only a little "shook the roots, and made them thereby take the better "hold, and grow the firmer and flourish the faster." Upon

Upon the petition of the London Company to be continued a corporation, a bill passed Parliament in February 1699, and, as was then the custom on private bills, the parties prayed permission to attend the King, to entreat that his Majesty would be graciously pleased to give it his royal assent. Permission having been given to the London Company to attend his Majesty, the governor and committees, with about one hundred proprietors, accompanied by the lord mayor, sheriffs, and six of the aldermen of London, obtained an audience of his Majesty at Kensington, on the 8th March 1699, at which the King was pleased to assure them of his favour and protection, and recommended an union of the two companies to their serious consideration, as it was his opinion that it would be most for the interest of the India trade. In July 1702, after much preliminary discussion, an Indenture Tripartite was passed under the great seal. It was described as the CHARTER OF UNION, and took effect in 1708, until which period it was agreed that a court of *twenty-four managers* should be appointed, twelve to be chosen from each company for carrying on the trade. The charter of the English Company was to be considered the charter of both, and the name of the company in future was to be THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING TO THE EAST-INDIES, whose affairs were to be conducted by their own directors, agreeably to the charter granted in pursuance of the 10th of King William. In 1708, under the award of the Lord High Treasurer, Lord Godolphin, the union was completed; and, on the 25th March 1709, the first general court of the United Company was held.

On the 15th April 1709, the first twenty-four directors were elected; and on the 21st of that month the several committees were appointed in the Court of Directors. It appears to have been the custom for the directors severally to take the chair for a week each. In 1713, it was recommended in a report from the Committee of By-Laws, that the year should be divided into four periods, each period to consist of three months, and that for each three months a chairman and deputy should be chosen.

At a General Court, on the 5th March 1714, a resolution was

was moved and adopted, that when the directors were annually chosen, the court, at their first meeting, should elect out of themselves two persons, the one to be chairman, the other deputy chairman for the whole year. On the 14th April following, being the first court day after the election, a chairman and deputy-chairman were chosen by the ballot, which course is now prescribed by the by-laws. From that time twenty-four directors were elected annually, and a chairman and deputy chosen at the first court after the election; at which court the committees were also nominated.

In March 1733, a proposition was submitted to the General Court for precluding any director, should he be elected four years successively, from filling the offices of chairman and deputy-chairman more than once during the said term: it was negatived. In June 1734, a by-law was enacted, by which no proprietor, after he had served as a director for four years, could be re-elected until he should have been one year out of the direction.

This regulation was incorporated in the act of the 13th Geo. III, cap. 63, commonly called the Regulating Act, which was the first legislative provision passed for the general government of the Company's affairs subsequent to the charter of King William, with the exception of the enactments as to the declaration of dividends and the commencement and termination of a ballot. 1773.

The qualifications for a director, and the laws applicable to directors individually, will be first briefly noticed, after which the constitution of the Court of Directors, as a body, and the laws by which their proceedings are governed.

By the charter of King William, the directors are to be elected from the body of proprietors, and no proprietor is capable of being chosen a director, who shall not at the time of such choice be a natural-born subject of England, or naturalized, and have in his own right and for his own use two thousand pounds or more stock. Neither can he continue to be a director longer than he is in possession of such stock; it is not necessary (as in the case of voting) that he should have possessed the stock for any prescribed time to make him eligible for the direction.

Within

Within ten days after his election, he is required to take an oath before the Lord High Chancellor, or Keeper of the Great Seal, or the Chancellor of the Exchequer, or Chief Baron of the Exchequer, or before any two or more of the Directors: if he shall not take such oath within the prescribed period of ten days his election is to become void.

A director is liable to be displaced by the proceedings of two General Courts; at the first of which the grounds for the motion of removal are to be brought forward; and at the second the question is to be decided by the votes of the proprietors then present.

A director of the East-India Company is not to be a director of the Bank or South Sea Company at the same time.

No person having been in office in India is capable of being chosen a director until he shall have returned to and been resident in England two years. It is likewise prescribed by the by-laws, that any person being elected a director within two years after holding any maritime office in the service of the Company is liable to be removed.

No director is to have any dealings with the Company, except at their public sales, neither is he to vote on a lot of goods wherein he may be concerned. A director is not to take any fee or reward, directly or indirectly, upon any account whatsoever, relating to the business or affairs of the Company, under pain of removal. When a director goes beyond sea, he is required to make a report thereof to the Court of Directors; and should he continue beyond sea twelve months, he is liable to be removed from his office; also, if he shall hold any office or place of emolument under the crown. No director is to trade to or from India otherwise than in the joint stock of the Company, or transact any kind of business for persons resident in India, for any gain or emolument whatever.

The origin of the Company's designation as the United Company, the qualification for a Director, and the laws affecting Directors having been pointed out, the constitution of the Court of Directors will now be noticed.

There are twenty-four directors, six of whom are elected annually, in the room of six, who, having served four years, retire, and are not eligible to be re-elected till they have been one year out of the direction. By

By the act of the 13th Geo. III, it was provided, instead of electing twenty-four Directors each year, that, at the first annual election after the passing of that act, six Directors should be chosen for four, six for three, six for two years, and six for one year; and that, at each subsequent annual election, six Directors should be elected for four years, in the room of six who were to vacate their seats.* It appearing that, in the year 1777, the election would fall on Sunday the 13th of April, counsel's opinion was taken whether it could not be deferred till the Monday following; it however appeared that under the act it was imperative the election should take place on the Sunday. The 17th Geo. III, cap. 8, was accordingly passed, fixing Wednesday, the 16th of April 1777, for the day of election, in the room of Sunday the 13th; and providing that for the future the general election should take place on the second Wednesday in the month of April in every year.

The twenty-four Directors so elected, having taken the prescribed oath, when assembled are designated by the charter of King William, A Court of Directors, which Directors or any thirteen of them are competent to order, manage, and direct the affairs of the Company, according to the acts of Parliament and by-laws which may from time to time be passed for their government and direction. It is ordained by the by-laws, that in the first Court of Directors which is held after the annual election, a chairman and deputy-chairman are to be chosen by the ballot. It is likewise ordained by the by-laws, that a Court of Directors shall be held once in every week. A Court constituted in the manner before mentioned is the executive body of the East-India Company, and possesses full power and authority to direct all matters connected with the affairs of India, both at home and abroad (excepting such as relate to the committees of secrecy) subject to the parliamentary restrictions contained in the various acts which have been passed for the government of the Company,

* In case of death, removal, or otherwise, the Director who may be elected on such vacancy is to be chosen to serve the remainder of the term for which the person who occasions the vacancy had to serve.

pany, as well as to the powers of superintendence and control vested in the Board of Commissioners for the Affairs of India, and to the concurrence and approbation on various points of the General Court of Proprietors.

Notwithstanding the restrictive authorities above adverted to, it rests with the Court of Directors to frame and originate in the first instance despatches or instructions to the governments in India. The Board of Commissioners have the power to call upon the Court of Directors to frame and transmit to them despatches on any subject connected with the civil or military government of the territories and acquisitions or with the revenues thereof; but it is with the Court of Directors to cause such despatches to be framed in accordance with their view of the subject; such despatches, as well as all others relating to the abovementioned points, before they are sent to India, being subject to alteration by the Board, who are to return the said proposed drafts within two months after their receipt at the Board, and, if varied or altered, with their reasons at large in respect thereof; against which alterations power is reserved to the Court of Directors to make such representations as they may see fit.

All orders, despatches, or instructions from the Court to their governments abroad (excepting always the secret committees) must be signed by thirteen or more Directors, and any disobedience of such orders by their servants abroad is punishable as a misdemeanor.

The Court have the power of nominating to the several governments in India. The appointments of governor-general, and governors of the subordinate presidencies of Madras and Bombay; also those of commander in-chief in India, provincial commander-in-chief in Bengal, and commanders-in-chief at Madras and Bombay, are subject to the approbation of his Majesty, to be signified under the sign-manual, countersigned by the president of the Board. The absolute appointment of members to council is vested in the Court of Directors. If, however, the Court neglect to appoint to any of the abovementioned vacancies for two calendar months after such vacancy has been notified to them, the King may appoint; and in the case of the party so appointed, the Court of

Directors do not possess the power of recall. In every other case, they are vested with the power of removing, dismissing, or recalling their servants. His Majesty, also, by sign manual, countersigned by the president of the Board, may remove any officer or servant of the Company in India, provided a duplicate or copy of every such instrument is delivered or transmitted to the chairman or deputy chairman for the time being, within eight days after the same shall have been signed, to the intent that the Court of Directors shall be apprized thereof.

The Court may appoint provisional successors to council; who are not to draw the allowances of the office till they shall have actually succeeded thereto.

The Court, with the approbation of the Board of Commissioners, are empowered to suspend the extraordinary powers of the governor-general to act upon his own responsibility; and to revive them again should they see fit.

All appointments of writers, cadets and assistant-surgeons, rest with the Court, who are to be governed by the returns of vacancies transmitted home by the several governments abroad.

The Court can permit civil servants to return to India, although they shall have been absent more than five years; provided such absence shall be proved, to the satisfaction of the Court, to have been occasioned by sickness; otherwise, their return must be sanctioned by a ballot in General Court, in which three parts in four of the Proprietors voting must concur.

Any civil servant returning after five years' absence, is only entitled to rank according to the period he shall have served in India at the time of his departure, taking such rank immediately below those who shall have served a like length of time.

The Court, with the approbation of the Board of Commissioners, may permit the return of military officers, after they shall have been absent beyond five years, provided they shall be satisfied that sickness, infirmity, or some inevitable accident, has caused such absence.

Military officers, of the rank of a general officer, or colonel commanding

commanding a regiment, or a lieutenant-colonel commandant of a regiment, may be permitted by the Court, with the approbation of the Board, to return to India, although they may have been absent beyond five years, and such absence not have been occasioned by sickness or infirmity. No restoration of servants, civil or military, who shall have been suspended or removed by the governments abroad, is valid or effectual without the approbation of the Board of Commissioners; nor is any action to be stayed or compounded by the Court without the consent of the Board.

The Court may grant any gratuity not exceeding six hundred pounds, and may make an addition of two hundred pounds per annum to any person's salary; but any gratuity * or increase of salary beyond such sums, are subject to the approbation of the General Court and of the Board of Commissioners.

The Court are required to keep separate accounts of their political and commercial affairs, and to lay a complete account of all their affairs annually before Parliament. All accounts which are presented to Parliament by the Court of Directors are to be laid before the General Court of Proprietors.

The Court of Directors are required by charter to summon and appoint four General Courts to be held; one in March, one in June, one in September, and one in December. If the Directors fail in summoning such Courts, any three or more Directors may summon and call a General Court.

A director has the power of entering his dissent on the proceedings of the Court of Directors to any measure, within fourteen days from the date on which such measure shall have been adopted or resolved on by the Court.

The foregoing statement gives a general view of the constitution and powers of the executive body of the East-India Company. To enumerate at any length the various duties which devolve upon the Court would extend this head too greatly. It may be sufficient to remark, that all papers, letters, memorials, and petitions, addressed to the Court of Directors, are read on the first Court day which is held after they have been received, and a decision is either immediately passed upon them by the Court, or they are referred to the respective committees to examine and report upon their contents for the final decision of the Court. All the voluminous records of the proceedings of the governments abroad, and the despatches in the political, financial, revenue, judicial, military, public, separate, law, and ecclesiastical departments, come under the consideration and review of the Court, as well as the replies and orders consequent thereon. It rests with the Court to confirm or revise all measures of the several committees, and to decide on the very numerous applications and appeals from the various servants and parties in Europe, as well as corresponding with the several public departments of his Majesty's government. It may also be observed, that as the Court of Directors are the executive body of the East-India Company, so the chairman and deputy chairman are the organs of the Court. All subjects are brought forward by them; all communications requiring personal intercourse with his Majesty's ministers and the Board of Commissioners for the Affairs of India are conducted by them, excepting in cases where it has been deemed expedient to form a deputation, by associating other members of the Court with the chairs; hence it will be apparent that the duties of the Court of Directors form in the whole an aggregate so various and important, as to demand the unceasing attention of the Chairs, and the aid and counsel of the Court and of the Committees.

* Vide Gratuities. Vide Salaries.

LAWS.

Number of Directors.

1698. Charter Wm. 3d.

The twenty-four Directors or any thirteen to be a court.

(1) And for the better ordering, managing, and governing the affairs of the same Company, and for the making and establishing a continual succession of persons to be the directors of the same, we do, by these presents, for us, our heirs and successors, grant unto the said body politic, so called, The English Company trading to the East-Indies, and to their successors, and do hereby ordain and appoint that there shall be, from time to time, for ever (of the members of the said Company) twenty-four directors of and in the same Company, which directors, or any thirteen or more of them, shall be and be called a COURT OF THE DIRECTORS, for the ordering, managing, and directing the affairs of the same Company, and corporation, and shall have such powers and privileges as are hereinafter mentioned.

Thirteen

LAWS. 1698. Charter Wm. 3d.

Thirteen Directors to form a Court.

The Directors, or any thirteen may hold courts, &c., and shall act according to the by-laws; and where they are wanting, shall do all the business of the Company.—As they shall judge necessary.

(2) And for the better ordering and managing of the affairs of the same Company, we do by these presents for us, our heirs and successors, grant, and we do by these presents will, authorise, and appoint, that the said directors, for the time being, or any thirteen or more of them, shall and may from time to time, and at all convenient times, assemble and meet together at any convenient place or places for the direction and management of the affairs and business of the same Company, and then and there to hold courts of the directors, for the purpose aforesaid, and summon General Courts, to meet as often as they shall see cause; and that the said directors, or the major part of them so assembled, shall and may act according to such by-laws, constitutions, orders, rules, or directions, as shall from time to time be made and given unto them by the General Court of the said Company; and in all cases where such by-laws, constitutions, orders, rules, or directions, by or from the General Court shall be wanting, the said directors, or the major part of them so assembled, shall and may direct and manage all the affairs and business of the same Company, in the direction of all the voyages of or for the same Company, and the provision of the shipping and merchandizes thereunto belonging, as also the sale of the merchandizes, goods, and other things returned in all or any the voyages or ships of or for the same Company, and in the transacting and handling of all other matters and things touching and concerning the same Company; and shall and may choose and appoint the agents or servants which shall from time to time be necessary, to be employed therein, and to allow and pay reasonable salaries and allowances to the said agents and servants respectively, and them, or any of them, from time to time, to remove or displace as they shall see cause, and generally to act and do in all matters and things whatsoever, which by the said recited act of Parliament shall or may be done, and in all matters and things whatsoever, which they shall judge necessary for the well ordering and managing of the same Company and the affairs thereof; and to do, enjoy, perform, and execute all the powers, authorities, privileges, acts, and things in relation to the said Company as fully, to all intents and purposes, as if the same were done by the whole Company, or by a General Court of the same; subject nevertheless to such restrictions, limitations, rules, or appointments as are contained in the said recited act of Parliament, or in these presents in that behalf.

Ibid.

Qualification.

No person to be a director, but who hath £2,000 stock in his own right, nor to continue longer than he keeps the same.

(3) Provided also, and we do hereby, for us, our heirs and successors, constitute, ordain, and appoint, that no person shall be capable of being chosen a director of the said Company, who shall not, at the time of such choice, be a natural-born subject of England, or naturalized, and shall not also then have in his own name, or in his own right, and for his own use, two thousand pounds or more, in the said stock; and that no director or directors shall continue in his or their respective offices longer than the continuance of such their respective interests and stocks, in their own names and rights, and to their own uses respectively; but upon parting with, or reducing his or their respective shares or interest in the said stock, to any lesser sum or sums than as aforesaid, the said respective offices or places of such director or directors so parting with, reducing, or diminishing their said shares or interest as aforesaid, shall cease, determine, and become vacant, and others shall be chosen in their room by a General Court of the same Company.

LAWS. 1698. Charter Wm. 3d.

Not to be a Director of the Bank or South Sea Company.

1708. 9 Anne, c. 7, § 11.

None may be governor, &c. of the Bank and East-India Company at the same time.

(4) And be it enacted by the authority aforesaid, that in all future elections of Governor, Deputy-Governor, or Directors of the respective corporations of the Bank of England, and of the United Company of Merchants of England trading to the East-Indies, all and every person or persons who shall be elected Governor, Deputy-Governor, or Director of the Bank of England shall, during the year for which he or they shall be elected, be incapable of being chosen director or directors for the management of the affairs of the said United Company, and all and every person or persons who shall be elected director or directors of the said United Company, shall, during the year for which he or they shall be so elected, be incapable of being chosen a governor or deputy-governor, or director or directors of the Bank of England.

How to be elected.

1773. 13 Geo. 3, c. 63, § 1.

By 17 Geo. 3, c. 8, the annual election is fixed for the second Wednesday in April.

(5) And whereas the electing and choosing of Directors of the said United Company, every year, in such manner as at present prescribed by charter, has not answered the good purposes intended thereby, but, on the contrary, by limiting the duration of their office to so short a time, evidently tends to weaken the authority of the Court of Directors, and to produce instability in the councils and measures of the said Company; 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 at the next ensuing general election of directors of the said United Company, instead of an election of twenty-four Directors to serve for the space of one year only, there shall be chosen, in such manner and order as the directors of the said United Company for the time being shall appoint, six directors expressly for the term of one year; and six other directors for

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1773. 13 Geo. 3, c. 63, § 1.

for the term of two years, and six other directors for the term of three years, and the remaining six directors for the term of four years, and not otherwise; and from thenceforth yearly and every year; and at the expiration of each and every of the said terms respectively, six new directors, and no more, shall be chosen, from time to time, in the place of such directors whose term shall have expired, and who are hereby declared incapable of being then re-chosen; and at every subsequent election, during the continuance of the charter of the said United Company, six new directors shall be chosen, and shall continue to be directors for the term of four years, and no longer, to be accounted from the day on which the election of such directors was respectively made; and in case the office and authority of any such director shall become void by death, removal, or otherwise, another shall be chosen from time to time, in his place, to serve as a director during the remainder of such term for which the person whose office shall have become void was chosen, and no longer.

Election, when to take place.

1777. 17 Geo. 3, c. 8.

(6) And whereas there is not any provision in the said act for the making an election of directors of the said United Company at any other time than on the exact day when the term of the former elections expire: and whereas the day of election of directors, in the year one thousand seven hundred and seventy-seven, according to the said recited act, will happen on Sunday, the thirteenth day of April, one thousand seven hundred and seventy-seven; but it is highly improper that such election should be made on a Sunday, and it is expedient that the like impropriety should be prevented in future; be it therefore 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, instead of the said general election of six directors of the said United Company, in the said year one thousand seven hundred and seventy-seven, for the term of four years, being made on Sunday, the said thirteenth day of April, one thousand seven hundred and seventy-seven, the same election shall be made on Wednesday, the sixteenth day of the same month of April; and in respect to all future actual elections of Directors of the said United Company, instead of the same being made on the exact day of the expiration of the term for which the former Directors were elected, in pursuance of the said recited act, such future annual general elections of Directors of the said United Company shall be made on the second Wednesday in the month of April in every year.

General election of Directors for 1777, to be on Wednesday, April 16; and all future annual elections on the second Wednesday in April.

Oath to be taken by a Director.

1793. 33 Geo. 3, c. 52 § 160.

(7) And be it further enacted, that every person who shall hereafter be elected a Director of the said Company shall, within ten days

days next after his election, and before he shall take that office upon him (save only the administering the oath hereinafter mentioned, instead of the oath now prescribed to be taken by persons elected Directors of the said Company, take the following oath; that is to say)—

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1793. 33 Geo. 3, c 52, § 160.

"I, A. B., do swear, that the sum of two thousand pounds, now "standing in my name, of the stock of the United Company of Mer- "chants of England trading to the East-Indies, whereof I am elected "to be a director, doth at this time belong to me in my own right, "and not in trust for any other person or persons whomsoever; "and I do further swear, that in case I shall at any time or times, "whilst I shall continue to be a director of the said Company, have "any dealings or business with the said Company upon my own ac- "count, separately or in conjunction with any other person or persons, "for or in respect of buying for or selling to the said Company any "bullion or other goods whatsoever, or in making any other bargain "or contract whatsoever, by, to, or with the said Company, then and "in every such case, previous to any treaty or negotiation upon such "business or businesses, I will declare and record the same upon the "proceedings of the court or committee where the same is to be trans- "acted, and that I will withdraw from such court or committee "during the discussion thereof, and will not return thereto, until "after such business or businesses shall be decided upon: and I do "further swear, that I am not directly or indirectly interested or con- "cerned, as an owner or part-owner, of or in any ship or vessel which "at this time is hired or freighted, or is expected to be hired or "freighted to or for the use of the said Company; and that during "the time I shall continue to be a director of the said Company, I "will not become an owner or part-owner of any ship or vessel "which is or shall be so freighted, except such ships or shares of "ships as shall come to me by bequest or marriage, or as next of kin "of any person who shall die intestate, and that in all such cases I "will forthwith give notice in writing to the Court of Directors of "the said Company of my being so interested; and I do hereby "promise that I will sell and dispose of my interest in such shipping "within twelve months next after my interest therein shall accrue, or "in default thereof shall and will vacate my place and office of a "director of the said Company: and further I do swear, that I will "not, directly or indirectly, accept or take any perquisite, emolument, "fee, present, or reward, upon any account whatsoever, or any promise "or engagement for any perquisite, emolument, fee, present, or re- "ward whatsoever, for or in respect of the appointment or nomina- "tion of any person or persons to any place or office in the gift or "appointment of the said Company, or of me as a director thereof, or "for or on account of stationing or appointing the voyage or voyages "of any ship or ships in the said Company's employ, or for or on "account of, or any ways relating to, any other business or affairs of "the

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1793. 33 Geo. 3, c. 52, § 160.

" the said Company; and I do further swear, that I will be faithful " to the said Company, and, according to the best of my skill and " understanding, give my best advice, counsel, and assistance for the " support of the good government of the said Company, and during " my continuance in the said Company will not at any time or times " ship, lade, send, direct, or cause to be sent from England, or any " other country, to the East-Indies, or other parts within the limits " wherein the said Company may lawfully trade by virtue of their " Charter of Incorporation, or bring from thence, for my private ac- " count, any goods, coins, or other merchandizes, contrary to an act " of Parliament made in the fifty-third year of the reign of his " Majesty King George the Third, 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 pri- " vileges 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.* And I do further faithfully " promise and swear, that in the office of a director of the said Com- " pany, I will be indifferent and equal to all manner of persons, " and will in all things faithfully and honestly demean myself accord- " ing to the best of my skill and understanding."—"So help me God."

Which said oath shall be signed by the person or persons taking the same, and shall be administered by any two of the directors of the said Company, who also shall sign and attest the same; and in case any person so to be elected a director of the said Company, shall refuse or neglect to take the said oath within the time aforesaid, his office or place, as a director of the said Company, shall become void.

If held office in India, to be resident two years in England before qualified.

1773. 13 Geo. 3, c. 63, § 2.

(8) And it is hereby further enacted, that no person or persons whatsoever, employed in any civil or military station, office, or capacity whatsoever, in the East-Indies, or claiming or exercising any power, authority, or jurisdiction therein, shall be capable of being appointed or chosen into the office of director until such person or persons shall have returned to and been resident in England for the space of two years; any law or usage to the contrary notwithstanding.

Action.

1793. 33 Geo. 3, c. 52, § 68

(9) Actions not to be stayed without consent of the Board.

Banks in India.

1807. 47 Geo. 3, c. 68, § 8, 10.

(10) The government in India may establish banks there; but the establishment of any such corporation shall not be valid or effectual, until they shall have received the approbation of the Court of Directors, subject to the control of the Board of Commissioners for the Affairs of India.—(*Vide Banks*, p. 56.)

Colleges

Colleges and Seminary.

(11) Directors, with approbation of Board, to make rules and regulations for their government.—(*Vide* Colleges.)

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1813. 53 Geo. 3, c. 155, § 44.

Commanders-in-Chief.

1805. 45 Geo. 3, c. 36, § 1.

(12) The Court of Directors may appoint the commander of the forces of the Company of the Bengal establishment to be a member of the council of Fort William, notwithstanding the office of governor-general and commander-in-chief be vested in the same person.

Copies of Minutes and Proceedings of Court, and Despatches, to be sent to the Board of Commissioners.

Court of Directors to deliver to the Board, copies of all proceedings, and of despatches received relating to the civil or military government or revenues.

1793. 33 Geo. 3, c. 52, § 11.

(13) And be it further enacted, that 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 Board of Commissioners for the Affairs of India, 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 despatches, 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 exclusive trade, or from any of the servants of the said United Company, stationed at St. Helena, Bussora, Suez, Aleppo, or other parts beyond the seas, in anywise relating to or concerning the civil or military government, or the revenues of the said territories and acquisitions in India, immediately after the arrival and receipt thereof.

Court of Directors to deliver to the Board copies of all proceedings, and of despatches received, relating to the appropriation of revenue and loans to investments.

1813. 53 Geo. 3, c. 155, § 69.

(14) 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 despatches, 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 St. 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 of any securities issued or to be issued by any of the

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governments of the said Company, immediately after the arrival and receipt thereof.

Despatches, Orders, and Instructions, and Alterations by Board.

1793. 33 Geo. 3, c. 52, § 12.

Orders relating to civil or military government or revenues, to be submitted to the consideration of the Board, who may alter the same, &c.

(15) And be it further enacted, that no orders or instructions whatever relating to the civil or military government or revenues of the said territorial acquisitions in India, 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, 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 within the space of two months after the receipt of such proposed despatches, the said Board shall either return the same to the said Court of Directors or Committee of Directors, 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 despatch and send the letters, orders, and instructions, in the form approved by the said Board, to the proper governments or officers in India, or other limits, 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 of the said Company, for the time being, shall, and 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 the civil and military government of the said territories and acquisitions, and the revenues of the same, according to the tenor and true intent of this act.

Two months instead of 14 days, and by assistant-secretary. 35 Geo. 3, c. 155, § 71, 72.

1793. 33 Geo. 3, c. 52, § 13.

Directors may make representations touching orders altered or disapproved by the Board.

(16) Provided always, and be it further enacted, that nothing herein-contained shall extend, or be construed to extend, to restrict or prohibit the said directors from expressing by representation in writing to the said Board, such remarks, observations, or explanations as shall occur, or they shall think fit, touching or concerning any letters, orders, or instructions, which shall have been varied in substance, or disapproved by the said Board; and that the said Board shall, and they are hereby required, to take every such representation,

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representation, and the several matters therein contained or alleged, into their consideration, and to give such further orders or instructions thereupon as they shall think fit and expedient; which orders or instructions shall be final and conclusive upon the said directors.

1793. 33 Geo. 3, c. 52, § 13.

§ 15.

If the directors neglect to frame despatches beyond fourteen days after requisition, the Board may prepare instructions, and the directors shall forward them to India.

(17) And be it further enacted, that whenever the Court of Directors of the said United Company shall neglect to frame, and to transmit to the said Board despatches on any subject connected with the civil or military government of the said territories and acquisitions or with the revenues thereof, beyond the space of fourteen days, after requisition made to them by order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the said directors (without waiting for the receipt of the copies of despatches intended to be sent by the said directors) any orders or instructions for any of the governments or presidencies in India, concerning the civil or military government of the said territories, or the revenues thereof; and the said directors shall, and they are hereby required to transmit despatches, according to the tenor of the said orders and instructions so transmitted to them by the said Board, unto the respective governments and presidencies in India, unless, on any representation made by the said directors to the said Board, touching such orders or instructions, the said Board shall direct any alteration to be made in the same, which directions the said Court of Directors shall, in such case, be bound to conform to.

§ 16.

Board to issue orders relative to the civil or military government, or the revenues only; and if the directors think they do not relate to them, they may petition his Majesty.

(18) Provided always, and be it further enacted, that nothing in this act contained shall extend, or be construed to extend, to give to the said Board of Commissioners any power or authority to issue or send any orders or instructions, which do not relate to points connected with the civil or military government, or revenues of the British territories or possessions in India, nor to expunge, vary, or alter any despatches proposed by the said Court of Directors as aforesaid, which do not relate to the said government or revenues, and that if the said Board shall send any orders or instructions to the said Court of Directors, to be by them transmitted, which in the opinion of the said Court of Directors shall relate to points not connected with the said civil or military government or revenues, then and on any such occasion, it shall be lawful for the said Court of Directors to apply by petition to his Majesty in Council touching the same, and his Majesty in Council shall decide now far the same be or be not connected with the civil or military government and revenues of the said territories and possessions in India, which decision shall be final and conclusive.

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Despatches and Proceedings as to appropriating Revenue to Investments.

1813. 53 Geo. 3, c. 155, § 70.

No despatches relative thereto to be sent to India till approved by the Board.

(19) 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, 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 despatches, the said Board shall, with all reasonable despatch, 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 despatch 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.

Duties in India.

1813. 53 Geo. 3, c. 155, § 25.

(20) No duties imposed in India to be valid till sanctioned by the directors and approved by the Board of Commissioners for the Affairs of India. (*Vide* Duties and Customs.)

East-

LAWS.

East-India Dock Company.

1803. 43 Geo. 3, c. 126, § 17.

Subsequent appointments of Dock Directors (by the Directors of the East-India Company) in the room of those who shall die, refuse to act, or become disqualified.

(21) Provided always, and be it enacted, that in case the said John Roberts, Stephen Williams, Joseph Cotton, and William Thornton,* or any of them, or any person or persons to be nominated or appointed in his or their room or stead, as a director or directors of the said East-India Dock Company, shall die, or refuse to act in the execution of this act, or shall cease to be a director or directors of the said East-India Company, for the space of two succeeding years, then and in every such case the directors of the said East-India Company shall, and they are hereby required to nominate and appoint, in such manner as to them shall seem right and proper, some other person or persons, out of the Directors of the said East-India Company, to be a director or directors of the said East-India Dock Company, in the room or stead of the director or directors of the said East-India Dock Company so dying, refusing to act, or ceasing to be a director or directors of the said East-India Company, for the space of two years; and every person so nominated and appointed shall have the like powers and authorities, and shall be subject to the like rules, regulations, and restrictions, as the person in whose room or stead he shall be so nominated and appointed.

§ 66.

No other than East-India ships and vessels to use the docks without the consent of the Court of Directors of the East-India Company.

(22) Provided also, and be it enacted, that no ship or vessel other than and except ships and vessels which shall have immediately come from, or shall be immediately bound to the East-Indies or China, and other than lighters and craft, to convey, deliver, discharge, or receive goods, wares, or merchandize, or any other matter or thing whatsoever to or from on board of any such ships or vessels, or to be used in relation to the loading, unloading, or care of them in the said docks or basons, and other than and except ships, vessels, lighters, and craft bringing or carrying away materials, or any other matter or thing for the building, alteration, or repairs of the said docks and basons, and the erections, buildings, and appurtenances thereunto belonging, or to be used in or relating to the buildings, alterations, repairs, or cleansings of the said docks and basons, and their appurtenances, shall at any time go into the said docks or basons, or any of the works belonging thereto for any purpose whatsoever, *without the consent in writing of the Court of Directors of the said United Company for that purpose first had and obtained;* and in case any ship or vessel, other than and except as aforesaid, shall at any time go into any of the said docks, basons, or works without such consent as aforesaid, every person having the command of any such

* The present Directors are—
William Astell, Esq., M.P. Edward Parry, Esq.
Sweny Toone, Esq. Campbell Marjoribanks, Esq.

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1803. 43 Geo. 3, c. 126, § 66. ship or vessel, other than and except as aforesaid, or who shall authorize, permit, or suffer her to go into any of the said docks, basons, or other works, shall for every such offence forfeit and pay the sum of fifty pounds.

General Courts.

1698. Ch. Wm. (23) Four General Courts to be summoned and appointed at least in every year; whereof one to be in the month of December, another in March, another in June, and another in September; and in failure of holding a General Court by fault of the majority of the Court of Directors, three or more of the directors may call and summon a General Court.

(24) And moreover we do by these presents will, direct, and appoint, that the said directors, or the major part of them for the time being shall, from time to time upon demand to be made by any nine or more of the said members, having each £500 or more interest or share of the said stock, within ten days after such demand, summon and call such General Court, to be held of the members of the same Company qualified for electors.—(*Vide* General Court of Proprietors.)

Governor-General.

1813. 53 Geo. 3, c. 155, § 80. (25) To be appointed by the Court of Directors, subject to his Majesty's approbation.

(26) Directors, with the approbation of the Board, may suspend the powers of the governor-general to act upon his own authority.—(*Vide* Governor-General.)

Gratuities.

1793. 33 Geo. 3, c. 52, § 18. (27) Provided also, and be it further enacted, that it shall not be lawful for the Board of Commissioners, to give or cause to be given any direction for the payment of any extraordinary allowance or gratuity from the said revenues to any person, on account of services performed in India, or on any other account whatever, to any greater amount, or to any other person than shall be specified and contained in some despatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Board for their approbation; and that, in every case where any such directions shall be so given, a distinct account of all such allowances or gratuities shall be added to the next list of establishments laid before Parliament by the said Court of Directors.

Gratuities to be proposed by the directors, &c.

1813. 53 Geo. 3. c. 155, § 87. (28) The Company cannot charge themselves with any gratuity beyond £600, without the approbation of the Board of Commissioners for the Affairs of India.—(*Vide* Gratuities.)

Information in Court of King's Bench.

1784. 24 Geo. 3, c. 25, § 64. (29) The Court of Directors, in the name of the Company, may exhibit informations in Court of King's Bench against persons guilty of extortion.

King's

LAWS.

King's Troops.

1813. 53 Geo. 3, c. 155, § 87. (30) Payment for King's troops by the Company not to exceed 20,000 men, unless greater number sent on the requisition of the Company.—(*Vide* Military Forces.)

Loans to Native Princes.

1793. 37 Geo. 3, c. 142, §28 and 29. (31) From Dec. 1, 1797, no British subject to lend any money, or be concerned in raising any for native princes, without consent of the Court of Directors or the Governor in Council; and any person doing so may be prosecuted for a misdemeanour.—Security for money lent contrary hereto, to be void.

(32) On complaint to the governments in India, for acting contrary to this act, the case to be laid before the law officers, whose report shall be transmitted to the Court of Directors.—(*Vide* Loans and Interest on Loans in India.)

Military Stores.

1813. 53 Geo. 3, c. 155, § 9. (33) 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 licence in writing, or a special leave and licence in writing under their authority, for that purpose.

Military stores not to be exported but with the Company's permission.

Postage.

1819. 59 Geo. 3, c. 111, § 9. (34) The Secret Committee of the Court of Directors, the chairman and deputy-chairman, and secretary and assistant-secretary, may receive and send letters and packets to and from India, free of postage, &c.

§ 11. (35) Commissioners for the Affairs of India and Chairman of the Company may also send and receive letters and packets free from postage.

§ 15. (36) Directors may receive letters free of sea-postage from India by the ships of the Company.

§ 33. (37) Act not to extend to letters, &c. to and from China.—(*Vide* Postage.)

Prize-Money.

1821. 1 & 2 Geo. 4, c. 61. (38) The prize-money in the hands of agents to be paid over to the East-India Company, and to be applied to Lord Clive's Fund and Poplar Hospital.

(39) The Court of Directors empowered to call for accounts on oath.—(*Vide* Prize-Money.)

LAWS.

Resort of Persons to India.

1813. 53 Geo. 3, c. 155, § 33.

When the Court of Directors refuse permission to any persons to proceed to the East-Indies, the applications to be transmitted to Board, who may direct certificates to be granted by the directors, authorizing such persons to proceed to any of the principal settlements.

(40) 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 India have hitherto relied for the free exercise of their religion, be inviolably maintained; and whereas it is expedient to make provisions for granting permission to persons desirous of going to and remaining in India for the above purpose, 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 so 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.

§ 34.

Directors may make representations thereon to the Board.

(41) 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.

Salaries

LAWS.

Salaries and Establishments.

1793. 33 Geo. 3, c. 52, § 17.

Board not to direct the increase of established salaries, unless proposed by the Directors, and laid before Parliament.

(42) Provided also, and be it further enacted, that it shall not be lawful for the Board of Commissioners to give or cause to be given any directions, ordering or authorizing, by any despatches to be sent to India, the increase of the established salaries, allowances, or emoluments of any governor-general, governor, or president, or member of council, of any of the presidencies and settlements there, or of any other officer in the service of the said Company, beyond the amount to which the same now stands fixed by the orders which have been sent to India, unless such increase shall be specified and contained in some despatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Board for their approbation, and unless an account of the actual salaries, allowances, and emoluments of such governor-general, governor, or president, or member of council, or other officer respectively, and of the increase proposed to be made therein, with the reasons for such increase, shall have been laid before both houses of Parliament thirty days before such despatch shall be sent.

§ 125.

No grant of new salaries, &c. above £200 to be good, unless confirmed by the Board.

(43) And whereas, for protecting the funds of the said Company during their further term in the said exclusive trade from being burthened with any improper charges, it is expedient that the said Company should be put under reasonable limitations in respect to the granting of pensions or increasing the salaries of their officers and servants, or creating new establishments; be it further enacted, that no grant or resolution of the said Company, or their Court of Directors, to be made after the passing of this act, and during the continuance of their right in the said exclusive trade, whereby the said funds may 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, shall be available in law, unless such grant or resolution shall 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.—(*Vide* Pensions and Salaries.)

Servants, Civil and Military.

§ 35.

(44) His Majesty, by sign-manual, countersigned by the President of the Board, may remove any officer or servant of the Company in India. The right of recall and removal reserved to the Court of Directors.

§ 69.

(45) The Company not to release sentences or restore servants dismissed by sentences.

§ 70.

(46) No person under the degree of a member of council or commander-in-chief, who shall not return to India within five years from his

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his leave to depart, shall be entitled to rank, &c., except as herein provided.

1811. 51 Geo. 3, c. 75, § 4.

(47) The East-India Company may restore to their service military officers removed therefrom by sentences of courts-martial. With consent of the Board of Commissioners.

1813. 53 Geo. 3, c. 155, § 83.

(48) The restoration of servants, civil and military, suspended or removed by the governments abroad, not to be valid without consent of the Board.

§ 84.

(49) Officers of the rank of a general officer, colonel commanding a regiment, or being a lieutenant-colonel commandant of a regiment, 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.—(*Vide* Servants, Civil and Military.)

Shipping.

1818. 58 Geo. 3, c. 83.

(50) For the mode in which the Court are to hire and take up Ships.—(*Vide* Shipping.)

Superannuations.

1813. 53 Geo. 3, c. 155, § 39.

Court of Directors empowered to grant superannuations to Company's servants in England.

(51) 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.—(*Vide* Superannuations.)

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1813. 53 Geo. 3, c. 155, § 93.

Taxes in India.

No 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.

§ 98.

(52) Provided always, that no imposition of any duty or tax, or any increase of any duty or tax, within the towns of Calcutta or Madras, the 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.

Tea.

1823. 4 Geo. 4, c. 80, § 9.

(53) None but the Company, or by their license, to trade in tea.—(*Vide* Tea.)

Territory subject to each Presidency.

1809. 39 and 40 Geo. 3, c. 79, § 1.

The Court of Directors may appoint what parts of the territorial acquisitions, revenues, &c. shall be subject to either, and which of their presidencies, subject to the control of the Commissioners for the Affairs of India.

(54) 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 from and after the passing of this act, it shall and may be lawful for the Court of Directors of the said Company for the time being, to declare and appoint what part or parts of the said territorial acquisitions, or of any other now subject to the government of the said presidency of Fort St. George, or the said presidency of Bombay, together with the revenues arising therefrom, and the establishment of civil servants connected therewith respectively, shall from thenceforth hereafter be subject to the government of either, and which of the said presidencies, or of the presidency of Fort William in Bengal, and from time to time, as occasion may require, to revoke and alter in the whole or in part such appointment, and to make such new distribution of the same as to them shall seem fit and expedient; subject nevertheless, in all cases, to the superintendence, direction, and control of the Commissioners for the Affairs of India, in like manner as any acts or orders of the said Court of Directors are now by law subject; and all such territorial acquisitions, and the revenues arising therefrom, and the establishment of civil servants connected therewith, shall,

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1809. 39 and 40 Geo. 3, c. 79, § 1.

shall, from and after the time, and subject as to such time to the conditions and limitations to be by the said Court of Directors limited and appointed for such purposes respectively, be to all intents and purposes whatsoever annexed to and made subject to such presidency, and to the court or courts of judicature established or to be established therein respectively.

Vacancies in India.

1793. 33 Geo. 3, c. 52, § 25.

Vacancies to be filled up by the Directors.

(55) And be it further enacted, that all vacancies happening in the members of the council of Fort William, or of Fort St. George or Bombay, or of any of the members of the council of the same respectively, all and every of such vacancies shall be filled up and supplied by the Court of Directors of the said United Company, the vacancies of any of the said members of council being always supplied from amongst the list of senior merchants of the said Company, who shall have respectively resided ten years in India in their service, and not otherwise.

Ten years, by 53 Geo. 3, c. 155.

1813. 53 Geo. 3, c. 155, § 80.

Vacancies of governors, and commanders-in-chief, to be filled up by the Court of Directors, subject to his Majesty's approbation.

(56) 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 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 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.

§ 81.

Vacancies in India (with exceptions) not to be supplied by the Directors without the approbation of the Board.

(57) 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

LAWS.

1813. 53 Geo. 3, c. 155, § 81.

lutely 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.

1793. 33 Geo. 3, c. 52, § 26.

If the Directors neglect to fill up vacancies, his Majesty may supply them.

(58) Provided always, and be it further enacted that when and so often as the said Court of Directors shall neglect, for the space of two calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in India, in the appointment of the said Court of Directors; shall have been received by the said court, to supply such vacancy, then and in every such case it shall be lawful for his Majesty, his heirs and successors, to constitute and appoint, by writing, under his or their royal sign-manual (under the same restrictions and regulations as are hereinbefore provided with respect to the nominations and appointments made by the said Court of Directors) such person to supply such vacancy as his Majesty, his heirs and successors, shall think proper; and that every person so constituted and appointed shall have and be invested with the same powers, privileges, and authorities, as if he or they had been nominated and appointed by the said Court of Directors, and shall be subject to recall only by the King's Majesty, his heirs or successors; any thing herein contained to the contrary notwithstanding.

Votes in Court and General Court, when equal.

1813. 53 Geo. 3, c. 155, § 77.

In cases of equality of votes in general courts or Courts of Directors, the questions to be considered as rejected, except in cases of two or more candidates for office, which are still to be determined by lot.

(59) 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

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1813. 53 Geo. 3, c. 155, § 77. 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.

War or Hostilities.

1793. 33 Geo. 3, c. 52, § 42. (60) War not to be declared, &c., by the governor-general in council at Fort William without the command of the Court of Directors, or of the Secret Committee by the authority of the Board of Commissioners, except preparations of hostilities shall be made, &c. Communication of commencement of hostilities, &c., to be made to the Directors, &c.

§ 43. (61) Governments of Fort St. George and Bombay, not to declare war, &c., but by orders from Fort William, or the Directors, &c. Penalty on governors, &c. of Fort St. George and Bombay, for neglect of orders from Fort William.—(*Vide* Governments.)

Writers and Cadets.

§ 59. (62) And be it further enacted, that it shall not be lawful for the Court of Directors of the said Company to appoint or send out to India a greater number of persons, in the capacity of cadets or writers, or in any other capacity, than will be necessary, in addition to those already in India, to supply the proper complement of officers and servants contained in the said lists of their establishments, according to such returns of vacancies as the respective governments in India shall transmit from thence to the said Court of Directors.

Directors not to send out more persons than necessary to supply the complement of the establishment.

§ 60. (63) And be it further enacted, that no person shall be capable of acting, or being appointed or sent to India, in the capacity of writer or cadet whose age shall be under fifteen years, or shall exceed twenty-two years, nor until the person proposed, or intended to be so appointed, shall have delivered to the said Court of Directors a certificate of his age, under the hand of the minister of the parish in which he was baptized, or keeper of the registry of baptism of such parish; and if no such registry can be found, an affidavit of that circumstance shall be made by the party himself, with his information and belief that his age is not under fifteen years, and doth not exceed twenty-two years; provided nevertheless, that the said restriction shall not extend to prevent the said Court of Directors

Writers and Cadets to be of certain ages, &c.

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1793. 33 Geo. 3, c. 52, § 60. Directors from appointing any person to be a cadet who shall have been for the space of one year at least a commissioned officer in his Majesty's service, or in the militia or fencible men when embodied, and hath been called into actual service, or from the company of cadets in the royal regiment of artillery, and whose age shall not exceed twenty-five years.

BY-LAWS.

c. 3, § 2. It is ordained, That the By-Laws shall be read in the first Court of Directors, and first General Court, after every annual election.

Breach of By-Laws.

§ 4. Directors or other persons guilty of a wilful breach of the by-laws to be removed, and rendered incapable of holding any office.

That if any director shall be guilty of a wilful breach of any of the by-laws of this corporation, to which any other special penalty is not annexed, and shall be so adjudged by a general court, he shall be liable to be removed from his office of director, and shall be incapable thereafter of holding any other office or employment under this Company.

Chairman and Deputy-Chairman.

c. 6, § 11. A Chairman and Deputy Chairman to be chosen yearly, by ballot, and allowed £500 a year each, and every other Director £300 a-year.

That at the first court of directors after every annual election, a chairman and deputy-chairman shall be chosen for the year by the ballot; and that each of them be allowed five hundred pounds a year, and every other director three hundred pounds a-year, for his attendance upon the business of this Company.

Court of Directors.

§ 1. That a Court of Directors shall be summoned, and held once in every week, at the least.

§ 3. Directors to withdraw during debates in which they are personally concerned.

If any debate shall arise in the Court of Directors concerning any director, or any matter or thing wherein any director shall be personally concerned, every such director, having been first heard, shall withdraw during such debate, and when the question thereon is put.

Company's Cash.

c. 4, § 1. Company's money not to be invested in Company's stock, without consent of the general court.

That the Court of Directors shall not invest any of the Company's money in purchasing any part or share in the capital stock of this Company, without the consent of the General Court first had.

§ 2. Cash to be kept at the Bank of England.

That the cash of this corporation, except such sums as the Court of Directors shall think necessary to trust under the care of the Company's cashier, from time to time,

By-Laws.

time, for the current business, shall be kept at the Bank of England, in such method as the Court of Directors shall appoint.

c. 4, § 3. That for every sum drawn out of the Bank of England, a write-off or draft shall be signed by the chairman or deputy-chairman, for the time being, and one other director of the Committee of Treasury, and countersigned by the principal cashier or his deputy, or by such other officer or officers as the Court of Directors shall appoint for that purpose; and that no other person but the principal cashier, or his deputy, shall present the said write-off or draft for payment.

§ 4. That no money relating to the trade or affairs of the Company shall be disposed of without an order of the Court of Directors; and that the interest, and all other advantages arising and growing upon the cash of the Company, shall be brought to the account of the said Company.

No money to be disposed of without an order of the Court of Directors.

§ 5. That the book containing the state of the cash shall be laid before the Court of Directors, once in every week, by the cashier, and that he sign the same.

State of the cash to be laid before the Court weekly.

§ 6. That the chairman or deputy-chairman, and two of the Court of Directors, do once a month, or oftener, examine the several species whereof the balance of the cash consists, and certify the same under their hands.

Balance of cash to be examined monthly by Directors.

§ 7. That no unlimited vote of credit shall be given by the Court of Directors to the Committee of Treasury on the Company's account.

No unlimited vote of credit to be given to the Committee of Treasury.

Directors.

c. 6 § 2. That in all cases, no director of this Company shall have any dealings or business with the Company upon his own account, either separately, or in conjunction with any other person or persons, for or in respect of buying for, or selling to the Company any bullion or other goods, or in the making of any other bargain or contract, by, to, or with this corporation, other than at any of the Company's public sales.

No Director to have any dealings with the Company, except as to goods bought at the sales.

§ 4. That no director shall give his vote for any lot of goods bought at the Company's sale, or for making any allowance for any goods so bought, wherein he shall be directly or indirectly concerned.

No Director to vote on the sale of goods wherein he is concerned.

§ 5. That if any director shall take any fee, present, or reward, directly or indirectly, upon any account whatsoever relating to the business or affairs of the Company, or his office of a director, he shall forfeit to the use of this Company double the amount received, be liable to be removed from his office of director, and shall be, *ipso facto*, incapable thereafter of holding any other place whatsoever, or any employment or pension under the Company.

No Director to take any fee, present, or reward.

That

By-Laws.

Director going beyond sea.

That every director going beyond sea shall make a report thereof to the Court of Directors, who shall notify his absence to the general court after it shall have exceeded the period of one year, and such director shall thereupon be liable to be removed from his office of director. § 7.

No person can be a director within two years after having been in the company's maritime service; or if holding an office under the crown.

That any proprietor who shall have been elected a director of this Company, within two years after having held any maritime office in the service of the Company, shall be liable to be removed from his office of director; and that any director who shall hold any office or place of emolument under the crown, shall be liable to be removed from the said office of director. Provided always that this by-law shall not affect any person at present in the direction, and now holding an office under the crown, or preclude his being re-elected to be a director, or subject him to be liable to be removed from the said office. § 9.

Directors may inspect and copy papers; except those before the Secret Committee and Committee of Secrecy.

That every director shall have liberty to take copies of all accounts, letters, and papers relating to the Company's affairs, except such as are before the Secret Commitee appointed by the act of 33 Geo. III, cap. 52, or the Committees of Secrecy. § 12.

Despatches and Orders to be signed by thirteen Members.

All orders to be signed by thirteen or more directors except orders from the Secret Committee or Committees of Secrecy.

That no orders shall be sent by the directors to, or obeyed by, any persons employed in the service of this Company, in India, or any other parts beyond the Cape of Good Hope, or at St. Helena, but such as shall be signed by thirteen or more of the directors, for the time being; except such orders as are directed or allowed to be issued by the Secret Committee, pursuant to the act of Parliament of 33 Geo. III, cap. 52, or by the Committees of Secrecy, relative to signals, places of rendezvous, and convoys, and other commercial matters. c. 6, § 10.

Dissents.

Directors may enter dissents on Court minutes.

That any director who shall dissent from any resolution of the Court of Directors shall have the liberty of entering his dissent, with the reasons thereof, on the minutes of the said court, within fourteen days from the passing such resolution. § 13.

Gratuities.

Also resolutions respecting gratuities, exceeding £600, to be laid before two general courts, in the form of a report, stating the

That every resolution of the Court of Directors for granting to any person by way of gratuity, any sum of money, exceeding in the whole six hundred pounds, shall be laid before and approved by two general courts, specially summoned for that purpose, in the form of a report, stating the grounds upon which such grant is recommended, which resolution and report § 20.

By-Laws. § 20. shall be signed by such directors as approve the same, and that the documents on which such resolution may have been formed shall be open to the inspection of the proprietors, from the day on which public notice has been given of the proposed grant.

grounds of recommendation, and signed by the directors approving the same.

Offices and Salaries.

§ 17. That no new office, either at home or abroad, shall be created by the directors with any salary exceeding the sum of two hundred pounds per annum, without the approbation of two general courts to be summoned for that purpose.

No new office to be created of more than £200 per annum, without approbation of two general courts.

§ 18. That no additional salary, exceeding in the whole two hundred pounds per annum, shall be annexed to any office, without the approbation of two general courts to be summoned for that purpose.

Not a greater addition than £200 to a salary.

Pensions.

§ 19. That every resolution of the Court of Directors for granting a new pension or an increase of pension, exceeding in the whole two hundred pounds per annum, to any one person, shall be laid before and approved by two general courts specially summoned for that purpose, before the same shall be submitted to the Board of Commissioners for the Affairs of India, in the form of a report, stating the grounds upon which such grant is recommended, which resolution and report shall be signed by such directors as approve the same, and that the documents upon which such resolution may have been formed shall be open to the inspection of the proprietors from the day on which public notice has been given of the proposed grant.

Register of Bonds and other Instruments.

c. 11, § 1 to 3. That the Court of Directors do cause a register of all bonds for money borrowed at interest to be kept under the inspection of those who have the custody of the seal.

That a register be kept, in like manner, for the entry of all other bonds and instruments, of what kind soever, which shall pass under the Company's seal.

That the secretary, for the time being, do see that the said register books be laid before the Court of Directors, at the first court in every calendar month.

The register books to be laid before the court.

Seal of the Company.

c. 12, § 1. That the common seal of this corporation shall be kept under three locks: that the key of one of the said locks shall be kept by the chairman or deputy-chairman, for the time being; that the key of another of the said locks shall be kept by the accountant-general

And not to be put to any writing but by order of the Court of Directors.

general or his deputy: and that the third key shall be kept by the treasurer, or his deputy; that in case of the indispensable absence of the chairman and deputy-chairman, their key shall be placed in the custody of the secretary or his deputy for the period of such absence; and that the said seal shall not be set to any writing or instrument but by an order of the Court of Directors first had for that purpose; and in the unavoidable absence of the chairman or deputy-chairman, not to be affixed but in the presence of the secretary, the accountant-general, and the treasurer, or their respective deputies.

By-Laws. c. 11, c. 12. § 1.

Superannuations.

Allowances for superannuation to officers and servants in England to be laid before next general court.

That such allowances, in the nature of superannuations, as the Court of Directors are empowered to grant to their officers and servants in England, by 53 Geo. III, cap. 155, section 93, shall be laid before the next general court.

c. 6, § 19.

Vacancies in the Direction.

Vacancies in the direction to be filled up within forty days after a declaration thereof.

That whenever there shall be a vacancy of the place of a director, another shall be chosen in his room within a convenient time, not exceeding forty days after every such vacancy shall have been declared in the Court of Directors; and that ten days' public notice shall be given of the day upon which such choice shall be made.

§ 8.

COURTS OF JUDICATURE.

UNDER this head may be classed

1. The Supreme Courts of Judicature in Bengal, and at Madras and Bombay,
2. The Recorder's Court at Prince of Wales' Island, Singapore, and Malacca,
3. The Court established under the act of the 24th Geo. III, cap. 25, and 26 Geo. III, cap. 57—for the trial in Great Britain of offences committed in India; and, lastly,
4. The Courts, for the Provinces in India.

The origin and establishment of the Supreme Courts at the three Presidencies will be first noticed.

BENGAL.

The charter granted to the East-India Company by Charles II. in the year 1661, gave to the Governor and Council of the several places belonging to the Company in the East-Indies power to judge all persons living under the Company in all causes, whether civil or criminal, according to the laws of Great Britain, and to execute judgment accordingly.

In the subsequent grants to the Company of the islands of Bombay and St. Helena in 1669 and 1674, full power was given for the exercise by the Company of judicial authority according to the British laws.

In the year 1683, Charles the Second granted a further charter to the Company, in which the royal will was declared, that a Court of Judicature should be established at such places as the Company might appoint; to consist of one person, learned in the civil laws, and two merchants; all to be appointed by the Company.

This arrangement was continued in the charters granted by James the Second in the year 1686, and by William the Third in the year 1698; but it does not appear to have been effectual to

to the object for which it was framed; for, in the year 1726, the Court of Directors represented to the King, "that there "was great want at Madras, Fort William, and Bombay, of "a proper and competent power and authority for the more "speedy and effectual administering of justice in civil causes, "and for the trying and punishing of capital and other cri- "minal offences and misdemeanors." The court, therefore, prayed permission to establish Mayor's Courts at the said places.

In compliance with the prayer of this petition, his Majesty George I. was pleased on the 24th of September 1726, by letters patent, to establish Mayor's Courts at Madras, Bombay, and Fort William, each consisting of a mayor and nine aldermen; seven of whom, with the mayor, were required to be natural-born British subjects. The courts so established were Courts of Record, and were authorized to try, hear, and determine all civil suits, actions, and pleas between party and party.

By virtue of the same letters patent, the local governments were constituted Courts of Record, to whom appeals from the decisions of the Mayor's Court might be made, and whose decrees were declared to be final in all causes involving sums under one thousand pagodas. In causes involving sums above that amount, further appeals were authorized from the Government Courts to the King in Council.

The Government Courts were further constituted Courts of Oyer and Terminer, and were authorized and required to hold quarter sessions for the trial of all offences, excepting high treason; and the Mayor's Courts were empowered to grant probates of wills and administration to intestates' effects.

In consequence of the capture of Madras by the French in the year 1746, the Mayor's Court which had been established there was dissolved.

Madras was subsequently restored, and upon the re-settlement there of the East-India Company, the Court of Directors represented to the King in Council that "it would be a great "encouragement to persons to come and settle at that place, "if a proper and competent judicial power and authority "were established there." They further represented, that "it "had been found by experience that there were some defects

" in the charter" granted in 1726, which has been before referred to.

Upon these grounds, his Majesty King George II. was pleased to accept the Company's surrender of that charter; and by letters patent, dated the 8th of January 1753, established Mayor's Courts and Government Courts of Appeal, &c. at Madras, Bombay, and Fort William, constituted in the manner above described, but with powers intended to remedy the defects of which the Company had complained.

These letters patent also established a Court of Requests at each of the said places for the determination of suits, " where " the debt, duty, or matter in dispute should not exceed five " pagodas."

The Mayor's Courts, as well as the Courts of Requests, were made subject to a control on the part of the Court of Directors, it having been provided in the letters patent, that they (the Court of Directors) might " make by-laws, rules, and " ordinances, for the good government and regulation of the " several Courts of Judicature established in India."

In the year 1772, the affairs of the East-India Company were examined into by the House of Commons; when it was judged necessary to devise a plan for their future government, which should correct the prevailing abuses, and give strength and vigour to their affairs. One of the leading objects was the introduction of a new system of jurisprudence, whereby the revenues and commerce of the Company should be preserved from depredation, by subjecting their servants to the control of the courts—by relieving the subject from oppression, by the means of redress being facilitated—and a fixed and regular course of justice established for the permanent security of liberty and property.

The Company, by a resolution of the Court of Proprietors, of the 4th March 1772, recommended the Court of Directors " to make application to the crown for a new Charter of Jus- " tice in Bengal."

The Regulating Act of the 13th Geo. III. was at that time under consideration, and it was determined to engraft thereon such provisions as might be deemed necessary to place the judicial system on a better and more perfect footing.

A bill

A bill was accordingly introduced into the House of Commons on the 13th of April 1772, by Mr. Sullivan, a Director of the Company; the object of which, so far as respects the administration of justice in India, was the institution of a new Court of Judicature in Bengal, instead of the Mayor's Court; and it was proposed, that such new court should consist of a chief justice and three other judges, who should hold their offices for life; that it should exercise civil, criminal, and ecclesiastical jurisdiction; that all criminal causes should be determined by juries, and civil causes heard upon depositions; that appeals should be allowed to the Bengal Government, assisted by the chief justice, who was to have a vote therein, but in no case where the debt might exceed £500; that from the decisions of the Bengal Government upon such appeals, further appeals should lie to the King in Council, and that vacancies of judge should be filled up by the Company.

Parliament, however, determined, previously to the adoption of any definite measure, to await the result of an investigation into the general affairs of the Company at home and abroad; a committee of thirty-one members was appointed to inquire into the nature and state of the East-India Company, and of the affairs in the East-Indies. The necessity of such inquiry was strongly urged, that a regular and permanent form of justice and government might be established. On the 18th May 1772, the bill which Mr. Sullivan had introduced was lost, on a division.

No further attempt was made to obtain an alteration in the King's Court in Bengal until 1773, when the Company being compelled to petition the House of Commons for pecuniary assistance, added to their petition an assurance " that they " would forthwith consider and propose such regulations as " might appear proper and essential for the due administra- " tion of justice in India."

In conformity with the intention thus expressed, the General Court of Proprietors, on the 10th of May 1773, came to various resolutions; the main object of which was an application for a new charter of justice, explaining, amending, and extending the charter of 1753. It was proposed that, in the new charter, provision should be made to enable the directors

of the Company to add to each of the Mayor's Courts a barrister of not less than three years' standing, who should be denominated "Recorder;" and that he should also be added to the governor and council as a member of the Courts of Oyer and Terminer and Quarter Sessions. It was also proposed to extend the powers and jurisdiction of the Mayor's Courts, particularly to criminal prosecutions against the servants of the Company; except for offences triable by courts-martial, or committed by the governors. It was further proposed to introduce the privilege of Habeas Corpus to India."

These propositions were annexed by the Company to a petition to the House of Commons, in which they solicited leave to introduce a bill accordingly.

The House had, on the 4th of May 1773, granted leave to Lord North and others to bring in a bill "For establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe;" and such bill was introduced accordingly on the 18th of May, the day after that on which the Company's petition for a bill, founded on their propositions, had been presented.

Lord North's Bill involved most important alterations in the constitution of the Company and the arrangement of their affairs: it also proposed the establishment of a Supreme Court of Judicature in Bengal, with civil, criminal, and ecclesiastical jurisdiction over all persons, excepting the governor-general or any of the council of government. This bill, notwithstanding the opposition of the Company, passed the House of Commons on the 10th of June 1773. The votes were one hundred and thirty-one for the bill, and twenty-one against it. No time was lost in preferring to the House of Lords a petition against the bill; in which, so far as respected the administration of justice, the Company represented "that the material effects of preventing oppres-
"sions in India, by establishing a respectable court of justice
"on the spot, must be defeated by the bill, since the per-
"sons who might be supposed to commit such oppressions
"were exempted from the jurisdiction of the Court, and con-
"sequently left without restraint;" and further, "that the
"most effectual provision of all others to prevent oppressions,

"which

"which was recommended by the Company—*viz.* that of the
"Habeas Corpus, whereby men might know of what crime
"they were accused, and by whom imprisoned—was omitted;
"by which means all the tyranny of a double government,
"without responsibility any where, would be entailed on the
"inhabitants."

All opposition, however, to the bill was fruitless. On the 20th June 1773, it was agreed to by the Lords without alteration, and on the following day it received the royal assent.

Such were the circumstances under which the King was authorized to establish a Supreme Court of Judicature at Fort William. This authority was exercised on the 26th of March 1774; when a charter was issued, by which a supreme court was erected, to consist of a chief justice and three puisne judges, and was empowered to administer in India all the departments of English law; as well as a court of common law, it was a court of equity, of oyer and terminer and gaol delivery, an ecclesiastical court and a court of admiralty. All proceeding pending in the Mayor's Court, which was abolished, were transferred to the Supreme Court, to whom the records of the Mayor's Court were ordered to be delivered up.

The jurisdiction of the Supreme Court was declared to extend to all British subjects in Bengal, Bahar, and Orissa; and they were authorized to hear and determine suits or actions of British subjects against natives, where the cause might involve a sum exceeding five hundred rupees, and where the party in the contract under dispute might have agreed in case of dispute to submit to the Court's decision. It was at the same time declared, that the Supreme Court should not be competent to hear and determine any indictment or information against the governor-general or any of the council, for any offence not being treason or felony.

On the 28th March 1774, the newly-appointed judges of the Supreme Court, Elijah Impey, Esq., chief justice, Robert Chambers, Esq., Stephen C. Le Maistre, Esq., and John Hyde, Esq., puisne judges, took leave of the Court of Directors, and availed themselves of that opportunity to assure the Court, that

they

they would use their utmost endeavours to render their appointment serviceable to the Company.

A short experience proved that the authority which they exercised was incompatible with the good government of the territories of the Company, or with the happiness of the vast population committed to their care.

Instead of a code of laws having been framed for this new institution in India, the English laws were introduced in their full extent and with all their consequences, without any restriction or modification whatever, to accommodate them to the habits, manners, religious feelings, and local customs of the natives, or to the influence of other laws handed down from the remotest antiquity, and fixed in the hearts of the people.

It had been the constant practice for the department of government which was entrusted with the management of the public revenue, to exercise judicial authority in revenue matters: and when the Company, in the year 1772, ostensibly assumed the office of Dewan of Bengal, provincial councils and courts of appeal were established under the titles of "Dewannee Adawlut." These courts were instituted, under the authority of the Dewan, for hearing and determining all civil suits whatsoever between native and native, and all causes relating to the revenue.

The judges of the Supreme Court, little disposed to recognize the authority of the courts of Dewannee Adawlut, had scarcely entered upon their office, than they endeavoured to extend their jurisdiction to subjects intimately connected with the collection and security of the revenue. Writs were issued at the suit of individuals against the zemindars of the country; and, in carrying into effect these and other orders of the Supreme Court, odious outrages on the persons and property of natives of rank and consideration were committed, which the Company, in a petition to the House of Commons, charitably ascribed "to the ignorance of the inferior officers of "the court." The Supreme Court further appear to have considered the criminal law of England as in force against the natives of Bengal, though utterly repugnant to their laws and customs. Great complaints of injustice and oppression consequently arose, and the power assumed by the Supreme

Court

Court seemed to indicate an attempt to extend its jurisdiction and the authority of the English law to the native inhabitants of Bengal, by whom such an attempt was regarded with general apprehension and alarm. But the evil which threatened the subversion of all regular government in India, was the collision between the Supreme Council and the Supreme Court. Warm disputes regarding their respective powers had frequently arisen; and notwithstanding the Supreme Court had been restricted from hearing any indictment or information against the governor-general or any of the council, they attempted to extend their jurisdiction to suits instituted against the Bengal government, for acts done by them in their collective capacity. In the year 1779 the contentions between the authorities reached a most alarming height, in consequence of a suit having been instituted in the Supreme Court, by a native inhabitant of Calcutta, against a zemindar. The Bengal government, apprehensive for the revenue, notified to the zemindar that he was not subject to the Supreme Court's jurisdiction: the court, however, determined to maintain their authority, and despatched an armed force to execute their writ. The government, on their part, resolved to assert their civil and military rights, and caused the force to be captured and brought to the presidency, where they were immediately released. Strong proceedings were adopted by the court against some of the persons employed on that occasion: and an attempt was made to arrest the officer who commanded the detachment by which the armed force was captured; but to that officer the government granted the protection of the military.

The Supreme Council on the one hand, and the judges on the other, were unanimous in every measure taken throughout these unhappy contentions: clearly shewing, that there was a defect in the law, and that the powers of the two authorities were not sufficiently defined.

Petitions, couched in the strongest terms, soliciting relief from the powers assumed by the Supreme Court, were presented to Parliament from the East-India Company, from the Bengal Government, and from British subjects, inhabitants of

Bengal.

Bengal.* It was stated, that unless relief was given the Company would have ports without trade, possessions without revenue, and laws without inhabitants.

These petitions were referred to a select committee of the House of Commons, consisting of fifteen Members. In consequence of a report from that committee, an act was passed on the 18th July 1781, for new modelling the Supreme Court of Judicature in Bengal, for indemnifying the governor in council for their resistance to the decrees of the said court, and for directing in future the operation of its jurisdiction, as also for the relief of certain persons imprisoned at Calcutta under a judgment of the Supreme Court.

This act provided that the governor general and council of Bengal should not be subject to the jurisdiction of the Supreme Court, but should be amenable to a competent court in Great Britain. That the Supreme Court should have no jurisdiction whatever in matters of revenue, nor over any person on account of his being a landowner or farmer of land, nor over persons employed by the Company in a judicial capacity; that it should have power to determine suits against the native inhabitants of Calcutta by the native laws, and to frame such forms of process as might suit their religion and manners. Authority was by the same act given to the Bengal government to hear appeals from the decisions of the provincial courts, and to determine all revenue questions. Certain natives, who had been imprisoned at Calcutta "in execution for damages recovered against them in actions in the Supreme Court," were ordered to be discharged; and the governor-general and council and others were indemnified for resisting the execution of the orders of the Supreme Court.

Considerable delay arose in forwarding this act to India, which was imputed, by a select committee of the House of Commons, to Lawrence Sullivan, Esq., then chairman of the Company, for which he was severely censured in a report from that committee, and in a resolution of a committee of the whole House itself, which declared, that Mr. Sullivan did not

* Journals of the House of Commons, February and March 1781.

not do what he might and ought to have done towards the early and effectual transmission of that act: by which delay the good purposes of the act in regulating the judicature in Bengal, and in providing relief to individual natives, as well as to the people at large, might be frustrated.

At the time that Parliament was employed in preparing that act, the governor-general had devised and executed an arrangement for reconciling differences between the Bengal government and the Supreme Court. It was the appointment of Sir Elijah Impey, chief justice of the Supreme Court, to be judge of the Court of Sudder Dewanny Adawlut at Calcutta, with a salary of 60,000 rupees per annum, an arrangement which the governor-general contemplated would be "the means of lessening the distance between the go-"vernment and the Supreme Court, and would prove an "instrument of conciliation."

By a subsequent arrangement, Sir Robert Chambers, one of the puisne judges of the Supreme Court, accepted the office of president of the Court of Justice at Chinsura.

The intelligence of the appointment of Sir Elijah Impey reached England in October 1781, and doubts immediately arose in the minds of the Directors respecting its legality. The doubts of the Select Committee of the House of Commons were not confined to the legality of the appointment. That committee entered into the consideration of the powers which the appointment conferred; of the circumstances under which it was made; of the authority possessed by the governor-general to confer it; of its effects; and of the mode in which it was communicated to the authorities in Europe. Upon these several points the Select Committee reported to the House at length.

The Court of Directors, on the 24th of April 1782, unanimously resolved to remove Sir Elijah Impey from the station of judge of the Court of Dewanny Adawlut.

On the 2d of May 1782, resolutions of a committee of the whole House were reported, to the effect that the holding by any judge of the Supreme Court of an office granted by, and tenable at, the pleasure of the Company, was against the good purposes

purposes and policy of the act of the 13th Geo. III, and tended to create a dependence in the said Court upon those whose actions it was intended to control; and that all appointments to offices of such descriptions of any judge of the Supreme Court ought to be held null and void; and that the Directors of the East-India Company should order the same to be annulled and vacated accordingly.

On the 3d of May 1782, the House of Commons resolved, on a division, in which the numbers were fifty-one for the question, and five against it—"That an humble address be "presented to his Majesty, that he would be pleased to recall "Sir Elijah Impey, one of the judges of the Supreme Court "of Judicature at Fort William in Bengal, to answer to the "charge of having accepted an office granted by, and tenable "at, the pleasure of the servants of the East-India Company, "which has a tendency to create a dependence in the said "Supreme Court upon those over whose actions the said court "was intended as a control, contrary to the good purposes "and true intent and meaning of an act of the thirteenth year "of his Majesty's reign."

Sir Elijah Impey was recalled accordingly. Subsequently to his return to England, several articles of impeachment were exhibited against him; but, after much discussion, they were dropped; a division having taken place in a committee of the house on the first charge, of which the numbers were seventy-three for the impeachment, and fifty-five against it.

From this period until the year 1797, no alteration of any importance was made in the constitution or powers of the Supreme Court at Calcutta. On the 26th of June in that year, leave was given in the House of Commons to bring in a bill, "For abolishing the office of one of the judges of that court, "for pensioning judges returning to Europe in certain cases, "and for other objects, connected as well with the Supreme Court at Calcutta as with the Mayor's Courts at Madras "and Bombay," which remained as constituted by the charter of 1753.

The number of judges was originally fixed at four; but, from

from 1776 to 1791, his Majesty only appointed three judges to the Supreme Court. In 1791, however, the number was increased to four, under the authority which his Majesty possessed. Considerable opposition was experienced to the proposed bill, which was declared to be pregnant with consequences of the most alarming nature; as tending to establish the first, and perhaps fatal, precedent of a pension list within the nomination of the crown, payable out of the finances of the Company without their consent; and subversive of, and derogatory from, one of the most sacred principles in the administration of British India; namely, that judges should be independent of the Crown.

The Company petitioned against the bill, and were heard by counsel; but their resistance was ineffectual; for, on the 10th of July 1797, the proposition was adopted by the House of Commons.

At the time that these proceedings were pending, the attention of Parliament was directed to the consideration of the state of justice at Madras and Bombay; and a bill passed the House of Commons, on the 15th of July 1797, for the better administration of justice at those presidencies. In this bill, as well as in that respecting pensions, several alterations were made by the Lords, in which the Commons did not concur. It was subsequently determined to throw the two bills into one bill; and the same passed both Houses, and received the royal assent on the 20th of July 1797, under the title of "An Act "for the better Administration of Justice at Calcutta, Madras, "and Bombay."

The regulations prescribed in that act for the grant of pensions, with subsequent modifications thereof, will be stated under the head of *Pensions*.

The new act extended the jurisdiction of the Supreme Court at Calcutta to the province of Benares, and to all places that might thereafter become subject to the presidency of Fort William.

In 1825, further provision was made as to the salaries and pensions to the judges.—(*Vide* Pensions and Salaries.)

In February 1826, Right. Hon. Williams Wynn, President of

of the Board of Commissioners, obtained leave to bring in a bill to regulate Juries in India.—(*Vide* Juries, &c.)

LAWS.

Establishment.

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1773. 13 Geo. 3, c. 63, § 13.

(1) Whereas his late Majesty King George the Second did, by his letters patent bearing date at Westminster, the eighth day of January, in the twenty-sixth year of his reign, grant unto the said United Company of Merchants of England trading to the East-Indies, his royal charter; thereby, amongst other things, constituting and establishing courts of civil, criminal, and ecclesiastical jurisdiction, at the said United Company's respective settlements at Madras-patnam, Bombay, on the island of Bombay, and Fort William in Bengal; which said charter does not sufficiently provide for the due administration of justice in such manner as the state and condition of the Company's presidency of Fort William in Bengal, so long as the said Company shall continue in the possession of the territorial acquisitions before mentioned, do and must require; be it therefore enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, by charter or letters patent under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William aforesaid, to consist of a chief justice and two * other judges, being barristers in England or Ireland, of not less than five years' standing, to be named, from time to time, by his Majesty, his heirs and successors; which said Supreme Court of Judicature shall have, and the same court is hereby declared to have, full power and authority to exercise and perform all civil, criminal, admiralty, and ecclesiastical jurisdiction, and to appoint such clerks, and other ministerial officers of the said court, with such reasonable salaries as shall be approved of by the said governor-general and council; and to form and establish such rules of practice, and such rules for the process of the said court, and to do all such other things as shall be found necessary for the administration of justice, and the due execution of all or any of the powers which by the said charter shall or may be granted and committed to the said court; and also shall be, at all times, a Court of Record, and shall be a Court of Oyer and Terminer and Gaol Delivery,

His Majesty may, by charter or letters patent, establish a Supreme Court of Judicature at Fort William, &c.—*See further* 21 Geo. 3, c. 70.

To consist of a chief justice, and two other judges; who are invested with civil, criminal, admiralty, and ecclesiastical jurisdiction, and may establish rules of practice and process.

To be a court of record, Oyer and Terminer and Gaol Delivery, for Calcutta and Fort William.

* Two Puisne in the room of three—1797, 37 Geo. 3, c. 142.

LAWS.

very, in and for the said town of Calcutta, and factory of Fort William in Bengal aforesaid, and the limits thereof, and the factories subordinate thereto.

Jurisdiction, when first established.

Extent of the jurisdiction and power of his Majesty's charter; and of the Supreme Court of Judicature. *These powers are restricted and defined by* 21 Geo. 3, c. 70.

1773. 13 Geo. 3, c. 63, § 14.

(2) The said new charter which his Majesty is hereinbefore empowered to grant, and the jurisdiction, powers, and authorities to be thereby established, shall and may extend to all British subjects who shall reside in the kingdoms or provinces of Bengal, Bahar, and Orissa, or any of them, under the protection of the said United Company, and the same charter shall be competent and effectual; and the Supreme Court of Judicature, therein and thereby to be established, shall have full power and authority to hear and determine all complaints against any of his Majesty's subjects for any crimes, misdemeanors, or oppressions committed or to be committed; and also to entertain, hear, and determine any suits or actions whatsoever against any of his Majesty's subjects in Bengal, Bahar, and Orissa, and any suit, action, or complaint against any person who shall, at the time when such debt or cause of action or complaint shall have arisen, have been employed by, or shall then have been, directly or indirectly, in the service of the said United Company, or of any of his Majesty's subjects.

Jurisdiction limited and defined by explanatory Act of 1781.

Supreme court not to have any jurisdiction in any matter concerning the revenue.

1781. 21 Geo. 3, c. 70, § 8.

(3) The said Supreme Court shall not have or exercise any jurisdiction in any matter concerning the revenue, or concerning any act or acts ordered or done in the collection thereof, according to the usage and practice of the country, or the regulations of the governor-general and council.

§ 9.

No person shall be subject to the jurisdiction of the supreme court on account of his being a land-owner or farmer of land, &c.

(4) For removing all doubts concerning the persons subject to the jurisdiction of the said Supreme Court, be it enacted, that no person shall be subject to the jurisdiction of the Supreme Court, for or by reason of his being a landowner, landholder, or farmer of land, or of land rent, or for receiving a payment or pension in lieu of any title to, or ancient possession of, land or land rent, or for receiving any compensation or share of profits for collecting of rents payable to the public out of such lands or districts as are actually farmed by himself, or those who are his under-tenants in virtue of his farm, or for exercising within the said lands and farms any ordinary or local authority commonly annexed to the possession or farm thereof, within the provinces of Bengal, Bahar, and Orissa, or for or by reason of his becoming security for the payment of the rents reserved or otherwise

 payable

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payable out of any lands or farms, or farms of land, within the provinces of Bengal, Bahár, and Orissa.

1781. 21 Geo. 3, c. 70, § 10.

(5) No person, for or by reason of his being employed by the Company, or the governor-general and council, or by any person deriving authority under them, or for or on account of his being employed by a native or descendant of a native of Great Britain, shall become subject to the jurisdiction of the Supreme Court in any matter of inheritance or succession to lands or goods, or in any matter of dealing or contract between party or parties, except in actions for wrongs or trespasses, and also except in any civil suit by agreement of parties in writing, to submit the same to the decision of the said court.

Nor for being employed by the Company, &c.; except in actions for trespasses, &c.

§ 24.

(6) Whereas it is reasonable to render the provincial magistrates, as well natives as British subjects, more safe in the execution of their office; be it enacted, that no action for wrong or injury shall lie in the Supreme Court against any person whatsoever exercising a judicial office in the country courts, for any judgment, decree, or order of the said court, nor against any person for any act done by or in virtue of the order of the said court.

Judicial officers in the country courts not liable to actions for wrong, &c. in the supreme court for their decrees, &c.

§ 25.

(7) In case of an information intended to be brought or moved for against any such officer or magistrate, for any corrupt act or acts, no rule or other process shall be made or issued thereon until notice be given to the said magistrate or officer, or left at his usual place of abode, in writing, signed by the party or his attorney, one month, if the person exercising such office shall reside within fifty miles of Calcutta; two months, if he shall reside beyond fifty miles; and three months, if he shall reside beyond one hundred miles from Calcutta, before the suing out or serving the same: in which notice the cause of complaint shall be fully and explicitly contained; nor shall any verdict be given against such magistrate, until it be proved on trial that such notice hath been given; and in default of such proof, a verdict with costs shall be given for the defendant.

No rule, &c. shall be made on information against any such officer, until proper notice has been given to him. Jurisdiction limited.

§ 26.

(8) No magistrate shall be liable, in any such case, to any personal caption or arrest, nor shall be obliged to put in bail, until he shall have declined to appear to answer after notice given as directed by this act, and service of the process directing his appearance by himself or his attorney.

No such magistrate liable to arrest, until he shall have declined to appear to answer, &c.

1799. 39 and 40 Geo. 3, c. 79, § 20.

(9) Whereas the province or district of Benares has been ceded to the said United Company, and been annexed to the said presidency of Fort William in Bengal, since the establishment of the said Supreme Court of

From March 1, 1801, to extend over the province of Benares, &c.

LAWS.

of Judicature at Fort William aforesaid, and it is expedient that the same should be subject to the jurisdiction of the said court, in like manner as the kingdoms or provinces of Bengal, Bahar, and Orissa; and that the said province or district, and all other provinces or districts, which may hereafter be at any time annexed and made subject to the said presidency, should be subject to such regulations as the Governor-General and Council of Fort-William aforesaid have framed or may frame for the better administration of justice among the native inhabitants and others within the same respectively; be it therefore further enacted, that from and after the first day of March, which will be in the year of our Lord one thousand eight hundred and one, the power and authority of the said Supreme Court of Judicature in and for the said presidency of Fort William aforesaid, as now and by virtue of this act established, and all such regulations as have been or may be hereafter, according to the powers and authorities, and subject to the provisions and restrictions before enacted, framed, and provided, shall extend to and over the said province or district of Benares, and to and over all the factories, districts, and places which now are or hereafter shall be made subordinate thereto, and to and over all such provinces and districts as may at any time hereafter be annexed and made subject to the said presidency of Fort William aforesaid.

1799. 39 and 40 Geo. 3, c. 79, § 20.

Governor-General and Council.

Supreme court not competent to hear and determine indictments or informations against the governor-general, &c.

1773. 13 Geo. 3, c. 63, § 15.

(10) The said court shall not be competent to hear, try, or determine any indictment or information against the said governor-general, or any of the said council, for the time being, for any offence (not being treason or felony) which such governor-general, or any of the said council, shall or may be charged with having committed in Bengal, Bahar, and Orissa.

The governor-general, council, &c. not subject to be arrested or imprisoned.

§ 17.

(11) Nothing in this act shall extend to subject the person of the governor-general, or of any of the said council, or chief justice and judges respectively, for the time being, to be arrested or imprisoned upon any action, suit, or proceeding in the said court.

The governor-general and council of Bengal not to be subject to the supreme court.

1781. 21 Geo. 3, c. 70, § 1.

(12) The governor-general and council of Bengal shall not be subject, jointly or severally, to the jurisdiction of the Supreme Court of Fort William in Bengal, for or by reason of any act or order, or any other matter or thing whatsoever, counselled, ordered, or done by them in their public capacity only, and acting as governor-general and council.

Persons impleaded in the supreme court for acts done by order of the governor-general,

§ 2.

(13) If any person or persons shall be impleaded in any action or process, civil or criminal, in the said Supreme Court, for any act or acts done by the order of the said governor-general and council in writing, he or they may plead the general issue, and give the

LAWS. 1781. 21 Geo. 3, c. 70, § 2.

said order in evidence; which said order, with proof that the act or acts done has or have been done according to the purport of the same, shall amount to a sufficient justification of the said acts; and the defendant shall be fully justified, acquitted, and discharged from all and every suit, action, and process whatsoever, civil or criminal, in the said court. &c. may plead the general issue.

§ 5. (14) With respect to such order or orders of the said governor-general and council as do or shall extend to any British subject or subjects, the said court shall have and retain as full and competent jurisdiction as if this act had never been made. Proviso.

§ 4. (15) Nothing herein contained shall extend, or be construed to extend, to discharge or acquit the said governor-general and council, jointly or severally, or any other person or persons acting by or under their order, from any complaint, suit, or process, before any competent court in this kingdom, or to give any other authority whatsoever to their acts, than acts of the same nature and description had, by the laws and statutes of this kingdom, before this act was made. The governor-general, &c. to remain liable to any complaint before a competent court in this kingdom.

§ 5. (16) In order to prevent all abuse of the powers given to the governor-general and council, be it further enacted, that in case any person, by himself or his attorney or counsel, shall make a complaint to the Supreme Court, and enter the same in writing, and upon oath, of any oppression or injury, charging the same to be committed by the said governor-general, or any member or members of the council, or any other person or persons by or in virtue of any order given by the said governor general and council, and shall execute a bond, with some other person whom the said court shall deem responsible, jointly and severally, to the United East-India Company, in such a penalty as the court shall appoint effectually to prosecute the said complaint by indictment, information, or action in some competent court in Great Britain, within two years of the making of the same, or of the return into Great Britain of the party or parties against whom the same is made; that then, and in such case, the party complaining shall be, and is hereby enabled to compel, by order of the court, the production in the said Supreme Court of true copy or copies of the order or orders of council complained of, and to have the same authenticated by the court, and to examine witnesses upon the matter of the said complaint, and also on the part of the person or persons complained of; and the said parties, as well complaining as complained of, shall have and enjoy severally all manner of advantages, rights, and privileges relative to proof of the said complaint or defence, and also relative to any mandamus or commission to be issued by any of his Majesty's If any person making complaint to the supreme court against the governor-general, &c. shall execute a bond to the company to prosecute the same in some competent court in Great Britain, &c., such person may compel, by order of the court, the production of copies of the orders complained of, &c.

LAWS. 1781. 21 Geo. 3, c. 70, § 5.

Majesty's courts in Westminster-Hall, in case the court upon motion shall think fit to issue the same, as are provided in case of any suit in such cases by an act of the 13th year of his 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;" and the Supreme Court shall have the same powers for the compelling witnesses to appear and be examined, and the same rules and directions shall be observed for the transmitting the depositions of witnesses and other papers to this kingdom as are provided by the said recited act.

§ 6. (17) All copies so authenticated of orders of the said governor-general and council, and also the depositions which shall have been taken in manner aforesaid before the Supreme Court, shall be received in evidence in any of his Majesty's courts of law or equity at Westminster. Authenticated copies of orders, &c. shall be received in evidence in the courts at Westminster.

§ 7. (18) No prosecution or suit shall be carried on against the said governor-general, or any member of the council, before any court in Great Britain (the high court of Parliament only excepted), unless the same shall be commenced within five years after the offence committed, or within five years after his arrival in England. Limitation of action.

Admiralty Jurisdiction and Prize Causes.

1793. 33 Geo. 3. c. 52, § 156.

(19) Whereas by the charter of justice under the great seal of Great Britain, bearing date the 26th day of March, in the 14th year of his present Majesty's reign, for establishing the Supreme Court of Judicature at Fort William in Bengal, his Majesty did grant, ordain, establish, and appoint that the said Supreme Court of Judicature should be a Court of Admiralty: and whereas doubts have arisen how far the jurisdiction of the said Supreme Court, in criminal natters, is limited by the said charter to offences committed on the coasts of Bengal, Bahar, and Orissa, territories or islands respectively, within the ebbing and flowing of the sea and high-water mark: and inasmuch as it is essentially necessary that the admiralty jurisdiction of the said Supreme Court of Judicature should extend to crimes and offences committed on the high seas at large: be it further enacted and declared, that the power and authority of the said court, granted to them by the said charter of justice, shall extend and be extended to the high seas, and that the said court shall, by force and virtue of this act, have full power and authority to inquire, hear, try, examine, and determine, by the oaths of honest and lawful men, being British subjects, resident in the town of Calcutta, all treasons, murders, piracies, robberies, felonies, maimings, forestallings, extortions, trespasses, misdemeanors, offences, excesses, and enormities, and maritime causes whatsoever, according to the laws and customs of the Admiralty of England, done, perpetrated, or committed upon any of the high seas; and to fine, imprison, correct, punish, chastise, and reform parties guilty, and violators of the laws, in like and in as ample manner, to all

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all intents and purposes, as the said court might or could do if the same were done, perpetrated, or committed within the limits prescribed by the said charter of justice, and not otherwise, or in any other manner.

1800. 39 and 40 Geo. 3, c. 79, § 25.

(20) And whereas it may be expedient for his Majesty, his heirs or successors, to issue a commission from his High Court of Admiralty in England, for the trial and adjudication of prize causes, and other maritime questions arising in India; be it therefore further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, to nominate and appoint all or any of the judges of the Supreme Court of Judicature at Fort William aforesaid, or of the Supreme Court of Judicature to be erected as aforesaid at Madras, or the Court of the Recorder at Bombay, either alone or jointly with any other persons to be named in such commission, to be commissioners for the purpose of carrying such commission so to be issued as aforesaid into execution; any act or acts to the contrary thereof in anywise notwithstanding.

His Majesty may appoint Commissioners for carrying into execution a commission for the trial and adjudication of prize causes, &c. in *India*.

1813. 53 Geo. 3, c. 155, § 110.

(17*) 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 cognizances 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.

Admiralty Jurisdiction of King's Courts extended.

To hold Sessions four times a Year.

§ 102.

(18*) 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 said courts respectively shall appoint, to hold their sessions, for the purpose of taking cognizance of all matters relating to pleas of the Crown.

Advocate General.

§ 100.

(19*) The advocate general or other principal law officer of the Company may exhibit informations to the King's Courts in matters of revenue, &c.

§ 111.

(20*) The advocate general of the Company may file information in King's Courts for debts due to his Majesty.

Actions

Actions and Suits.

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1773. 13 Geo. 3, c. 63, § 16

Limitation of actions before the said court. Suits may originate in the supreme court, or be brought by appeal from the provincial courts.

(21) The said Supreme Court shall hear and determine any suits or actions whatsoever of any of his Majesty's subjects, against any inhabitant of India residing in any of the said kingdoms or provinces of Bengal, Bahar, or Orissa, or any of them, upon any contract or agreement in writing entered into by any of the said inhabitants with any of his Majesty's said subjects, where the cause of action shall exceed the sum of five hundred current rupees: and where the said inhabitant shall have agreed in the said contract, that in case of dispute the matter shall be heard and determined in the said Supreme Court; and all such suits or actions may be brought, in the first instance, before the said court, or by appeal from the sentence of any of the courts established in the said provinces, or any of them.

Appeals.

§ 18.

Appeals may be made to his Majesty in Council.

(22) It shall and may be directed, in and by the said new charter which his Majesty is hereinbefore empowered to grant, that in case any person or persons whatsoever shall think himself, herself, or themselves aggrieved by any judgment or determination of the said Supreme Court of Judicature to be established as aforesaid, he, she, or they shall and may appeal from such judgment or determination to his Majesty in Council, his heirs or successors, within such time, in such manner, and in such cases, and on such security, as his Majesty, in his said charter, shall judge proper and reasonable to be appointed and prescribed.

(23) By the charter it is provided, that appeals may be made in civil suits to the King in Council, if the petition for that purpose is preferred within six months for that purpose, and the matter in dispute shall exceed 1,000 pagodas.

1797. 37 Geo. 3, c. 142, § 4.

The supreme court, where the matter in dispute does not exceed 1,000 pagodas, may direct depositions to be filed of record, or not.

(24) Whereas by the charter of justice granted by his Majesty, under the authority of the hereinbefore recited act, passed in the thirteenth year of his present Majesty's reign, the said Supreme Court of Judicature was directed and required to reduce or cause to be reduced to writing the depositions of witnesses in civil causes, and was directed to require the same to be subscribed by such witnesses, with their name or other mark, and to file the same of record: and whereas, by the said charter of justice, it was also directed that no appeal should be allowed from the said Supreme Court of Judicature, unless the value of the matters in dispute exceed the sum of one thousand pagodas: and whereas the requiring the depositions of witnesses to be reduced into writing, and filed of record, is productive of much expense and delay in small causes, where the value of the matter in dispute does not exceed one

LAWS.

1797. 37 Geo. 3, c. 142, § 4.

thousand pagodas, and which, for that reason, cannot be made the subject of appeal; be it therefore enacted, that from and after the passing of this act, it shall be in the discretion of the said Supreme Court, in all cases when the value of the matter in dispute does not exceed one thousand pagodas, either to direct the deposition of witnesses to be reduced into writing, and filed of record, or not, as the said court shall think fit, in the particular case: any thing in the said charter of justice contained to the contrary notwithstanding.

British Subjects and others amenable to Courts.

1784. 24 Geo. 3, c. 25, § 44.

(25) All his Majesty's subjects, as well servants of the said United Company as others, shall be, and are hereby declared to be, amenable to all courts of justice (both in India and in Great Britain) of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions, trespasses, misdemeanors, crimes, and offences whatsoever, by them or any of them done, or to be done or committed, in any of the lands or territories of any native prince or state, or against their persons or properties, or the persons or properties of any of their subjects or people, in the same manner as if the same had been done or committed within the territories directly subject to and under the British government in India.

1786. 26 Geo. 3, c. 57, § 29.

(26) The servants of the said United Company, as all other of his Majesty's subjects resident or to be resident in India, shall be, and are hereby declared to be, amenable to the Courts of Oyer and Terminer and Gaol Delivery, and Courts of General or Quarter Sessions of the Peace, in any of the British settlements in India, for all murders, felonies, homicides, manslaughters, burglaries, rapes of women, perjuries, confederacies, riots, routes, retainings, oppressions, trespasses, wrongs, and other misdemeanors, offences, and injuries whatsoever, by them done, committed, or perpetrated, or to be by them hereafter done, committed, or perpetrated, in any of the countries or parts of Asia, Africa, or America, beyond the Cape of Good Hope, to the Straits of Magellan, within the limits of the exclusive trade of the said United Company, whether the same shall have been done, committed, or perpetrated, or shall hereafter be done, committed, or perpetrated, against any of his Majesty's subjects, or against any other person or persons whatever.

Persons resident in India amenable to the courts there.

Evidence of Bonds, Deeds, &c.

§ 38.

(27) Whereas great difficulties, expense, and delay often arise in giving proof in Great Britain of the execution of bonds, and other deeds and writings, executed and witnessed by persons resident in the East-Indies; and the like difficulties, expense, and delay also arise in giving proof in the East-Indies of the execution of bonds and other deeds and writings executed and witnessed by persons resident in Great Britain; for remedy thereof, be it enacted, that whenever any bond, or other deed or writing, executed in the East-Indies, and attested by any person or persons resident there, shall be offered in evidence in any of the courts of justice in Great Britain, it shall be sufficient to prove, by one or more credible witness or witnesses, that the name or names subscribed to such bond, deed, or writing, purporting to be of the hand or hands-writing of the obligor or obligors to such bond, or of the party or parties to such deed or writing, is or are of the proper hand-writing or hands-writing of such obligor or obligors, party or parties respectively; and that the name or names set and subscribed of the witness or witnesses attesting the execution of the same respectively, is or are of the proper hand or hands-writing of the witness or witnesses so attesting the same, and that such witness or witnesses is or are resident in the East-Indies; and, in like manner all courts of justice in the East-Indies shall admit the like proof of the execution of bonds and other deeds and writings executed in Great Britain, and witnessed by any person or persons resident in Great Britain: and such proofs shall be deemed and taken to be as valid and sufficient evidence of the due execution of such bonds, and other deeds and writings, as if the witness or witnesses thereto was or were dead.

Bonds executed in the East-Indies shall be evidence in Britain, and contrariwise, on proof of the hand-writing of the parties.

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1786. 26 Geo. 3, c. 57, § 38.

Insolvent Debtors.

1800. 39 and 40 Geo. 3, c. 79, § 23.

The judge of the supreme court at Fort William, and of the supreme court to be erected at Madras and the court of the recorder at Bombay, may make rules for extending to insolvent debtors the relief intended by act 32 Geo. 2. commonly called The Lord's Act.

(26) And whereas doubts may have arisen whether any of the Courts of Judicature established in India by virtue of his Majesty's charter, are competent to administer adequate relief to insolvent debtors, who stand charged in execution for debts under a certain amount, according to the provisions of an act passed in the thirty-second year of his late Majesty's reign, commonly called The Lord's Act, be it therefore further enacted, that it shall and may be lawful for the judge of the said Supreme Court at Fort William, and of the Supreme Court which his Majesty is empowered by this act to erect at Madras, or for the Court of the Recorder at Bombay, to make and publish such rules and orders as to them respectively shall seem meet, for extending to such insolvent debtors as shall be in execution under the process of such respective courts, or of any court previously established at such presidency respectively, for sums under the amount to be prescribed by such rules and orders, the relief intended by the said act, and to prescribe and order what weekly sum the creditor or creditors at whose suit such debtor stands charged in execution, shall be obliged to pay and allow, in case such creditor or creditors shall insist on such debtor being detained in custody, and to adopt and proportion the same, as well as the amount of such debt as above-mentioned, to the general state and condition of such debtors, whether natives or Europeans,

and

under

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1800. 39 and 40 Geo. 3, c. 79, § 23.

under the jurisdiction of such court respectively; and such courts are hereby authorized and empowered, as soon as such rules and orders shall have been made and established, to proceed to act upon the same accordingly as cases may arise to require the same, and to make such orders in such cases as may be necessary to carry the same fully into effect: provided always, that all such rules and orders as are first above mentioned, for prescribing the mode in which such relief shall be administered, shall be transmitted to the president of the Board of Commissioners for the Affairs of India, to be laid before his Majesty for his royal approbation, correction, or revision, and such rules and orders shall be observed until the same shall be repealed or varied, and in the last case with such variation as shall be made therein.

§ 24.

(27) And be it further enacted, that all rules and orders heretofore made or hereafter to be made, previous to the notification of this present act, in such presidencies respectively, by any of the courts above-mentioned, or any court previously established in either of the said presidencies for the relief and discharge of such insolvent debtors, and all acts by them, or either of them, done or commanded in pursuance thereof, shall be, and they are hereby ratified and confirmed, and all present actions and suits, indictments, informations, and all molestations, prosecutions, and proceedings whatsoever, which may have been, or may be had, commenced, or prosecuted, against any person whomsoever, for acting or having acted under and in obedience to any such rules or orders, are and shall be discharged, annulled, and utterly made void and of no effect, to all intents and purposes, by virtue of this act.

All rules made previous to the notification of this act in the presidencies, for the relief of insolvent debtors, shall be confirmed, and all suits commenced for acting under them shall be void.

Native Laws and Usages to be observed.

1781. 21 Geo. 3, c. 70, § 17.

(28) The Supreme Court of Judicature at Fort William in Bengal shall have full power and authority to hear and determine, in such manner as is provided for that purpose in the said charter or letters patent, all and all manner of actions and suits against all and singular the inhabitants of the said city of Calcutta; provided that their inheritance and succession to lands, rents, and goods, and all matters of contract and dealing between party and party, shall be determined, in the case of Mahomedans, by the laws and usages of Mahomedans; and in the case of Gentûs, by the laws and usages of Gentûs: and, where only one of the parties shall be a Mahomedan or Gentû, by the laws and usages of the defendant.

How the supreme court shall determine actions between Mahomedan and Gentû inhabitants of Calcutta.

§ 18.

(29) In order that regard should be had to the civil and religious usages of the said natives, be it enacted, that the rights and authorities of fathers of families, and masters of families, according as the same might have been exercised by the Gentû, or Mahomedan law,

The authority of fathers and masters of families, among the natives, to be preserved, &c.

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law, shall be preserved to them respectively within their said families; nor shall any acts done in consequence of the rule and law of caste, respecting the members of the said families only, be held and adjudged a crime, although the same may not be held justifiable by the laws of England.

1781. 21 Geo. 3, c. 70, § 18.

§ 19

The supreme court may frame such forms of process, &c. in suits against the natives, as shall suit their religion and manners.

(30) It shall and may be lawful for the Supreme Court of Judicature at Fort William in Bengal, to frame such process, and make such rules and orders for the execution thereof, in suits civil or criminal against the natives of Bengal, Bahar, and Orissa, as may accommodate the same to the religion and manners of such natives, so far as the same may consist with the due execution of the laws and attainment of justice.

§ 20.

Such forms to be transmitted to one of the Secretaries of State for his Majesty's approbation.

(31) Such new forms of process, and rules and orders for the execution thereof, shall be forthwith transmitted to one of his Majesty's principal secretaries of state, to be laid before his Majesty, for his royal approbation, correction, or refusal; and such process shall be used, and such rules and orders shall be observed until the same shall be repealed or varied; and in the last case, with such variations as shall be made therein.

Passage-Money to Judges, &c.

1813. 53 Geo. 3, c. 155, § 89.

The Court of Directors shall, and they are hereby required to pay and advance to all and singular the persons hereafter 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 persons respectively; that is to say,

To the chief justice, Fort William	£1,500
Each of the puisne judges	1,000

(*Vide* Passage-Money.)

Salaries.

1773. 13 Geo. 3, c. 63, § 21.

The salaries of the judges of the Supreme Court at Calcutta commence on their respectively taking upon them the execution of their office, and are in lieu of all fees or perquisites: *viz.*—

To the chief justice of the Supreme Court	£8,000 per annum.
Each of the puisne judges	6,000 do.

(*Vide* Salaries.)

Pensions.

The existing laws as to pensions to the judges were framed in 1825, by which it is provided that no allowance shall be made to any judge who shall not have resided in India as chief justice or puisne judge, or as partly one and partly the other, for five years; after which period the scale of pensions is guided by length of service.

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1823. 6 Geo. 4, c. 85, § 7 to 12.

To the chief justice who shall have served as such for five years ..... £1,000 per annum.
As chief or puisne, partly one and partly the other office, seven years ..... 1,300 do.
Do. ten years ..... 2,000 do.
To each puisne judge, after five years ..... 750 do.
Do. seven years ..... 1,000 do.
Do. ten years ..... 1,600 do.

If a chief justice has not filled that office in one of the Supreme Courts for five years, he is only entitled, on resigning, to the allowance to be made to the puisne judges of the court to which such chief justice shall belong.—For the Laws (*Vide* Pensions.)

MADRAS AND BOMBAY.

The Mayor's Court, which existed at Madras until 1797, was in that year superseded by the establishment of a Recorder's Court, under the 37th Geo. III, cap. 142, which court was abolished in 1800 by the act of the 39th and 40th Geo. III, cap. 79; and a Supreme Court of Judicature was erected in its room, to consist of a chief justice and two puisne judges. Letters patent granting a charter of justice were issued on the 26th December 1801.

In the year 1823, an act was passed authorizing the abolition of the Recorder's Court at Bombay and the establishment in its room of a Supreme Court of Judicature, to consist of the like number of judges as the Supreme Court at Fort William in Bengal (4th Geo. IV, cap. 71), by the 17th section of which act it was provided, that the courts at Madras and Bombay shall have the same powers as the court at Fort William. It has therefore been deemed unnecessary to give more than the second section of the act of 1800, establishing the Supreme Court at Madras, and the 7th and 17th sections of the act of 1823, establishing a Supreme Court at Bombay, and investing those courts respectively with the powers possessed by the Supreme Court at Calcutta, the laws regarding which have already been noticed.

LAWS.
1800. 39 and 40 Geo. 3, c. 79, § 2.

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Establishment of Supreme Court at Madras.

(1) And whereas it may be expedient, for the better administration of justice in the said settlement of Madras, that a Supreme Court of Judicature should be established at Madras, in the same form, and with the same powers and authorities, as that now subsisting, by virtue of the several acts before-mentioned, at Fort William in Bengal: be it therefore enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by charter or letters patent under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Madras aforesaid, to consist of such and the like number of persons, to be named from time to time by his Majesty, his heirs and successors, with full power to exercise such civil, criminal, admiralty, and ecclesiastical jurisdictions, both as to natives and British subjects, and to be invested with such power and authorities, privileges and immunities, for the better administration of the same, and subject to the same limitations, restrictions, and control within the said Fort St. George and town of Madras, and the limits thereof, and the factories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependant upon the said government of Madras, as the said Supreme Court of Judicature at Fort William in Bengal, by virtue of any law now in force and unrepealed, or by this present act, doth consist of, is invested with, or subject to, within the said Fort William, or the kingdoms or provinces of Bengal, Bahar, and Orissa.

His Majesty may establish a Supreme court of judicature at Madras, to consist of the like number of persons, &c. as the Supreme Court at Fort-William.

MADRAS AND BOMBAY.

LAWS.
1800. 39 and 40 Geo. 3, c. 79, § 2.

Establishment of Supreme Court at Bombay.

1823. 4 Geo. 4, c. 71, § 7.

(2) And whereas his late Majesty King George II. did by his letters patent bearing date at Westminster the eighth day of January in the twenty-sixth year of his reign, grant unto the United Company of Merchants of England trading to the East-Indies, his royal charter, thereby amongst other things constituting and establishing courts of civil, criminal, and ecclesiastical jurisdiction at the United Company's respective settlements at Madraspatnam, Bombay, or the Island of Bombay and Fort William in Bengal; and whereas the said charter in as far as it respects the administration of justice at Bombay, has been altered and changed by virtue of an act passed in the thirty-seventh year of his late Majesty King George III, 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 "Native Princes in India;" and by letters patent granted by his said late Majesty King George III, and bearing date at Westminster on the twentieth day of February in the thirty-eighth of his reign, amongst other things, for the establishment of a court called "The Court of "the Recorder of Bombay;" and whereas the said charter of the eighth day of January in the twenty-sixth year of the reign of his Majesty King George II, so far as it respects the administration of justice at Fort William in Bengal, has been altered and changed by virtue of an act passed in the thirteenth year of his said late Majesty King

Supreme court of judicature at Bombay to be established.

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1823. 4 Geo. 4, c. 71, § 7.

King George III, 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, and by divers subsequent statutes;" and whereas the said last-mentioned charter, so far as it respects the administration of justice at Madras, has been altered or changed by virtue of the said act of the thirty-seventh year of his late Majesty King George the Third, and also by an act of the thirty-ninth and fortieth years of his said late Majesty, intituled "An Act for establishing certain Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same:" and whereas it may be expedient for the better administration of Justice in the said settlement of Bombay, that a Supreme Court of Judicature should be established at Bombay in the same form and with the same powers and authorities as that now subsisting by virtue of the several acts before-mentioned at Fort William in Bengal; be it therefore enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by charter or letters patent under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Bombay aforesaid, to consist of such and the like number of persons to be named, from time to time, by his Majesty, his heirs and successors, with full power to exercise such civil, criminal, admiralty, and ecclesiastical jurisdiction, both as to natives and British subjects, and to be invested with such powers and authorities, privileges, and immunities for the better administration of the same, and subject to the same limitations, restrictions, and control, within the said town and island of Bombay, and the limits thereof, and the territories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependant upon the said government of Bombay, as the said Supreme Court of Judicature at Fort William in Bengal, by virtue of any law now in force and unrepealed doth consist of, is invested with or subject to, within the said Fort William, or the places subject to or dependant on the government thereof: provided always, that the governor and council at Bombay, and the governor-general at Fort William aforesaid, shall enjoy the same exemption and no other, from the authority of the said Supreme Court of Judicature to be there erected, as is enjoyed by the said governor-general and council at Fort William aforesaid, for the time being, from the jurisdiction of the Supreme Court of Judicature there already by law established.

Powers of Courts at Madras and Bombay.

1823. 4 Geo. 4, c. 71, § 17.

(3) And be it further declared and enacted, that it hath been and is and shall be lawful for the Supreme Court of Judicature at Madras, within Fort St. George and the town of Madras and the limits thereof, and the factories subordinate thereto, and within the territories which now are, or hereafter may be subject to or dependant

Court at Madras and Bombay to have the same powers as the court at Fort-William in Bengal.

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upon the government of Madras; and that it shall be lawful for the said Supreme Court of Judicature at Bombay to be created by virtue of this act, within the said town and island of Bombay and the limits thereof, and the factories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependant upon the said government of Bombay; and the said Supreme Courts respectively are hereby required, within the same respectively, to do, execute, perform and fulfil all such acts, authorities, duties, matters, and things whatsoever as the said Supreme Court of Fort William is or may be lawfully authorized, empowered, or directed to do, execute, perform, and fulfil within Fort William in Bengal aforesaid, or the places subject to or dependant upon the government thereof.

1823. 4 Geo. 4, c. 71, § 17.

Passage-Money.

1823. 4 Geo. 4, c. 71, § 12.

To the chief justice	£1,200.
To each puisne judge	1,000.

Salaries.

1825. 6 Geo. 4, c. 85, § 1 and 2.

To the chief justice at Madras	60,000 Madras Rs.	per annum.
To the chief justice at Bombay	60,000 Bombay Rs.	do.
To each puisne judge at Madras	50,000 Madras Rs.	do.
To each puisne judge at Bombay	50,000 Bombay Rs.	do.

Pensions.

§ 9 and 11.

To the chief justice, after having served as such, five years	£800	per annum.
As chief or puisne judge, partly one and partly the other, seven years	1,000	do.
Ditto ten years	1,600	do.
To each of the puisne judges, after five years	600	do.
Ditto seven years	800	do.
Ditto ten years	1,200	do.

PRINCE OF WALES' ISLAND, SINGAPORE, AND MALACCA.

A Recorder's Court was established at Prince of Wales' Island by letters patent, issued on the 25th March 1807, in consequence of a petition from the East-India Company to his late Majesty. A treaty having been concluded with his Majesty the King of the Netherlands, on the 17th March 1824, by which Great Britain obtained possession of the island of Singapore and the town and fort of Malacca; and those settlements having been transferred to the Company, they were empowered

empowered by the act of the 6th Geo. IV, cap. 85, to annex such possessions to Prince of Wales' Island, or otherwise, as they might see fit. The Court of Directors, in pursuance of such authority, have annexed the said settlements to that of Prince of Wales' Island, forming the whole into a government denominated the Governor and Council of Prince of Wales' Island, Singapore, and Malacca. By the same act, his Majesty is authorized to issue letters patent, should it be deemed expedient to make any alteration for the administration of justice. The Court accordingly presented a petition to his Majesty in 1825, praying his Majesty to accept a surrender of the charter, or letters-patent, granted in 1807, and that his Majesty would be graciously pleased to grant to the Company letters-patent, establishing or authorizing the establishment of such Courts and Judicatures for the trial and punishment of capital and other offences within the said settlement of Prince of Wales' Island, Singapore, and Malacca. Letters-patent have been accordingly issued, by which a Court of Judicature is constituted, to consist of the governor and the resident counsellor, and one other judge to be called the recorder.

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1825. 6 Geo. 4, c. 85, § 19.

Administration of justice in Singapore and Malacca.

(1) And whereas under and by virtue and according to the effect of an act passed in the forty-second year of the reign of his late Majesty King George the Third, intituled, "An Act to authorize the "East-India Company to make their Settlement at Fort Marl- "borough in the East-Indies a Factory subordinate to the Presidency "of Fort William in Bengal, and to transfer the servants, who on "the Reduction of that Establishment shall be supernumerary, to "the Presidency of Fort St. George;" and an act passed in the fifth year of the reign of his present Majesty King George the Fourth, intituled "An Act for transferring to the East-India Company "certain Possessions newly acquired in the East-Indies, and the "Removal of Convicts from Sumatra, the Island of Singapore in "the East-Indies, and the Town and Fort of Malacca and its De- "pendencies, and all the Colonies, Possessions, and Establishments "ceded by his Majesty the King of the Netherlands to his said "present Majesty King George the Fourth, by a Treaty, concluded "between their said Majesties on the Seventeenth Day of March One "thousand eight hundred and twenty-four," have become and now are

LAWS.

1800. 39 and 40 Geo. 3, c. 79.

are factories subordinate to the presidency of Fort William in Bengal, and thereby, by virtue of an act passed in the thirty-ninth and fortieth years of the reign of his said late Majesty, King George the Third, 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," are subject to the jurisdiction of the Supreme Court of Judicature of Fort William aforesaid; and it may be expedient that some other provision should be made for the administration of justice within the said island and other places aforesaid; be it therefore enacted, that it shall and may be lawful to and for his Majesty, his heirs and successors, by letters patent under the great seal of Great Britain, or in any other lawful manner, to make such provision for the administration of justice in civil, criminal, ecclesiastical, and admiralty matters, arisen and to arise within the said island of Singapore, and the said town and fort of Malacca and its dependencies, by his and their royal prerogative, as he or they might have done if the said last-mentioned act had never been made or passed; and in case any such provision shall be made by his Majesty, his heirs and successors, then the said island, and the said town and fort and its dependencies, from the time or several times when such provision shall take effect, or from any other time or times to be appointed by his Majesty, his heirs or successors, and all the inhabitants of the said island, and the said town, fort, and its dependencies, and other persons being thereon, shall cease to be subject to and shall be wholly exempt from the jurisdiction of the said Supreme Court; the said last-mentioned act, or any other law or statute, to the contrary thereof in anywise notwithstanding.

COURTS OF JUDICATURE

FOR THE

TRIAL IN ENGLAND OF OFFENCES COMMITTED IN INDIA.

In the act of the 24th Geo. III, cap. 25, by which the Board of Commissioners for the Affairs of India was first established, provision was made for the erection of a *Court of Judicature in England for the Trial of Offences committed in India*. The court was to consist of three judges, one appointed from each of the three courts of King's Bench, Common Pleas, and Exchequer, four peers, and six members of the House of Commons. The four peers to be taken out of a list of twenty-six, to be chosen at the commencement of

each session; and the six commoners out of a list of forty members chosen in the same manner; liberty being given to the party accused and to the prosecutor to challenge a certain number of the same. All depositions of witnesses taken in India, and all writings received by the Court of Directors, and copies of those sent out by them were to be received as legal evidence. The judgment of the court is made final, and to extend to fine and imprisonment, and to the declaring the party incapable of ever serving the Company in any capacity whatever. The bill likewise provided, that every servant of the Company should, within two months after his return to England, deliver in upon oath to the Court of Exchequer, an inventory of his real and personal estates; and a copy thereof to the Court of Directors for the inspection of the proprietors; and in case any complaint should be made thereupon by the Board of Commissioners, the Court of Directors or any three proprietors, possessing stock to the amount conjunctively of £10,000, the Court of Exchequer were required to examine the person complained of upon oath, and to imprison him until he answered the interrogatories put to him to their satisfaction, and any neglect or concealment was punishable by imprisonment, forfeiture of all his estates, both real and personal, and an incapacity of ever serving the Company. Considerable opposition was offered to the bill. The compelling persons to swear to the value of their property upon their return from India, was represented as harsh and rigorous. In defence of that provision it was said, that there was no other effectual mode of putting an end to the peculation and extortion which had so long prevailed; and as a further defence it was urged that as the oath was not to be required till 1787, those who were already in India and might be affected retrospectively, would have an opportunity of avoiding its operation by returning to England before that time: and those who should go out subsequently, would know to what test they would be subject when they returned.

The new Court of Judicature was strongly objected to, especially as not allowing Indian delinquents a trial by a jury of their peers, which was represented as the birthright of every Englishman. It was observed in reply, that many persons

sons in this country are convicted and punished without a jury, particularly that numerous and valuable set of men the officers and privates of our army and navy. As the ordinary law of England was not suited to the enforcement of military discipline, so it had been found inadequate to the prevention of the grossest misconduct in India: the same principle of public utility and general expediency would therefore equally justify another mode of trial in both cases. The courts of Westminster Hall, and even the power of Parliament, had been proved by experience to be incompetent to the punishment of offences committed in the distant regions of the East, which rendered it necessary to have recourse to a new species of judicature not confined to the common rules of evidence; and when it was considered from what classes of life the members of the proposed court were to be taken, and that every possible precaution was to be used for excluding from the office of judge all persons who could be supposed to have any bias upon their minds; it might be safely said, that no assemblage of persons could be found better qualified to investigate truth or more likely to decide with candour and justice. The chief debate was on the bill going into a committee; and on the motion for the speaker's leaving the chair, the numbers were two hundred and seventy-one yeas to sixty nayes.

The note addressed by the King to Mr. Pitt on learning the result, was in the following terms:—

" It is with infinite pleasure I have received Mr. Pitt's note " containing the agreeable account of the committee on the " East-India bill having been opened by the division of so " very decided a majority.

" I trust this will prevent much trouble being given in its " further progress, and that this measure may lay a founda- " tion for, by degrees, correcting those shocking enormities in " India which disgrace human nature, and if not put a stop " to, threaten the expulsion of the Company out of that " wealthy region."

In 1786, a bill was brought in by Mr. Dundas for amending so much of the act of 1784, as required from the servants of the Company returning from India, a disclosure of all their property upon oath; which measure had been loudly complained

plained of, and had created strong disgust and indignation amongst the Company's servants in India. It also provided for some alteration in the Court constituted by the act of 1784, for the trial in England of offences committed in India. Strong invectives were uttered by Mr. Fox against re-enacting, under any modifications, a bill which took away the unalienable birthright of every British subject, to a trial by jury. The bill was opposed in the House of Lords on the same grounds, by the Lords Carlisle, Stormont, and Loughborough; but it passed by large majorities.

LAWS.

LAWS. 1786. 26 Geo. 3, c. 57, § 1.

(1) Whereas by an act made in the twenty-fourth year of his Majesty's reign, intituled, "An Act for "the better Regulation and Management of the "Affairs of the East-India Company, and of the Bri- "tish Possessions in India: and for establishing a "Court of Judicature for the more speedy and effec- "tual Trial of Persons accused of Offences committed "in the East-Indies," divers provisions were made and enacted for the more effectually prosecuting and bringing to speedy and condign punishment the crime of extortion, and other misdemeanors, committed in the East-Indies by British subjects, in the service of his Majesty, or of the said Company; and particularly for constituting a special Court of Judicature for the trial of any information, to be exhibited in his Majesty's Court of King's Bench, against such offenders, under and by virtue of a commission, to be awarded under the great seal of Great Britain, directed to four members of the House of Peers, six members of the House of Commons, and three of the judges of his Majesty's courts of law at Westminster, such members and judges to be selected and chosen in the manner prescribed by the said act; and the said Special Commissioners, to be so constituted by such commission, or any seven or more of them (of whom one of the said three judges was to be one), were, by the said act, invested with full power and authority to hear and determine every such information, and to pronounce judgment thereon, according to the effect of the judgment at common law, upon convictions had and obtained according to the course of the common law, for extortion or other misdemeanor: and whereas the selection of the members of the said respective Houses of Parliament, for the purposes aforesaid, may be rendered more easy and convenient; and whereas it is judged expedient, that, instead of seven, not less than ten commissioners, to be constituted by such commission as aforesaid, should have authority to hear and determine any such information, and,

Preamble.—Recital of Act 24 Geo. 3, c. 25.—Within the first thirty sitting-days, lists of twenty-six peers to be delivered in, sealed up.

LAWS. 1786. 26 Geo. 3, c. 57, § 1.

and, for that purpose, that a greater number of members of each House of Parliament, than is directed by the said act, should, together with the said three judges, be named and authorized as commissioners in and by such commission; and whereas it is also expedient, that, for giving greater vigour and efficacy to the proceedings and judgments of the said special commissioners, further regulations should be provided and established; be it enacted, that within the first thirty sitting days of the House of Lords in every future session of Parliament, the members of the said House, or any of them, may respectively deliver in, at the table, lists inclosed in covers, sealed up, and having the words "East-India Judicature," and their respective names or titles of honour, by which they are generally known and distinguished, indorsed on the outside thereof, in their respective proper hand-writing: every such list containing the names or titles of twenty-six peers; and that, on the first sitting day after the expiration of the said thirty days, the clerk of the Parliaments, or his deputy or assistant, or such other person as the said House shall direct, shall prepare and lay upon the table of the said House a list of the names or titles of the Lords who shall, within the said thirty days, have delivered such lists; and that, on the next sitting day of the said House, the said covers shall be opened by the clerk of the Parliaments, or his deputy or assistant, or such other person as the said House shall direct, by order of the speaker of the said House, during the sitting of the said House, and all the lists which shall be so delivered shall be taken out of the said covers and put into a box; and the said lists shall be referred by the said House to a committee; who shall examine the same, and within such time as the said House shall direct, report to the House the name or title of every Lord whose name or title shall appear in ten or more of such lists; and if the names or titles of the respective members so returned shall not amount to twenty-six members at the least, exclusively of such of the members so returned as shall be struck out of the said lists according to the directions of this act, the members of the said House, or any of them, may, on any of the next seven sitting days of the said House, deliver in fresh lists in covers sealed up, and indorsed in the manner hereinbefore directed, each of such lists containing a number of names or titles of members of the said House, equal to that number by which the list returned by the committee shall, exclusively of the members struck out as aforesaid, fall short of twenty-six; and the said covers shall be opened, and the lists disposed of, referred, and proceeded upon after the end of the said seven days, in the manner hereinbefore directed in respect to the said former lists.

§ 2.

Lists of forty Commoners to be delivered in.

(2) And be it further enacted by the authority aforesaid, that the members of the House of Commons, to be named by that House for the purposes aforesaid, shall be chosen, nominated, and appointed in the manner following.

LAWS. 1786. 26 Geo. 3, c. 57, § 2.

following, and not otherwise, any thing in the said recited act contained to the contrary notwithstanding; (that is to say), that within the first thirty sitting days of the said House in every future session of Parliament, the members of the said House, or any of them, may respectively deliver in, at the table, lists, inclosed in covers, sealed up, and having the words "East-India Judicature," and their respective names, indorsed on the outside thereof, in their respective proper hand-writing, each of which lists shall contain the names of forty members of the said House; and that, on the first sitting day after the expiration of the said thirty days, the clerk of the said House, or his deputy or assistant, or such other person as the House shall direct, shall prepare, and lay upon the table, the names of all the members who shall have delivered such lists; and that on the next sitting day of the said House, the clerk of the said House, or any or either of such other persons as aforesaid, shall, at the table, during the sitting of the said House, by the order of the speaker, take the lists out of the said covers, and put the said lists together into a box; and the said lists shall be immediately referred, by the said House, to a committee, who shall examine the same, and within such time as the House shall direct, report to the House the name of every member whose name shall appear in twenty or more of the said lists; and if the names so returned shall not amount to forty at the least, exclusively of such of the said members therein named as shall be struck out of the said lists according to the directions of this act, the members of the said House, or any of them, may, on any of the next seven sitting days of the said House, deliver in at the table of the said House fresh lists, in covers, sealed up and indorsed in the manner hereinbefore directed, each list containing a number of names of members of the said House equal to that number by which the list returned by the said committee shall, exclusively of such of the said names as shall be so struck out, fall short of forty, and the said lists shall be opened, disposed of, referred, and proceeded upon, after the end of the said seven days, in the manner hereinbefore directed in respect to the said former lists: and the like order and course respectively as aforesaid, shall be taken in each House of Parliament, until the said numbers of twenty-six members of the House of Lords, and forty members of the House of Commons, shall have been returned to the said respective Houses, by the committees to whom the said lists shall be referred, exclusively of such of the members so returned as shall be struck out of the said lists, according to the directions of this act.

§ 3.

Persons holding offices under the Crown to be struck out.

(3) Provided always, and be it enacted, that if any of the persons named in any of the lists returned by the said respective committees, shall appear to hold any civil office of profit under the crown, during his Majesty's pleasure, or to be, or to have been, a Commissioner for the Affairs of India, or to be, or to have been, a Director of the said Company,

Company, or to hold, or to have held, any office or employment in the service of the said Company in India, the names of all and every such persons shall be struck out of the said lists, by the order of the said respective Houses of Parliament. LAWS. 1786. 26 Geo. 3, c. 57, § 3. § 4.

Mode of delivering in of lists left to the Houses of Parliament.

(4) Provided also, and be it further enacted, that if the delivery of the said lists at the tables of the respective Houses of Parliament, in the manner directed by this act, shall occasion any interruption of other business, or be found inconvenient in any other respect, it shall be lawful for both or either of the said Houses, by their order or orders, to substitute such other mode for the delivery of such lists as the said Houses shall respectively think fit, and that the said lists shall, after the making of any such order or orders, be delivered according to the tenor and directions thereof respectively; any thing hereinbefore contained to the contrary notwithstanding.

§ 5.

The party accused and prosecuted may challenge thirteen peers and twenty commoners. —The first five peers, and the first seven commoners not challenged to be, with the three judges, appointed special commissioners.

(5) And be it further enacted, that the names of the twenty-six peers, and forty members of the House of Commons, which shall have been so chosen by the said respective Houses of Parliament, or the names of the twenty-six peers, and forty members of the House of Commons, which (in case the said lists of both or either of the said Houses shall happen to contain a greater number of members than as aforesaid respectively) shall have been drawn by lot, according to the directions of the said former act, or of such of them as shall personally appear at the time and place appointed, in the manner by the said act directed, shall be put into a box, to be drawn by lot, in the presence of the judges, to be appointed according to the directions of the said recited act, and of the parties to the information to be tried, or their counsel or agents; and the person or persons against whom the said information shall have been exhibited, shall have the liberty, as the said names are drawn out, to make peremptory challenges, to the number of thirteen of the peers, and twenty of the members of the House of Commons, whose names shall have been put into the said box; and his Majesty's attorney-general, or other prosecutor, as the case may happen, and also the party or parties against whom such information shall have been exhibited as aforesaid, shall respectively have power to make challenges to any of the names which shall be so drawn out, and to assign for cause of challenge any such matter as, in the opinion of the three judges, or the majority of them, shall appear, in their discretion, sufficient to set aside the person or persons so challenged, for the purpose of obtaining equal justice: and the first five names of the said peers, and likewise the first seven names of the said members of the House of Commons, which being drawn out shall not be so challenged, or against whom no challenge shall have been allowed, shall be returned by the said judges to the Lord High Chancellor, or Lord

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1786. 26 Geo. 3, c. 57, § 5.

Keeper, or Lords Commissioners for the custody of the great seal of Great Britain, who shall cause the said five peers, and the said seven members of the House of Commons, by their respective proper names or titles of honour, together with the names of the said three judges, to be inserted in the special commission to be issued by virtue of the said recited act, and of this present act; and the persons who shall be so named and authorized in and by the said commission, shall appear within ten days, at the time and place to be appointed by the said three judges, and shall then and there take the following oath, before the Lord High Chancellor, or Lord Keeper, or Lords Commissioners of the Great Seal of Great Britain, for the time being, or any one of them:—

Commissioner's oath.

"I, A. B., do swear, that as a commissioner appointed by his Majesty's commission for the trial of the information now at issue against C. D., I will diligently attend such trial, and that I will hear and determine the same to the best of my judgment, according to the evidence which shall be given.

So help me God."

§ 6. (6) And be it further enacted, that if, by reason of the challenges as aforesaid, the number of names so drawn out as aforesaid shall be reduced to less than five peers and seven members of the House of Commons respectively, then and in such case the said three judges shall forthwith certify the same to the speakers of the respective Houses of Parliament, who shall lay the same before the said houses respectively; and the said houses shall respectively proceed, within any of the next seven days on which the said houses shall respectively sit for the despatch of business, to choose, nominate, and appoint twenty-six members of the House of Lords, and forty members of the House of Commons, after the manner and course aforesaid, the lists of which said respective members so chosen and appointed shall be transmitted to the clerk of the crown in his Majesty's High Court of Chancery, or his deputy, and be inserted in a new commission, to be issued in the manner hereinbefore and in the said former act directed: provided always, that no day on which the House of Commons shall have adjourned, for want of the presence of a sufficient number of members to execute the provisions of the several acts passed in the tenth and eleventh years of the reign of his present Majesty, to regulate the trials of controverted elections or returns of members to serve in Parliament, shall be accounted one of the sitting days of the said House, for any of the purposes of this act.

If challenger reduce number to less than five peers and seven commoners, new lists to be made out.

§ 7. (7) And be it further enacted, that the said special commissioners to be appointed as aforesaid shall have full power and authority to hear and determine every such information, and to pronounce judgment thereon according to the effect of the

Power of the Commissioners.

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the judgment of the common law, upon convictions had and obtained according to the course of the common law, for extortion, or other misdemeanor, and also to declare the party so convicted incapable of serving the King's Majesty, his heirs or successors, or the said United Company, in any capacity whatever; and such judgment so pronounced by the said special commissioners as aforesaid, upon such information, shall be good and effectual, and shall be conclusive, to all intents and purposes; and no *certiorari* shall be granted for removing the proceedings of the said special commissioners, on such information, into any court whatever; and the proceedings of the said special commissioners shall not be impeached, or the validity thereof questioned, in any action or suit, or other proceeding, in any court of law or equity.

1786. 26 Geo. 3, c. 57, § 7.

§ 8. (8) Provided always, and be it enacted, that all and every the powers and authorities given and granted by the said recited act, and by this present act, unto the said special commissioners, shall and may be executed by or before any ten or more of them (of whom one of the said three judges shall always be one); and that no act done or executed by or before the said commissioners, unless ten or more of the said commissioners (of whom one of the said three judges shall be one) shall be present at the doing or executing thereof (save and except in the particular cases hereinafter specially provided), shall be valid or effectual; any thing in the said former act contained to the contrary notwithstanding.

Ten Commissioners competent to act.

1784. 24 Geo. 3, c. 25, § 74.

(9) Subpœnas may be issued out of the crown office of the Court of King's Bench for the attendance of witnesses. Non-attendance to be deemed a misdemeanor.

§ 75. (10) The said special commissioners may send for persons, papers, and records, and examine all witnesses who shall come or be brought before them upon oath, and may commit prevaricators to the Fleet or Newgate.

1786. 26 Geo. 3, c, 57, § 9 and 10.

(11) The majority of commissioners to determine, and the president to have a casting vote. If by death or otherwise, the number should be reduced under ten, a new commission to be made out.

§ 11. (12) The commissioners to attend during the whole trial, unless absent by leave.—If all do not meet, the majority present may adjourn.—Cause of absence to be inquired into.—Absentees may be censured or fined, and disabled from acting.—No fine shall exceed the sum of five hundred pounds, which fine or fines to be forthwith estreated by one or more of the three judges into the Court of Exchequer, and the like process shall be awarded by the said Court of Exchequer, for levying the said fine or fines for his Majesty's use, as is usually awarded for the levying of other fines estreated into the said Court of Exchequer

§ 12. (13) Leave of absence may be granted to commissioners; but being absent during part of trial, are not again to sit.

(14) During

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1786. 26 Geo. 3, c. 57, § 13. (14) During a trial, the commissioners not to adjourn for more than twenty-four hours, except Sunday, Christmas-day, or Good Friday, shall happen to intervene; in which case their adjournment shall not exceed twenty-four hours, exclusive of such days.

1784. 24 Geo. 3, c. 25, § 73. (15) Commissioners to appoint a register.

1786. 26 Geo. 3, c. 57, § 14. (16) The clerks and other officers shall be paid, by the parties informant or informants, and defendant or defendants, named in such information, the same or the like fees and allowances as the respective officers attendant upon his Majesty's Court of King's Bench, upon trials of informations for misdemeanors prosecuted in the said court, are entitled to receive from the parties thereto respectively, according to the stations and duties of such officers respectively.

§ 15. (17) Court of King's Bench may issue out warrants for apprehending persons accused of extortion, &c., in the East-Indies.

§ 16. (18) Parties informed against to be committed or to find bail.

1784. 24 Geo. 3, c. 25, § 76. (19) The recognizance shall bind all the goods of the principal party at the time of entering into the same, &c.

1786. 26 Geo. 3, c. 57, § 17. (20) Mode of proceeding when parties abscond.

1784. 24 Geo. 3, c. 25, § 78. (21) Depositions of witnesses taken in India and transmitted to the Court of King's Bench, may be read before the special commissioners, and shall be deemed competent evidence.—Chief justice of the King's Bench, &c. to deliver the deposition, &c., to the Lord Chancellor.

§ 79. (22) Restriction as to the delivery thereof.

§ 80. (23) All writings received by the Court of Directors from India, and copies of writing sent by the Court to their servants there, relative to the charge in the information, &c., may be admitted by the commissioners as evidence.

§ 81. (24) The Court of King's Bench at the prayer of the prosecutor, &c., may order an examination of witnesses upon interrogatories, &c.

1786. 26 Geo. 3, c. 57, § 18. (25) In all cases where the plea of not guilty shall be entered for the party or parties, defendant or defendants, to any information by the prosecutor or prosecutors thereof, by virtue and according to the directions of this act, it shall be sufficient, in order to the hearing and determining of such information, for such prosecutor or prosecutors to give fourteen days notice of the day appointed for the trial thereof by advertisement in the London Gazette, any law, usage, or practice to the contrary notwithstanding.

§ 19. (26) Judgment to be pronounced by the Commissioners, though the parties do not appear.

§ 20. 21. (27) Parties during trial may be committed to the Marshalsea, Tower of London, or gaol of Newgate; as also disturbers of the Court.

§ 22. (28) Judgments of the commissioners to be executed by the Court of King's Bench, and to be final.

(29) Provided

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This or the recited act not to deprive persons of any right they are entitled to by law, &c. 1786. 26 Geo. 3, c. 57, § 23. (29) Provided always, and be it further enacted that nothing shall extend, or be construed to extend, to deprive the prosecutor or prosecutors of any information, or the party or parties, defendant or defendants thereto, of any right, liberty, benefit, or advantage, to which, by the law of the land, or the rules of practice of the Court of King's Bench, such prosecutor or prosecutors, defendant or defendants, is or are, or would, could, or might have been intitled, upon any other information of a like nature, depending in the said Court of King's Bench, before issue in fact joined therein; nor to prevent or restrict the said Court of King's Bench from exercising any such power or authority as would, could, or might have been legally exercised by the said Court of King's Bench, in the matter of any such information, before issue in fact joined therein, if the said former act, or this present act, had not been made; any thing in the said former act or this present act contained to the contrary notwithstanding.

Mode of proceeding where demurrers are entered. § 24. (30) Provided also, and be it further enacted, that if the party or parties charged by any such information as aforesaid, shall enter a demurrer to such information, and such demurrer shall be overruled by the said Court of King's Bench, such party or parties shall, within eight days next after the said court shall have given judgment on such demurrer, unless a writ of error shall be brought thereon, and then within eight days next after such judgment shall be affirmed, or such writ of error shall be nonprossed, enter the plea of not guilty to such information, or, in default thereof, the said plea of not guilty shall and may be entered for and in the name or names of such party or parties, by his Majesty's attorney-general, or other prosecutor; and the said information shall proceed in the like manner as if no demurrer had been entered thereto, any law or the usage or practice of the said court, to the contrary notwithstanding.

§ 25. (31) Informations may be determined in the Court of King's Bench.

1784. 24 Geo. 3, c. 25, § 77. (32) Where the party shall be found guilty and adjudged to pay a fine, he may be examined by interrogatories in the Court of Exchequer as to his estate and effects.—If he shall not appear, or refuse to answer, &c., he shall forfeit all his estate to the King, and shall be liable to be imprisoned in Newgate or the Tower.

How fines, &c. are to be recovered. 1786. 26 Geo. 3, c. 57, § 26. (33) Whenever the party or parties, against whom any such information shall have been exhibited as aforesaid, shall be adjudged to pay a fine or fines to his Majesty, his heirs or successors; and also whenever any recognizance or recognizances entered into under the said former act or this present act, shall become forfeited, the said Court of King's Bench,

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1786. 26 Geo. 3, c. 57, § 26.

Bench, or, in case the said court shall not be then sitting, the Lord Chief Justice of the same court, shall and may forthwith, at the instance of his Majesty's attorney-general, or other prosecutor, deliver to the lord chief baron, or any other of the barons of the Court of Exchequer, an estreat of the fine or fines, recognizance or recognizances, so adjudged or become forfeited respectively as aforesaid; and the said lord chief baron, or other of the said barons, shall thereupon, at the requisition of the said attorney-general, or other prosecutor, authorize and direct the proper officer of the same court to award, and such officer shall accordingly forthwith award, under the seal of the same court, one or more special writ or writs of *extendi facias* and *capias*, or other special process, against the said party or parties adjudged to pay such fine or fines, or the principal or principals, and sureties, in such recognizance or recognizances respectively, and their lands, tenements, and hereditaments, goods, chattels, and effects, directed into such county or counties, cities, places, or liberties, to the proper sheriffs, or other officers of the same respectively, for the due execution thereof, as the said attorney-general, or other prosecutor, shall desire or require in that behalf.

§. 27. (34) And be it further enacted, that if it shall at any time be made to appear, to the satisfaction of the said Court of Exchequer in England, at the instance of his Majesty's attorney-general, or other prosecutor, by motion in the said court on his or their behalf, that such party or parties, principal or principals, or sureties, as aforesaid, or any of them, have no lands, tenements, or other estate or effects in Great Britain, or that the same (if any) are not sufficient to answer the sum or sums forfeited by such recognizance or recognizances, or due for such fine or fines respectively, and that such party or parties, principal or principals, or sureties, or any of them, shall have, or be seized or possessed of, or entitled to, any lands, tenements, or hereditaments, goods, chattels, debts, estate, or effects, within any of the British possessions in the East Indies, respectively (the said sum or sums, fine or fines, not being paid and satisfied), then, and in every such case, the said Court of Exchequer shall and may, by rule or order of the said court, cause one or more transcript or transcripts of the estreats of the said recognizance or recognizances, fine or fines, to be sealed with the seal of the said court, or to be otherwise attested, as the said court shall direct, and the same so sealed or attested, shall be closed up under the seals of any two of the barons of the said court, directed to the Supreme Court of Judicature in Bengal, and to the mayor's courts at Madras and Bombay, or to any or either of the said courts, as the case shall or may require.

Mode of recovering fines from property in the East-Indies, when the effects in Britain are insufficient.

§ 28. (35) Examinations in India to be sealed up and given to the agents of the parties, to be delivered to the clerks of the King's Bench.

The

The Courts for the Provinces under the several Governments in India will now be noticed.

COURTS FOR THE PROVINCES.

Bengal.

The three principal branches of the public administration committed to the agency of the East-India Company's servants (exclusive of the political and diplomatic, which depend on the governor-general and council) are the judicial, revenue, and commercial.

The judicial branch, which alone will be noticed under this head, may be divided into two parts, *viz.* civil and criminal.

The existing courts of judicature in India, already treated of, may be denominated the King's courts. Those which will now be described, may be properly designated the courts established by the East-India Company for the administration of justice throughout the extensive territories under their Indian governments, and upon principles laid down by regulations framed under the authority of acts of Parliament, having the same force and effect as legislative enactments in this country.

It was in 1765 that the East-India Company acquired the Dewanny authority* over the provinces of Bengal, Bahar, and Orissa.

In the following year the president of the council, Lord Clive, took his place as Dewan, and also exercised the functions of Nazim or Governor. At that period it was not thought prudent to vest the immediate administration of civil and criminal justice in European officers. In 1769, supervisors were appointed by government with powers of superintending the native officers employed in collecting the revenue and administering justice in different parts of the country, and councils with superior authority were in the following year established at Moorshedabad and Patna.

In 1772, in pursuance of orders issued by the Court of Directors a committee of council, consisting of Mr. Hastings (the governor) and four members of council, proposed a plan for the more regular administration of justice in the provinces, adopting

* Receiver-General in perpetuity of the Revenues.

adapting the rules to the manners and understanding of the people and to the exigencies of the country, adhering as closely as possible to their ancient usages and institutions. Under that plan Mofussil Dewanny Adawluts, or provincial courts of civil justice, under the superintendence of the collectors of the revenues were established in each district. A court of Sudder Dewanny Adawlut, or superior civil court, was established at the presidency under the superintendence of three or more members of council, to hear appeals from the provincial courts in causes exceeding five hundred rupees.

In 1773, the regulating act was passed, under which the King's Supreme Court of Judicature was established; by the 37th section of that act the governor-general and council (then first appointed) were authorized to make and issue such rules, ordinances, and regulations for the good government of the settlement of Fort William as might appear just—they were not to be valid until duly registered in the Supreme Court, and appeals might be made from them to the King in Council who might repeal such rules, &c.

In 1774, an alteration took place in the constitution of the provincial civil courts by the recall of the collectors, and appointment of provincial councils for the divisions of Calcutta, Burdwan, Dacca, Moorshedabad, Dinagepore, and Patna.

The administration of civil justice was vested in the council at large, but exercised by one of the members in rotation. This plan continued until 1780, when the governor-general and council resolved, that for the more effectual and regular administration of justice, distinct courts of Dewanny Adawlut should be established in the six divisions before mentioned, to be independent of the provincial courts, and to take cognizance of all claims of inheritance to zemindarries, talookdarries, or other real property, or mercantile disputes, &c.

The avocations of the governor-general in council having prevented their sitting in the Court of Sudder Dewanny Adawlut, established in 1772, at the presidency, Sir Elijah Impey, the chief justice of the Supreme Court of Judicature was appointed in 1780 to the charge and superintendence of that court. This circumstance, which occasioned so much animadversion

version in Parliament, is adverted to in the detail already given of the establishment of the Supreme Court.

Sir Elijah Impey was removed by the Court's orders of April 1782, and the superintendence of the Sudder Dewanny Adawlut resumed by the governor-general and council on the 15th November in that year.

The act of Parliament of the preceding year, 21 Geo. III, cap. 70, which had been passed to define more clearly the powers of the Supreme Court and to preserve the rights of the natives, provided that the Sudder Dewanny Adawlut should be deemed a Court of Record, and its judgments conclusive and final, except upon appeal to his Majesty in civil suits only, the value of which should be £5,000 and upwards.

In the act of 1784, 24th Geo. III, cap. 25, sec. 39, the Company were required "to inquire into the alleged grievances of "the landholders, and if founded in truth, to afford them "redress, and to establish permanent rules for the settlement "and collection of the revenues, and for the administration "of justice founded on the ancient laws and local usages of "the country."

The Marquess Cornwallis was selected to superintend and direct the important measures which were determined upon, in consequence of that act. The Court of Directors, in a letter to Bengal, of the 12th April 1786, with reference to the plan for the civil administration of justice among the natives, stated "that they had been actuated by the necessity of "accommodating their views and interests to the subsisting man-"mers and usages of the people, rather than by any abstract "theories drawn from other countries or applicable to a different "state of things." And on these principles they ordered that the superintendence of the courts of Dewanny Adawlut should be vested in the collectors of the revenue, who were also to have the power of apprehending offenders against the public peace, but their trial and punishment were still to be left with the established officers under the Mahomedan law, who were not to be interfered with beyond what the influence of the British government might effect through occasional recommendation of forbearance, as to inflicting any punishment of a cruel nature.

Distinct

Distinct courts were established for the administration of justice in the cities of Moorshedabad, Dacca, and Patna, superintended by a judge and magistrate; the office of collector in those situations not being necessary. Appeals were allowed from the provincial courts to the governor-general in council, in their capacity of judges of the Sudder Dewanny Adawlut.

The Marquis Cornwallis determined, in 1793, to invest the collection of revenue and administration of justice in separate officers; to abolish the mal adawluts, or revenue courts, and to withdraw from the collectors of revenue all judicial powers, transferring the cognizance of all causes hitherto tried by the revenue officers to the Dewanny Adawlut.

The benign motives which influenced that philanthropic nobleman are apparent in the following observations, which he recorded on the occasion.—"The proposed arrangements "only aim at ensuring a general obedience to the regulations "which we may institute, and at the same time impose some "check upon ourselves against passing such as may ultimately "prove detrimental to our own interests, as well as the pros- "perity of the country. The natives have been accustomed "to despotic rule from time immemorial, and are well ac- "quainted with the miseries of their own tyrannic admi- "nistrations. When they have experienced the blessings of "good government, there can be no doubt to which of the "two they will give the preference. We may therefore be "assured, that the happiness of the people, and the prosperity "of the country, is the firmest basis on which we can build "our political security."

Regulations in accordance with such views were passed in May 1793, the 41st of which was termed "a Regulation for "forming into a regular code all Regulations that may be "enacted for the internal government of the British Terri- "tories in Bengal." The act of Parliament of 1797, which was passed on the 20th July, incorporated the substance of the above regulation, by providing that all regulations which should be issued and framed by the governor-general in council affecting the rights, persons, or property of the natives, or of any other individuals who might be amenable to the provincial

57 Geo. 3, § 142.

vincial courts of justice, should be registered in the judicial department and formed into a regular code, and printed with translations in the country languages, and that the grounds of each regulation should be prefixed to it. All the provincial courts of judicature were directed to be bound and to regulate their decisions by such rules and ordinances as should be contained in the said regulations; and the Governor-General in Council to transmit annually to the Court of Directors of the East-India Company ten copies of such regulations as might be passed in each year, and the same number to the Board of Commissioners for the Affairs of India.

The provisions of the 41st regulation were extended to Benares in 1795, and to the Ceded and Conquered Provinces in 1803.

Civil Justice.

The courts which have been established for the administration of civil justice will now be described. Their relative order of superior jurisdiction may be stated as follows:—

1. The court of Sudder Dewanny Adawlut, or principal court of civil judicature at the presidency.
2. The six provincial courts, *viz.* four in the Lower Provinces of Bengal, Bahar, and Orissa, and two in the Upper Provinces, including Benares.
3. The zillah and city Dewanny Adawluts, or civil courts.
4. Courts of the registers.
5. The courts of native commissioners.

As the Sudder Dewanny forms the ultimate court of appeal, the powers and duties of the several courts will be described, commencing with the zillah and city courts; with the subordinate court of registers and native commissioners; then the provincial courts; and, lastly, the Court of Sudder Adawlut.

Zillah and City Civil Courts.

These courts are all superintended by an European judge, assisted by a Mahomedan and Hindoo law officer, by a register who, as well as the judge, is a covenanted servant of the Company: in some instances by an assistant to the register, being also a covenanted servant, and by an establishment of native ministerial officers.

The

The local jurisdiction of the court extends to all places that are or may be included within the limits of the zillahs and cities, in which they are respectively established. All natives as well as Europeans and other persons not British subjects residing out of Calcutta, are amenable to the jurisdiction of the zillah and city courts, which are further declared to have jurisdiction over all British subjects, excepting King's officers serving under the presidency of Fort William, and the military officers and covenanted civil servants of the Company, so far as not to allow them to reside within their respective jurisdictions at a greater distance than ten miles from Calcutta, unless they execute a bond, the form of which is prescribed in Regulation xxviii, 1793, to render themselves amenable to the court within whose jurisdiction they may reside, in all suits of a civil nature that may be instituted against them by natives or other persons not British subjects, in which the amount claimed may not exceed 500 sicca rupees. By the same regulations it is provided, that when any British subject or other person not amenable to the jurisdiction of the zillah and city courts, shall institute a suit against a person amenable thereto, he the plaintiff is to execute an instrument, of the nature of an arbitration-bond, declaring himself subject to the jurisdiction of the court for so much as shall relate to the suit in question, and binding himself to abide by the award or decree of the court in the same manner and to the same extent as the jurisdiction of the court is valid against the defendant. If the plaintiff refuse to execute such instrument, his plaint is not to be received or filed. The authority of the Court of Adawlut does not extend to the person of the Nawaub of Bengal; and any complaint against his dependants are, in the first instance, to be referred to the Nawaub.

The zillah and city courts respectively are empowered to take cognizance of all suits and complaints respecting the succession or right to real or personal property, land-rents, revenues, debts, accounts, contracts, partnerships, marriage, caste, claims to damages for injuries; and, generally, of all suits and complaints of a civil nature in which the defendant may be amenable to their jurisdiction.

The

The town of Calcutta, which is under the immediate jurisdiction of his Majesty's Supreme Court of Judicature, not being comprized in that of any zillah or city court, the above powers do not include the cognizance of any suits for land or other real property situated within the limits of Calcutta, nor any personal actions against the fixed inhabitants of that town which may not be for arrears of revenue or may be legally considered exclusively cognizable by the Supreme Court.

Courts of Registers.

To prevent the time of the zillah and city judges from being occupied with the trial of petty suits, and consequently to enable them to determine causes of magnitude with greater expedition, they are empowered to authorize the registers of their respective courts to try and decide suits in which the amount or value contested was originally limited to 200 rupees, but has since been extended. An appeal lies from the register to the zillah or city court.

Courts of Native Commissioners.

For the further relief of the judge of the zillah and city courts in the trial of petty suits, as well as to save the parties and witnesses in such suits from the inconvenience to which they would be subjected by the necessity of attendance at the court of the zillah or city, for the general speedy administration of civil justice, the additional subordinate judicatures of the native commissioners were established. These officers are selected by the judges of the zillah and city courts, and submitted for the approbation of the superior courts.

The native commissioners are of two classes, the sudder ameens and moonsiffs. The sudder ameens, or head commissioners, are empowered to try and determine suits which may be referred to them by the zillah or city judges. Their jurisdiction was originally limited to suits within 100 rupees, but has since been extended. The zillah or city courts may refer suits in appeal from the decision of the sudder ameens to the registers.

The

The moonsiffs* are empowered to receive, try, and determine suits preferred to them against any native inhabitant of their respective divisions for money or other personal property; their jurisdiction was originally limited to fifty rupees, but has since been extended. From the decisions of the moonsiffs there is an appeal to the zillah or city judge, who is empowered to refer it to the register or to the sudder ameen. The claim must be really for money due, or for personal property, or for the value of such property, and not for damages on account of alleged personal injuries, or for personal damages of whatever nature.

The foregoing recital briefly points out the provisions made by the existing regulations for the administration of civil justice in the zillah and city jurisdictions.

Provincial Courts.

To provide against the possibility of unjust or erroneous decisions in the zillah and city courts, as well as to secure a strict regularity of proceeding in all such courts, their acts and decisions are subjected to appeal and to revision by a superior authority. This authority is vested in the six provincial courts; the first four of which were established in 1793, in Calcutta, Dacca, Moorshedabad, and Patna. In 1795, a fifth court was established at Benares; and, in 1803-4, a sixth court, for the Ceded and Conquered Provinces. These courts each consist of four judges, denominated first, second, third, and fourth judges. An appeal lies to them from decisions of the zillah and city courts, and they have primary jurisdiction within certain limits.

The Marquis Cornwallis, in his minute of 11th February 1793, considered that these courts would be the great security to Government for the due execution of the regulations, and barriers to the rights and property of the people.

Court of Sudder Dewanny Adawlut.

This court is the highest civil court of appeal: it is established at the presidency, and consists of a chief judge, and of as many puisne judges as the Governor-General in Council may, from time

* A just and equitable man—native justice or judge, whose powers do not extend farther than to suits for personal property to a limited amount.

time to time, deem necessary for the despatch of the business of the court. The number of puisne judges at present is three. All original suits, exceeding 5,000 rupees, are to be instituted and tried in the provincial courts. In the event of pressure of business in the provincial courts, when suits amounting to 50,000 current rupees, (being the sum fixed for appeals to the King in Council), can be more conveniently or expeditiously tried in the first instance by the Sudder Dewanny Adawlut, than by the provincial court, before whom they may be depending, it is competent to the Sudder Dewanny Adawlut to order the transfer of all or any of such suits from the provincial courts to the Sudder Dewanny Adawlut, to whom appeals lie, from cases originally decided by such provincial courts.

The judgments of the Court of Sudder Dewanny Adawlut are final and conclusive, in all cases heard and determined by that court within the limitation prescribed by the 21st Geo. III, cap. 70, sec. 21, *viz.* £5,000, or at the medium rate of exchange, 50,000 current rupees. An appeal lies to his Majesty in Council, if the value constituting the cause or action in the Sudder Dewanny Adawlut, or amount adjudged, be £5,000, or 50,000 current rupees.

The courts of civil judicature having been described, that for the administration of criminal justice will be briefly given.

Criminal Justice.

In the administration of criminal justice the courts are guided generally by the Mahommedan law, excepting in cases wherein a deviation from it may have been expressly authorized by the regulations of the British Government.

The administration of criminal justice was, for some years after the Company's acquisition of the Dewanny (1765), left as formerly to the Nazim, and the influence only of the Company's servants was exerted to remedy the deficiency of the law, or to promote the due execution of it, as appeared requisite in the cases that occurred. By the judicial regulations which were proposed by the committee of circuit on the 15th August 1772, and adopted by the president and council on the 21st of that month, a court of criminal judicature was established in each district under the denomination of *Foujdarry Adawlut*,

Adawlut, in which a *kazee** and *mooftee*,† with the assistance of two *moolavies*‡ as expounders of the laws, were appointed to try persons charged with crime and misdemeanors, &c. A superior court of criminal jurisdiction was at the same time established at Moorshedabad (then considered the capital), under the designation of *Nizamut Adawlut*, in which was to preside a chief officer having the title of *Daroghah*, on the part of the Nizam, assisted by the chief kazee, the chief mooftee, and three capable moolavies, whose duty it was declared to be to revise all the proceedings of the Foujdarry Adawlut, and in capital cases by signifying their approbation or disapprobation thereof, with their reasons at large, to prepare the warrant for the Nazim. A control over the Foujdarry Adawluts was lodged in the chief and council at Moorshedabad.

In 1790, the Marquis Cornwallis recorded his minute on the state of criminal jurisprudence under the native form of government, noticing the amendments introduced, from 1773 to 1787; and pointed out that the evils complained of arose from two obvious causes:—1st, the gross defects in the Mahommedan law; and 2dly, the defects in the constitution of the courts established for the trial of offenders.

Provisions to remedy the defects were accordingly included in a regulation of fifty-two articles for the administration of justice in the foujdarry and criminal courts in Bengal, Bahar, and Orissa, passed on the 3d December 1790; the Nizamut Adawlut being again removed from Moorshedabad and permanently established at Calcutta. Instead of a native judge superintending the court, it was to consist of the governor-general and members of the supreme council, assisted by the kazee-ool-kazat, or head kazee of the provinces, and two mooftees.

The three several branches of authority for the administration of criminal justice, may be comprized under the following heads:—

1. Magistrates (including joint and assistant magistrates) and their assistants.
2. Courts of circuit.
3. Court of Nizamut Adawlut.

* A judge.

† A Mahommedan law officer who declares the sentence.

‡ An interpreter of the Mahommedan law.

Magistrates.

Magistrates.

By the regulations of 1793, the zillah and city judges were constituted magistrates for the zillahs and districts in which they were respectively stationed. In 1810, the magistrates in certain zillahs were vested with concurrent authority in contiguous or other jurisdictions as joint magistrates; and as in particular districts it was expected the police might be improved, and the discharge of the general duties of the office of magistrate essentially promoted by the appointment of assistant magistrates, a regulation to that effect was accordingly passed. The magistrates, and joint and assistant magistrates, are to the best of their ability to preserve the peace of their zillah under the prescribed regulations. The police and other establishments of native officers employed under a zillah or city magistrate, and not ordered to be placed under the immediate authority of a joint or assistant magistrate, continue under the control of the city magistrate. At the same time, they are to furnish every information required from them, and to obey all orders issued to them by such joint or assistant magistrate.

All native subjects of the British Government, as well as all other persons not being European British subjects, are amenable for crimes and misdemeanors committed by them within the limits of the East-India Company's territorial possessions under the presidency of Fort William, and without the boundaries of Calcutta and parts adjacent, forming the local jurisdiction of his Majesty's Supreme Court of Judicature, to the authority of the city or zillah magistrate and court of circuit, in whose jurisdiction the crime or misdemeanor may have been committed, or in which they may reside or be found when the charge is preferred against them. Native subjects of the British Government, who may be charged with crimes or misdemeanors committed in places out of the limit of the British provinces, are also declared amenable to the magistrates and criminal courts in certain cases.

The established courts in the British provinces are not authorized to take cognizance of any charge against a native military officer, sepoy, trooper, or other person, for which he

may already have been tried by court-martial. European subjects resident in the territories subject to the presidency of Fort-William, before the enactments of the 53d Geo. III., cap. 155, were amenable only to the Supreme Court of Judicature at Calcutta for all acts of a criminal nature. By the 105th section of that act, any British subject residing without the town of Calcutta is declared subject to the authority of the local magistrate on complaint by a native of India of any assault, forcible entry, or other injury accompanied with force (not being felony) alleged to have been done to his person or property; and on conviction, the magistrate is empowered to inflict upon such person a suitable punishment by fine, not exceeding 500 rupees. The public jails are under the charge of the magistrates.

Courts of Circuit.

There are six courts of circuit, each consisting of the four judges who compose the provincial court of appeal in the divisions already mentioned, under the head of civil justice, and of the kazee and mooftee attached to that court. The duties of the circuit, including the jail deliveries at the principal stations, are in ordinary cases performed by the second, third and fourth judges in regular succession: the first judge remaining fixed for conducting the public business at the principal station, unless otherwise ordered by the Governor-General in Council or the Nizamut Adawlut, who may instruct the first judge to hold the session of jail delivery. The utility and importance of the circuits is apparent, in the provision which is thereby secured for the regular and impartial administration of criminal justice by experienced judges, and as superintending and controlling the local magistrates within their respective divisions.

Court of Nizamut Adawlut.

In 1793 the court of Nizamut Adawlut consisted of the Governor-General and members of the supreme council, assisted by the head kazee and two mooftees. In 1801, the court was thenceforth to consist of three judges, to be denominated respectively, chief judge, and second and third judge of the Nizamut Adawlut, assisted by the head kazee of Bengal, Bahar,

Bahar, Orissa and Benares, and by two mooftees. Neither the Governor-General or commander-in-chief were to be of the number, but one of the members of the supreme council was to be selected and appointed by the Governor-General in Council, the second and third being selected from the covenanted servants of the Company, not being members of council. The court, as at present formed, consists of a chief justice and as many puisne judges as the Governor-General in Council may from time to time deem necessary. The judges of the Nizamut Adawlut are composed of the same persons who form the judges of the Sudder Dewanny Adawlut.

The court of Nizamut Adawlut is authorized to take cognizance of all matters relating to the administration of justice in criminal cases, and to the police of the country. It possesses a general power of calling for and controlling the proceedings of any court of circuit, magistrate or assistant.

Police Establishment.

At the time of forming the decennial settlement of the land revenue for the provinces of Bengal, Bahar and Orissa, in the year 1790, the landholders and sudder farmers of lands, in conformity with former usage, were bound by a clause in their engagements to keep the peace, and in the event of robbery being committed on their respective estates or farms, to produce the robbers and property plundered: but the general impracticability of enforcing this engagement rendered it of little effect. By the regluation of 1793, the police was accordingly declared to be under the exclusive charge of the officers who might be appointed to the superintendance of it on the part of Government, and the landholders and farmers of land, who were before bound to keep up establishments of police officers for the preservation of the peace, were required to discharge them, and prohibited from entertaining such establishments in future. The zillah magistrates were at the same time required to divide their respective zillahs, including the rent-free lands, into police jurisdictions: each jurisdiction to be ten coss (twenty miles) square, except where

where local circumstances might render it advisable to form them of greater or less extent; the guarding of each jurisdiction to be committed to a darogah or native superintendant, with an establishment of police officers to be paid by Government.

The police establishment of every zillah (or magistrate's jurisdiction) may be stated to consist of a darogah,* with from ten to fifty burkundazes† for every thanna or division of country varying from one hundred to three hundred square miles. In cities, the extent of jurisdiction was regulated with reference to the population; but every where these thannas, with the magistrate's office, formed the stipendiary police establishments, introduced by the British Government in 1792, and maintained to the present day, without any alteration in principle, and with only a late subsidiary addition. This addition is the extension of the chokedarry‡ system of police. The principles upon which this addition was devised is, that every society should provide for its own internal protection in minor cases, beyond what can be provided for by Government from the general resources of the state; and whenever the society may not of itself have already devised a plan for the purpose, Government are of course justified in coming forward to require that it should do so, as well as in pointing out the form in which the object can best be accomplished: and they did accordingly require the members of the society to elect from amongst themselves, a certain number of managers with an establishment of watch and patrol, sufficient to provide for those objects.§

Superintendants of police are established for the divisions of the Lower and Western Provinces. It is their duty to keep themselves constantly informed by communication with the local magistrates, and with the darogahs of police, and by every other practicable means of inquiry, of the actual state of the police in the several zillahs and cities comprized within their respective jurisdictions.

Such

* A superintendant or overseer.
† Men armed with matchlocks.
‡ Chokeedar, a watchman.
§ Lord Hastings' Judicial Minute, 2d October 1815.

Such is the outline of the origin and progress of the existing system for the administration of civil and criminal justice under the Presidency of Bengal.* It exhibits the vast and extensive field over which the control of the British Government has been extended; and the anxiety which has been manifested to administer the important charge, with every consideration to the feelings and prejudices of the natives of India.

LAWS.

LAWS.

Governor-General and Council may make Regulations.

1773. 13 Geo. 3, c. 63, § 36. (1) Governor-general and council may make such regulations as may appear just, which shall not be valid until duly registered in the Supreme Court. Appeals may be made to the King in council, who may repeal such rules; and a copy of all regulations is to be affixed in the India-House.

§ 37. (2) Governor-general and council to transmit copies of their rules to one of the secretaries of state; which, if his Majesty does not signify his disallowance of, shall have full force.

Regulations for Provincial Courts.

1781. 21 Geo. 3, c. 70, § 23. The said court may frame regulations for the provincial courts, &c. (3) And it is hereby enacted, that the governor-general and council shall have power and authority, from time to time, to frame regulations for the provincial courts and councils; and shall, within six months after the making the said regulations, transmit, or cause to be transmitted, copies of all the said regulations to the Court of Directors, and to one of his Majesty's principal secretaries of state; which regulations his Majesty in council may disallow or amend; and the said regulations, if not disallowed within two years, shall be of force and authority to direct the said provincial courts, according to the tenor of the said amendment, provided the same do not produce any new expense to the suitors in the said court.

1797. 37 Geo. 3, c. 142, § 8. *Regulations to be printed and translated, and formed into a Code.* (4) Regulations of the governor-general in council, which affect the natives or others amenable to the courts of justice, to be printed, with translations, in the country languages, &c.

1800. 39 and 40 Geo. 3, c. 79, § 18. (5) The governor-general and council at Fort-William may order corporal punishment for breach of rules made under authority of the recited act of 13 Geo. 3.—(*Vide* Governments.)

§ 19. (6) No corporal punishment to be ordered, except on conviction before two justices.—No conviction to be reviewed.

(7) Natives

* To enter into a more minute detail of the subject would exceed the limits of this work. The whole will be found in the valuable Analysis of the Laws and Regulations enacted by the Governor-General for the British Territories under the Bengal Government, printed and revised by J. H. Harington, Esq. in 1824, under the patronage of the Court of Directors.

1813.
53 Geo. 3, c.155, § 109. (7) Natives of India in the service of the Company declared subject to provincial courts.

§ 113. (8) The provincial courts of the highest jurisdiction may arrest in civil or criminal process within the presidencies, notwithstanding the jurisdiction of the King's Courts.

COURTS FOR THE PROVINCES.

Madras.

The principal courts established under the presidency of Fort St. George for the administration of civil and criminal justice in the provinces, are similar to those existing in Bengal; *viz.* the Sudder and Foujdarry Adawlut,* the Provincial Courts, and Courts of Circuit, and the Zillah Courts, with their registers. Vakeels, or native pleaders, and Hindoo and Mahommedan law officers, are attached to the courts; and native commissioners are appointed to decide causes of inferior magnitude.

In the year 1814, the Court of Directors communicated to the government of Madras the result of an investigation in which they had been engaged, relative to the then prevailing judicial and revenue systems. The court pointed out the defects which they considered to exist, and directed such a modification to be introduced as should extend the means of administering justice through native agency; thereby relieving the zillah and provincial courts, and at the same time laying a foundation for the diminution of the expense attending that branch of the public service. To carry into effect these instructions, a commission was formed, at the head of which the present governor of Madras, then Colonel Munro, was nominated by the Court's orders chief commissioner, Mr. George Stratton being the second commissioner.

Regulations proposed by the commissioners were adopted by the Madras government in 1816, declaring that heads of villages, by virtue of their office, should be moonsiffs within their respective villages; with powers to decide suits for personal property not exceeding ten rupees. It may not be uninteresting to insert the description of a native village, as given in the Fifth

* Answering to the Sudder Dewanny and Nizamut Adawlut in Bengal.

Fifth Report, printed by order of the Committee of the House of Commons, on India Affairs, in 1812.

"A village, geographically considered, is a tract of country comprizing some hundreds or thousands of acres of arable and waste land: politically viewed, it resembles a corporation or township. Its proper establishment of officers and servants consists of the following descriptions: the *potail*, or head inhabitant, who has the general superintendence of the affairs of the village, settles the disputes of the inhabitants, attends to the police, and performs the duty of collecting the revenues within his village, a duty which his personal influence, and minute acquaintance with the situation and concerns of the people, render him best qualified to discharge; the *curnum*, who keeps the accounts of cultivation, and registers every thing connected with it; the *talliar* and *totie*, the duty of the former appearing to consist in a wider and more enlarged sphere of action, in gaining information of crimes and offences, and in escorting and protecting persons travelling from one village to another: the province of the latter appearing to be more immediately confined to the village, consisting, among other duties, in guarding the crops and assisting in measuring them; the *boundary-man*, who preserves the limits of the village, or gives evidence respecting them, in cases of dispute; the *superintendant of the tanks and watercourses*, distributes the water therefrom, for the purposes of agriculture; the *brahmin*, who performs the village worship; the *schoolmaster*, who is seen teaching the children in the villages to read and write in the sand; the *calendar brahmin*, or astrologer, who proclaims the lucky or unpropitious periods for sowing and threshing; the *smith* and *carpenter*, who manufacture the implements of agriculture, and build the dwelling of the ryot;—the *potman*, or potter; the *washerman*; the *barber*, the *cow-keeper*, who looks after the cattle; the *doctor*; the *dancing girl*, who attends at rejoicings; the *musician* and the *poet*; these officers and servants generally constitute the establishment of the village; but in some parts of a country, it is of less extent, some of the duties and functions above-described being united in the same person; in others, it exceeds the number of individuals which have been described.

"Under

"Under this simple form of municipal government, the inhabitants of the country have lived from time immemorial: the boundaries of the villages have been but seldom altered; and though the villages themselves have been sometimes injured, and even desolated by war, famine, and disease, the same name, the same limits, the same interest, and even the same families, have continued for ages. The inhabitants give themselves no trouble about the breaking-up and division of kingdoms; while the village remains entire, they care not to what power it is transferred, or to what sovereign it devolves: its internal economy remains unchanged; the potail is still the head inhabitant, and still acts as the petty judge and magistrate, and collector or renter of the village."

With the view of diminishing the expense of litigation, and in order to render the principal and more intelligent inhabitants useful and respectable by employing them in administering justice to their neighbours, a regulation was passed, directing the assembling punchayets, for the adjudication of civil suits, on the application of both the parties interested.

It was likewise ordained, that the Hindoo law officers of the provincial courts should be sudder ameens, or head native commissioners; and to enable the zillah judge to devote more time to the administration of civil justice, the duties of magistrate were transferred to the collector. District moonsiffs were also appointed, with liberal allowances, for the purpose of facilitating the means of justice.

A revised system of police was at the same time established throughout the presidency, under the following denominations:—

1st.—Heads of villages coming under the denomination of potail, who collects the revenue, aided by curnums, or village registers, and tallyars, and other village watches.

2d.—Tehsildars, or native collectors of districts, by whatever name designated, with the assistance of peshkars,* gomashtas,† and establishment of peons.‡

3d.—Zemindars,

* Chief assistant.
† A factor—agent.
‡ A footman—a foot-soldier—an inferior servant.

3d.—Zemindars,*
4th.—Ameens of police,
5th.—Cutwals† and their peons,
6th.—Magistrates of zillahs and their assistants.

Little more than a reference to the leading points connected with these important subjects, has been attempted in this brief sketch.

A full and interesting detail is to be found in the Selections from the Company's records, printed by order of the Court of Directors, on the civil and criminal justice and police of India.

The result of Colonel Munro's exertions fully answered the expectations which the Court had formed of his peculiar fitness for the office of head commissioner. Their warmest commendation of the zeal, ability, and judgment displayed by him, were conveyed to the government; and the services which he rendered to the Company and to the natives as chief of the commission, were considered to be as deserving of the Court's hearty acknowledgment, as any act of his long and honourable life.

LAWS.

The Governor in Council may frame Regulations for the Provincial Courts.

LAWS. 1799. 39 and 40 Geo. 3, c. 79, § 11.

(1) And be it further enacted, that it shall and may be lawful to and for the governor and council at Fort St. George, to frame regulations from time to time for the provincial courts and councils within the territories and provinces which now are, or shall at any time hereafter be (and while the same shall so be) annexed to or made subject to the said presidency, in like manner, and subject to all the regulations, provisions, and confirmations touching the same, as the governor-general and council at Fort William aforesaid are, by any act now in force, authorized and empowered to do, for the better administration of justice among the native inhabitants and others being within the provinces of Bengal, Bahar, and Orissa.

COURTS

* Landholder.
† Chief officer of police in a large town or city.

COURTS FOR THE PROVINCES.

Bombay.

Zillah courts, with their registers and native establishments, and sudder ameens and native commissioners, exist under the presidency of Bombay. The provincial Court of Appeal, which was instituted in 1805, existed until 1820, when it was abolished; and the Sudder Adawlut, then established at the Presidency, being formed of the members of government, was modified to meet the change, and with the Sudder Foujdarry Adawlut, transferred from Bombay to Surat, and the members appointed by the governor from the covenanted servants of the Company.

The courts are composed of the same judges, being four in number. Each of the three puisne judges of the Foujdarry Adawlut, in rotation, makes the circuit of all the zillahs, to hold general jail deliveries. In 1818, the office of zillah magistrate was transferred from the judge to the collector of the zillah, the former being constituted a criminal as well as civil judge. Native officers and pleaders, as at the other presidencies, are attached to these courts. The mode of adjusting suits by arbitration, appears to have existed more or less in the provinces under the Bombay government; and although there is no regulation prescribing the adoption of the punchayet, as at Madras, there is reason to believe that mode has been frequently resorted to.

A revised system of police, upon the same principle as that existing at Fort St. George, was introduced by the government of Bombay in 1818.

LAWS.

LAWS. 1807. 47 Geo. 3, c. 68, § 3.

(1) And be it further enacted, that it shall and may be lawful to and for the Governor in Council at Bombay, to frame regulations, from time to time, for the provincial courts and councils within the territories and provinces which now are, or shall at any time hereafter be (and while the same shall so be) annexed to or made subject

Governor in council at Bombay to frame regulations for provincial courts.

subject to the said presidency, in like manner and subject to all the regulations, provisions, and confirmations, touching the same, as the governor-general in council at Fort William aforesaid are, by any act now in force, authorized and empowered to do for the better administration of justice among the native inhabitants, and others, being within the provinces of Bengal, Bahar, and Orissa.

LAWS. 1807. 47 Geo. 3, c. 68, § 3.

Towns of Madras and Bombay.

(2) Subject to appeal; governors in council at Madras and Bombay to make regulations for the good order of those towns and dependencies.

§ 1.

(3) Copies of regulations abroad, made under 37 Geo. III, cap. 142; 39 and 40 Geo. III, cap. 79; and 47 Geo. III, sess. 2, cap. 68, to be laid annually with accounts before Parliament.

1813. 53 Geo. 3, c. 155, § 66.

DEBTS OF THE COMPANY IN INDIA AND ENGLAND.

REGISTERED INDIA AND BOND DEBTS.

The few observations under this head will be confined to the "*Register Debt in India;*" by which is meant the sum raised by loans for the public service in that country, including the balance of the fund reserved for the payment of the private debts of the late Nabobs of the Carnatic: and to the home or *Bond debt* of the Company in England.

Register Debt in India.

The registered debt in India is of two descriptions, *viz.*

Remittable paper, and

Non-remittable paper.

The former, or remittable debt, consists chiefly of the loan opened in February 1822, and closed in June of that year. It amounts to between seven and eight crore. Interest at the rate of six per cent. is payable to subscribers in India, and the same to holders *bonâ fide* resident in Europe, at their option, by bills on the Court of Directors at 2*s.* 1*d.* the sicca rupee, and twelve months after date. The principal of the loan is not to be paid off during the existing charter; and when that measure shall be carried into effect, the proprietors are to have the option of being paid either in India or in England, at 2*s.* 6*d.* the sicca rupee.

In addition to the debt of 1822, is a temporary debt of rupees 33,14,960 (thirty-three lacs fourteen thousand nine hundred and sixty), which was renewed for seven years from December 1818. It was arranged, that at the expiration of the seven years, the principal of the debt should be discharged by annual payments of one-fifth, either in cash in India, or by bills on England at 2*s.* 6*d.* the sicca rupee, at the option of the holder.

The

The Non-remittable Debt

Originally consisted of loans raised at various periods, which were consolidated with the loan of 1811, and subsequently transferred into the loan of March 1822. More than four lacs of this transfer were discharged under the arrangements concluded in February 1823. The remainder (with the exception of twenty-seven lacs, ordered for payment) was carried to the loan of the 31st March 1823, which loan amounted to Rupees 9,04,11,000 (nine crore four lacs eleven thousand). The conditions provide that it shall bear an interest of five per cent., payable in India: proprietors resident in Europe, have hitherto been permitted by the Court of Directors to receive their interest in England by bills at 2*s.* 1*d.* the sicca rupee. No part of that loan is to be advertised for payment before the 31st March 1825, and after that date to no greater extent than a crore and a half per annum.

In September 1824, a loan at four per cent., with the option of receiving the interest in England at 2*s.* the sicca rupee, was opened at Calcutta: the subscriptions to that loan amounted to Rupees 1,57,00,000 (one crore fifty-seven lacs.)

A loan was subsequently opened in May 1825 at five per cent., on terms similar to that of September 1824; and the holders of the four per cent. loan were to have the priority, by being allowed to transfer their subscriptions from that to the new loan, provided they submitted a sum in cash equal to the amount of transfer.

To the foregoing debts in Bengal is to be added that of two crore to the King of Oude, the loan of the first crore having been effected in 1815; the interest on which at six per cent. is payable in pensions; and the loan for the second crore in 1825 at five per cent.

The debt at Madras consists chiefly of the balance of the Carnatic fund, the amount of which, together with the registered debt on the 30th April 1824, was Madras Rupees 1,58,33,684.

The trifling registered debt at Bombay was in 1823 transferred to the Bengal loan of 1822.

The

The total registered debt of India may be taken at about twenty-eight millions sterling.

The interest on the Indian debt is payable out of the territorial revenues, after the charges and expenses of raising and maintaining the forces, as well European, as native, military, artillery and marine on the several establishments in India.

For such portion of interest of the debt as may be payable in England, provision is to be made by consignments or remittances to England, as the Court of Directors, with the approbation of the Board of Commissioners, shall from time to time direct.

The following table will shew the medium rates at which money has been borrowed by the governments in India, from 1792-3 to 1823-4.

	Bengal.	Madras.	Bombay.
1792-3	9 per Cent.	None.	None.
1793-4	7 .. do. ..	7 per Cent.	None.
1794-5	6 .. do. ..	6 .. do. ..	None.
1795-6	6 .. do. ..	7 .. do. ..	None.
1796-7	12 .. do. ..	9 .. do. ..	8 per Cent.
1797-8	12 .. do. ..	9 .. do. ..	11 .. do.
1798-9	11 .. do. ..	10 .. do. ..	12 .. do.
1799-1800	9 .. do. ..	10 .. do. ..	10 .. do.
1800-1	11½ .. do. ..	10 .. do. ..	10 .. do.
1801-2	10 .. do. ..	9 .. do. ..	10 .. do.
1802-3	8 .. do. ..	8 .. do. ..	9 .. do.
1803-4	8 .. do. ..	9 .. do. ..	10 .. do.
1804-5	9 .. do. ..	9 .. do. ..	10 .. do.
1805-6	10 .. do. ..	10 .. do. ..	9 .. do.
1806-7	8 .. do. ..	8 .. do. ..	10 .. do.
1807-8*	8 .. do. ..	8 .. do. ..	8 .. do.
1808-9	8 .. do. ..	8 .. do. ..	8 .. do.
1809-10	6 .. do. ..	8 .. do. ..	8 .. do.
1810-11	7 .. do. ..	7 .. do. ..	8 .. do.
1811-12	6 .. do. ..	6 .. do. ..	6 .. do.

From 1812-13 to 1822-23, the average rate of interest has been six per cent.; and in 1823-24, six and five per cent.

BOND

BOND DEBT.

By the act of the 9th and 10th Wm. III, the Company cannot borrow money on their common seal for a less period than six months. This provision was introduced to preserve the interests of the Bank of England then newly incorporated. The first limit to the extent of the Company's borrowing on their bonds was made by the 7th of Queen Anne, fixing the total at £1,500,000. By the 7th Geo. I, the same was extended to £5,000,000, and by the 17th Geo. II, to £6,000,000. Under the regulating act of 1773, the bond debt was to be reduced to £1,500,000, to which amount the Company have at various times been required by Parliament to reduce it. In 1793, the Company were permitted to increase their capital stock, upon condition that the bond debt, then £3,200,000, was reduced to £1,500,000; after which, by consent of the Board of Commissioners for the Affairs of India, obtained in writing, it might be increased in the sum of £500,000. This was the first legislative provision giving the Board authority to interfere with regard to the Company's bond debt. In 1794, it was permitted to be increased to £3,000,000.

The Company not having availed themselves of the permission granted them in 1797, to increase their capital stock from six to eight millions, an act was passed in 1807 to allow the bond debt to be increased to £5,000,000. In 1811, in order to meet the bills drawn upon the Court of Directors from India, on account of the territorial and political expenses incurred in India, the Company were authorized, with the consent of the Board of Commissioners, to increase the bond debt to £7,000,000, beyond which no further sum is to be raised on bond—legal effect was likewise given by that act to the transfer of the property in such bonds from one person to another. By the act of 1813, the limit to which the bond debt is to be reduced is fixed at £3,000,000.

The interest on the bonds has been as follows:—

From 1773 to 30 April 1778 .....3 per cent.
The 1 May 1778 to 31 May 1783 .....4 do.
The 1 June to 30 Sept. 1783 .....4½ do.

 From

From the 1 Oct. 1783 to 31 March 1787	5	per cent.
The 1 April 1787 to 30 June 1796	4	do.
The 1 July 1796 to 30 June 1804	5	do.
The 1 July 1804 to 30 Sept. 1806	5, 6, 5½	do.*
The 1 Oct. 1806 to 31 March 1818	5	do.†
The 1 April 1818 to 31 March 1823	4	do.
The 1 April 1823 to 5 April 1825	3½	do.
The 5 April to 19 December 1825	3	do.
The 20 last December	4	do.

The amount of the bond debt for the last ten years has at no one period reached four millions. The Company's bonds are a very marketable security, and present an eligible investment for parties or companies who may have money to lay out, which they may require at an uncertain period.

When the principal debt of the Company bearing interest in India shall have been reduced to ten millions of pounds sterling, and the bonded debt in England to the sum of three millions of pounds sterling, and the capital of any public funds which may have been created for the use of the Company, by virtue of any Acts of Parliament discharged, a guarantee fund is to be formed from the surplus territorial and home profits, not exceeding twelve millions for capital stock and dividends.—(*Vide* Appropriation.)

LAWS.

INDIAN DEBT AND BOND DEBT.

LAWS. 1813. 53 Geo. 3, c. 155, § 55.

(1) The revenues arising from territorial acquisitions in India are to be applied, first, in maintaining the forces; secondly, in payment of *interest of Indian debt*; thirdly, in defraying expenses of establishments; fourthly, towards liquidation of *territorial debt or bond debt*.

(2) The

* Under the 46th Geo. III, cap. 3, the interest was allowed to be the same as Exchequer bills, the holder paying the property tax.

† The Company paying the property tax of ten per cent. upon the interest from 1st October 1806 to 5th April 1816.

(2) The Company's profits in Great Britain are to be applied, first, in paying bills of exchange; secondly, in paying debts, except principal of *bond debt*; thirdly, in payment of dividend; fourthly, in reduction of *Indian debt, or bond debt at home*.

LAW 1813 53 Geo c. 15 § 57. § 58.

(3) If home funds insufficient after payment of the dividends to discharge any bills on the Company for interest of debt, the residue of such bills, so long as such interest may be demandable in England, shall be discharged in such manner as Parliament may direct.

BOND DEBT.

May be increased to £3,000,000.

1794. 34 Geo. 3, c. 41.

(4) Be it enacted, that it shall and may be lawful for the said Company to keep on foot and continue their said bond debt in *Great Britain* at the amount of two millions; and further, that it shall and may be lawful for the said Company, by and with the approbation and consent of the Board of Commissioners for the Affairs of India for the time being, at any time or times hereafter, to borrow upon and issue bonds, under their common seal, for any further sum or sums of money, not exceeding in the whole the sum of one million, for the purposes of their trade, as circumstances may require; any thing contained in the said act, or in any other act, to the contrary notwithstanding.

May be increased to £5,000,000.

1807. 47 Geo. 3, c. 41, § 1.

(5) And whereas it is expedient that the said Company should be permitted to increase their bond debt by a further sum, not exceeding two millions sterling, as circumstances may require, instead of increasing their capital stock; 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 it shall and may be lawful to and for the said Company, by and with the approbation and consent of the Board of Commissioners for the Affairs of India for the time being, at any time or times hereafter, to borrow, upon bonds to be issued under their common seal, any further sum or sums of money, not exceeding in the whole the sum of two millions sterling, over and above such sum and sums as the said Company can now lawfully raise on their bonds, and to apply the money so to be borrowed and raised for such purposes as, under and by virtue of the said act of the 37th year of his said Majesty's reign, the money to be raised by enlarging the capital stock of the said Company is applicable; any thing contained in the said recited act, or in any other act, notwithstanding.

May be increased to £7,000,000.

LAWS. 1811. 51 Geo. 3, c. 64, § 1.

(6) And whereas a considerable part of the debt secured by the engagement of the said Company in the East Indies, and which was incurred by reason of territorial and political expenses in that country, has lately been discharged in India, by means of bills drawn by the governments of the said Company in the East-Indies upon their Court of Directors in London; and thereby it has become necessary for the said Company to provide in this country a much larger sum of money than in the ordinary course of their transactions can arise from the sales of their goods and the ordinary receipts and means of the said Company: And whereas the said United Company have not yet increased their capital stock, under and by virtue of the powers contained in the said first-mentioned act: and it is expedient that the power of the said United Company to raise money upon their bonds should be enlarged, so that they may be enabled either to raise a further sum by bond, or by increase of their capital stock; and therefore, that the provision in the said last-recited act, as to the application of the money to be raised by increasing the capital stock of the said Company, and as to the reduction of the power of the said Company to increase their bond debt in a certain case, should be repealed, and that other provisions should be made in respect thereof: 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 it shall and may be lawful to and for the said Company, by and with the approbation and consent of the Board of Commissioners for the Affairs of India for the time being, at any time or times hereafter, to borrow upon bonds to be issued under their common seal, any further sum or sums of money not exceeding in the whole the sum of two millions sterling, over and above such sum and sums as the said Company can now lawfully raise on their bonds, and to apply the money so to be borrowed and raised for such purposes, as under and by virtue of the said act of the 37th year of the reign of his said Majesty, the money to be raised by enlarging the capital stock of the said Company is applicable; any thing contained in the said recited act or any other act notwithstanding.

§ 2, repealing part of Act 1. 47 Geo. 3, cap. 41.

(7) And be it further enacted, that so much of the said act of the 47th year of the reign of his present Majesty, as provides that all the money to be raised by enlarging the capital stock of the said Company as therein mentioned, should be applied towards the reduction of the bond debt of the said United Company, until it should be so reduced to the sum which the said Company might then lawfully raise by bond, and as provides that in case the said Company should enlarge their capital stock, then that the sum which they were thereby empowered

LAWS. 1811. 51 Geo. 3. c. 64, § 2. § 3.

powered to raise by bond should be reduced, shall be and the same is hereby repealed.

After raising £4,000,000, Company restrained from raising further money on bond.

(8) Provided always, and be it enacted, that when the said United Company shall have raised under and by virtue of the said act of the 37th year of the reign of his present Majesty, and of the said act of the 47th year of the reign of his present Majesty, and of this act such sums of money as together shall amount to the sum of four millions sterling, then and from thenceforth it shall not be lawful for the said Company to raise any further sum of money upon bond: and all money which from thenceforth shall be raised by increase of capital stock, under and by virtue of the said first-mentioned act, shall be applied in discharge of the said bond debt, until the said bond debt, created by virtue of the said act of the 47th year of the reign of his Majesty, or this act, together with the money to be raised by increase of capital as aforesaid, shall be reduced to the sum of four millions sterling.

Bonds declared to be assignable and transferable.

Bonds issued by the Company under their common seal shall be transferable, &c.

§ 4.

(9) And whereas bonds issued under the common seal of the said United Company, for money borrowed by them by virtue of the powers enabling them to borrow money upon bond, have usually been entered into, and have been expressed to have been made payable to the person who for the time being has been the treasurer of the said United Company, or his assigns, and upon his indorsement thereof, they have been sold and passed from one person to another, by delivery of the possession thereof; and it is expedient that a legal effect should be given to such mode of transfer of the property in the said bonds, and the money secured thereby; be it therefore further enacted, that all bonds issued, or to be issued, under the common seal of the said United Company, by virtue of any power by which they have been, are, or hereafter may be authorized to borrow money upon their bonds, shall be assignable and transferable by delivery of the possession thereof; and upon every such assignment or transfer, the money secured by the bond so assigned or transferred, and due, and to become due thereon, and the property in such bond shall be absolutely vested as well at law as in equity, in the person or persons, body or bodies politic and corporate, to whom the same shall be so assigned or transferred, and the person or persons, body or bodies politic and corporate, to whom any such bond shall be so assigned and transferred, and his, her, and their executors, administrators, and successors respectively, shall and may maintain his, her, or their action for the principal and interest secured thereby, and due thereon, or otherwise relating thereto, in like manner as the obligee or obligees named in any such bond, or his, her, or their executors, administrators,

LAWS.

1811. 51 Geo. 3, c. 64, § 3. administrators, or successors, may now maintain any action thereon; and in every such action the plaintiff or plaintiffs shall recover his, her, or their debt, damages, and costs of suit; and if any such plaintiff or plaintiffs shall be nonsuited, or a verdict be given against him, her, or them, the defendant or defendants shall recover his, her, or their costs against the plaintiff or plaintiffs, and every such plaintiff or plaintiffs, defendant or defendants respectively recovering, may sue out execution for such debt, damages, and costs by *capias*, *fieri facias*, or *elegit*.

Interest on Bonds.

1804. 44 Geo. 3, c. 3, § 3. (10) And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said United Company, with the approbation and consent of the Board of Commissioners for the Affairs of India for the time being, from time to time, to pay and allow interest on the money heretofore raised on the bonds of the said Company, and which are now outstanding, and also on money to be raised on any bonds which the said United Company may lawfully issue, at and after such rate not exceeding such rate of interest as may be allowed on any Exchequer bills issued or to be issued at the same time by virtue of any act or acts of parliament, as the said United Company, with such consent as aforesaid, shall in their discretion see fit; and all bonds and instruments for securing the money raised thereon, shall be valid and effectual; and no person or persons taking, accepting, or receiving such interest, shall be therefore liable to any penalty or forfeiture whatsoever; any law, statute, or usage to the contrary thereof in anywise notwithstanding.

East-India Company allowed to pay the same interest as is allowed on Exchequer bills.

§ 4. (11) Provided always, that nothing herein contained shall be construed to extend to restrain the said United Company from allowing at any time legal interest on such bonds.

Not restrained from allowing legal interest.

1726. 12 Geo. 1, c. 32. (12) Forging any bond of the Company is felony without benefit of clergy.

1729. 2 Geo. 2, c. 25. (13) Stealing East-India bonds a capital offence.

DIVIDENDS.

PREVIOUSLY to the union of the two Companies much irregularity existed in declaring dividends on the capital stock of the East-India Company; it appears to have been the practice to make dividends upon general computations, without any particular or recorded account of the state of the Company's affairs.

After the union of the two Companies in 1708, six per cent. per annum was allowed to the proprietors upon sums paid in on account of their subscriptions; and, in addition to this, they were allowed dividends, which were made two or three times in the year, of six, eight, and ten shillings per cent. The real dividend may be computed to have amounted from five to ten per cent.

In the year 1722, the dividend was fixed at eight per cent. per annum; and, in 1732, it was reduced to seven per cent. per annum.

In 1733, an ineffectual attempt was made to institute a by-law to place the regulation of all future dividends in the hands of a committee, composed partly of Directors and partly of Proprietors.

A by-law was subsequently adopted in 1734, which prescribed "that no alteration should be made in the dividend on the capital stock of the Company without first giving six months' public notice."

In the year 1743, six months' notice having been given, the dividend was increased to eight per cent. per annum, upon the ground of the prosperous state of the Company's affairs; in 1755, it was found necessary to reduce the dividend to six per cent. per annum.

When information was received of the grant of the Dewanny, great

great desire was manifested for an increase of dividend; and on the 18th of June 1766, the day on which the despatches containing that important intelligence were read to the General Court, a motion was made to increase the dividend to eight per cent. per annum.

The Court of Directors, however, were not prepared to sanction such a measure: they admitted that great advantages had been gained by the Company in the East; but at the same time stated that the extensive military operations had entailed a large and heavy expense, that their profits were remote and precarious, their debts urgent and certain, and that justice and good policy concurred in recommending in the first place a discharge of their incumbrances, before they thought of participating in supposed profits. This impression of the Court's unanimous opinion against any increase led to the motion being withdrawn. The expectation of many of the proprietors, however, was not to be disappointed. The subject came again under the consideration of the general court on the 24th September 1766. The Court of Directors, anticipating a renewal of the proposition for an increase of dividend, had prepared a report, containing their unanimous opinion, "that it would not be for the interest of the Company, nor prudent at that time, to declare any addition to the dividend."

Notwithstanding this declaration on the part of the executive, it was determined by a ballot, taken on the 26th of September 1766, that the half-year's dividend, from Christmas to Midsummer 1767, should be five per cent., being at the rate of ten per cent. per annum. The numbers were three hundred and forty votes for the question, and two hundred and thirty-one votes against the question, and on the 6th of May 1767 the General Court came to a resolution to divide six and a quarter per cent, for the half year, ending at Christmas 1767.

At this time Parliament was directing its attention to the affairs of the Company; on the day following the declaration of six and a quarter per cent. by the General Court, the House of Commons called for a copy of the proceedings of that Court, and of other proceedings connected with the former declaration of a half-yearly dividend of five per cent.

When the House of Commons called for the papers upon this subject,

subject, the Directors entreated the General Court to reconsider their resolution; after much discussion, it was agreed to endeavour, in a general arrangement then pending with his Majesty's ministers for settling the Company's affairs, to secure the annual sum of £400,000 as a dividend to the proprietors, which would have been at the rate of twelve and a half per cent.

Parliament, however, determined, previously to adopting a plan for the general administration of the affairs of India, to pass a law for regulating the dividends; and, on the 11th of May 1767, a bill for that purpose was accordingly introduced.

The object of this bill was to restrain the declaration of dividends, except by ballot, and after seven days' notice; and also to limit the dividend, from the last declaration to the beginning of the then session of Parliament, to ten per cent.

On the 18th of May 1767, it was proposed in the General Court to petition against the bill. This proposition led to a long and warm debate, which was terminated by a demand of a ballot to be taken instanter. The Directors disapproved of this course, and strong protests were entered against the adoption of it. It was, however, persisted in; and the ballot was taken between the hours of nine and eleven o'clock at night. The decision was in the affirmative.

The extraordinary circumstances under which the ballot upon this petition was taken, attracted the particular notice of the House of Commons, who, having called for a copy of the proceedings of the General Court, determined to reject the petition.

Much discussion took place in the General Court in consequence, and a petition was ultimately adopted upon a ballot regularly taken. This petition was presented to, and received by the House; but it failed to produce the desired effect; for, on the 28th of May 1767, the bill passed the House of Commons. The General Court proceeded to petition the House of Lords against the bill, and offered to compromise the matter, if Parliament would consent to fix the limit at twelve and a half, instead of ten per cent. The Lords, notwithstanding the representations of the Company, passed the bill

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bill as approved by the Commons, though not without great opposition, the numbers for the bill being fifty-nine, and forty-four against it. Nineteen peers signed a protest. The grounds of dissent were, "because the inability of the Company to make the dividends rescinded by this bill, had been argued on a supposition, that the right of the territorial acquisitions of the Company in the East-Indies was not in that Company, but in the public; which method of arguing, if admitted as one of the grounds of the bill, was conceived to be inconclusive as to the subject matter, and highly dangerous as to the precedent; for, the Company being in possession, and no claim against them being so much as made, much less established, their Lordships held it highly dangerous to the property of the subject, and extremely unbecoming the justice and dignity of the House, by extra judicial opinions, to call into question the legality of such a possession, and to act without hearing, as if the House had decided against it." On the 29th of June 1767 it received the royal assent.

Early in the following session another bill was introduced, to continue the limitation of the dividend to ten per cent. per annum until the 1st of February 1769; this bill, though opposed by the Company, was passed into a law on the 21st of February 1768. On this occasion, eleven peers entered their protest, "Because this annual restraint tends to establish a perpetual interposition of Parliament in declaring dividends for the Company, and indeed all companies whatsoever, to the increase of that most dangerous and infamous part of stock jobbing which is carried on by clandestine intelligence, and to the vesting it in the worst of all hands, those of administration: for a minister, who shall hereafter acquire in Parliament (by whatever means) sufficient influence for the purpose, may, by his power of increasing, diminishing, or withholding dividends at his pleasure, have all the stockholders in these Companies (a body extremely considerable for wealth and numbers) entirely at his mercy, and probably at his disposal, to the infinite increase of the already overgrown and almost incredible influence of the crown."

In 1769, the period of the last arrangement with the public having expired, a negotiation was commenced for a prospective arrangement,

arrangement, in which the Proprietors contemplated, as a principal object, the removal of the existing restriction on the declaration of dividend.

The General Court had several meetings respecting it, and discussions took place between the Court of Directors and the Lords of the Treasury. It was at length mutually agreed that the Company should pay to the crown £400,000 per annum for five years, subject to a proportionate deduction in the event of the dividend being reduced, and that the Company should be allowed to increase the dividend at a rate not exceeding one per cent. per annum, until it reached twelve and a half per cent. per annum. It was further agreed that the payment to the crown should cease altogether, in the event of the dividend being reduced to six per cent. per annum. This arrangement was sanctioned by the Legislature in the act 9th Geo. III, cap. 24. Under the authority of that act, the dividend was augmented at the rate of one per cent. per annum, until it reached twelve and a half per cent. per annum, the maximum fixed by the act. In the year 1771, Mr. Manship, then a member of the Court of Directors, dissented from a resolution of that court, authorizing a declaration of the half yearly dividend of six and a quarter per cent. The General Court fixed such dividend without being aware of Mr. Manship's dissent; but after it had been fixed, several proprietors hearing of the dissent, convened a general court upon special affairs, at which the subject was introduced, and Mr. Manship was heard in his place. Evidence was given of the ability of the Company to make the dividend in question; and it was resolved by the ballot (in which the numbers were three hundred and seventy-four votes for the question, and thirty votes against the question) that the Court of Directors, in recommending the continuance of the dividend, had acted consistently with their duty.

In 1772, the Company's affairs became greatly embarrassed, and they were under the necessity not only of borrowing large sums of the Bank of England to meet existing demands, but also of making application to the public for a loan.

In such a state of things, the Court of Directors did not feel themselves at liberty to recommend the declaration of any dividend;

dividend; and, on the 23d of September 1772, the chairman informed the General Court, that it was not, as had been usual, called for the purpose of declaring a half-yearly dividend; for that, until a pending treaty with his Majesty's government should be concluded, the Court of Directors could not recommend any resolutions relative to a dividend.

On the 23d of December 1772 the General Court again met; when a half-yearly dividend, at the rate of six per cent. per annum, was declared. The reduction of the dividend to six per cent. relieved the Company from the payment of £400,000 per annum to the crown, as provided for in the act of 9th Geo. III, cap. 24.

The situation of the Company's affairs was brought before Parliament by his late Majesty, in his speech upon the opening of the session of 1772; and, on the 26th of November in that year, a Committee of Secrecy of the House of Commons was appointed to inspect the books and accounts of the Company.

In consequence of reports from this committee, an act was passed for the raising a loan of £1,400,000 for the Company, by the issue of Exchequer Bills; which sum was directed to be applied in the payment of arrears of duties to the public, and in the repayment of advances made to the Company by the Bank of England. In the same act it was provided, that the revenues and profits of the Company should be chargeable, in the first instance, with a dividend of six per cent. per annum; and that, when the loan then granted should be liquidated, the dividend should be increased to seven per cent. per annum, which it was not to exceed until the bond-debt should be reduced to £1,500,000.

This arrangement was not in accordance with the sentiments of the General Court. They contended that the restriction on the dividend was extremely arbitrary, and not formed with any reference to the commercial profits of the Company; and, as a compromise, they proposed that the Company should be authorized to increase the dividend to eight per cent. as soon as a moiety of the loan should be repaid; but Lord North would not assent to any increase of the dividend until the loan should be fully redeemed: and the act was accordingly passed to the effect before stated.

From

From 1773 to 1776 the dividend was six per cent. per annum. On the 24th of December 1776, the debt of the public of £1,400,000 having been repaid, a half-yearly dividend was declared at the rate of seven per cent. per annum; and arrangements were at the same time made for liquidating £500,000 of the bond debt. In the following year arrangements were made for a further liquidation of the bond debt to the extent of £600,000.

The bond debt being thus reduced to £1,500,000, the dividend was, in June 1778, increased to eight per cent. per annum. In 1779, an act was passed (19th Geo. III, cap. 61), to continue, for one year, the general arrangements made in 1773. This act restricted the declaration of a larger dividend than eight per cent. per annum, until April 1780. These arrangements were further continued for another year, by the act of the 20th Geo III, cap. 56.

In 1781, the situation of the Company's affairs again came under the consideration of the general court, and several propositions were offered to his Majesty's government, as the basis of an arrangement for the prolongation of the term of the Company's exclusive privileges. One of the primary objects of these proposals was the security of a dividend of eight per cent. per annum, with a power to increase it, at a rate not exceeding one per cent. per annum, until it amounted to twelve and a half per cent. It was, however, arranged, that the dividend should be eight per cent. per annum, and that the remaining profits of the Company should be divided between the public and the Company, in the proportion of three-fourths to the former, and one-fourth to the latter. An act of Parliament to this effect was passed (21st Geo. III, cap. 65, sec. 9). In 1782, the year after that act had passed, the Company's affairs again became embarrassed, and application was made to Parliament for relief. An act was, in consequence, passed (22d Geo. III, cap. 51), to authorize the postponement of the payment by the Company of sums due on account of customs, &c., and to secure to the proprietors their dividend of eight per cent. The same amount of dividend was secured by two subsequent acts (23d Geo. III, cap. 36, and 23d Geo. III, cap. 83); and, in

 1784,

1784, it was further secured by the act of the 24th Geo. III, cap. 34.

The dividend continued at eight per cent. per annum until the act of 1793, when it was increased to ten and a half per cent. (at which rate it has since been continued), the half per cent. being chargeable on a separate fund, reserved under a former act of Parliament (21st Geo. III, cap. 65); an arrangement was at the same time made for allowing to the Company a sixth part of the surplus of their profits and revenues, after the reduction of their debts to a specified amount. By a subsequent act passed in 1793 (33d Geo. III, cap. 31), the ten shillings per cent. of the dividend was made a charge upon the general profits of the Company, in like manner with that of the ten pounds per cent. The dividend of ten and a half per cent. thus allowed in 1793, was continued by the act of 1813 (53d Geo. III, cap. 155). In that act it is provided, that the dividend shall be charged upon the home profits of the Company, or, on the failure of a sufficiency of home profits in one year to meet the dividend, then that the deficiency should be charged upon the surplus India revenue in the preceding year (53d Geo. III, cap. 155, sec. 57 and 58). The Company cannot legally make any larger dividend until their debt in India shall have been reduced to ten millions, and the bond debt to three millions; nor until the public funds created for the Company shall have been redeemed, and the sum of twelve millions, after the accomplishment of those objects, paid into the Exchequer, as a guarantee fund: then the Company will be entitled to one-sixth of the excess of profit and revenue, which would constitute a fund for a further dividend (53d Geo III, cap. 155, sec. 59).

When the property-tax was instituted, efforts were made to relieve the proprietors individually from the operation of it, and to authorize the payment of the amount out of the profits of the Company, previous to the declaration of a dividend. The matter was referred to counsel, who were of opinion that the Company had not the power, by law, to make such payment. A representation was accordingly preferred by the Court of Directors to the president of the Board of Commissioners for the Affairs of India, expressing a hope that his Majesty's

Majesty's ministers would think it just and advisable that the Company should be vested with such power, by a legislative provision. Lord Castlereagh, in reply, stated that ministers did not feel warranted in recommending the Company to apply to Parliament for a bill for such purpose.

In July 1804, the subject was again urged on the attention of ministers, whose concurrence it was contended would be sufficient authority without any legislative provision. It was opposed on the ground that it would militate against the provisions of the act of 1793, as to the appropriations affecting the Company's funds.

In 1812, during the negotiation for a renewal of the Company's exclusive privileges, the justice of relieving the proprietors of East-India stock from the payment of the property-tax on their dividends, was again pressed on the attention of Lord Melville, the president of the Board; but his Lordship did not think it expedient to charge the Company's funds with any additional payment on that account.

LAWS.

Dividend to be Ten and a half per Cent.

LAWS. 1813. 53 Geo. 3, c. 155, § 57.

(1) 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 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 disposed of in manner following: (that is to say) first, in providing for the payment 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 expenses 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;

LAWS. 1813. 53 Geo. 3, c. 155, § 57.

pany; and when and so soon as the said last-mentioned 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 shillings per centum per annum, upon the present or future capital stock of the said Company.

§ 58.

(2) 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 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 liquidation of the said bills and certificates: provided also, that in the event of the commercial profits of the said Company at home being insufficient in any year, fully to defray the said dividend, it shall and may be lawful 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.

Home profits not liable to territorial charges, till after dividend provided for; and deficiency of commercial profits at home in any year for dividend, to be made good out of surplus territorial revenues.

Ballot not necessary when no alteration from preceding Declaration.

1770. 10 Geo. 3, c. 47, § 3.

(3) Be it enacted, that from and after the passing of this act, when any half-yearly or other dividend of the said Company shall be voted and declared by a General Court of Proprietors, not varying or differing from the rate of the said Company's dividend for the last preceding half-year, that then, and in every such case, it shall not be necessary for the said general court of the said Company to proceed to a ballot respecting such dividends; but that a declaration from the chairman, for the time being, of the said Company of the voting and agreeing of the General Court of Proprietors to such dividend, shall be a sufficient notice and authority for declaring and making such dividend.

Courts

Courts of Equity may compel Transfers and Payment of Dividends.

LAWS. 1800. 39 and 40 Geo. 3, c. 36, § 1.

Preamble.

(4) Whereas great expense arises in suits in courts of equity, from the practice of making the governor and company of the Bank parties thereto, for the mere purpose of compelling or authorizing the said corporation to suffer any transfer of stock standing in their books to be made which justice may require: 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 it shall be lawful for any of his Majesty's courts of equity, before or upon hearing any cause depending therein, to order the governor and company of the Bank of England to suffer a transfer of stock standing in their books to be made, or to pay any accrued or accruing dividends thereon, belonging to or standing in the names of any party to a suit, as such courts may deem just; or to issue an injunction to restrain them from suffering any transfer of such stock, or from paying any dividends or interest accruing or accrued thereon, although such governor and company are not parties to the suit in which such decree or order shall be made, such courts being satisfied by the certificate of the accountant of the said corporation, duly signed by him as hereinafter is directed, that the stock required to be transferred is standing in their books in the name of the persons or person required to transfer the same, or of the persons or person to whom they or he are or is the legal representative; and that after due service of a short order upon the said governor and company, or their proper officer, which shall contain no recital of their pleadings or other matter than the title of the cause, and the ordering part of such decree or order which respects the said governor and company, and for which the sum of eighteen shillings and no more, shall be paid, like process shall issue to enforce such order or decree as to enforce them against any party to a suit depending in such court.

Certificate, stating the amount of such Stock or Dividends, to be delivered on application.

Act not to extend to any further discovery than herein mentioned; nor to any place where the Bank claim an interest in the fund, &c.

(5) And for the better enabling any party to a suit to obtain and produce such certificate in court, be it enacted, that upon request in writing signed by the clerk in court (or other officer answering thereto) and the solicitor concerned in the cause for the party applying, which shall state the cause, and for what parties they are concerned, the Governor and Company of the Bank of England shall deliver, or cause to be delivered, to the said clerk in court, or other officer and solicitor, or one of them, a certificate signed by their accountant, stating the amount of such stock or

dividends,

LAWS. dividends, and in whose names or name such stock is standing in their books, and, if it be particularly required (but not otherwise) when such stock or any part thereof was transferred, and by whom, for the signing of which request in writing, there shall be paid to such clerk in court or other officer, a fee of six shillings and eight-pence, and no more, and to such solicitor, for the drawing, copying, and delivering at the Bank, a fee of thirteen shillings and four-pence, and no more, and to the officer making out and delivering such certificate, a fee of two shillings and sixpence, and no more: provided nevertheless, that nothing herein contained shall extend to any case where any further discovery is wanted than what is hereinbefore expressly mentioned, nor to any case where the said governor and company claim any interest in or lien upon the said fund, but that in such cases it shall be necessary to make them a party to such suit as if this act had never been made; and that if any special matter shall arise, which in the opinion of the said governor and company shall affect their interests, or which might be objected against suffering such transfer of stock or payment of dividends, it shall be lawful for them to state such matter to the court by motion or petition in such suit, and that execution of process to compel such transfer or payment, shall be suspended until final order shall be made thereon.

1800. 39 and 40 Geo. 3, c. 56, § 2.

The Provisions extend to the East-India Company.

§ 4. (6) And be it further enacted, that all the several regulations and provisions hereinbefore enacted, shall extend *mutatis mutandis* to every case where the United Company of Merchants of England trading to the East-Indies, or the Governor and Company of Merchants of Great Britain trading to the South Seas or other parts of America, have any stock standing in the books of such respective corporations, which may now be or hereafter may become the subject of any suit in equity or incidental thereto, saving to the said corporations respectively the like right of being made a party, or applying by motion or petition, in such suits as is before reserved or given to the Governor and Company of the Bank of England.

Dividends due to Infants.

1812. 52 Geo. 3, c. 158. (7) The Court of Chancery, Court of Exchequer, or the Lord Chancellor, authorized to direct dividends due to infants, to be paid for their use to their guardians, under the provisions of the 36th Geo. III, cap. 90, and 52 Geo. III, cap. 32.

DUTIES, CUSTOMS, AND TAXES.

The several governments in India are empowered to frame regulations for the imposition of duties on the export, import, or transit of any goods, wares, or merchandize in the East-Indies. The regulations are not valid until sanctioned by the Court of Directors with the approbation of the Board of Commissioners; such sanction and approbation being signified to the governments respectively in a public despatch from the said Court; all such regulations when promulgated in India, are to contain express mention that the same are made with the sanction of the Court of Directors, and with the approbation of the Board of Commissioners; and such mention is to be taken as conclusive evidence of such sanction and approbation in all courts of justice. The Governor-general and the governors of Madras, Bombay, and Prince of Wales' Island, are also authorized to impose duties of customs and other taxes on places and persons within the jurisdiction of the courts established by the King's charter, in the same manner as in places without such jurisdiction. No imposition of any such duty, or tax, or any increase thereof is valid until sanctioned by the Court of Directors, with the approbation of the Board of Commissioners. Regulations may be also passed for imposing fines, penalties, and forfeitures, for the non payment of duties and taxes.

In 1814, doubts having arisen as to certain duties and taxes imposed by the several governments in India, an act was passed confirming the regulations which had been passed for the imposition, levying, raising, or recovering any such duties of customs or other taxes, or in any ways relating thereto; and all fines, penalties, and forfeitures imposed or levied by the several governments.

The foregoing are the existing authorities under which the

regulations are passed in India for imposing duties, taxes, &c.

With regard to the duties and customs on East-India goods imported into Great Britain, it would require greater space than can possibly be allotted to the subject in a work of this nature, to enter into a detail of the important measures brought forward in 1825 by the Right Honourable the President of the Board of Trade, which led to the repeal of the several laws relating to the customs, from the seventeenth of Richard II, in 1394, to those of the fourth of his present Majesty in 1823, embracing no less than four hundred and fifty-two acts of Parliament. This repeal was followed by the introduction of eleven separate acts, all of which received the royal assent the 5th July 1825, relative to duties, customs, and trade generally, *viz.*

6 Geo. 4, c. 106. An Act for the Management of the Customs,
c. 107. ..... for the General Regulation of the Customs,
c. 108. ..... to prevent Smuggling,
c. 109. ..... for the Encouragement of British Shipping and Navigation,
c. 110. ..... for Registering of British Vessels,
c. 111. ..... for Granting Duties of Customs,
c. 112. ..... for Warehousing Goods,
c. 113. ..... for Granting certain Bounties and Allowances of Customs,
c. 114. ..... to Regulate the Trade of the British Possessions abroad,
c. 115. ..... for Regulating the Trade of the Isle of Man,
c. 116. ..... for Regulating Vessels carrying Passengers to Foreign parts.

Such clauses connected with the customs as immediately relate to the East-India Company, or to the importation of goods from the limits within the Company's exclusive charter, will follow those which authorize the imposition of duties, customs, and taxes in India. It may be observed that the Mauritius is declared to be one of his Majesty's sugar colonies, and placed upon the same footing, in all respects, as his Majesty's islands in the West-Indies.

LAWS.

DUTIES IN INDIA.

LAWS. 1813. 53 Geo. 3, c. 155, § 98.

Governments may impose Duties, Customs, and other Taxes, subject to sanction of Court of Directors and approbation of Board.

Governor-general and governors in council at Fort William, Madras, 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, in the same manner as in places without such jurisdiction. — 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.

(1) And whereas it is expedient that the governments of the said Company established at Fort William, Fort St. George, Bombay, and Prince of Wales' Island respectively, should have authority to impose duties and taxes to be levied within the several towns of Calcutta and Madras, the town 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 St. 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 St. 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 any 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

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the said Board of Commissioners, in manner herein-before prescribed respecting duties and taxes of export, import, and transit on goods, wares, or merchandize.

Governments may impose Fines for Non-payment of Taxes, &c.

1813. 53 Geo. 3, c. 155, § 99.

(2) And be it further enacted, that it shall and may be lawful 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 specifically pleaded, as well in the said Supreme Courts and Recorder's Court and Courts 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.

Governor-general and governors in council may make laws and regulations respecting such duties and taxes, and impose fines and forfeitures for non-payment thereof.

Duties imposed in India not valid till sanctioned by Court and Board.

§ 25.

(3) 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 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 despatch 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

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tion shall be taken as conclusive evidence of such sanction and approbation in all courts of justice.

Duties in India on Goods to be debited to Commerce.

1813. 53 Geo. 3, c. 155, § 67.

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 control of the Board.

(4) And be it further enacted, that all rates, customs, and duties of export and import, which shall be charged in the East-Indies or other places under the government of 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 control of the said Board of Commissioners, in like manner, to all intents and purposes as any other part of such territorial revenues.

Doubts removed as to the Duties and Taxes heretofore imposed and levied in the East-Indies.

1814. 54 Geo. 3, c. 105. § 1.

Power of levying duties, &c. by the governments in India, confirmed.

(5) Whereas doubts have arisen as to certain duties and taxes heretofore imposed by the several governments of Fort William in Bengal, Madras, Bombay, and Prince of Wales' Island respectively: 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 all duties of customs and other taxes heretofore made or imposed, as well upon British subjects as foreigners, and other persons whomsoever, by the orders or under the authority of the Governor-General in council of Fort William in Bengal, the Governor in Council of Fort St. George, the Governor in Council of Bombay, and the Governor in Council of Prince of Wales' Island, respectively, within the several towns of Calcutta and Madras, the town and island of Bombay, and Prince of Wales' Island, and upon all persons whomsoever resident or being therein respectively, and in respect to all goods, wares, merchandizes, commodities, and property whatsoever, also being therein respectively, and also upon 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

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1814.
54 Geo. 3, c. 105, § 1.

and in respect of all goods, wares, merchandizes, commodities, and property whatsoever, being in any such country or place, and also all orders and regulations for the imposition, levying, raising, or recovering any such duties of customs or other taxes, or in anyways relating thereto, and all fines, penalties, and forfeitures heretofore imposed or levied by or under the authority of such governor-general in council and governors in council respectively, for the non-payment of such duties or taxes, or for the breach of any laws or regulations heretofore made by such governor-general in council and governors in council respectively, respecting such duties and taxes, shall be, and the same are hereby confirmed, and shall be deemed to be as valid and effectual to all intents and purposes whatsoever, according to the true intent and meaning of the several orders, regulations, and usages, under which any such duties, taxes, fines, penalties, and forfeitures have been imposed or levied, as fully and effectually as if the same had been imposed and made respectively under the provisions of an act made in the last session of Parliament, intituled "An Act for "continuing in the East-India Company for a further term the Pos- "session of the British Terrtories 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;" any act or acts of Parliament or law to the contrary thereof in anywise notwithstanding, and all arrears of such duties and taxes may be demanded, levied, sued for, and recovered, and all penalties and forfeitures for any breach of any such rules and regulations in relation to any such duties and taxes shall and may be sued for, recovered, and enforced under the provisions of the said recited act, as fully and effectually as if the same had been imposed, made, incurred, or arisen after the passing thereof.

§ 2.

(6) And be it further enacted, that all such orders, regulations, usages, duties, taxes, fines, penalties, and forfeitures, shall be and remain in full force and effect until the same respectively shall be repealed, altered, or varied, by any orders or regulations made and passed, or to be made and passed, under or by virtue of the said recited act; and all persons who have been engaged or concerned in advising, passing, imposing, demanding, levying, or recovering any such orders, regulations, duties, taxes, fines, penalties, and forfeitures, shall be and are hereby indemnified in respect thereof, and of all proceedings and acts had, done, or taken under and according to the true intent and meaning of any such orders, regulations, or usages; and all actions and suits whatsoever which have been or hereafter shall be commenced, sued, or prosecuted, for or touching the receipt, collection, or imposition of any such duties, taxes, fines, penalties, or forfeitures, shall be and become absolutely null and void to all intents and

Orders, &c. to remain in force, and persons indemnified

LAWS.
1814.
54 Geo. 3, c. 105, § 2.

and purposes whatsoever, save and except for the purpose of recovering any costs which may have been incurred in any such action, and which hath been or may be awarded to be paid by any party thereto: provided always, that nothing herein contained shall extend to confirm any act or proceeding, or to indemnify any person or persons in respect of any act or proceeding, done without the authority or contrary to the true intent and meaning of any such order, regulation, or usage, as is hereby intended to be confirmed.

Duties in Great Britain,

Duty on East-India Goods according to Sale value.

1825.
6 Geo. 4, c. 107, § 21.

Value of East-India goods according to sales.

(7) Provided always, and be it further enacted, that the value of goods imported by the East-India Company, and of all goods called "Piece Goods," being articles manufactured of silk, hair, or cotton, or any mixture thereof, imported by any person into the port of London, from places within the limits of the charter of the said Company, shall be ascertained by the gross price at which the same shall have been sold by auction at the public sales of the said Company; and that such goods shall be landed and secured in such places and in such manner as the commissioners of his Majesty's customs shall require, until the duties thereon shall have been duly paid, or the same shall have been duly exported.

East-India Company to sell Goods within three Years of Importation.

§ 22.

(8) And be it further enacted, that the East-India Company shall fairly and openly expose to sale, and cause to be sold all such goods so charged to pay duty according to the value thereof, by way of public auction, in the city of London, within three years from the importation thereof; and shall give due notice at the custom-house in London, to the officers appointed to attend such sales, of the time and place thereof.

East-India Company may enter by Bill of Sight, also Private Importers.

§ 25.

Ad valorem duties.—Rated duties. — Private importers may enter as the Company may, on bond; provided goods be secured in Company's warehouses.

(9) Provided always, and be it further enacted, that it shall be lawful for the East-India Company without making the proof herein-before required, to enter by bill of sight, to be landed and secured in such manner as the commissioners of his Majesty's customs shall require, any goods imported by them, and also any goods imported by any other person from places within the limits of the charter of the said Company, with the consent of such person, upon condition to cause perfect entry to be made of such goods within three months from the date of the importation thereof; either to warehouse the same or to

LAWS. 1825. 6 Geo. 4, c. 107, § 25.

to pay the duties thereon within the times and in the manner hereinafter mentioned; (that is to say) if such goods be charged to pay duty according to the value, then to pay such duty within four months from the sale of the goods: and if such goods be charged to pay duty according to the number, measure, or weight thereof, then to pay one moiety of such duties within six calendar months fom the time of the importation of such goods, and the other moiety within twelve calendar months from such time; and such goods shall be secured in such places and in such manner as the commissioners of his Majesty's customs shall require, until the same shall have been duly entered, and the duties thereon shall have been duly paid, or until the same shall have been duly exported: provided also, that it shall be lawful for any other person who shall have imported any goods from places within the said limits into the port of London, in like manner to enter such goods by bill of sight in his own name, upon giving sufficient security by bond, to the satisfaction of the commissioners of his Majesty's customs, with the like conditions as are required of the said Company, for making perfect entries, and for selling at the sales of the said Company all such of the said goods as are called "Piece Goods," and for the securing and the paying of duties; provided such goods be entered by such bill of sight, to be warehoused in some warehouse under the superintendance of the said Company, and in which goods imported by the said Company may be secured in manner before mentioned.

Default of Payment of Duties.

§ 26. (10) And be it further enacted, that in default of perfect entry within three months as aforesaid, or of due entry and payment of duty within the times and in the manners herein-before respectively required, it shall be lawful for the commissioners of his Majesty's customs to cause any such goods, in respect of which such default shall have been made, to be sold for the payment of such duties (or for exportation, if they be such as cannot be entered for home use) and for the payment of all charges incurred by the crown in respect of such goods: and the overplus, if any, shall be paid to the proprietor thereof.

In default of payment of duties, goods to be sold.

East-India Company to pay Duties to Receiver-General.

§ 27. (11) And be it further enacted, that the East-India Company shall pay into the hands of the Receiver-General of the Customs, every sum of money due from the said Company on account of the duties of customs, at the respective times when the same shall become due; and that the said receiver-general shall give to the said Company a receipt for the monies so paid, on the account of the collector of the customs, which receipt, when delivered to such collector, shall be received by him as cash.

Goods

Goods damaged on Voyage; Abatement of Duties.

LAWS. 1825. 6 Geo. 4, c. 107, § 28.

When claim to be made.

(12) And be it further enacted, that if any goods which are rated to pay duty according to the number, measure, or weight thereof, (except certain goods herein-after mentioned), shall receive damage during the voyage, an abatement of such duties shall be allowed in proportion to the damage so received; provided proof be made to the satisfaction of the commissioners of his Majesty's customs, or of any officers of customs acting therein under their directions, that such damage was received after the goods were shipped abroad in the ship importing the same, and before they were landed in the United Kingdom; and provided claim to such abatement of duties be made at the time of the first examination of such goods.

Entry of East-India Sugar.

§ 36.

Sugar from limits of charter.—Master to make oath to certificate.

(13) And be it further enacted, that before any sugar shall be entered as being the produce of any British possession in the limits of the East-India Company's charter, the master of the ship importing the same shall deliver to the collector or controller, a certificate under the hand and seal of the proper officer at the place where such sugar was taken on board, testifying that oath had been made before him by the shipper of such sugar, that the same was really and *bonâ fide* the produce of such British possession; and such master shall also make oath before the collector or controller, that such certificate was received by him at the place where such sugar was taken on board, and that the sugar so imported is the same as is mentioned therein.

Prohibited Goods being warehoused.

§ 53.

(14) Any goods of whatsoever sort may be imported into the United Kingdom, to be warehoused under the regulations of any act in force for the time being for the warehousing of goods, without payment of duty at the time of the first entry thereof, or notwithstanding that such goods may be prohibited to be imported into the United Kingdom to be used therein, except tea and goods from China in other than British ships, or by other persons than the East-India Company.

Terms used in Acts.

§ 115.

(15) Whenever the several terms or expressions following shall occur in this act, or in any other act relating to the customs, the same shall be construed respectively in the manner hereinafter directed; (that is to say) that the term "East-India Company" shall be construed to mean the United Company of Merchants of England trading to the East-Indies; that the term "Limits of the East-India Company's Charter" shall be construed to mean all places and seas eastward of the Cape of Good Hope to the Straits of Magellan.

(16) And

LAWS.

1825.

Cape of Good Hope in limits of charter; Mauritius as West-Indies.

6 Geo. 4, c. 111, § 12. (16) And be it further enacted, that, for the purposes of this act, the Cape of Good Hope and the territories and dependencies thereof, shall be deemed to be within the limits of the East-India Company's charter; and the Island of Mauritius shall be deemed to be one of his Majesty's sugar colonies, and placed upon the same footing in all respects as his Majesty's islands in the West-Indies.

Produce of limits imported from Malta or Gibraltar.

§ 13. (17) And be it further enacted, that all goods the produce of places within the limits of the East-India Company's charter, having been imported into Malta or Gibraltar in British ships, shall, upon subsequent importation into the United Kingdom direct from thence, be liable to the same duties as the like goods would respectively be liable to, if imported direct from some place within the limits of the said charter.

Goods warehoused to be cleared in three Years.

c. 112, § 14. (18) Be it enacted, that all goods which have been warehoused shall be duly cleared, either for exportation or for home use, within three years, and all surplus stores of ships within one year from the day of the first entry thereof (unless further time be given by the commissioners of his Majesty's treasury); and if any such goods be not so cleared, it shall be lawful for the commissioners of his Majesty's customs to cause the same to be sold, and the produce shall be applied to the payment of warehouse rent and other charges, and the overplus, if any, shall be paid to the proprietor; and such goods, when sold, shall be held subject to all the conditions to which they were subject previous to such sale, except that a further time of three months from the date of the sale shall be allowed to the purchaser for the clearing of such goods from the warehouse; and if the goods so sold shall not be duly cleared from the warehouse within such three months, the same shall be forfeited: provided always, that if the goods so to be disposed of shall have been imported by the East-India Company, or shall be of the description called "Piece Goods," imported from places within the limits of their charter into the port of London, the same shall, at the requisition of the commissioners of customs, be duly exposed to sale by the said company at their next ensuing sale, and shall be then sold for the highest price which shall be then publickly offered for the same.

EAST-INDIA DOCK COMPANY.

In the year 1803, a measure was brought forward in Parliament for the improvement of the port of London, which had specific reference to the shipping employed by the East-India Company. It appeared to Parliament that the size of the vessels was far larger than others employed by merchants in trade, and that many of them were equal in bulk to ships of the Royal Navy, and that their cargoes were of great value and national importance. The system which then prevailed of loading and discharging the ships, greatly impeded the navigation of the river; the cargoes were liable to plunder, and the public revenue was thereby defrauded to a considerable amount. A company, to be styled, "the East-India Dock Company," was accordingly formed, with a capital of £200,000 in shares of £100 each; £5 per cent. was to be paid on the capital raised, and when the docks were completed, the Company were empowered to grant in the whole £10 per cent. per annum, and they were also allowed to increase their capital to £300,000. Two general meetings of the Company of Proprietors are to be held in the year; one in the month of January, the other in the month of July, and all general meetings of the said Company are to consist of ten of the said proprietors at least, and to be held between the hours of ten in the forenoon and four in the afternoon. The number of directors is thirteen, of whom four are to be chosen out of the directors of the East-India Company. The four directors named in the act were John Roberts, Stephen Williams, Joseph Cotton, and William Thornton (now Wm. Astell), Esquires. In the event of any of the directors of the East-India Company, so nominated, dying, or refusing to act, or shall cease to be a director of the East-India Company for the space of two succeeding years, then the directors of the East-India Company are required to appoint another person out of the directors to be a director of the *East-India Dock Company*. The directors

continue

continue in office for three years: the election is to be held the second Monday in the month of July in each year. A chairman and deputy are to be appointed; nine proprietors of ten shares may require an extraordinary general meeting of the Company, and the directors are required within ten days after delivery of the notice to call such general meeting—not sooner than seven days, nor later than one calendar month after the notice:—

Five shares give one vote,
Fifteen..... two votes,
Thirty..... three votes,
Fifty ..... four votes.

The Chairman has the casting vote, whether the matter or thing discussed is decided by the majority of votes then present or by ballot.

All ships and vessels from India or China are to unload and discharge the whole of their cargoes within the docks. If at any time East-India ships cannot be admitted into the docks, the commissioners of the customs may authorize the cargoes of those particular ships to be discharged elsewhere. Outward-bound East-India ships may load in the docks or below *Limehouse Creek*.

The directors, or any five, may make by-laws, rules, orders, regulations, for the docks, &c.; but a general meeting of the Company may alter and annul any of them. Certain rates are fixed for ships using the docks; the rates may be lowered by the directors and raised again, but not to a higher rate than is expressed in the table of the act.

In 1806, the Company were permitted to increase their capital to £400,000.

No other than East-India vessels to use the docks without consent of the Lords of the Treasury.

Caravans are to be provided for the East-India Company or the conveyance of all goods, wares, and merchandize to the Company's warehouses in London, which caravans are subject to approval by the commissioners of his Majesty's customs.

For more effectually securing to the *East-India Dock Company* the rates granted by the 43d Geo. III, cap. 126, and 46 Geo. III, cap. 113, it was provided, in 1813, by the 53d Geo. III, cap. 155, sec. 28, that the said rates should be paid before goods are delivered to the owners or consignees, and that if the rates on goods are not paid to the *East-India Dock Company* before unloading, they may be sent to the East-India Company's warehouses to be sold, and the rates deducted from the purchase-money.

In 1814, the *East-India Dock Company* were empowered to increase their capital to £500,000, and the Directors were empowered to build warehouses on the banks of such docks.

LAWS.

LAWS.
1803.
43 Geo. 3, c. 126, § 16.

Directors of the said Company.

(1) And be it further enacted, that John Roberts, Stephen Williams, Joseph Cotton, and William Thornton, Esquires, four of the directors of the East-India Company, and their successors, to be appointed in manner herein directed, together with Sir William Curtis, Baronet, John Atkins, Henry Bonham, Abel Chapman, Joseph Huddart, Richard Lewin the younger, William Wells the younger, Robert Wigram, and John Woolmore, Esquires, nine of the members of the said East-India Dock Company, and their successors, to be appointed in manner herein directed, shall be and be called "The Directors of the East-India Dock Company."

East-India Dock Company.

§ 17.

Subsequent appointments of Dock Directors (by the Directors of the East-India Company) in the room of those who shall die, refuse to act, or become disqualified.

(2) Provided always, and be it enacted, that in case the said John Roberts, Stephen Williams, Joseph Cotton, and William Thornton,* or any of them, or any person or persons to be nominated or appointed in his or their room or stead, as a director or directors of the said East-India Dock Company, shall die, or refuse to act in the execution of this act, or shall cease to be a director or directors of the said East-India Company, for the space of two succeeding years, then and in every such case the directors of the said East-India Company shall, and they are hereby required to nominate and appoint, in such manner as to them shall seem right and proper, some other person or persons, out of the Directors of the said East-India Company, to be a director or directors of the said East-India Dock Company, in the room or stead of the director or directors of the said East-India Dock Company so dying, refusing to act, or ceasing to be a director or directors of the said East-India Company, for the space of two years; and every person so nominated

* The present Directors are—
William Astell, Esq., M.P. Edward Parry, Esq.
Sweny Toone, Esq. Campbell Marjoribanks, Esq.

LAWS. 1803. 43 Geo. 3. c. 126, § 17.

nominated and appointed shall have the like powers and authorities, and shall be subject to the like rules, regulations, and restrictions, as the person in whose room or stead he shall be so nominated and appointed.

Rates to be paid for Ships using the Dock.

§ 91. (4) And, in consideration of the great charges and expenses which the making, building, erecting, and providing of such docks, basons, sluices, bridges and other works authorized and intended to be made in pursuance of this act as aforesaid, and the supporting, maintaining, and keeping of the same in repair for the future, be it further enacted, that there shall be payable and paid to the said East-India Dock Company, or to their collectors, receivers, or agents, for the use of the said East-India Dock Company, for every ship or vessel entering into and using any dock or docks, bason or basons, or other works to be made by virtue of this act, by the master or other person having the charge or command of such ship or vessel, or by the owner or owners thereof, the several and respective rates following (that is to say)—

For every such ship or vessel (except country ships or vessels hereinafter described) entering inwards, and unloading her cargo in the said docks, and loading her cargo outwards in the said docks, the rate or sum of fourteen shillings per ton, according to the register tonnage of such ship or vessel, to be paid within ten days after such ship or vessel shall be cleared inwards:

For every ship or vessel built in the East-Indies (called country ships) and navigated by lascars (not less than two-thirds of her crew being lascars), entering inwards, and unloading her cargo in the said docks, and loading her cargo outwards in the said docks, the rate or sum of twelve shillings per ton, register tonnage as aforesaid, to be paid within ten days after such ship or vessel shall be cleared inwards; the last-mentioned rate being two shillings per ton less than the rate on other ships or vessels, in consideration of the expenses of and in the maintenance of the lascars whilst such country ships or vessels are unloading:

For every ship or vessel loading outwards in the said docks, being a new ship, or not having upon her last arrival unloaded inwards therein, the rate or sum of four shillings per ton, register tonnage as aforesaid, to be paid before such ship or vessel shall depart from the docks.

In case any such British, or country, or other ship or vessel, having unloaded her cargo in the said docks, shall remove from the said docks before loading any cargo outwards, and shall not load any cargo outwards in the said docks, there shall be allowed and returned, in respect thereof, the sum of two shillings out of every such fourteen shillings or twelve shillings respectively, to be repaid before such ship or vessel shall sail from the said port of London.

And

LAWS. 1803. 43 Geo. 3. c. 126, § 91.

And in case such ship or vessel shall have completed her regular number of voyages, or shall not be continued in the East-India trade, there shall be allowed and returned, in respect thereof, for the last voyage of such ship or vessel in such East-India trade, the sum of four shillings out of every such fourteen shillings or twelve shillings respectively, to be repaid within one calendar month after such ship or vessel shall be removed from the dock.

And there shall also be payable and paid to the said East-India Dock Company, or to their collectors, receivers, or agents, for their use, for all goods, wares, and merchandize, imported or brought from the East-Indies or China, which shall be landed, unshipped, or discharged from on board of any ship or vessel entering into and using any of the said intended docks or basons, by the East-India Company, or by any other owner or owners, consignee or consignees of such goods, wares, and merchandize respectively (over and above and besides the rates herein before granted and specified) the rate following (that is to say)—

For all goods, wares, and merchandize imported or brought from the East Indies or China, or coming from the East-Indies or China, and unloaded in the said docks, the rate or sum of two shillings per ton (such ton to be estimated and calculated on all goods, wares, and merchandize whatever, according to the usual and accustomed mode of estimating and calculating tons of goods, wares, and merchandize by the East-India Company), which rate or sum shall be paid in respect of all such goods, wares, and merchandize so imported or brought by or for the said East-India Company, within three months after the ship or vessel containing such goods, wares, or merchandize shall be cleared; and in respect of all such goods, wares, and merchandize so imported or brought by or for any other person or persons, such rate or sum of money shall be deducted out of the produce of such goods, wares, and merchandize, at the sales thereof, by the receiver of the East-India Company, and shall by him be paid over to the collector or receiver for the said East-India Company as soon after such sales as the account of such privileged or private trade of such goods, wares, and merchandize can be made up.

Which several rates or sums of money shall be accepted and taken for and in satisfaction of the use and convenience of the said docks, and all charges and expenses of the navigating, mooring, unmooring, removing, and management of such ship or vessel, from her arrival at the entrance into the said docks until such ship or vessel shall be unloaded and removed from the said docks, and also the unloading or unshipping of her cargo and stores within the said docks, and also for the loading of her cargo and stores within the said docks, together with the use of the light dock for any space of time, not exceeding six calendar months from the time of unloading such ship or vessel, in case there shall be sufficient and convenient

LAWS. 1803. 43 Geo. 3, c. 126, § 91.

space for the reception of such ship or vessel in such light dock during such six calendar months; and all such rates shall be and are hereby vested in the said East-India Dock Company, and their successors, executors, administrators, and assigns (holding for the time being shares of the aforesaid capital stock), as their own proper monies, for the several purposes herein mentioned; and such several rates shall be paid to the officer or officers, or person or persons, appointed to collect and receive the same as aforesaid.

Caravans to be provided by the East-India Company.

1806. 46 Geo. 3, c. 113, § 25.

(5) And, for the purpose of preventing frauds being committed on the revenue in the conveyance of goods, wares, and merchandize from the said docks, wharfs, quays, and other works, be it further enacted, that the said East-India Company shall, and they are hereby required to provide and maintain such and so many covered carts, waggons, or caravans, as to them shall seem necessary, for the purpose of safely conveying all goods, wares, and merchandize, from such docks, wharfs, quays, and other works, to the warehouse or warehouses of the said East-India Company; and all such covered carts, waggons, and caravans, shall be provided with such locks and keys, and shall be fitted up and secured in such manner as shall be approved by the commissioners of his Majesty's customs for the time being, or three or more of them.

Rate for Wharfage and Loading the Caravans.

§ 36.

(6) And be it further enacted, that in consideration of the costs, charges, and expenses of making and maintaining such wharfs and quays, and of employing labourers and workmen for the loading or placing of goods, wares, and merchandize, in the carts, waggons, or caravans herein-mentioned, it shall and may be lawful to and for the East-India Dock Company to demand and take, or cause to be demanded and taken, to and for their own use and benefit, of and from the East-India Company, or other owner or owners, consignee or consignees, of such goods, wares, and merchandize respectively (over and above and besides the rates granted and specified in the said recited act, made in the forty-third year of the reign of his present Majesty), for the wharfage of such goods, wares, and merchandize, and for loading or placing the same in the carts, waggons, or caravans as aforesaid, the rate or sum of two shillings for every ton of such goods, wares, and merchandize, such ton to be computed in the manner set forth in the said recited act, made in the forty-third year of the reign of his present Majesty: and that it shall be lawful for the said East-India Company, or their Court of Directors, upon sufficient cause being shewn to them, from time to time to increase the said last-mentioned rate in such proportions, not exceeding in the whole one shilling for every ton of such goods, wares, and merchandize, in addition to the said rate or sum of two shillings for every ton of such goods, wares, and merchandize, as to them shall appear just and reasonable: provided always, that nothing herein contained, shall authorize

LAWS. 1806. 46 Geo. 3, c. 113, § 36.

thorize the said East-India Dock Company to make any charge, or receive any compensation for the labour of landing such goods, wares, and merchandize, of the said East-India Company, or those to be delivered into their warehouses; but such work shall be considered as compensated for by the tonnage rate or duty granted by the said last-mentioned act.

§ 37.

East-India Dock Company to receive such rates for conveying of goods, &c. as shall be agreed on.

(7) And be it further enacted, that in consideration of the costs, charges, and expenses of making and maintaining such wharfs and quays, and of employing labourers and workmen, and for carrying and conveying such goods, wares, merchandize, stores, articles, matters, and things, to or from the said docks, basons, and other works, it shall and may be lawful to and for the said East-India Dock Company to demand and take, or cause to be demanded and taken, to and for their own use and benefit, such rate or rates, or sum or sums of money, for the wharfage, and for carrying or conveying such goods, wares, merchandize, stores, or other matters or things, or any of them, to or from the said docks and basons, or for any other service as shall be required by the East-India Company, or the owners of the East-India Shipping, for the accommodation or convenience of the said shipping, as shall be mutually agreed upon between the said Company of Proprietors, or their directors, and the proprietor or proprietors of such goods, wares, merchandize, stores, or other articles, matters, or things, or the said East-India Company, or the owners of the East-India Shipping.

Rates to be paid before Goods delivered.

1813. 53 Geo. 3, c. 155, § 25.

Rates granted to the East-India Dock Company, by 43 Geo. 3, and 46 Geo. 3, to be paid before goods are delivered to the owners or consignees.

(8) 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 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. *If*

LAWS.

1813. 53 Geo. 3, c. 155, § 29.

If Rates not paid, Goods to be sent to East-India Company's Warehouses to be sold.

(9) 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 unloading, they may be sent to the East-India Company's warehouses to be sold, and the rates shall be deducted from the purchase-money.

Dock Company may build Warehouses, &c.

1814. 54 Geo. 3, c. 228, § 9.

(10) And be it further enacted, that it shall be lawful for the said directors, from time to time, by themselves, their deputies, agents, servants, and workmen to build and erect, or cause to be built and erected, such and so many warehouses, wharfs, quays, cranes, sheds, and engines, as they shall think necessary and proper, along the banks of or adjoining, or near the several docks and basons made and to be made by virtue of the said recited acts, and in this act, convenient and sufficient for the trade and business of the said docks, for both homeward and outward bound ships, and for the landing and discharging, lading, and shipping of any goods, wares, or merchandize, that shall or may at any time or times be legally landed or shipped at the said docks.

Tea and other Goods.

1806. 46 Geo. 3, c. 113, § 28.

(11) Provided also, and be it enacted, that it shall be lawful to and for the said East-India Company to land or cause to be landed any chest or chests of tea, or other goods, wares, or merchandize, subject or liable to be weighed, for the purpose of ascertaining the duty or duties to be paid thereon, being the property of or belonging to the East India Company, or belonging to or the property of any individual or individuals, commonly called or known by the name of "Privileged and Private Trade," or of any other description whatsoever, from any ship or ships, vessel or vessels, within the said docks and basons, upon the said wharfs and quays, or any of them, and to convey the same in such covered cart or carts, waggon or waggons, caravan or caravans,

Tea and other goods may be landed and conveyed by the caravans to the warehouses of the East-India Company without being previously weighed.

caravans, and to deposit such chest or chests of tea, and other goods, wares, and merchandize, so subject and liable to be weighed as aforesaid, in the warehouse or warehouses of the East-India Company, without such chest or chests of tea, or other such goods, wares, or merchandize respectively, being weighed or liable to be weighed by any officer of his Majesty's customs or excise on the landing thereof: provided always, that the proper officer or officers of the said East-India Company shall, and he and they is and are hereby required to weigh or cause to be weighed every such chest or chests of tea, and all such goods, wares, and merchandize, as soon as possible after the same respectively shall be brought into such warehouse or warehouses, in the presence of the officer or officers of his Majesty's customs or excise then on duty at such warehouse or warehouses respectively.

LAWS.

1806. 46 Geo. 3, c. 113, § 28.

As to Landing, Entering, Bonding, and Sale of Goods.

For securing small packages in East-India ships.

1814. 54 Geo. 3, c. 228. § 12.

(12) And whereas many valuable goods and articles are imported from the East-Indies and China in small packages and parcels, and to prevent the loss of the same; be it further enacted, that every commander of a ship or vessel in the employ of the said United Company, or engaged in private trade, shall, within ten days next after he shall leave his last consigned port in the East-Indies or China, in the presence of two or more of the officers of such ship or vessel, collect all such small packages and parcels, and cause the same to be put into a case or cases respectively containing not less than six cubical feet, and cause the contents of every such case to be marked on the outside thereof, and that a register of every such transaction shall be entered in the log-book, and a copy thereof annexed to the manifest delivered at the Custom-House; and that every case containing such small packages and parcels shall be sent to the East-India Company's warehouses in the order and condition hereinbefore described; and every commander neglecting to put any small package or parcel into such case as aforesaid, shall, for every such offence, forfeit and pay a sum not exceeding one hundred pounds.

For entering and bonding goods by the East-India Company.

§ 14.

(13) And be it further enacted, that in case any goods, wares, or merchandize, the produce of any place or places within the limits of the East-India Company's charter, shall be brought into any of the said docks or basons, on board of any ship or vessel, and shall not be duly entered at the Custom-House in London, and also at such other office of his Majesty's revenue as shall be required by law, within seven days next after the ship or vessel importing the said goods, wares, or merchandize shall have entered the said inner dock, then and in every such case the directors of the United Company of Merchants of England, trading to the East-Indies, or some officer or officers appointed by them for that purpose, shall, and they are hereby required, on the next ensuing day (not being a Sunday, Christmas-day, or Good Friday, or a day appointed by his Majesty's proclamation for the purpose of a general fast or thanksgiving) to cause such goods, wares, or

LAWS.

or merchandize to be duly entered at the Custom-House, or other proper revenue officer, and thereupon to give security according to law for the payment of the duties to which the same shall be subject.

1814. 54 Geo. 3, c. 28, § 15.

(14) And be it further enacted, that all ships and vessels arriving in the said inner dock shall be cleared and discharged with all convenient speed, and all goods, wares, and merchandize imported in private trade, which shall be landed therefrom, and which shall be bonded by the said United Company as aforesaid, or otherwise howsoever, and which are prohibited goods, shall, without loss of time (unless the contrary shall be ordered by the Lords Commissioners of his Majesty's treasury, or any three or more of them, as hereinafter mentioned), be sent to and deposited in the warehouses of the said United Company, who shall account to the said East-India Dock Company for the rates and duties payable to them in respect of the same; and such goods, wares, and merchandize shall be sold, under the order and authority of the Court of Directors of the said United Company, on account of the proper owners thereof, and the duties of customs and excise, and the rates, charges, and expenses payable to the said East-India Dock Company, in respect of the same, shall be deducted and paid to the proper officers of his Majesty's revenue, and to the said East-India Dock Company, their receivers or collectors, by the said United Company; provided always, that the said United Company shall not be or be deemed liable to the payment of any freight for any such goods, wares, or merchandize, so deposited in their warehouses, beyond the nett proceeds of such goods, wares, and merchandize, on such sale as aforesaid, after retaining and defraying the warehouse rent, costs and charges of landing, sale and management, the dock dues and duties payable to his Majesty in respect thereof; and the master and owner or owners of any vessel from which any such goods, wares, or merchandize shall have been landed, shall have the same lien upon such nett proceeds of such goods, wares, and merchandize, for the freight thereof, as they shall have been entitled to upon the same goods, wares, and merchandize, before the landing thereof, or if he or they shall give notice in writing of his or their claim or lien before such nett proceeds shall have been paid over to the consignees or owners of such goods, wares, or merchandize.

Goods bonded, and prohibited goods when landed, to be sent to the East-India Company's warehouses. — Application of the proceeds of goods sold at the East-India Company's sales.

§ 16.

(15) And be it further enacted, that the said United Company shall, and they are hereby required, at their own proper costs and charges, to provide proper and sufficient caravans or carriages, lighters or craft, with sufficient servants or workmen ready to remove or carry away any goods, wares, and merchandize, to be deposited in their warehouses when and as soon as the same shall be landed in the discharge of any ship or vessel in the said inner dock, and to cause all such goods, wares, and merchandize to be forthwith removed and carried away accordingly.

East-India Company to remove goods as soon as landed.

ECCLESIASTICAL ESTABLISHMENT.

By the charter of King William, granted in 1698, the Company are required to maintain ministers in India; and it is likewise provided, that no such minister shall be sent out until he shall have been approved of by the Archbishop of Canterbury, or the Bishop of London, for the time being. It is under this restriction that the Court of Directors have, from time to time, nominated chaplains to their several presidencies of Bengal, Madras, Bombay, Prince of Wales' Island, St. Helena, and to their factory in China. At that period it was required that all ministers sent to reside in India should learn within one year of their arrival the *Portuguese* language, and should apply themselves to learn the native language of the country where they might reside, the better to enable them to instruct the Gentoos, servants of the Company, in the Protestant religion.

As the period approached when the renewal of the Company's exclusive privileges came under the consideration of Parliament in 1813, petitions from various parts of the kingdom were presented to the Legislature, praying that provision might be made for the resort to India of missionaries, and other persons, who might be desirous of proceeding to that country, for the purpose of introducing amongst the natives useful knowledge and religious and moral improvement.

Amongst the resolutions submitted by Lord Castlereagh to the House of Commons, in 1813, there was one declaring it to be expedient that the church establishment, in the British territories in the East-Indies, should be placed under the superintendance of a bishop and three archdeacons; and that adequate provision

provision should be made from the territorial revenues of India for their maintenance. It was at the same time remarked, that provision ought to be made for the maintenance of some members of the Scotch church. On an assurance that every disposition would be shewn by the East-India Company to support the Scotch church in India, the proposed resolution was agreed to. The 49th and four following sections of the 53d Geo. III, cap. 155, were accordingly passed, providing that should his Majesty be pleased, by his letters-patent under the great seal, to erect, found, and constitute one bishoprick for the whole of the British territories in the East-Indies, and three archdeaconries, certain salaries should be paid out of the revenues at a specified rate of exchange, to commence from the time the parties respectively take upon them their several offices.

The letters-patent were accordingly issued on the 2d May 1814, by which the British territories in India were constituted and ordained to be a Bishop's See, to be called the Bishoprick of Calcutta; and to be subject and subordinate to the Archiepiscopal See of Canterbury, in the same manner as any bishop of any see within the province of Canterbury, except in the matter of appeals from judgments, decrees, and sentences pronounced by the Bishop of Calcutta. The bishop has full power to confer the orders of deacon and priest, and to perform all the other functions peculiar to a bishop, and by himself, or by his commissary or commissaries to exercise jurisdiction, spiritual and ecclesiastical, in and throughout the see and diocese, according to the ecclesiastical laws of England; and to grant licence to officiate to all ministers and chaplains of all the churches or chapels, or other places within the diocese wherein divine service may be performed, and to visit such ministers with all manner of jurisdiction, power, and coercion ecclesiastical, that may be requisite. And for aiding the bishop an archdeaconry is established at the three presidencies of Fort William, Fort St. George, and Bombay, subject and subordinate to the Bishop's see. The archdeacon is appointed the commissary of the bishop within each archdeaconry. After the death of either of the said archdeacons, the bishop is invested with power to

to collate to the office of archdeacon, in all times to come, any priest, being one of the Company's chaplains resident in India. In the event of the death of the bishop, the functions, of the see are to be exercised, as far as by law they may be, by the Archdeacon of Calcutta; or in the case of a vacancy of the said archdeaconry, then by the Archdeacon of Madras, or the Archdeacon of Bombay, or by two clergymen of the church of England, resident within the diocese, as may be directed by the governor-general in council. During a vacancy of either of the archdeacons, and till the bishop shall collate a successor, the duties are to be performed by one of the chaplains of the presidency; and if no chaplain be there, then by a discreet minister in priest's orders of the church of England, to be nominated by the governor in council of the presidency. The Court of Directors, their respective governments, and others, are to aid and assist the bishop and archdeacons in the execution of these premises. The bishop is to appoint a registrar at each presidency. All matters are to be judicially examined and proceeded in before the bishop, or his commissary or commissaries. The judges of the Supreme Court at Calcutta, and the members of council there, are constituted the King's commissioners delegate, to hear appeals, any three of whom, one being a judge of the Supreme Court, have power finally to decide and determine such appeals in as ample manner and form as the commissioners appointed under the great seal, by virtue of the statute of the twenty-fifth of Henry VIII.: one of the judges concurring in the decision on any appeal.

If any archdeacon or chaplain be deprived of his office, or be suspended therefrom, or subjected to ecclesiastical punishment, or censure, a copy of the sentence promulgated is to be transmitted by the bishop, or his commissaries, to the Government. The supreme courts at Calcutta, Madras, and Bombay, have the power of interference by writ of prohibition or mandamus.

The provisions of the several charters whereby ecclesiastical jurisdiction is given to the said Courts of Judicature and Recorder's Court respectively, so far as the same does not appertain to the correction of clerks or the spiritual superintendance

perintendance of ecclesiastical persons, are not repealed, varied, or altered. The bishop and archdeacons are, respectively, bodies corporate, and empowered to hold lands, and the bishop is to have a corporate seal. The powers of the several governments as to the residence of persons in India, are not in any way abridged or limited by the letters-patent. The power of recalling the bishop is vested in the King. The resignation of the bishop is to be by instrument under his hand and seal, delivered to the King's commissioner delegate, and to be by him accepted and registered; the resignation of the archdeacons and their successors, by a like instrument, delivered to the Bishop of Calcutta, for the time being. The *bonâ fide* expenses of the bishop's visitation to the several presidencies in his diocese are borne by the Company. Although the bishop has power to grant license to ministers to officiate, it does not appear that his Lordship has power to appoint, at his discretion, the Company's chaplains to particular stations in his diocese. In 1821, a correspondence took place between the Supreme Government and the Government of Madras, at the instance of the Bishop of Calcutta, as to the establishment of a Consistorial Court at the latter presidency, and also at Bombay. The legal opinions obtained in Bengal were in support of such right; for although the term consistory courts does not occur in the letters-patent, a jurisdiction is given to the bishop and his commissaries to act in such a manner as constitutes them judges with very great powers, which cannot be exercised except in a court; and the Consistory Court is defined to be the court, Christian or Spiritual Court, which every bishop has, and which is held before his chancellor or his commissary, for all ecclesiastical causes within his diocese. The authorities referred to in this country entirely concurred in the opinions given at Calcutta. The jurisdiction, although limited in its nature, must be exercised judicially in all grave matters of correction; the consequences to individuals may be of the most serious nature, as the power of the bishop or his commissary extends to deprivation; and the proceedings must consequently be had *in curia*, and not *in camera*.

The Reverend Dr. Middleton was the first bishop nominated in

in the letters-patent. His Lordship proceeded to India in 1814, and died on the 8th July 1822.

His successor, the Reverend Dr. Heber, was appointed on the 14th May 1823, and proceeded to Calcutta in that year.

The archdeacons nominated by the letters-patent were

The Reverend Henry Lloyd Loring, Calcutta;
The Reverend John Mousley, ...Madras;
The Reverend John Barnes, ...Bombay.

Mr. Loring died in September 1822, and was succeeded by the present archdeacon, the Reverend Dr. Corrie, in December 1823.

Mr. Mousley died in August 1819, and was succeeded by the present archdeacon, the Reverend E. Vaughan.

The Reverend J. Barnes retained the office of Archdeacon of Bombay in 1825, but there is reason to believe that Mr. Barnes is on his way to Europe.

The salary of the bishop is fixed at £5,000 per annum.

The salaries of the archdeacons £2,000 per annum each. The salaries commence from taking office. The bishop and archdeacons are respectively entitled to passage-money and pensions.—(*Vide* Salaries, Passage-Money, Pension, &c.)

The respective chaplains at the several presidencies are appointed by the Court of Directors; they are divided into two classes, *viz.* senior and junior: each chaplain, after eighteen years' service in India (ten of which at a military station), including three years for one furlough, is allowed to retire with the pay of major.

After eighteen years' service in China, including three years' furlough, £200 per annum.

After ten years' service in India, and ill-health not permitting a continuance in the service, the half-pay of major; after seven years', the half-pay of captain.

It has already been observed, that the attention of the Company would be given to the appointment of Scotch chaplains, the Court of Directors have accordingly nominated two clergymen of the Church of Scotland to each of the presidencies of Calcutta, Madras, and Bombay.

Doubts having arisen as to the validity of marriages solemnized within the British territories in India by ordained ministers

ministers of the Church of Scotland, as by law established, an act was passed in June 1818, declaring that all marriages solemnized in India before the 31st December of that year by such ministers, should be of the same force as if solemnized by clergymen of the Church of England; and after that period, if solemnized by members of the Church of Scotland, appointed chaplains by the East-India Company, the parties to sign a declaration that they, or he, or she, as the case may be, are, or is members or member of the Scotch Church. The minister is to certify the marriage, and to deliver a duplicate of the certificate to the party, and transmit another to the secretary at the presidency.

LAWS.

Approval of Chaplains by Archbishop of Canterbury, or Bishop of London.

LAWS. 1698. Ch. Wm. 3

(1) And moreover no minister shall be sent by the Company to the East-Indies, or other the parts within the limits aforesaid, until he shall have been first approved of by the Archbishop of *Canterbury*, or the Bishop of *London*, for the time being, all which said ministers so to be sent, shall be entertained from time to time with all due respect.

Bishoprick in India.

1813. 53 Geo. 3, c. 155, § 49.

If a bishop and three archdeacons shall be established in India by his Majesty's royal letters-patent, their salaries to be paid by the Company.

(2) 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 St. 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; 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

LAWS. 1813. 53 Geo. 3, c. 155, § 49.

and to each of the archdeacons two thousand pounds by the year.—(*Vide* Salaries, p. 610.)

Bishop to have no jurisdiction or functions except such as may be limited by letters-patent.

(3) Be it 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. § 51.

His Majesty may grant to the bishop, by letters-patent, such ecclesiastical jurisdiction as he may think necessary.

(4) Be it 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 superintendance 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. § 52.

Warrant for letters-patent to be countersigned by the President of the Board.

(5) Be it 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. § 53.

Residence and Expense of Bishop's Visitation.

1824-5. 5 & 6 Geo. 4 c. 71.

(6) Be it enacted, that it shall and may be lawful for the said Company, and they are hereby required to provide a suitable house at Calcutta for the residence of the said Bishop, and that the expense of the visitations to be made by the said bishop from time to time shall be defrayed by the said Company, out of the revenues of the British territories in India; provided always, that no greater sum on account of providing such house or of such visitations be at any time issued, than shall from time to time be defined and settled by the Court of Directors of the said Company, with the approbation of the Commissioners for the Affairs of India, any law or statute to the contrary notwithstanding.

(7) And whereas doubts have arisen whether the Bishop of Calcutta, in conferring holy orders, is subject to the several provisions and limitations established by the laws of this realm, or canons ecclesiastical, as to the titles of the persons to be ordained, and as to the oaths and subscriptions to be by such persons taken and made; be it further declared and enacted, that it shall and may be lawful for the Bishop of Calcutta for the time being to admit into the holy orders of deacon and priest, respectively, any person whom he shall, upon examination, deem duly qualified, specially for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity within the limits of the said diocese of Calcutta, and residing therein; and that a declaration of such purpose, and a written engagement to perform the same, under the hand of such person, being deposited in the hands of such bishop, shall be held to be a sufficient title with a view to such ordination; and that in every such case it shall be distinctly stated, in the letters of ordination of every person so admitted

LAWS.

1824-5. 5 & 6 Geo. 4, c. 71.

admitted to holy orders, that he has been ordained for the cure of souls within the limits of the said diocese of Calcutta only; and that unless such person shall be a British subject, of or belonging to the United Kingdom of Great Britain and Ireland, he shall not be required to take and make the oaths and subscriptions which persons ordained in England are required to take and make; provided always, that nothing herein contained shall be construed to repeal or affect the provisions of an act passed in the fifty-third year of the reign of his late Majesty King George the Third, or any letters-patent issued by his late Majesty, or by his present Majesty, their heirs and successors, in virtue of the said act, or of their lawful prerogative.

ELECTION OF DIRECTORS.

Previously to the year 1773 the twenty-four directors were elected every year. It was considered that this mode of electing and choosing directors had not answered the good purposes intended by such measure, but that, on the contrary, by limiting the duration of their office to so short a time, the authority of the Court of Directors was weakened, and instability produced in the councils and measures of the Company. The act of 13 Geo. III, cap. 63, was accordingly passed, which provides that, instead of twenty-four directors being chosen at the then ensuing election for one year, six should be chosen for four years, six for three, six for two, and six for one year; after which, at every annual election during the continuance of the charter, six new directors are to be chosen, and to continue to be directors for the term of four years and no longer; which period was to be accounted from the day in which the election of such directors was respectively made; and in case the office and authority of any such director becomes void by death, removal, or otherwise, another is to be chosen from time to time in his place, to serve as a director during the remainder of such term for which the person whose office shall have become void was chosen and no longer. As the day of election, in the year 1777, would have fallen on Sunday, the 17th Geo. III, cap. 8, was passed, under which act the general election of six directors, for four years, is to be made on the second Wednesday in the month of April in each year, instead of the same being made on the exact day of the expiration of the term of four years.

The by-laws ordain that previous to every annual election, seven months' notice thereof shall be given, and two printed lists of the names of the members who appear qualified to vote shall

shall be ready to be delivered the first, at least, five months and the second fourteen days before the day of election: a list is likewise to be published thirty days before the annual election of directors, containing the names of such proprietors qualified agreeably to law, as shall signify in writing to the secretary their desire of becoming candidates for the direction, thirty-two days before such annual election. No list given at such ballot is to contain more than six names of persons, duly qualified to be directors.

Whenever a vacancy occurs in the place of a director, another is to be chosen in his room within a period not exceeding forty days after the declaration of the vacancy, ten days notice being given of the day of election. It has already been noticed, under the head Court of Directors, that no person is qualified for a director who does not possess two thousand pounds stock, and that every person who may be elected is to take the prescribed oath within ten days after such election, or his election is to become void.

LAWS.

Annual Election to be second Wednesday in April.

LAWS.

1777. 17 Geo. 3, c. 8, § 1.

General election of directors for 1777 to be on Wednesday, April 16; and all future annual elections on the second Wednesday in April.

(1) And whereas the day of election of directors in the year one thousand seven hundred and seventy-seven, according to the said recited act, will happen on Sunday, the thirteenth day of April, one thousand seven hundred and seventy-seven; but it is highly improper that such election should be made on a Sunday, and it is expedient that the like impropriety should be prevented in future; be it therefore 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, instead of the said general election of six directors of the said United Company, in the said year one thousand seven hundred and seventy-seven, for the term of four years, being made on Sunday, the said thirteenth day of April, one thousand seven hundred and seventy-seven, the same election shall be made on Wednesday, the sixteenth day of the same month of April; and in respect to all future annual elections of directors of the said United Company, instead of the same being made on the exact day of the expiration of the term for which the former directors were elected, in pursuance of the said recited act, such future annual general elections of directors of the said United

 Company

LAWS. Company shall be made on the second Wednesday in the month of April in every year.

Six Directors to be chosen annually.

1773. 13 Geo. 3 c. 63, § 1. (2) At every subsequent election, during the continuance of the charter of the said United Company, six new directors shall be chosen, and shall continue to be directors for the term of four years, and no longer, to be accounted from the day on which the election of such directors was respectively made; and in case the office and authority of any such director shall become void by death, removal or otherwise, another shall be chosen from time to time, in his place, to serve as a director during the remainder of such term for which the person whose office shall have become void was chosen, and no longer.

By 17 Geo. 3, c. 8, the annual election is fixed to the second Wednesday in April.

Persons who have held Office in India to be resident two Years in England.

§ 2. (3) And it is hereby further enacted, that no person or persons whatsoever, employed in any civil or military station, office, or capacity whatsoever, in the East-Indies, or claiming or exercising any power, authority, or jurisdiction therein, shall be capable of being appointed or chosen into the office of director until such person or persons shall have returned to and been resident in England for the space of two years; any law or usage to the contrary notwithstanding.

No person employed in the East-Indies shall be chosen a director, until he shall have been resident in England for two years.

BY-LAWS.

Seven Months' Notice to be given of annual Election.

By-Laws. c. 7, § 5. *Item, it is ordained*, that previous to every annual election of directors, at least seven months' public notice shall be given thereof; and two printed lists of the names of the members who appear qualified to vote shall be ready to be delivered, the first at least five months, and the second at least fourteen days before the day of election.

List of Candidates to be published thirty Days before Election.

§ 6. That a list shall be published thirty days before the annual election of Directors, containing the names of such proprietors, qualified agreeable to law, as shall signify in writing, to the secretary, their desire of becoming candidates for the direction thirty-two days before such annual election.

List of the Ballot not to contain more than six Names.

§ 7. That in all elections to be annually made of six directors for four years, in pursuance of the act of Parliament of the 13th year of his Majesty King George III, cap. 63, each proprietor voting shall give in

in a list, containing not more than six names of persons duly qualified to be directors; and if any list shall contain the names of more than six persons duly qualified, every such list shall be totally rejected.

By-Laws. c. 7, § 7.

No List to be received after Glass finally sealed.

§ 2. That no list shall be received for any election after the glass is finally sealed up according to the time prefixed.

On equality of Votes for Directors Lots to be drawn.

§ 3. That if, upon the scrutiny for directors, any two or more persons qualified shall have an equal number of votes, the election in such cases, shall be determined by drawing lots in the General Court in which such scrutiny shall be reported.

Mistakes in Names, Scrutineers to determine.

§ 4. That if, on the scrutiny, two or more persons qualified for the same office have the same christian and surnames, and are not distinguished by their additions; or if a wrong christian name in any list is placed to a surname, when but one person of that surname is qualified; or literal mistakes are made in christian or surnames: in every of the said cases, the majority of the scrutineers may determine the person or persons so intended; but in case of the scrutineers being equally divided, the question shall be decided by drawing lots.

Votes obtained by indirect Means render incapable of Office.

§ 1. That if any member of this Company shall by menaces or promises, collusive transfer or transfers of stock, by any fee, present, reward, or remuneration, under the plea of defraying travelling expenses, or under any other plea or pretence whatsoever, directly or indirectly, obtain or endeavour to obtain, any vote for the election of himself, or any other, to be a director, and be declared guilty thereof at a General Court to be called for that purpose, such person shall be incapable thereafter of holding any office, the qualification for which is subject to the regulation of the General Court, and if a director, be further liable to be removed from his office.

EXECUTORS AND ADMINISTRATORS IN INDIA.

THE administration to estates of persons dying in the East-Indies, is regulated by the acts of the 39th and 40th Geo. III, cap. 79, and by the 55th Geo. III, cap 84. An act was also passed in 1825, 6th Geo. IV, cap. 61, regulating the distribution of the effects of officers and soldiers dying in service, and the receipt of sums due to soldiers without taking out letters of administration.

LAWS.

Registrar of Ecclesiastical Court to apply for Letters of Administration.

LAWS. 1800 39 and 40 Geo. 3, c. 79, § 21.

(1) And whereas great inconveniencies have arisen from the practice of granting letters of administration by the said Supreme Court of Judicature at Fort William aforesaid, in cases where the next of kin, or any of the creditors of the deceased, do not apply for the same, to persons calling themselves friends of the deceased; be it therefore further enacted, that, from and after the first day of March, which will be in the year of our Lord one thousand eight hundred and one, whenever any British subject shall die intestate within either of the presidencies of Fort William, Fort Saint George, or Bombay, or the territories subordinate to either of the said presidencies, or to become subordinate thereto, and on return of the citation to be issued from the proper ecclesiastical court, no next of kin or creditor shall appear and make out their claim to the administration of the effects of the intestate deceased, to the satisfaction of the said court, it shall and may be lawful for the register of such court respectively, and he is hereby required to apply for, and such court is hereby required and directed to grant such letters *ad colligenda*, or of administration, as to such court shall seem meet, by virtue whereof such register shall collect the assets of the deceased, and shall bring them for safe custody into such court, and account for

From March 1, 1801, whenever any British subject shall die within either of the presidencies or subordinate territories, and no next of kin or creditor shall appear, the register of the ecclesiastical court shall apply for letters of administration, and shall collect the assets of the deceased, and bring them into court, and account for them.

for them regularly, in like manner as he is now by law provided in cases where assets are vested in the hands of any officer of the court, under or by virtue of the equitable jurisdiction of any such court. LAWS. 1800 39 and 40 Geo. 3, c. 79, § 22.

When any next of kin or creditor, who shall have been absent, shall make out his claim, the letters of administration to the register shall be recalled, and letters granted to the claimant.

(2) Provided always, and be it further enacted, that when any next of kin or creditor, who, at the time of the return of the above citation, shall have been absent in Europe or elsewhere, shall make and establish their claim to the administration of the assets of such intestate, the letters *ad colligenda*, or of administration, granted by virtue of this act to the said register, shall be recalled, and administration in due form granted to such next of kin or creditor respectively.

Letters of Administration to Attornies or Executors.

1815. 55 Geo. 3, c. 84, § 2.

(3) And whereas by an act passed in the thirty-ninth and fortieth year of the reign of his present Majesty, intituled, "An Act for establishing further Regulations for the Government of the British territories in India, and for the better Administration of Justice within the same," it was enacted among other things, that whenever any British subjects should die intestate, within either of the presidencies of Fort-William, Fort St. George, or Bombay, or the territories subordinate or to become subordinate thereto, and on return of the citation to be issued from the proper Ecclesiastical Court, no next of kin or creditor should appear and make out their claim to the administration of the effects of the intestate to the satisfaction of the said court, it should and might be lawful for the registrar of such court, and he was thereby required to apply for, and such court was thereby directed to grant, letters *ad colligenda*, or of administration, to such registrar, in manner as the said act set forth: and whereas the said act doth not expressly provide for the cases of executors or administrators, or persons entitled to administration, as herein-after mentioned, not resident within the jurisdiction of such courts, who may have appointed attornies resident or being therein; and it hath been doubted whether the said courts were not required under the said act, to grant letters *ad colligenda*, or of administration, to their registrars, in preference to attornies so appointed; and it is fit that such doubts be removed; be it therefore enacted and declared, that when the executor or administrator lawfully appointed, or the person entitled to administration as next of kin or residuary legatee with the will annexed, of any person deceased, whose effects shall be subject to the jurisdiction of any of the said courts in respect to the granting of administration, not being resident within the jurisdiction of such court, shall have appointed or shall hereafter appoint, either by power of attorney under seal, or by any other sufficient authority, to be shewn to the satisfaction of the said court, any person or persons resident or being within such jurisdiction to act for such executor or administrator, or person entitled to administration as aforesaid, in collecting or administering

LAWS. 1815. 55 Geo. 3, c. 84, § 2.

tering in any manner the effects of the deceased, the person or persons so appointed shall be entitled to obtain letters *ad colligenda*, or of administration, either general or special, as the tenor of such authority and the nature of the case may require, preferably to the registrar of such court, and all other persons to whom such executor or administrator, or persons entitled as aforesaid, would have had a preferable claim, if personally resident within the jurisdiction of the said court.

Making void Letters of Administration to Registrar.

§ 3. (4) And be it further enacted, that where any such letters *ad colligenda*, or of administration, shall have been granted to the registrar of such court, and application shall be afterwards made by any person or persons so appointed as aforesaid for the revocation thereof, in order to grant other letters to such person or persons, the letters so granted to such registrar shall be revoked, unless it shall appear to the said court that there has been unreasonable delay, either in the transmission of the authority under which such application is made, or in making such application: provided always, that when any letters *ad colligenda*, or of administration, shall have been actually granted to the registrar of any such court by virtue of the act herein-before recited, and shall be revoked on the application of such attorney or attornies as aforesaid, it shall be lawful for such court, if they shall think fit, to direct that the whole or part of any commission, in respect to the administration of assets which may arise or become due by virtue of any reasonable custom, obtaining within the jurisdiction of such court, shall be allowed to such registrar out of any assets which may have come to his hands, regard being had to the trouble and responsibility actually incurred, and to the service rendered by the said registrar in the collection of such assets: provided, also, that nothing in this act contained shall be construed to render necessary the taking out of letters *ad colligenda*, or of administration, from any of the courts aforesaid, by any such attorney or attornies, otherwise than it would have been if this act had not been made; and that no claim or right to any such commission in respect of administration of effects as aforesaid, shall be deemed to accrue to any such attorney or attornies by reason of letters *ad colligenda*, or administration, taken out by him or them in virtue of such authority as aforesaid, nor any other or further commission than would have been payable to him or them as agents, either according to the usual and reasonable rates of such an agency, or by special agreement.

§ 4. (5) Provided also, and be it further enacted, that this act shall not, nor shall any thing herein contained, in anywise prejudice or affect the rights, claims, actions, suits, or appeals of any person or persons being entitled to or claiming to be entitled, either as principal or principals, attorney or attornies, to the probate or

Not to affect the rights of persons entitled to probates of wills of administration of effects of persons who shall have died before

the passing of this act, &c.

probates of any will or wills, codicil or codicils, or letters *ad colligenda*, or of administration, of the goods, chattels, and effects of any person or persons who shall have died before the passing of this act; nor the rights, claims, actions, suits, or appeals of any person or persons claiming or suing, or to claim or sue for the recall or repeal of any letters *ad colligenda*, or of administration, granted of the goods, chattels, or effects of any person or persons who shall have died before the passing of this act, which may have been or shall be granted to any such registrar as herein-before mentioned: nor to the rights, claims, actions, suits, or appeals of any person or persons claiming or to claim as executors, legatees, or next of kin of any person or persons who shall have died before the passing of this act, in any way relating to the goods, chattels, property, estate, or effects of such deceased person or persons, or to the transactions, acts, deeds, neglects, defaults, intermeddlings, or accounts of any such registrar relating to any such goods, chattels, property, estate, or effects, or under or by pretence of any letters *ad colligenda*, or of administration, which may have been granted to him; nor in any way to entitle any such registrar to any commission, compensation, or allowance in respect of any thing done or to be done by him in relation to the goods, chattels, debts, credits, estate, or effects of any person or persons who shall have died before the passing of this act, which he would not have been entitled to if this act had not been passed; but every person being entitled to or claiming any such probate or probates, letters *ad colligenda*, or of administration, or to have any such letters *ad colligenda*, or of administration, recalled or repealed, or having or being entitled to or claiming or claim any such cause or causes of action, suit, or appeal, shall be entitled thereto, and all benefit and advantage thereof, and to prosecute and carry on the same, in the same manner, as he, she, or they would have been entitled if this act had not been passed.

LAWS. 1815. 55 Geo. 3 c. 84, § 4.

Registrar when appointed Administrator, to enter in a Book separate Accounts.

§ 5. (6) And be it further enacted, that in all cases in which the registrar of any of the said courts shall be appointed administrator under the aforesaid act, besides filing an inventory and account-current according to the tenor of the administration bond and the usual course of the Ecclesiastical Court, he shall enter into a book, to be kept by him for that purpose, separate and distinct accounts of each estate, and of all such sums of money, bonds, and other securities for money, goods, effects and things as shall come to his hands, or to the hands of any persons employed by him or in trust for him by virtue of any letters *ad colligenda*, or of administration, granted to him under the authority of the said act, and likewise of all payments made by him for or on account of the said estates, and of all debts due by or to

LAWS. 1815. 55 Geo. 3, c. 84, § 5.

to the same, specifying the dates of such receipts and payments respectively; which said book shall be kept in the registrar's office, and shall be open for the inspection of all such persons, practitioners in the said courts, or others, as may have occasion to inspect the same, at office hours, paying such reasonable fee as may be fixed therefore by the said courts, and no more; and the said registrars shall twice in every year, that is, on the first day of March and on the twenty-second day of October, or on the first day after those days on which their respective courts shall be sitting, exhibit and deliver in open court, a true and perfect schedule of all sums of money, bonds, or other securities, received on account of each estate remaining under their charge, together with the payments made thereout, and the balances; and also of all administrations whereof the balances shall have been paid over to the persons entitled to the same, since the period of exhibiting the last schedule, specifying the amount of such balances, and the persons to whom paid; which schedules shall be filed of record in the said courts, and shall within fourteen days afterwards be published in the gazettes of the presidencies within which such courts are respectively situated, by the said registrar, who shall likewise cause copies thereof, in triplicate, to be delivered to the chief secretary at such presidency, and the same shall be transmitted by the respective governments at such presidencies to the Court of Directors of the East-India Company, who, upon the receipt thereof, shall cause the same to be published in the London Gazette.

Officers' and Soldiers' Effects.

1825. 6 Geo. 4, c. 61, § 1.

Officers and others authorized under the articles of war to take care of the effects of officers and soldiers empowered to collect and receive the same, without taking out letters of administration, &c.

(7) Whereas the transmission to regimental agents or other persons, of the effects or proceeds of effects of officers and soldiers dying in his Majesty's service, or in the service of the Company, has been found highly beneficial in securing an early distribution of such effects among the relations of such officers and soldiers at small expense, and many sums are thereby saved to the relations of soldiers, which would otherwise be, from their small amount, wholly lost; and it is, therefore, expedient to render the provisions of the said recited acts, relating to such matters, more effectual: be it therefore 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 it shall be lawful for all officers and persons, who may be employed or required, by or under the authority of any articles of war, in force for the time being, either for the officers or soldiers in the service of his Majesty, or for the *European* officers or soldiers in the service of the said Company, to take care of or collect, or superintend and direct the collection of, the effects of officers or soldiers dying in service out of the United Kingdom, to ask, demand, and

LAWS. 1825. 6 Geo. 4, c. 61, § 1.

and receive any such effects, and to commence, prosecute, and carry on any actions or suits for the recovery thereof, without taking out any letters of administration, either with any will annexed or otherwise, in like manner, in every respect, as if such officers or persons had been appointed executors, or had taken out letters of administration of such effects; and no registrar of any court in the East-Indies, or elsewhere, in any colonies or possessions of his Majesty abroad, shall in any manner interpose in relation to any such effects, unless required or authorized so to do by any such officers or persons under the provisions of this act: any act or acts of Parliament, law, statute, or usage to the contrary notwithstanding.

Letters of Administration unnecessary.

§ 2.

Effects remitted to agents, &c. not to be deemed assets within the province in which they reside, so as to render administration necessary, &c.

(8) And be it further enacted, that such effects or proceeds of effects, when remitted to any regimental agent, or other person, under any order or regulation of the secretary at war in that behalf, or of the military secretary to the government of any of the said Company's presidencies, respectively, shall not, by reason of coming into the hands of such agent or person, be deemed or taken to be assets or effects within the province in which such agent or person shall reside, so as to render it necessary that administration should be taken out in respect thereof in such province, unless administration of any other effects of the officer or soldier, to whom the proceeds so remitted shall have belonged, shall have been or shall be taken out in such province; and it shall be lawful for the secretary at war, in all cases relating to the effects of any officer or soldier in his Majesty's service, and for the military secretary to the government of the presidency, to which the deceased officer or soldier shall have belonged, in all cases relating to the effects of any European officer or soldier in the service of the said Company, to order that any such effects or proceeds of any such effects shall be remitted to any other place where the same can be more conveniently paid over to the person or persons entitled thereto: and the obedience to any such orders by any agent or person, to whose hands any such effects shall come, shall be a sufficient discharge to such agent or person; and no such agent or person shall be liable to any action or suit, by reason of any such effects or proceeds of effects having been in his hands, and thereafter transmitted under the order of the secretary at war, or military secretary, respectively in that behalf.

§ 3.

Surplus only, after payment of funeral expenses and debts, &c. to be deemed the personal estate of the deceased.

(9) And be it further enacted, that it shall be lawful for the secretary at war, in the case of any officer or soldier in his Majesty's service, and for the military secretary to the government of the presidency, to which the deceased officer or soldier shall have belonged, in the case of any European officer or soldier in the service of the said Company, to order or direct the payment of

LAWS.

1825. 6 Geo. 4, c. 61, § 3.

of any charges or expenses attending or relating to the illness or funeral of any such officer or soldier, out of any effects or proceeds of effects, or out of any arrears of pay or half-pay; and that such charges and expenses, together with all regimental debts and military payments, which may be allowed under the provisions of any act or acts of Parliament, or articles of war, made in pursuance thereof, shall be made out of such effects or proceeds of effects, or arrears of pay or half-pay, and the surplus only, after such payment, shall be deemed the personal estate of the deceased.

GENERAL COURT OF PROPRIETORS.

All persons holding shares in the capital stock of the East-India Company are denominated proprietors. The books of the Company are open at all times for the admission of British subjects and foreigners: no distinction exists as to religion, profession, or sex. No proprietor is competent to vote, who has not been for twelve months possessed in his or her own right of stock to the amount of one thousand pounds, except the same shall have been acquired by bequest, marriage, the custom of the city of London, or by settlement.

£1,000 stock gives one vote.
£3,000.....two votes.
£6,000.....three votes.
£10,000 ..... and upwards four votes.

No proprietor can give more than four votes whatever may be the amount of his or her stock. Infants or minors are not qualified to vote. Proprietors of £500 stock are permitted to be present at General Courts.

The directors of the Company, or the major part of them, are required to summon and appoint four General Courts, at the least, in every year, to be held in the months of March, June, September, and December. In the event of a General Court not being held in either of those months, by default of a majority of the directors, three or more directors may summon a General Court to be held in the month next after that in which the same should have been holden upon the summons of the majority. At such quarterly courts, it is competent for proprietors to propose any question in accordance with the Acts of Parliament and By-laws.

The directors of the Company are empowered further to summon General Courts as often as they shall see cause. It

It is also competent to nine proprietors duly qualified as before-mentioned, to require the Court of Directors to convene a General Court: and if the Court of Directors fail to convene one within ten days from the date of such requisition, then the nine proprietors may themselves issue a public notice of their intention to hold a General Court, and may hold one accordingly at the expiration of ten days from the date of such notice. It is not necessary for any specific number of proprietors to be present to constitute a General Court.

Instances have occurred in which the Court of Directors have made a quarterly General Court special—at the request of two or more proprietors—for the purpose of the said proprietors introducing to the Court's notice some subject not contemplated when the General Court was originally summoned: but it is to be observed, that such a proceeding is entirely a matter of discretion on the part of the directors, and does not arise from any right conferred by law in the proprietors to require a General Court to be made special.

With respect to the hour of meeting, the constant practice has been to summon the General Court for eleven o'clock. The meetings, however, have not usually taken place until twelve. When an earlier time of meeting has been required, the advertisement has specified eleven o'clock precisely.

The General Court have always been invested with the power of electing persons to direct and superintend the management of the Company's affairs. Persons so elected may be removed by the General Court for mismanagement.

It rests with the General Court to declare the dividends on the capital stock of the Company, in the exercise of which power, they are, however, restrained by various legislative enactments.—(*Vide* Dividends.)

The General Court are also empowered to frame by-laws, rules, and regulations, for the good government of the East-India Company; and such by-laws, provided they do not interfere with enactments of the legislature, are binding upon the members and directors of the Company.

In virtue of by-laws framed under the provisions of the legislature, the General Court have a control over grants by the Court

Court of Directors of any sum of money exceeding £600, by way of gratuity, and of any increase to a salary or pension beyond £200 per annum.

All grants exceeding those amounts to any one person, are subject to confirmation by the Board of Commissioners for the Affairs of India.

In the year 1793, the legislature specially vested in the Court of Directors and the Board of Commissioners the administration of all matters relating to the civil or military government or revenue of India; and parliament at that time provided, "that no order or resolution of the Court of Directors touching or concerning the civil or military government or revenues of India, after the same shall have received the approbation of the Board of Commissioners, shall be liable to be rescinded, suspended, revoked, or varied by any general Court of Proprietors."

Although the General Court have ceased to interfere in the origin or progress of measures connected with the government of India, they may be considered to have delegated, not abandoned, their concern in the sovereignty of that vast empire. Instances have occurred in which particular measures have been discussed, and even revised by the proprietors; and whenever success has crowned the British arms in the east, the General Court have been forward to bestow the tribute of their applause to those statesmen and warriors whose services have been brought before them, which tribute has frequently been accompanied by a more substantial expression of their gratitude.

Whenever there is any proceeding in Parliament which in the opinion of the Court of Directors are likely to affect the rights, interests, or privileges of the East-India Company, the General Court is to be specially summoned to take into consideration such proceeding before it pass into a law. No by-laws can be ordained, altered, or repealed, nor any grants of money made out of the Company's cash, without the consent of two General Courts specially convened, of the first of which courts fourteen days' notice must be given. Various accounts, relating to the affairs of the Company, are required to be laid before the

General

General Court, as well as copies of all papers presented to parliament; likewise all proceedings of the Court of Directors when ships may have been taken up under private contract.

The chairman of the Court of Directors is *ex-officio* chairman of the East-India Company, and consequently presides at all meetings of the General Court of the Company. By invariable usage, the chairman introduces to the notice of the General Court all business arising out of measures adopted by the Court of Directors, as well as all motions founded upon their recommendation.

The form of proceeding usually adopted in the General Court is nearly similar to that used in the House of Commons; every motion, excepting the previous question, or that of adjournment, being open to amendment.

Questions in General Courts are usually decided in the first instance by shew of hands, of the result of which the chairman is to judge; but if any proprietor doubt the correctness of such decision, he may call for a division; in which case the proprietors present qualified to vote, divide accordingly, tellers being appointed. If, previously to the question being put, nine members present and duly qualified should desire an appeal to the proprietors at large, they may demand a decision on the question by ballot. This proceeding, however, cannot be taken on questions of adjournment, nor on the previous question, nor on amendments; upon which questions the court decide either by shew of hands or by a division.

A ballot cannot be taken within a less period than twenty-four hours after the adjournment of the General Court, in which it may have been determined to proceed to the ballot; nor can a ballot begin later than twelve o'clock, nor close earlier than six o'clock.

All questions, excepting the previous question, or that of adjournment, must, if required, be stated in writing, and the General Court cannot be adjourned or dissolved without a question.

It is to be observed that the quarterly courts are the only courts for general business, at which subjects not previously advertised may be introduced for discussion, such subjects must not involve questions in which a specific notice is prescribed

prescribed by the by-laws, such as grants of money, the forgiving offences, &c. On questions affecting the grant of money, it is not competent to a proprietor without fourteen days previous notice of his intention, to move as an amendment the grant of a larger sum than is specified in the original notice.

LAWS.

To be called a General Court.

LAWS. 1688. Charter of William.

(1) And we do further, by these presents, for us, our heirs and successors, give and grant unto the said English Company trading to the East-Indies, and their successors, and we do hereby ordain, will, and appoint that it shall and may be lawful to and for all and every the members of the same Company hereby established, from time to time, to assemble and meet together, at any convenient place or places, for the choice of their directors, and for making of by-laws, ordinances, rules, orders, or directions, for the government of the said Company, or for any other affairs or business concerning the same; and that all the members of the same Company, or so many of them as shall be so assembled, shall be and be called a General Court of the said Company or corporation, which court shall assemble and meet at such times and in such manner as is directed.

General Courts, to be held quarterly.

(2) And we do hereby will and appoint, that the said directors, or the major part of them for the time being, shall from time to time, and they are hereby required so to do, to summon and appoint four General Courts at least in every year; whereof one to be in the month of December, another in the month of March, another in the month of June, and another in the month of September.

In failure thereof, three Directors may summon.

(3) And we do further will and appoint, that if at any time or times there should be a failure of holding a General Court in any of the said months, by default of the directors, or the major part of them, that then and so often, and in every such case, three or more of the directors of the said Company shall and may summon and call a General Court, which shall meet and be holden in the month next coming after the month in which the same should have been holden upon the summons of the majority of the directors aforesaid.

Nine Proprietors may demand a General Court.

A general court to be summoned, on the demand of nine members, within ten days,

(4) And moreover, we do by these presents, will, direct, and appoint, that the said directors, or the major part of them for the time being, shall, from time to time, upon demand to be made by any nine or more of

LAWS.

1698. Charter of William.

of the said members, having each of them five * hundred pounds, or more, interest or share of the said stock, within ten days after such demand, summon and call such General Courts to be held of the members of the same Company qualified for electors as aforesaid; and in default of the said directors, or the major part of them, to summon and call such court, it shall and may be lawful to and for the said nine or more members, having each five hundred pounds stock as aforesaid, upon ten days' notice in writing, to be fixed upon the Royal Exchange in London, to summon and hold a General Court, and there to do and dispatch any business relating to the government or affairs of the said Company, and to hear and debate any complaint that shall be made against any director or directors for mismanagement in his or their office or offices, and if such director or directors shall not clear him or themselves of such complaint to the satisfaction of the major part of the members of the same Company in the said General Court assembled, that then within ten days another General Court shall be called, and held as aforesaid of the members of the same Company, qualified to vote as aforesaid, finally to determine the same by the majority of their votes as aforesaid, who may remove or displace all or any of the said directors for such misdemeanours or abuse of their offices, and elect and choose others in his or their room in manner before prescribed; and in every such case, where any director or directors shall happen to die or be removed, or his office shall otherwise become void before the expiration of the term for which he shall have been elected, the major part of the members of the same Company to be assembled in a General Court, and being qualified as aforesaid shall and may elect and choose any other member or members of the said Company, qualified as aforesaid, into the office of such director or directors that shall so die or be removed, or whose office shall become void, which person so to be chosen shall continue in the said office until the next usual time hereby appointed for election, and until others shall be duly chosen and sworn, unless he shall be removed as aforesaid.

and in default the said nine members may summon, and may displace any Director for mismanagement.

Gratuities.

1813. 53 Geo. 3, c. 155, § 88.

(5) The approbation of the General Court necessary to any gratuity exceeding the sum of £600 to any one person.—*Vide* Gratuities.

Orders of Directors and Board of Commissioners not revocable by General Court.

1793. 33 Geo. 3, c. 52, § 23.

(6) And be it further enacted, that no order or resolution of the Court of Directors of the said Company, touching or concerning the civil or military government, or revenues of the said territories and acquisitions in India, after the same shall have received the approbation

Orders of the Directors, touching the civil or military government or the revenues, after approbation by the board, not revocable by the proprietors.

* £1,000 by 13 Geo. III. cap. 63.

approbation of the Board of Commissioners for the Affairs of India, shall be liable to be rescinded, suspended, revoked, or varied by any General Court of Proprietors of the said Company.

LAWS.

1793. 33 Geo. 3, c. 52, § 23.

Servants absent from India beyond five Years.

§ 70.

(7) Three parts in four of the proprietors assembled in General Court must concur, by ballot, in permitting a civil servant to return, after having been absent from India more than five years.—(*Vide* Servants, Civil and Military.)

Shipping.

1818. 58 Geo. 3, c. 83, § 8.

(8) In cases of unforeseen exigency, ships may be engaged by the Court of Directors, for one voyage, by private contract; but the reasons for taking up such ship or ships are to be reported to the Court of Proprietors that shall be next holden after such hiring and taking up.

§ 12.

(9) If a ship be lost or captured before the completion of her fifth voyage, and on investigation the commanders and owners of such ship shall be fully acquitted from all neglect or misconduct in respect of such loss by eighteen directors; and on the same being reported to a General Court, of which eight days' notice shall be given, and three parts in four of the proprietors voting shall confirm the said resolution, another ship may be built in the room of that lost or captured.—(*Vide* Shipping.)

Voting in General Courts, &c.

1773. 13 Geo. 3,

(10) And whereas it has been found, that the provision made by the charter of the tenth year of the reign of King William III, under which persons possessed of five hundred pounds stock are intitled to vote in general courts, has been productive of much inconvenience in the present situation of the Company, and tends to promote the mischievous practice of making collusive transfers, which practice hath not been sufficiently prevented by the provision made by an act of the seventh year of his present Majesty's reign, whereby the right of voting is limited to persons having been six calendar months in possession of their stock; be it further enacted, that all transfers of stocks whatsoever made to any person or persons, in any fraudulent or collusive manner, on purpose to qualify him, her, or them, to give his, her, or their vote or votes, at any election of members of the Court of Directors, or in any General Court of the said United Company (subject, nevertheless, to conditions or agreements, either verbal or in writing, to defeat or determine such transfers, or to re-transfer or return the same), shall be deemed

All transfers made in a collusive manner to qualify voters at elections; and all bonds, covenants, &c. with persons in trust, shall be null and void.—Penalty on persons who shall vote by virtue of collusive transfers at any election, and shall afterwards re-transfer the stock in consequence of any trusts, &c.—After October 1, 1778, no proprietor shall vote at any election of directors in respect of stock amounting to less than £1,000,

LAWS. 1773. 13 Geo. 3, c. 63, § 9.

deemed and taken against those persons who transferred the same, as free and absolute, and be holden and enjoyed by all and every such person or persons to whom such transfer shall be made, as aforesaid, freely and absolutely acquitted, exonerated, and discharged of and from all manner of trusts, conditions, powers of revocation, provisoes of redemption, or other defeazances between or with the said parties, or any other person or persons in trust for them; and that all bonds, covenants, notes collateral, or other securities, contracts, or agreements, between or with the said parties or any other person or persons in trust for them, or any of them, for the re-transferring, redeeming, revoking, or defeating such transfer, or for the restoring or re-transferring thereof, or any part thereof, to any person or persons who made such transfer, or to any other person or persons in trust for them, or any of them, shall be null and void to all intents and purposes whatsoever: and that every person to whom such transfer shall have been made, and who shall have voted by virtue thereof at any election of members of the Court of Directors, or in any General Court of the said United Company, and who shall afterwards re-transfer or return the same, in consequence of any trust, condition, powers, of revolution, proviso of redemption, or other defeazance whatsoever, as aforesaid, shall for every such offence, forfeit the sum of one thousand pounds; one moiety whereof shall go and be disposed of to any person who shall sue for the same, and the other moiety to his Majesty, his heirs and successors; to be recovered, together with full costs of suit, by action of debt, bill, plaint, or information in any of his Majesty's Courts of Record at Westminster, wherein no essoin, privilege, protection, wager of law, or more than one imparlance, shall be admitted or allowed; and that, from and after the first day of October, one thousand seven hundred and seventy-three, no member or proprietor of the said United Company shall be deemed qualified, or capable to vote, or be admitted to give any vote or votes, at any election of Directors, or at any General Court of the said United Company, in respect of any stock amounting to less than one thousand pounds, nor in respect of any stock transferred to him, her, or them, after the said first day of October, one thousand seven hundred and seventy-three, until he, she, or they shall have been possessed of such stock twelve calendar months in his, her, or their own right, and not in trust for any other person or persons whatsoever, freed and discharged of all incumbrances which can or may affect the same, unless such stock shall have been acquired, or shall have come to such proprietor by bequest, or by marriage, or by succession to any intestate's estate, or by the custom of the city of London, or by any deed or settlement after the death of any person who shall have been entitled for life to the dividends of such stock: any law, statute, or usage to the contrary notwithstanding.—(*Vide* Ballot.)

nor until he shall have been possessed thereof twelve calendar months, certain cases excepted.

BY-LAWS.

Admission to General Courts.

Item—it is ordained, That no person be admitted to be present at any General Court, who shall not, at the time, be possessed of five hundred pounds stock. By-Laws. c. 8, § 5.

Forms of Proceeding by Ballot in General Court.

That if at any General Court, nine of the members present, duly qualified to vote, shall demand a ballot for determining any question, except for adjournment or the previous question, or an amendment, such question shall be put by the ballot, and not otherwise. § 1.

Question for Adjournment, previous Question or Amendment.

That if any doubt shall arise in the General Court, upon or relating to any declaration which shall be made from the chair upon the question for adjournment, or the previous question, or an amendment, such question shall be determined by a division of the proprietors, duly qualified to vote, then present. § 2.

What Questions to be stated in Writing.

That all questions in any General Court, except the previous question or for adjournment, shall, if required, be stated in writing, before the same shall be put; and the chairman shall not adjourn or dissolve the court without a question. § 3.

Notice of Motions requisite.

That no motions shall, in future, be made in a General Court, to forgive any offences committed by any of the Company's servants, or to make any grants of any sums of money out of the Company's cash, without notice being given, in writing, by the persons proposing the same, and published by the Court of Directors at least fourteen days previous to the holding of such General Court. § 4.

Accounts.

That an account shall annually be laid before a General Court of Proprietors, shewing the nett proceeds of the Company's sales of goods during the year last past, ending the 30th April; the duties and allowances arising to the Company by private-trade; and all other nett profits of the Company in Great Britain, and the application and disposition thereof, agreeably to the act of 53d Geo. III, cap. 155. c. 1, § 3.

That such accounts and papers as may, from time to time, be laid before either house of Parliament by the Court of Directors, shall be laid before the next General Court; and that all proceedings of Parliament which, in the opinion of the Court of Directors, may affect the rights, interests, or privileges of the East-India Company, shall be submitted by them to the consideration of a General Court, § 4.

By-Laws.

to be specially summoned for that purpose, before the same shall be passed into a law.

c. 1, § 5. That the Court of Directors shall annually cause a general state per computation of the Company's affairs to be drawn out to the 30th April in each year, and laid before them for their observation; and that the same shall also be laid before the Quarterly General Court, in the month of December following at the latest.

By-Laws and Committee of By-Laws.

c. 3, § 1. A committee of by-laws to be chosen annually in the month of June.

§ 2. By-Laws to be read in the first General Court after the annual election.

§ 3. No by-law to be ordained, altered, or repealed, without consent of two General Courts, specially summoned, of the first of which, fourteen days public notice to be given.

New Office with more than £200 per annum.

c. 6, § 17. That no new office, either at home or abroad, shall be created by the Directors with any salary exceeding the sum of £200 per annum, without the approbation of two General Courts, to be summoned for that purpose.

Salaries, Pensions, Gratuities, Superannuations.

§ 18. No additional *salary* to be given exceeding £200 per annum, without approbation of two General Courts.

§ 19. No *pension* or increase of pension exceeding £200 per annum, without same being laid before General Court, in form of a report, and approved by two General Courts. List of superannuations to be

§ 20. laid before General Court.

No *gratuity* exceeding £600, without same being laid before General Court, in form of a report, and opposed by two General Courts.

GOVERNMENTS IN INDIA.

Bengal.

The several governments which have been formed for administering the affairs in India under the direction and authority of the East-India Company, subject to the superintendence of the Board of Commissioners, are as follow:—

The Supreme Government in Bengal,

The Government of Madras,

The Government of Bombay,

The Government of Prince of Wales' Island, Singapore, and Malacca.

The three first are established by Parliament; and as the Government in Bengal is the supreme British authority in India, it will be first noticed.

The East-India Company obtained permission to trade to Bengal in 1633, to the port of Pipley only. In 1642, it was extended to Balasore and Cossimbuzar. In 1699, grants were made to the Company of the towns or villages of Chutanuttee (Calcutta) and Govindpore, Sir Charles Eyre being sent out as chief agent in Bengal, where a fort was ordered to be built; and, in compliment to his Majesty King William the Third, it was denominated Fort William. Hence the designation of The Governor-General in Council of Fort William in Bengal.

On the union of the London and English Companies in 1702, the instructions from home were issued in the name of The United Company of Merchants of England trading to the East-Indies.

Some degree of power was esssential to the support and protection of the Company's commerce: an embassy was accordingly

accordingly despatched to the Emperor Ferrokshere in 1715, consisting of two of the most intelligent factors at the Presidency, who obtained a phirmaund, or royal grant, conferring additional privileges; in consequence of which, Calcutta was declared an independent presidency, accountable only to the directors at home.

Jaffir Khan, who was at that period governor of Bengal, obtained a grant of Bahar and Orissa: his conduct towards the English was tyrannical and extortionate. He died in 1725, and was succeeded by Sujah Khan, his son-in-law, who removed to Moorshedabad, accompanied by two omrahs, one of whom, named Ally Verdy Khan, was appointed in 1729, governor of Bahar; and ultimately, through intrigue and treachery, proclaimed Nabob of Bengal, Bahar, and Orissa. Nizam-ul-Mulk, the soubah of the Deccan, jealous of Ally Verdy's increasing power, instigated the Mahrattas, whose rise, as a body, may be dated about the middle of the seventeenth century, to demand the *chout*, or tribute, which had been granted them in 1735 by the Mogul, for the three provinces above mentioned. They accordingly advanced in the two divisions of Poonah and Berar to Burdwan, under the command of Bajee Row and Ragojee Boonslah. The scourge occasioned by the irruption was dreadful. Commerce was at a stand throughout the provinces; the poor affrighted inhabitants fled in terror from their looms and their fields to the woods, where they either perished from hunger, or fell an easy prey to the wild beasts with which the forests abounded. The native inhabitants of Calcutta, dreading a repetition of the calamities, solicited and obtained permission to dig a ditch round that city, to the extent of seven miles (the Company's bounds) which was called the *Mahratta Ditch*.

Ally Verdy succeeded the following year in obliging the Mahrattas to make a precipitate retreat: when he was confirmed by the Mogul, Soubah of Bengal, Bahar, and Orissa, on condition of his remitting annually to Delhi six crore of rupees, by way of tribute. His death took place in 1756, when he was succeeded by his grandson, Seraji-ud-Dowlah, then only in his seventeenth year. He was of a cruel, vindictive,

dictive, and sullen disposition, of profligate habits, and with strong feelings of hostility to the English. It was during his government that the horrible massacre in the black-hole at Calcutta took place. By the tyrant's commands, one hundred and forty-six persons, including Mr. Holwell, the governor of Fort William, were incarcerated, in an intensely sultry night in the month of June, in a dungeon not twenty feet square. Of the above number, not more than twenty-three came out alive the ensuing morning. Mr. Holwell himself, being amongst the survivors who, notwithstanding the shock which his constitution received, returned to England and lived to the age of ninety!

The Nabob having evacuated Calcutta, a deputation was despatched to Madras to solicit immediate and effectual succours: it reached Fort St. George on the 5th August. A detachment of nine hundred Europeans, with fifteen hundred sepoys, under the command of Colonel Clive, was immediately despatched to Bengal, accompanied by Admiral Watson with a squadron then fortunately in the roads, consisting of the Kent, sixty-four (the admiral's); the Cumberland, seventy, on which Admiral Pocock hoisted his flag; Tiger, sixty; Salisbury, fifty; Bridgwater, twenty; and a fire-ship; together with transports for the troops. On the 27th December, all the ships and vessels had arrived at Fulta, and the next afternoon anchored, ten miles below the fort of Budge-Budge, which Admiral Watson determined to attack the next morning. An ambuscade was planned to intercept the retreat of the garrison. It was directed by Colonel Clive in person, but proved the prelude to more serious operations. The Mogul general having marched from Calcutta to aid the garrison at Budge-Budge, with fifteen hundred horse and two thousand foot, a general engagement took place. Monick Chund was however obliged to retreat with his troops to Hooghly, and from thence to the Nabob of Moorshedabad. On the 2d January 1757, at nine in the morning, the Kent and Tiger anchored before the gates of Fort William; the batteries of which were silenced by eleven; the fort evacuated, of which a detachment under Captain Coote took possession, with loud acclamations;

mations; the British colours being once more hoisted on the ramparts. Mr. Drake and the former members of council were the following day solemnly reinstated by Admiral Watson.

The orders which had been given to the Admiral and Colonel Clive were, to obtain full reparation of all injuries, and eventually to attack the tyrant in his capital. The expedition proceeded to Hooghly, which place they captured, and destroyed the resources of the enemy. The Nabob, on learning the fate of Hooghly, was highly exasperated. He left his capital at the head of all his forces. The English encamped a mile northward of Calcutta, where they awaited his approach. A partial action took place, in which he lost twenty-two officers of distinction, six hundred men, and five hundred horses. At this juncture, intelligence reached Calcutta that war had broken out between France and England. The French were strong at Chandernagore. Colonel Clive, apprehensive that they might join the Nabob, entered into a treaty with the latter, by which the English procured a restitution of all plundered effects; a permission to fortify Calcutta as they might think proper; liberty to coin gold and silver in a mint of their own; exemption of merchandize from taxes, &c. The sincerity of the Nabob was justly suspected: it shortly appeared that he secretly abetted the French, and had in fact sent a lac of rupees to their aid at Chandernagore. Colonel Clive at once resolved on war; and accordingly determined to attack the French and Mogul forces united. The English army having reached Plassey, they took immediate possession of a grove of mango trees of considerable extent; they had scarcely done this before their ears were assailed with the sound of martial music, such as generally accompanies the night-watches of an Indian camp: it proved to be the army of the Nabob; who, on finding the English slower in their progress than his startled imagination had suggested, advanced towards Plassey.

The result of the memorable battle of Plassey, which was to decide the fate of the English in Bengal, is too well-known to need recapitulation. The most decisive victory was obtained by the wisdom, prudence, and valour of Colonel Clive, over the Nabob, whose army was dispersed, and himself obliged to

to seek safety in flight from Moorshedabad. Meer Jaffier was in waiting at that city to receive Colonel Clive; who, after the first salutations were over, led Meer Jaffier towards the musnud; and, placing him upon it, made obeisance to him as lord of the three provinces of Bengal, Bahar, and Orissa, presenting a plate of gold coin. All the omrahs then present likewise paid their homage, and presented gold. Meer Jaffier was afterwards publicly proclaimed as Nabob.

Nothing could exceed the transport into which the whole city of Calcutta was thrown by this great change. The praises of Clive and Watson were resounded. The latter unfortunately fell a victim on the 16th of August to a malignant fever. Colonel Clive, having settled all affairs at Moorshedabad, returned with his army to Calcutta on the 14th of September, where he was received with all the merited honours due to so distinguished an officer; and in 1758, at the united wish of the Council, took upon himself the office of president. Colonel Clive sailed for Europe in 1760, and was succeeded by Mr. Holwell, the oldest in council, who shortly after resigned to Mr. Vansittart, who had been appointed successor to Colonel Clive. The internal administration of Bengal had been most wretchedly conducted by Jaffier Khan. Guilty of a series of crimes and exactions, he was removed from the musnud, and succeeded by Cossim Ally Cawn, his son-in-law, in whom, however, his supporters were grievously disappointed. He not only reversed all the immunities granted by his predecessor, and confirmed by himself, but imposed heavy duties on the transport of goods throughout the provinces. An embassy was despatched from the Presidency to the Nabob, with the view of promoting a good understanding between him and the English: the result was not only unsuccessful, but the deputation, passing through Moorshedabad on their return to Calcutta, were fired upon by orders from the Nabob. Mr. Amyatt, who had been at the head of the deputation, with many others, were killed, and the rest taken prisoners.

Previously to this catastrophe, intelligence had reached Mr. Ellis, the chief at Patna, that the Nabob was determined on hostilities: that gentleman immediately planned an attack upon

upon the Mogul guard, for the purpose of seizing the city: the project failed; the English were routed; Mr. Ellis, Mr. Lushington, and many other gentlemen were taken prisoners; and the Nobob ordered an indiscriminate slaughter of all Englishmen found in the several districts. When intelligence of these events reached Calcutta, the council determined on deposing Meer Cossim; and, on the 17th of July 1763, Jaffier Khan, who had been residing at Calcutta since the accession of his son-in-law, Meer Cossim, re-ascended the musnud. Cossim retired to Mongheer. The battle of Gheria took place; his army, consisting of twelve battalions of sepoys and fifteen thousand horse, were completely defeated by Major Adams with three thousand troops, seven hundred and fifty of which were Europeans: they pushed on to Monghir, where they learnt that Meer Cossim had caused two hundred English to be murdered, through the instrumentality of Sumroo, a renegade French soldier, and a favourite general of Cossim, who had fled to Patna; thither the English force hastened, which place they took by storm on the 6th of November 1763. The Nabob sought refuge in the territories of Sujah Dowlah, who had been confirmed by the Mogul as perpetual Vizier of the empire for his services against the Mahrattas at the battle of Paniput in 1761.

The Mogul and Vizier jointly manifested determined hostility to the English. Major Munro (afterwards Sir Hector), who had arrived from Bombay, assumed the command of the British force in the month of May; in September he ordered a general rendezvous of the troops, and, on the 22d of October, encamped within gun-shot of the enemy's camp, near Buxar. The Mogul troops commenced the action: after a severe conflict, they were completely defeated. Sujah Dowlah fled to Allahabad, six thousand of his troops were left dead on the field, and one hundred and thirty pieces of cannon were taken. This victory was most important to the British interests in India. The Vizier, the only Mogul chief who retained any power, was completely reduced; Cossim was for ever deprived of any power or territory in Bengal; and the Emperor, Shah Aulum, who had been kept in a state of bondage by the Vizier, being once more master of his own actions,

actions, applied to the British general for protection. He was accordingly received in the British camp with the honours due to his rank, and accompanied Colonel Munro to Benares.

Colonel Clive, who had been raised to the peerage, after his return to Europe was appointed, in 1764, commander-in-chief, president and governor in Bengal, together with four gentlemen, who formed a select committee, and were empowered to act by their own authority, without consulting the council. His Lordship reached Madras in April 1765. The Vizier, after the battle of Buxar, endeavoured to obtain the aid of the Mahrattas, of the Rohilla chiefs, and of the Jats. A skirmish took place on the 3d of May; the whole of the troops were dispersed, and the Vizier, finding his affairs desperate, resolved to throw himself on the generosity of the English. Negotiations and arrangements were entered into, by which Nudjum-ud-Dowlah, the son of Jaffier Khan, was secured in the station of soubahdar of Bengal, Bahar, and Orissa.

Sujah Dowlah, in that of Nabob Vizier of Oude, and the Emperor Shah Aulum, by a phirmaund dated the 12th of August 1765, granted to the East-India Company the DEWANNY, OR, COLLECTION OF THE REVENUE OF BENGAL, BAHAR, AND ORISSA.

Lord Clive returned to England in the year 1767. The affairs of India had excited considerable attention in the public mind. Parliamentary interference had already regulated the declaration of dividends; and, by the 7th Geo. III, c. 57, and 9th Geo. III, c. 24, the territorial acquisitions and revenues were continued to the Company for certain periods, and under certain regulations. In 1769, the state of the Company's affairs in India having been under the Court's serious consideration, they determined on recommending to the proprietors the measure of sending out a commission of three gentlemen of ability and experience, to superintend all their presidencies and settlements, with full power over the same: to correct all abuses, and to dismiss or suspend such servants as might appear to have been concerned therein. This proposition was submitted to a General Court on the 12th of July 1769, and carried by a majority of twenty votes; the numbers for

for it being two hundred and seventy-nine, and against it two hundred and fifty-nine.

The commissioners* were appointed by ballot on the 19th July, by three hundred and fourteen votes to two hundred and ninety-eight.

Advices from Madras having been read in a Court of Proprietors on the following day, announcing the suspension of measures for procuring investments, in consequence of the want of funds to carry on the war against Hyder Ali, who had threatened, and shortly afterwards overrun the Carnatic, a requisition for a Special Court was given in; and, on the 27th July, it was moved that application should be made to his Majesty's Government for some ships of the line being sent out for the security of the Company's possessions in the East; and likewise that two battalions of land forces might be also granted for the protection of their settlements. The General Court agreed to apply for some ships; but deemed the Company's own troops, if properly recruited, to be sufficient for the Company's service.

His Majesty's Government were not disposed to grant a naval force, unless the commander of such force was invested with powers as plenipotentiary for treating with Hyder Ali, the Mahrattas, &c. The Company were averse to arming him with such powers. Government were still of opinion that they should be conceded; but subsequently suggested that they might be confined to his having a voice on all questions connected with peace and war. The objections of the directors and proprietors to this modification not being removed, it was urged by Government that the commission proposed to be sent out was illegal; and, moreover, that his Majesty could not consent to permit his forces to be subjected to possible employment, contrary to the engagement by treaty to acknowledge the legal titles of the Soubah of the Deccan, and Nabob of the Carnatic.

Lord Weymouth, who conveyed such intimation to the directors, desired that the sense of the General Court should be taken upon it. On the 15th of August, the day appointed for

* Henry Vansittart, Luke Scrafton, and Francis Forde, Esqs.

for the General Court, another letter was read from his Lordship, in which he recapitulated the object contemplated in his former communication; and concluded by stating that, "The difficulty of a sole plenipotentiary, if ever it existed, is "removed: the crown does not desire to interfere with the "powers of the commission; wants no authority over your "servants, nor any direction or inspection of your commercial "affairs; disclaims even a recommendation of any person to "be employed in it: in short, only wishes to be enabled to "assist you effectually; and, in order to that, finds it necessary "to have a share in the deliberations and resolutions of the "Company, merely with regard to the two objects of peace "and war, when his Majesty's forces are to be employed."

The proposed commission was declared by the attorney general, and the Company's counsel, to be free from any legal objections. The question of giving a voice to the naval commander-in-chief in discussions as to peace and war, was considered in successive General Courts, and finally rejected on the 13th of September.

Sir John Lindsay was nominated commander-in-chief of the King's ships in India; he was likewise appointed by the Company to take the command of all their vessels of war in the Indian seas, and to treat and settle matters in the Persian gulph. The commissioners were permitted to embark on board his Majesty's frigate Aurora. Although no official intimation was received of any king's ship being ordered to India, it appears that two frigates, of which the Anson was one, were despatched for that station. No intelligence was ever received of the Aurora, or of her passengers, after quitting England.

It subsequently appeared, that without the knowledge of the Company, or any intimation of the fact being made to the Court of Directors, a commission under the great seal had passed, appointing Sir John Lindsay his Majesty's plenipotentiary, with powers to negociate and conclude arrangements with the Indian sovereigns generally. The danger and embarrassment anticipated by the authorities both abroad and at home, from the existence of two independent authorities, was experienced to the utmost extent.

So

So extensive did Sir John Lindsay consider his powers, that he called upon the council to attend him when he proceeded to deliver the King's present to the Nabob. The council were unanimous in refusing a compliance with such a requisition. The interviews between Sir John and the Nabob were productive of the greatest inconvenience; and were calculated to lead to results extremely prejudicial to the British interests in India. Under all these circumstances, the council earnestly pressed on the directors, the necessity of procuring his recal from India. This measure accordingly took place; but the same power was vested in Sir Robert Harland, who succeeded to the naval command. The exchange was not productive of more favourable results: had the counsels either of Sir John Lindsay or Sir Robert Harland prevailed, the British interests in India would have been plunged into the greatest confusion; but the line of conduct pursued by the East-India Company, which was characterized both by prudence and firmness, averted the evils which were apprehended.

The necessity which had arisen for the appointment of the former commission in 1769, daily grew more apparent; public attention was directed to the affairs of India; the Company's finances had become more embarrassed; and the King's speech, at the opening of Parliament in January 1772, hinted at the necessity of Parliamentary interference in the concerns of India in the following terms: "the concerns of this country "are so various and extensive, as to require the most vigilant "and active attention; and some of them, as well from "remoteness of place, as from other circumstances, are so "peculiarly liable to abuses, and exposed to danger, that the "interposition of the Legislature for their protection may "become necessary."

The address of the House of the Commons assured his Majesty, that they should think it their duty to endeavour, by every regulation in their power, to remedy the evils adverted to; which, in their consequences, might so essentially affect the interests and honour of this country.

On the 4th of March 1772, it was resolved in General Court, that immediate application should be made to the crown for an act for the better regulating the Company's affairs

affairs and servants in India; and, on the 30th of March, leave was given to Mr. Sullivan and other members, to bring in a bill for such purposes.

The bill was presented to the House, and read a first time on the 13th of April.

On the same day it was resolved in the Commons, that a select committee of thirty-one members should be appointed to inquire into the state, nature, and condition of the Company, and of the British affairs in the East-Indies.

The committee was chosen on the 15th; Colonel Burgoyne being chairman.

The bill introduced by Mr. Sullivan on the 13th of April was read a second time on the 4th of May; the votes being on the question, fifty-eight to forty-one. On the 18th, on a motion for the House resolving itself into a committee upon the bill, the votes were forty-nine to twenty-two: the Commons being afterwards counted, and forty members not being present, the House adjourned, and the bill was dropped.

On the 26th of May, the Select Committee submitted a report to the House of their proceedings; and, on the 9th of June, Parliament was prorogued.

In the month of September 1772, the Court of Proprietors came to a resolution, at the recommendation of the Court of Directors, to send out another superintending commission, with extraordinary powers, to regulate their affairs in India: it was to consist of nine members; six to be sent from this country, *viz.*, Lieutenant-General Moncton, Edward Wheeler, W. Devaynes, G. Cumming, P. Lascelles, and D. Weir, Esquires.

The Court of Directors were called upon at this period to state what instructions they proposed sending out as to the policy to be observed towards the Mahrattas and Hyder Ally. The Court professed to observe a strict neutrality.

To relieve the Company's pecuniary concerns, propositions were submitted to his Majesty's Government to commute the debt from the Company to the public, on account of duties on customs, indemnity on tea, &c. of £1,200,000, by the pay-

ment of an equal sum due from the public to the Company. To this Lord North strongly objected; his Lordship likewise disapproved of the Company borrowing a further sum under their seal; at the same time he desired to be furnished with sundry accounts, in order that a more proper method might be considered of assisting the Company before the meeting of Parliament.

Parliament appears to have been summoned earlier than had been intended, for the purpose of giving them an opportunity of entering into a full consideration of the affairs of the East-India Company, as will appear by the following extract from the King's speech on the 26th of November 1772:—

"It is impossible that I can look with indifference upon "whatever concerns either the commerce and revenue of the "kingdom at large, or the private rights and interests of con- "siderable numbers among my people. Neither can I be "insensible how materially every one of these great objects "must be interested in the maintenance of the credit and "prosperity of the East-India Company. When, therefore, "I received information of the difficulties in which that Com- "pany appear to be involved, I determined to give you an "early opportunity of informing yourselves fully of the true "state of their affairs, and of making such provisions for the "common benefit and security of all the various interests "concerned, as you shall find best adapted to the exigencies "of the case."

On the same day, the House of Commons agreed to appoint a committee of secrecy, of thirteen members, to inspect the affairs of the Company; they were chosen on the 30th of November; Alderman Harley being the chairman.

The Select Committee of thirty-one members, which had been chosen on the 13th of April, was re-appointed.

The Committee of Secrecy was instructed to enquire in the first place, as to the appointment of the superintending commission, and intimation was given that the committee would meet at the India-House on the 1st of December 1772, for which day a General Court had been summoned. The committee met accordingly, and the Chairman and Deputy-Chairman having

having attended the committee, they were acquainted, that should it be found any material interruption was given by the employment of any of the Company's servants, the committee would regulate their proceedings, so as to interfere as little as possible with the necessary business of the Company.

In the General Court, a motion was made for the appointment of a committee of twenty-five proprietors. During the debate, the attendance of the chairs was requested at the Secret Committee. The Chairman desired to know the sentiments of the General Court thereon; when the Deputy-Chairman was directed to inform the Secret Committee that the General Court was sitting, and they desired that the presence of the chairs at the committee might be dispensed with.

On the 7th of December, the Secret Committee appointed on the 26th November, surprised a considerable part of the House, who considered the shortness of the time and the magnitude of the subject of inquiry, by a report on the affairs of the Company. In this Report it was stated, that though the Company were much distressed in money matters, they were notwithstanding preparing to send out an expensive commission of supervision to India, which would still add to that distress, and that it was the opinion of the committee, that a bill should be brought in to restrain the Company for a limited time from sending out any such commission of supervision. This proposition caused great alarm, not only to the gentlemen who were more immediately interested in the affairs of the Company, but to those who considered it merely as an invasion of legal rights and the principles of the constitution in general. It accordingly occasioned a very warm and protracted debate: leave was, however, given to bring in a bill to prevent the Company from appointing commissioners; the minister declaring that no hostile intentions whatever were conceived against the Company, but that it was the intention of Parliament, and the great wish of administration, to render it a great company, and to settle it on a permanent foundation.

The Court of Proprietors on the 11th of December resolved to petition the House of Commons in support of their right to send out commissioners, and prayed to be heard by counsel.

 On

On the 18th of December, the Company's petition was read, and counsel were heard against the bill; but the motion for the bill being read a third time, passed by a large majority.

Reports from the Secret Committee were presented to the House on the 17th of December 1772, and on the 9th of February 1773; and referred to a committee of the whole House on the 2d of March. On that day a petition was presented from the Company, praying for a loan of £1,500,000. On the 24th of March, a further report from the Committee of Secrecy was presented.

Interviews had taken place between the chairs and Lord North, as to the proposition which the court should submit for the future government of the Company. The General Court on the 12th of February authorized the chairs to request his Majesty's ministers to state what provisions they might think effectual; assuring them that the proprietors would co-operate in promoting the public good. Lord North informed the court that his Majesty's Government could not feel warranted in recommending or proposing any plan, and that if the Company's past experience did not enable them to suggest such plan, that it could take its rise alone in Parliament.

Various discussions took place in the Court of Proprietors as to the establishment of a new court of judicature: but no specific resolution had been adopted for the future government of the Company's affairs.

On the 27th of April, the chairman from the committee of the whole house reported sundry resolutions; amongst the rest, that £1,400,000 appeared to be sufficient for the present relief of the Company, "provided at the same time due care be taken "to secure, by proper regulations, the future good government "of the Company's affairs."

These resolutions were considered by the General Court on the 29th of that month: the Company petitioned against them, urging that the territorial revenues were derived through their commercial capital; that the limitation in possessing their territories in India was altogether arbitrary; and they appealed to a legal decision against the proposition for the payment of three-fourths of the surplus nett profits of the Company at home, after the payment of eight per cent. into the treasury.

The

The petition was presented on the 3d May, when the house resolved, that the reports from the Committee of Secrecy of thirteen, and the committee of thirty-one members, should be considered on the 10th May: on which day resolutions were adopted declaratory of the right of the crown to all acquisitions made under the influence of a military force, or by treaty with foreign princes.

On the 4th May 1773, the minister moved a series of resolutions which were the foundation of the regulating act. The seventh resolution provided, that a superiority be given to the Presidency of Bengal over the other presidencies in India. This measure was deemed to be absolutely necessary, as their being furnished with equal and separate powers in matters that related to war, peace, and alliance, had frequently been productive of great disorder, confusion, and contradiction; and the proposed superiority only related to general affairs, and did not at all interfere with the internal regulation.

The General Court, on the same day, resolved, that the chairs should wait on Lord North to obtain, in writing, a copy of his proposed plan, and to state to his Lordship, that the Court of Directors, had nearly completed such regulations as would be most effectual to promote the welfare of the Company, &c. His Lordship declined to furnish a copy.

On the 14th May, the General Court came to a resolution, by ballot, that the chairs should wait on Lord North and point out the objections they entertained to the propositions, under which a loan was to be made to the Company. His Lordship replied on the 17th, and stated, that if there was no prospect of an agreement between the Company and the public, that Parliament must apply itself to a consideration of what other steps it might be fit to take with reference to the whole of the interests concerned.

On the 28th May, Lord North presented the bill to the House. As it excited very general alarm, not only with respect to the Company, but as being considered dangerous in its tendency to the constitution of the country, it was vigorously combated in every point of its progress; every question, every clause, and every addition was productive of a warm debate and of a division. Upon the question which related to the

the establishment of a governor and council in Bengal, after long debates, and a variety of amendments being proposed and rejected, it was at length put, whether the right of nominating the governor and council should be vested in the Crown or in the Company: it was carried in favour of the former.

This appointment of executive officers by Parliament was highly condemned as unconstitutional, most pernicious in its example, productive of faction and intrigue, and calculated for extending a corrupt influence in the Crown; as freeing ministers from all responsibility, whilst it leaves them all the effects of patronage.

Notwithstanding the opposition, the bill was read a third time, and passed on the 19th June, and received the royal assent on the 21st of that month.

On the 1st July Parliament was prorogued, when the King, in his speech, adverted to the measures adopted with reference to India, in the following terms:—

"I cannot close this session without assuring you, that I "have observed with much satisfaction the zeal, assiduity, "and perseverance with which you have applied yourselves "to the very important business which at the meeting of Par- "liament I recommended to your particular attention; and "trust that the laws which have been the result of your de- "liberations, will be found to answer the salutary purposes for "which they were intended."

Thus was established the Regulating Act of the 13th Geo. III, cap. 63, which first laid down any specific laws for the government of the affairs of India, and for the appointment of a governor-general and council. Alterations and modifications have been made from time to time, which will be shortly noticed.

In 1781, the power of appointing to the office of governor-general was vested in the Court of Directors, subject to his Majesty's approbation: in 1784, such power was confirmed, and in 1786, it was declared that his Majesty's approbation of the parties nominated by the Court was not necessary.

In that year, Mr. Dundas brought in a bill for amending the act passed in 1784, for regulating the government of the Company. Previous to the first mention of the subject by Mr. Dundas,

Mr.

Mr. Francis had moved for leave to bring in a bill with the same title, but much more extensive in its objects. Upon this motion the previous question was put, and carried without a division.

The principal object of Mr. Dundas's bill was to enlarge the powers of the governor-general; first, by vesting in him the nomination to vacant seats in council; secondly, by uniting the offices of governor-general and commander-in-chief of the forces; and thirdly, by authorizing him to decide upon every measure, whether his council agreed with him or not. The bill was committed on the 22d of March, when the clauses conferring so extraordinary a degree of power on the governor-general were opposed by Mr. Burke, who protested in the strongest terms against the principle of a bill which, he said, was to introduce an arbitrary and despotic government in India, on the false pretence of its tending greatly to the strength and security of the British possessions there, and giving energy, vigour, and despatch; its constant features being weakness, debility, and delay. In answer to these objections, Mr. Dundas contended, that before gentlemen took upon them to charge the empowering the governor-general to act in cases of emergency without the concurrence of the council, as the introduction of arbitrary government, it behoved them to prove, that arbitrary government depended more upon one person governing than two, a position which he believed it would not be easy to make out. He had ever considered the governing by known laws, the preservation of all the rights and franchises of subjects, and trial in all cases of property by the established judicature of the country, as the invariable and undoubted proofs of freedom. This was the real case with India; the person entrusted with the administration of the country was, indeed, vested with more power; but he had, therefore, the greater responsibility, though in cases of great emergency he was allowed to act without the concurrence of his council; yet he had still his council to advise with, and they were always about him as checks and controls on his conduct: in fact, in proportion as he had more personal power, so had the bill provided more responsibility. All the mischief and all the misfortunes which had for years taken place in India, he

was satisfied, after long and attentive inquiry into the affairs of that country, arose entirely from the party principles of the members of the different councils in existence there, and the factious scenes which those councils had almost uniformly presented. The bill was supported by large majorities in both Houses, and finally passed into a law. (26 Geo. III, cap. 16.)

The following is a summary of the existing laws:

The government-general of Bengal continues supreme: the presidencies of Fort St. George and Bombay, are subordinate to it. The Government of Bengal consists of a governor-general and three members of council: the subordinate presidencies, in the particular cases of concluding treaties with the native powers in India, levying war, making peace, collecting and applying revenues, levying and employing forces, and, in general, in all matters of civil and military administration, are placed under the superintendence of the government-general of Bengal; and, in all cases, are to obey its orders, unless the directors should have sent instructions to the contrary, not known to the government-general; but, in such case, the subordinate presidencies are to give the government-general immediate notice of the same.

The civil members of council are to be appointed from the list of civil servants who have resided ten years in the civil service in India.

When a vacancy of governor-general or governor may happen, and no provisional successor appointed, it is to be filled up by the senior of the civil counsellors, till a successor shall arrive: the vacant seat in council, occasioned by this contingency, is during the time to be supplied from the senior merchants, at the nomination of the acting governor-general: if only one counsellor shall then remain, the Governor-General has power, in case of vacancies in council, to supply them from the senior merchants until successors, duly appointed, shall take their seats. In all these cases, the salaries or allowances are to attach to the acting members while in office.

In case any member of council shall be disabled from attending, by casual illness or infirmity, provision is made to supply his place.

Upon

Upon the departure of any governor, or member of government from India for Europe, or of any written intimation delivered in by them to such effect, such departure, or writing, is to be held as an avoidance of office.

The mode of conducting business in the Council Board is as follows:—

The subjects proposed by the President are first to be discussed, and he is to have the power of adjourning any questions which may be proposed by the members of council, but not more than twice, and not longer than forty-eight hours each time.

All orders are to be expressed as made by the Governor-General in Council. Powers are given to the Governor-General to act contrary to the opinions of the members of council; but, in such cases, the Governor-General, is alone to be responsible. On such occasions the Governor-General and counsellors are to communicate to each other their opinions and reasons, by minutes in writing, and to meet a second time; and if both retain their first opinions, the minutes are to be entered on the consultations, and the orders of the Governor-General are to be deemed valid and put in execution.

In the event of the Governor-General visiting any subordinate presidency, he is vested with the power to appoint a vice-president, to act in Bengal during his absence, who, with the council, are to administer the government in that presidency only, the authority of the Governor-General, and that of his counsel, are transferred to the Council Board of the Presidency, where he may be present, except in judicial cases.

When the Governor-General, is at a subordinate presidency, the governor of that presidency is only to have one voice in council: his other authorities, except in judicial cases, becoming suspended; and if the Governor-General should be in the field, not attended by a council, all the governments and officers are to obey his orders, he alone being responsible. These extraordinary powers, however, are not to extend to the imposing of taxes, nor to any act which might not be done by the whole council, nor to any judicial case, nor to the suspension of any standing order of government; and these

powers

powers of the Governor-General are not to be exercised by persons casually succeeding to the temporary government.

The Government is laid under restrictions to prevent war, or extension of territory, in India, unless hostilites against the Company, or their allies, should render war and its consequences unavoidable.

The members of the subordinate governments who might act contrary to this decree, or to the orders of the Governor-General, are to be suspended from their offices, or dismissed the service, besides being liable to farther punishment. The subordinate presidencies, for the purposes of preserving uniformity in the system of government, are required with every possible despatch to communicate all matters of importance to the Supreme Government. The Governor-General is vested with the power of apprehending all persons suspected of illicit correspondence, of examining and cross-examining witnesses, and the evidence given by them is to be recorded: such persons may be tried either in India, or may be sent home for trial; the depositions of the witnesses, in the latter case, are to be sent home, and to be received in evidence, but subject to impeachment in respect to the competency of the witnesses.

In all cases where there may be an equality of voices, the acting president of the council is vested with the power of giving the casting vote.

Madras.

In the year 1625-6, the agents of the Company at Bantam, in Java, suggested to the authorities in Europe, the expediency of directing their attention to the trade on the Coromandel coast, and at the close of the season despatched a vessel from Batavia to Masulipatam with a cargo. In addition to the factory at that place, they fixed on a station at Armagon, between Nellore and Pullicat. In 1638, the situation of Armagon was not considered favourable for increasing the Company's commerce in that quarter. Measures were accordingly taken to fix upon a more eligible spot. Mr. Day, one of the council at Masulipatam, selected Madraspatam; the Naig of that district having offered to erect a fort at his own cost, provided

vided the English would settle there, and likewise to exempt them from all customs on trade: so much importance was attached to securing this position, that without waiting for instructions from England, a fortification was commenced at the expense of the Company, giving to the fort the name of Fort St. George; the town retaining its original appellation.

In 1653, Fort St. George was raised to the rank of a presidency; and, on the application of the Company in 1687, it was incorported by royal charter from his Majesty King Charles II. The question was agitated before the Privy Council, whether such charter should proceed from the King under the great seal of England, or from the Company, under its broad seal, from being vested with a right to exercise a delegated sovereignty in India. His Majesty was pleased to consent to its going under the seal of the Company. For the particulars of the discussion before the privy counsel, *vide* The Sovereign.

In 1692, the French formed a settlement at Pondicherry, on the coast of Coromandel. In 1746, a French fleet anchored off Fort St. George: which place capitulated after sustaining a bombardment for five days. It was restored by the treaty of Aix-la-Chapelle, and delivered up to the English in August 1749. It was again besieged by M. Lally, and the Count D'Estaign in 1758, but an arrival of a convoy with troops under Admiral Pococke, from Bombay, and the want of supplies on the part of the enemy, obliged them to raise the siege. In 1767, Hyder Ally, one of the most formidable foes which the British had to contend with in India, began his first operations against the English, and approached without opposition to the very precincts of Madras. The situation of the Company in Bengal compared with their position on the Coromandel coast, was very different. In Bengal, possessed of the authority of Dewan, they were invested with the principal functions of the internal government of that country: At Madras, they were dependants on Mahomed Ally, whose interest they had upheld; and who, through their influence, had been proclaimed Nabob of the Carnatic; which country was rendered independent of the Nizam. The Nabob, unequal

equal to the charge of protecting his own dominions, transferred to the English, who already possessed the maritime district of the four Northern Circars (obtained from the Mogul in 1765), the military defence of the country, allowing out of its revenues a sum proportionate to the expense incurred by that arrangement. A detail of the ulterior measures, which were adopted with regard to the Carnatic, will be found under the head of CARNATIC COMMISSIONERS.

When Bengal was declared to be the seat of the Governor-General in Council by the act of the 13th Geo. III, cap. 63, in 1773, MADRAS and BOMBAY were designated presidencies subject to Bengal; and it was not until 1784, that the administration of the affairs of each of those settlements was vested in a governor and three counsellors, by the act of the 24th Geo. III, cap. 25, under which form they are still administered, according to the legislative provisions hereafter mentioned.

BOMBAY.

THE first settlement of the East-India Company on the western side of India was at SURAT, a populous city in the province of Guzerat, where a factory was established in 1612. It became the chief commercial establishment of the Company, when their agents were obliged to retire from Bantam. The Island of Bombay had been ceded by the crown of Portugal to King Charles II, as a part of the dowry of the Infanta Catherine, who was married to the King in 1661. In 1668, the King granted the Island of Bombay to the Company; and in 1687, it was constituted the chief seat of the British government in India, all the other settlements being declared subordinate to it. The Court of Directors considered it as the key of India, and it was accordingly to be fortified "as strong as art and money could make it." It has already been observed that, in 1773, it was declared a presidency subject to Bengal; and in 1784 was formed into a government, consisting of a governor and three counsellors, under which form its affairs continued to be administered.

PRINCE OF WALES' ISLAND, SINGAPORE, AND MALACCA.

PULO Penang, subsequently called Prince of Wales' Island, in the Straits of Malacca, was granted by the King of Queda to

to the East-India Company, and taken possession of by Captain Light on the 11th August 1786, under the authority of the Bengal government. The objects contemplated at the formation of the settlement were both commercial and political; to connect the Bengal and China trade, and procure a windward port during the north-east monsoon for the refreshment and repair of the King's ships in time of war. Captain Light was authorized to receive such colonists as he might judge expedient, and to allot such portion of land to each family as circumstances would admit. In 1800, the Court of Directors, from the importance of Prince of Wales' Island in a commercial point of view, issued orders that a senior civil servant from Bengal fully competent to the charge should be immediately appointed superintendant of the island. The Bengal government, in the interim, had appointed Sir George Leith, Bart., to the charge. In 1805 it was determined that the future system of managing the affairs at that settlement should be by a governor and three other members of council, who were accordingly nominated and proceeded to their duty in the course of that year.

The same system was continued until the year 1825, with the exception of the members of council being reduced to two, in addition to the governor. In the year 1819 Sir Stamford Raffles, then Lieutenant Governor of Bencoolen, was deputed by the Governor-General the Marquis of Hastings to proceed to the Straits of Malacca, with the view of fixing upon some settlement in the Eastern Archipelago, which should present a favourable position for counteracting the efforts which the Dutch were exerting to engross the whole of the trade of the Eastern Islands, to the total exclusion of the British trader. The result was the acquisition of the island of Singapore. Considerable differences arose out of this transaction — the Dutch contending that by treaty with the state of Rhio, to which they represented Singapore as subject, we had no right or pretension to fix the British flag on the latter settlement. In order to adjust such difference, and to remove all further cause of disagreement between the agents of the British and Netherlands governments in India, a negotiation was opened in Great Britain in 1823, and brought to a conclusion in 1824, when a treaty between his Britannic Majesty

Majesty and the King of the Netherlands, bearing date the 17th March in that year, was concluded and signed; by which the British agreed to withdraw from the island of Sumatra, ceding (with the consent of the East-India Company) the settlement of Bencoolen and its dependencies to the Dutch, in exchange for which the whole of the Dutch possessions on the continent of India, as well as the settlement of Malacca, were transferred to Great Britain, with the undisputed possession of Singapore.

The said possessions on the continent of India, together with the island of Singapore and the settlement of Malacca, were transferred to the East-India Company, under the provisions of the 5th Geo. IV, cap. 108; and by an act of the following year, 6th Geo. IV, cap. 85, the Company were authorized to annex Singapore and Malacca to Prince of Wales' Island, or otherwise as they might see fit. Under the foregoing powers the Court of Directors issued orders on the 12th October 1825, constituting the three settlements one government, to consist of a governor and three counsellors; one counsellor to be resident at Prince of Wales' Island, one at Singapore, and one at Malacca. The whole being designated the GOVERNOR IN COUNCIL OF PRINCE OF WALES' ISLAND, SINGAPORE, AND MALACCA; which government is subject to the Supreme Government in Bengal, under the 40th and 44th sections of the 33d Geo. III, cap. 52.

LAWS.

Form of Government.

LAWS. 1793. 33 Geo. 3, c. 52, § 24.

Governments of the presidencies vested in the governors and three councellors respectively. — Form of government.

(1) And be it further enacted, that the whole civil and military government of the presidency of FORT WILLIAM in BENGAL, and also the ordering, management, and government of all the territorial acquisitions and revenues in the kingdoms or provinces of Bengal, Bahar, and Orissa, shall be and are hereby vested in a *governor-general* and *three counsellors* of and for the said presidency, subject to such rules, regulations, and restrictions as are made, provided, or established in that behalf in this act, or in any other act or acts now in force, and not by this act repealed or altered; and that the whole civil and military government of the presidency of FORT ST. GEORGE, on the coast of Coromandel, and the ordering, management, and government of all the territorial acquisitions and revenues on the said coast, and also so much and such parts of the territories

LAWS. 1793. 33 Geo. 3, c. 52, § 24.

territories and possessions on the coast of Orissa, with the revenues of the same, as have been and now are under the administration of the government or presidency of Fort St. George, shall be and are hereby vested in a *governor and three counsellors* of and for the said presidency of Fort St. George, subject to such rules, regulations, and restrictions as aforesaid; and that the whole civil and military government of the presidency and island of BOMBAY on the coast of Malabar, and the ordering, management, and government of all the territorial acquisitions and revenues on the said coast of Malabar, shall be and are hereby vested in a *governor and three counsellors* of and for the said presidency and island of Bombay, subject as aforesaid, and the said governors and councils of the said presidencies of Fort St. George and Bombay respectively, being also subject to the superintendence and control of the said Governor-General in Council, in manner by this act provided or directed in that behalf, any act or acts to the contrary notwithstanding.

Council,

Form of Proceeding in

§ 38.

Councils, in the first place, to consider matters proposed by the governor, who may postpone any matters proposed by counsellors.

(2) And be it further enacted, that the Governor-General and counsellors of Fort William, and the several governors and counsellors of Fort St. George and Bombay shall at their respective council boards proceed in the first place to the consideration of such matters or questions as shall be proposed by the governor-general, or by the governors of the said presidencies respectively: and as often as any matter or question shall be propounded by any of the said counsellors, it shall be competent to the said governor-general or governor respectively, to postpone or adjourn the discussion thereof to a future day; provided that no such adjournment shall exceed forty-eight hours, nor shall the matter or question so proposed be adjourned more than twice without the consent of the counsellor who proposed the same.

If any Member incapable of attending, a provisional Successor may be called in.

§ 34.

(3) And be it further enacted, that if any of the members of the council of either of the said presidencies shall by any infirmity or otherwise be rendered incapable of acting, or of attending to act as such, or if any of such members shall be absent from the presidency, and the governor-general, or either of the said governors, shall be desirous of having the advice of a full council upon any urgent business, the governor general, or such governors respectively, shall, by virtue of this act, have full power and authority to call any provisional successor appointed then on the spot, or, there being none such on the spot, then any senior merchant on the spot, to assist at the council board for that turn; but that such provisional successor, or other person

LAWS. 1793. 33 Geo. 3, c. 52, § 34.

person shall not be entitled to any salary or other emolument in respect thereof, nor shall his acting as an occasional member of council, in manner aforesaid, deprive him of any office or employment he before enjoyed.

Commander-in-Chief in India may be appointed to Council.

§ 32.

(4) And be it further enacted, that when the office of governor-general, and the office of commander-in-chief of all the forces in India, shall not be vested in the same person, such commander-in-chief shall and may, if specially authorized for that purpose by the said Court of Directors, and not otherwise, be a member of the council of Fort William; and that when the offices of governor of Fort St. George, and commander-in-chief of the forces there, shall be vested in different persons, or the offices of governor of Bombay and commander-in-chief of the forces in Bombay, shall be vested in different persons, such respective commanders-in-chief shall and may, if specially authorized by the Court of Directors, and not otherwise, be a member of council at the said respective presidencies; and that when any commander-in-chief shall be appointed a member of any of the said councils, such commander shall have rank and precedence at the council board next to the governor-general, or governor of the same presidency; but no commander-in-chief shall be entitled to any salary or emolument in respect of his being a member of any of the said councils, unless the same shall be specially granted by the Court of Directors of the said Company.

The commander-in-chief, when not the governor at the presidency, may, by the authority of the Directors, be the second member of the council.

While resident at Fort St. George or Bombay, shall be a Member of Council.

§ 33.

(5) Provided always, and be it further enacted, that when the commander-in-chief of all the forces in India (not being likewise governor-general) shall happen to be resident at either of the presidencies of Fort St. George or Bombay, the said commander-in-chief shall, from the time of his arrival, and during his continuance at such presidency, be a member of the council of such presidency, and during that period the provincial commander-in-chief of the forces of the same presidency, if he shall be a member of the council thereof, shall and may continue to sit and deliberate, but shall not have any voice at the council board.

Provincial Commander of the Forces in Bengal.

1805. 45 Geo. 3, c. 36, § 1.

(6) 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 it shall and may be lawful to and for the Court of Directors of the said United Company specially to authorize and appoint the commander of the military forces of the said United Company on the Bengal establishment to be a member of the said Supreme Council of Fort William aforesaid, notwithstanding the office of governor-general of Fort William aforesaid, and the office of commander-in-chief of all the forces in India, shall be vested in the same person.

The Court of Directors may appoint the commander of the forces of the Company on the Bengal establishment to be a member of the council of Fort-William, notwithstanding the office of governor-general and commander-in-chief be vested in the same person.

LAWS. 1805. 45 Geo. 3, c. 36, § 1.

§ 2.

(7) And be it enacted, that when any such commander of the military forces of the said United Company on the Bengal establishment shall be appointed a member of the said Supreme Council, such commander shall have rank and precedence at the council board next to the governor-general, but he shall not succeed to the government of such presidency on the happening of a vacancy in the office of governor-general, unless such commander of the military forces of the said United Company on the Bengal establishment shall have been provisionally appointed to supply the same; but such vacancy shall be supplied by the counsellor next in rank at the council board to such commander of the military forces of the said United Company on the Bengal establishment; any thing contained in an act, passed in the thirty third year of the reign of his present Majesty, or any other law, or usage to the contrary thereof in anywise notwithstanding.

And such commander shall have rank at the Board next to the governor-general, but shall not succeed to the government in case of vacancy, unless provisionally appointed to supply the same. —33 Geo. 3, c. 52.

§ 3.

(8) Provided always, and be it enacted, that any commander so to be appointed a member of the said supreme council as hereinbefore is mentioned, shall be subject to recall by the same persons, and in the same manner, and shall have the same powers, franchises, and authorities, in all respects as a member of council, as if he had been appointed thereto as commander-in-chief of all the forces in India.

Such commander so appointed a member of the council, shall be subject to recall.

Proceedings of Council to be signed by Governor-General.

1799. 39 and 40 Geo. 3, c. 79, § 12.

(9) And be it further enacted, that if the governor-general of Fort-William in Bengal for the time being, or the governor of the said presidency of Fort St. George, and of the said presidency and island of Bombay respectively for the time being, shall happen to be absent from any council to be assembled for the said respective presidencies of Fort-William and Fort St. George, and the said presidency and island of Bombay, owing to indisposition or any other cause whatsoever, and shall signify such his intended absence to such council so to be assembled, then and in every such case the senior member for the time being who

If the governor-general of Fort-William, or the governor of Fort St. George or of Bombay, shall signify his intended absence from the council, the senior member present shall preside; but no act of such council shall be valid, unless signed by the governor-general or governor

LAWS. 1799. 39 and 40 Geo. 3, c. 79, § 12.

shall be present at the council so assembled, shall preside at such council, in such manner, and with such full powers and authorities, during the time that such council shall continue to be assembled, as such governor-general or governor might or would have had in case such governor-general or governor were himself actually present at such council: provided nevertheless, that no act of any council so held shall be valid to any effect whatsoever, unless the same shall be signed by such governor-general or governor respectively, if such governor-general or governor shall at the time be resident at the presidency at which such council shall be so assembled, and shall not be prevented by such indisposition from signing the same: provided always, that in case such governor-general or governor, not being so prevented as aforesaid, shall decline or refuse to sign such act of council, he and the several members of the council who shall have signed the same, shall mutually exchange with and communicate in writing to each other the grounds and reasons of their respective opinions, in like manner and subject to such regulations and ultimate responsibility of such governor-general or governor respectively, as are by the said act, passed in the thirty-third year of the reign of his present Majesty, provided and directed, in cases where such governor-general or governor respectively shall, when present, dissent from any measure proposed or agitated in such council respectively: provided also, that nothing herein contained shall be taken or construed to prevent such governor-general, in case he shall be absent from his own government of Bengal, to nominate a vice-president and deputy-governor of Fort-William, according to the provision for that purpose in the said act passed in the thirty-third year of his present Majesty.

respectively, if resident at the presidency, and not prevented by indisposition; and if not so prevented, and he shall refuse to sign, he and the members who shall have signed, shall mutually communicate the grounds of their opinions as directed by recited act of 33 Geo. 3, where he shall, when present, dissent from the council.—The governor-general, when absent, may nominate a vice-president and deputy-governor of Fort-William.

Independent Powers of Governors.

Governor-General or Governors may act without Concurrence of their Council.

1793. 33 Geo. 3, c. 52, § 47.

(10) And whereas it will tend greatly to the strength and security of the British possessions in India, and give energy, vigour, and despatch to the measures and proceedings of the executive government within the respective presidencies, if the governor-general of Fort-William in Bengal, and the several governors of Fort St. George and Bombay, were vested with discretionary power of acting without the concurrence of their respective councils, or forbearing to act according to their opinions, in cases of high importance, and essentially affecting the public interest and welfare, thereby subjecting themselves personally to

Governor-general or governors may order measures proposed in council, about which they differ from the other members, to be adopted or suspended, &c.

LAWS. 1793. 33 Geo. 3, c. 52, § 47.

to answer to their country for so acting, or forbearing to act: be it enacted, that when and so often as any measure or question shall be proposed or agitated in the supreme council at Fort-William in Bengal, or in either of the councils of Fort St. George and Bombay, whereby the interests of the said United Company, or the safety or tranquillity of the British possessions in India, or any part thereof, are, or may, in the judgment of the governor-general, or of the said governors respectively, be essentially concerned or affected, and the said governor-general, or such governors respectively, shall be of opinion that it will be expedient either that the measures so proposed, or agitated ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the several other members of such council then present shall differ in and dissent from such opinion, the said governor-general or such governor, and the other members of the council, shall, and they are hereby directed forthwith mutually to exchange with and communicate in council to each other, in writing, under their respective hands (to be recorded at large on their secret consultations) the respective grounds and reasons of their respective opinions; and if, after considering the same, the said governor-general, or such governor respectively, and the other members of the said council, shall severally retain their opinions, it shall and may be lawful to and for the said governor-general in the Supreme Council of Fort-William, or either of the said governors in their respective councils, to make and declare any order (to be signed and subscribed by the said governor-general, or by the governor making the same) for suspending or rejecting the measure or question so proposed or agitated, in part or in the whole, or to make and declare such order and resolution for adopting and carrying the measure so proposed or agitated into execution, as the said governor-general, or such governors in their respective councils, shall think fit and expedient; which said last-mentioned order and resolution, so made and declared, shall be signed as well by the said governor-general, or the governor so making and declaring the same, as by all the other members of the council then present, and shall by force and virtue of this act be as effectual and valid, to all intents and purposes, as if all the said other members had advised the same, or concurred therein; and the said members of council, and all officers, civil and military, and all other persons concerned, shall be and they are hereby commanded, authorized, and enjoined to be obedient thereto, and to be aiding and assisting in their respective stations in the carrying the same into execution.

Their Responsibility.

§ 48.

Governor-general, &c. making any order without the consent of the council re-

(11) And be it further enacted, that the governor-general, or governor, who shall declare and command any such order or resolution to be made and recorded without the assent or concurrence of any of the other

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members of council, shall alone be held responsible for the same, and the consequences thereof.

sponsible for the same.

1793. 33 Geo. 3, c. 52, § 49.

(12) Provided always, and be it further enacted, that nothing in this act contained shall extend, or be construed to extend, to give power to the said governor-general of Fort-William in Bengal, or to either of the said governors of Fort St. George and Bombay respectively, to make or carry into execution any order or resolution which could not have been lawfully made and executed with the concurrence of the councils of the respective governments or presidencies, any thing herein contained to the contrary notwithstanding.

But not to make any order which could not have been made with the consent of the council.

This discretionary and independent Power not to be exercised by a provisional Successor as Governor.

§ 50.

(13) Provided also, and be it further enacted and declared, that nothing in this act contained shall extend, or be construed to extend, to give any discretionary power of acting or forbearing to act, without the concurrence of the other members of council, unto any person on whom the said office of governor-general, or the said office of governor respectively, shall happen to devolve by the death or resignation of any governor-general, or governor, for the time being respectively, or unto any deputy governor-general, unless such person shall have been provisionally appointed to succeed to such respective office by the said Court of Directors, or unless and until such person shall have been or shall be confirmed in the said office: and that in the mean time all orders, resolutions, and other acts and things in such presidency shall be determined by the voice of the major part in number of the governor-general and counsellors, or governor and counsellors present at the making or doing thereof, such governor-general or governor having on any equality of voices a casting vote, and not otherwise, or in any other manner; any thing in this act contained to the contrary notwithstanding.

Discretionary and independent power.

Not to be exercised in certain Cases.

§ 51.

(14) Provided also, and be it further enacted, that nothing herein contained shall be construed to give power or authority to the governor-general of Fort-William in Bengal, or either of the governors of Fort St. George and Bombay respectively, to make or carry into execution any order or resolution against the opinion or concurrence of the counsellors of their respective governments, in any matter which shall come under the consideration of the said governor-general and governors in council respectively, in their judicial capacity; or to make, repeal, or suspend any general rule, order, or regulation, for the good order and civil government of the said United Company's settlements; or to impose, of his own authority, any tax or duty within the said respective governments or presidencies.

Powers

LAWS.

Powers of Governor-General when at other Presidencies.

The powers of the governor of either of the other presidencies vested in the governor-general during his stay in the presidency.

1793. 33 Geo. 3, c. 52 § 52.

(15) And be it further enacted, that when the governor-general of Fort William in Bengal for the time being shall find it expedient to visit the presidency of Fort Saint George, or the presidency of Bombay, or any province or place in India, the powers and authorities of the governor or other chief officer or officers of such presidency, province, or place, shall from the time of the proclamation of the arrival of the said governor-general therein be suspended (except with regard to judicial proceedings), and shall so continue to be suspended, until other proclamation be made to the contrary by the order of the said governor-general, or otherwise, until the said governor-general shall depart therefrom, and no longer; and that during that interval the powers and authorities of the said governor, or other chief officer, shall be vested in the said governor-general, with liberty nevertheless for such governor to sit and act as a member of the council of such presidency; and that the said governor general in council, at either of the said presidencies of Fort Saint George and Bombay, shall be invested with the powers and authorities of the governor in council of the same presidency or settlement respectively, and also with the same ample powers and authorities as can or may be exercised by the governor-general in council at Fort William by force and virtue of this act.

To nominate a Vice-President during his Absence.

§ 53.

(16) And be it further enacted, that when and so often as the said governor-general shall on any occasion be absent from his own government of Bengal, such one of the members of the council thereof as the said governor-general shall nominate for that purpose, shall be styled and act as vice-president and deputy-governor of Fort-William, and that the government of the said presidency shall be exercised by such vice-president or deputy, and the other members or member of the said council, in like manner, and no further or otherwise than as the government of the said presidencies of Fort Saint George and Bombay may be exercised by the governors in council there, subject nevertheless to the restrictions in this act contained.

While absent may issue Orders to other Presidencies.

§ 54.

(17) And be it further enacted, that if the said governor-general, during his absence from his own government in Bengal, shall judge it necessary to issue any orders or directions to any of the said governments or presidencies in India, or to any of the officers or servants of the said Company acting under the authority of any of the said presidencies, without previously communicating such orders or instructions to the said respective governments, under the authority of which such officers or servants shall be acting, it shall and may be lawful

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LAWS. 1793. 33 Geo. 3, c. 52, § 54.

for him to issue the same, and that the said respective governments or presidencies, and also such officers and servants shall, and they are hereby severally and respectively authorized and required to obey the same, and such orders and instructions shall be of the same force as if the same had been made by the said governor-general in council at Fort-William, but not of any greater or other force or validity; and that if such orders or directions shall be made by the said governor-general of his own sole authority, or without the concurrence of the other members of council of either of the said presidencies of Fort St. George and Bombay respectively, in that case the said governor-general shall be alone held responsible for the same, in the like manner as for any orders or resolutions by him made in council at Fort-William, of his own sole authority, without the concurrence of the other members of the same council, according to the directions and true intent and meaning of this act: provided always, that such governor-general shall and he is hereby required to transmit by the first opportunity, to the governors and councils of the respective presidencies to which the officers or servants to whom any such orders or instructions shall be so sent to be executed shall belong, copies of such orders and instructions respectively, with his reasons or inducements for issuing the same, and also to transmit to the Court of Directors of the said Company, by the first opportunity that shall or may occur, a copy of all orders and instructions by him so sent to any of the said governments, presidencies, officers, or servants respectively, together with his reasons and inducements for sending or reissuing the same.

Power of the Governor-General to act upon his own Authority, may be suspended.

§ 55. (18) Provided also, and be it further enacted, that it shall and may be lawful for the Court of Directors of the said Company, with the approbation of the Board of Commissioners for the Affairs of India, to suspend all or any of the powers hereby given to the governor-general at Fort-William to act upon his own sole authority, at and for such time or times as they may judge expedient or necessary, and that the same shall be suspended accordingly, from the time of the arrival of their orders for that purpose in India; and also for the said Court of Directors, with such approbation as aforesaid, to revive the said powers, when and as they shall think fit; any thing herein contained to the contrary notwithstanding.

Proceedings of Government.

When published to be signed by Secretary.

§ 39. (19) And be it further enacted, that all orders and other proceedings of the governor-general and council of Fort-William shall be expressed to be made by the governor-general in council; and that all orders and other proceedings of the governors and council of Fort St. George and Bombay respectively, shall be expressed to be made by the governor in council, and not otherwise; and that the several orders and proceedings of all the said presidencies shall, previous to their being published or 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 the governor in council, as the case may be.

Proceedings to be expressed to be made by the governor and council, and signed by the secretary.

LAWS. 1793. 33 Geo. 3, c. 52, § 39.

By the principal secretary of the department in the absence of the chief secretary. 33 Geo. 3, c. 52.

1813. 53 Geo. 3, c. 155, § 79.

(20) And whereas by the act 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 St. 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.

Other Presidencies subject to Bengal.

Governor-general in council at Fort-William empowered to superintend the other presidencies, Madras and Bombay.

1793. 33 Geo. 3, c. 52, § 40.

(21) And be it further enacted, that the governor-general in council at Fort William shall have and be invested, by virtue of this act, with full power and authority to superintend, control, and direct the several governments and presidencies of Fort St. George and Bombay, and all other governments erected or to be erected by the said United Company, within the limits of their said exclusive trade, in all such points as shall relate to any negotiations or transactions with the country powers or states, or levying war or making peace, or the collection or application of the revenues of the said acquisitions and territories in India, or to the forces employed at any of such presidencies or governments, or to the civil or military government of the said presidencies, acquisitions, or territories, or any of them.

§ 41.

The other presidencies to obey the orders of the governor-general in council at Fort William, if not

(22) And in order to prevent the embarrassment and difficulty which may otherwise arise from any doubt whether the orders or instructions of the governor-general in council of Fort William relate to other points than those aforesaid, be it further enacted, that notwith-

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1793. 33 Geo. 3, c. 52. § 41.

notwithstanding any doubt which may be entertained by the said presidencies or governments to whom such orders or instructions shall be given respecting the power of the governor-general in council to give such orders, yet the said presidencies or governments shall be bound to obey such orders and directions of the said governor-general in council, in all cases whatever, except only where they shall have received positive orders and instructions from the said Court of Directors, or from the Secret Committee of Directors, by the authority of the said Board of Commissioners for the Affairs of India, repugnant to the orders and instructions of the said governor-general in council, and not known to the said governor-general and council at the time of despatching their orders and instructions as aforesaid; and the said governor-general in council shall, at the time of transmitting all such orders and instructions, transmit therewith the dates of and the times of receiving the last despatches, orders, and instructions, which they have received from the Court of Directors, or from the said Secret Committee by the direction of the said Board of Commissioners, on any of the points contained therein; and the said presidencies, governments, and settlements, in all cases where they have received any orders from the said Court of Directors, or from the said Secret Committee by the direction of the Board of Commissioners as aforesaid, which they shall deem repugnant to the orders of the said governor-general in council of Fort William, and which were not known to the said governor-general and council at the time of despatching their orders and instructions as aforesaid, shall forthwith transmit copies of the same, together with an account of all instructions or orders made by them in consequence thereof, to the governor-general in council of Fort William, who shall, after the receipt of the same, despatch such further orders and instructions to the said presidencies, and governments or settlements, as the said governor-general in council may judge necessary thereupon.

repugnant to instructions from England.—Governor-general to send dates, &c. of despatches from England, on points contained in instructions to presidencies, &c. who shall transmit to him copies of any orders they deem repugnant thereto.

Other Governments to send Copies of their Proceedings to Bengal.

§ 44.

(23) And be it further enacted, that the governors and counsellors of the said presidencies of Fort Saint George and Bombay respectively, for the time being, and the governors and counsellors, or other chief officer or officers of and belonging to any other British settlement in India shall, and they are hereby respectively required, constantly and diligently to transmit to the said governor-general in council at Fort William aforesaid true and exact copies of all orders, resolutions, and acts in council of their respective governments, presidencies, and councils, and also advice and intelligence of all transactions and matters which shall come to their knowledge, material to be com-

Presidencies of Fort St. George, &c. to send to Fort William copies of all their orders, &c.

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communicated to the governor-general in council of Fort William aforesaid, or which the said Governor-General in Council shall, from time to time, require.

Recall of Officers and Servants vested in the Directors except when the King appoints.

1793. 33 Geo. 3, c. 52, § 36.

Act not to preclude the Directors from recalling their officers or servants.

(24) Provided always, and be it further enacted, that nothing in this act contained shall extend, or be construed to extend, to preclude or take away the power of the Court of Directors of the said company from removing or recalling any of the officers or servants of the said company, but that the said court shall and may at all times have full liberty to remove, recall, or dismiss any of such officers or servants, at their will and pleasure, in the like manner as if this act had not been made, any governor-general, governor, or commander-in-chief, appointed by his Majesty, his heirs or successors, through the default of appointment by the said Court of Directors, always excepted; any thing herein contained to the contrary notwithstanding.

Resignation of Governor-General, Governors, Member of Council, or Commander-in-Chief.

§ 37.

While at the presidency, no resignation of a governor-general, &c. to be valid, except delivered in writing to the secretary.—Regulation respecting salaries.

(25) And be it further enacted, that the departure from India of any governor-general, governor, member of council, or commander-in-chief, with intent to return to Europe, shall be deemed in law a resignation and avoidance of his office or employment, and that the arrival in any part of Europe of any such governor-general, governor, or member of council, or commander-in-chief, shall be a sufficient indication of such intent; and that no act or declaration of any governor-general, or governor, or member of council, during his continuance in the presidency whereof he was so governor-general, governor, or counsellor, except by some deed or instrument in writing, under hand and seal, delivered to the secretary for the public department of the same presidency, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said office; and that the salary and other allowances of any such governor-general, or other officers respectively, shall cease from the day of such his departure, resignation, or surrender; and that if any such governor-general, or any other officer whatever in the service of the said company, shall quit or leave the presidency or settlement to which he shall belong, other than in the known actual service of the said company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use, and in the event of his not returning back to his station at such presidency or settlement, or of his coming to Europe, his salary and allowances shall be deemed to have ceased from the day of his quitting such presidency or settlement; any law or usage to the contrary notwithstanding.

Vacancies

LAWS. 1793. 33 Geo. 3, c. 52, § 25.

Vacancies of Governor-General, Governors, Member of Council, and Commander-in-Chief, to be filled by Court.

Vacancies of governors, &c. to be filled up by the directors.

(26) And be it further enacted, that all vacancies happening in the office of governor-general of Fort William in Bengal, or of any of the members of the council there, or of governor of either of the Company's presidencies or settlements of Fort St. George or Bombay, or any of the members of the council at the same respectively, or of governor of the forts and garrisons at 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, all and every of such vacancies shall be filled up and supplied by the Court of Directors of the said United Company, the vacancies of any of the said members of council being always supplied from amongst the list of senior merchants of the said Company, who shall have respectively resided ten years in India in their service, and not otherwise, except as is hereinafter otherwise provided.

Directors neglecting to fill up, his Majesty may appoint.

§ 26.

(27) Provided always, and be it further enacted, that when and so often as the said Court of Directors shall neglect, for the space of two calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in India, in the appointment of the said Court of Directors, shall have been received by the said court to supply such vacancy, then, and in every such case, it shall be lawful for his Majesty, his heirs and successors, to constitute and appoint, by writing, under his or their royal signmanual (under the same restrictions and regulations as are hereinbefore provided with respect to the nominations and appointments made by the said Court of Directors) such person to supply such vacancy as his Majesty, his heirs and successors, shall think proper; and that every person so constituted and appointed shall have and be invested with the same powers, privileges, and authorities, as if he or they had been nominated and appointed by the said Court of Directors, and shall be subject to recall only by the King's Majesty, his heirs or successors; any thing herein contained to the contrary notwithstanding.

Appointments subject to his Majesty's approbation.

1813. 53 Geo. 3. c. 155, § 80.

Vacancies of governors and commanders-in-chief to be filled up by the Court of Directors, subject to his Majesty's approbation.—None to affect the right of Directors to recall.

(28) 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 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 be filled up

LAWS. 1813. 53 Geo 3, c. 155, § 80.

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.

Provisional Appointments.

1793. 33 Geo. 3, c. 52, § 27.

Directors may appoint persons provisionally to supply vacancies.

(29) And be it further enacted, that it shall be lawful for the said Court of Directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid, for supplying any vacancy or vacancies therein, when the same shall happen by the death or resignation of the person or persons holding the same office or offices respectively, or on his or their departure from India, or on any event or contingency expressed in any such provisional appointment or appointments to the same respectively, and such appointments again to revoke; but that no person so appointed to succeed provisionally to any of the said offices shall be entitled to any authority, salary, or emolument, appertaining thereto, until he shall be in the actual possession of such office, any act or statute to the contrary notwithstanding.

Vacancies how to be supplied when no Successors are on the Spot.

§ 29.

(30) And be it further enacted, that if any vacancy shall happen in the office of governor-general of Fort William, or of governor of Fort St. George or Bombay respectively, when no provisional or other successor shall be upon the spot to supply such vacancy, then, and in every such case, the counsellor of the presidency wherein such vacancy shall happen, next in rank to the said governor-general or governor respectively, shall hold and execute the said office of governor-general or governor, until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and if the council board shall happen during that interval to become reduced to one only member, besides the acting governor-general or governor, then, and in such case, the person so acting as governor-general or governor shall be, and is hereby empowered to call to the council board such one of the senior merchants of the said Company, at such presidency where the vacancy shall occur, as he shall think fit to be a temporary member of the said board, and that the person so called shall accordingly sit, and act as a member of the said council, and shall have the same powers in all other respects as are given to persons appointed to the council board by the said Court of Directors, until

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1793. 33 Geo. 3, c. 52, § 29.

until the arrival of a successor or other appointment made to the office of governor-general or governor respectively; and that every such acting governor-general or governor, and occasional counsellor, shall, during the time of their continuing to act as such respectively, be entitled to receive the several emoluments and advantages appertaining to the said offices by them respectively supplied, such acting governor-general and governor foregoing their salary and allowances of counsellor for the same period.

Unless Commander-in-Chief, provisionally appointed, next Member in Council to succeed as Governor.

§ 30. (31) Provided always, and be it further enacted, that if at the time of any vacancy happening in the office of governor-general, or of a governor of any of the said presidencies, no eventual successor appointed under the authority of this act shall be present upon the spot, any commander-in-chief, although he shall be then a member of the council of the presidency where such vacancy shall occur, shall not succeed to the temporary government of such presidency, unless such commander-in-chief shall have been provisionally appointed to supply the same, but that the vacancy shall be supplied by the counsellor next in rank at the council board to such commander-in-chief; any thing herein contained to the contrary notwithstanding.

Vacancy of Counsellors when to be supplied by Governor in Council.

§ 31. (32) And be it further enacted, that if any vacancy shall happen of the office of a counsellor at either of the said presidencies, when no person provisionally or otherwise appointed to succeed thereto shall be then resident on the spot, then and on every such occasion such vacancy shall be supplied by and at the nomination or appointment of the governor-general in council of Fort William, or the governor in council of Fort St. George or Bombay respectively, from amongst the senior merchants in the said Company's service in India; and that the person or persons so nominated shall execute the said office, and shall have the same powers in all respects as are given to persons appointed to the council board by the said Court of Directors, until a successor or successors shall arrive, duly appointed by the said Court of Directors, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said office or offices during his or their continuance therein respectively.

Courts of Requests.

1799. 39 and 40 Geo. 3, c. 79, § 17.

(33) And whereas great inconveniences have resulted from the manner in which the Courts of Requests for the recovery of small debts in the respective settlements of Fort William and Fort St. George are constituted; be it therefore further enacted, that it shall

The governor-general and council of Fort William, and the governor and council of Fort St. George, may and

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1799. 39 and 40 Geo. 3, c. 79, § 17.

order in what manner the courts of requests shall in future be formed, and to what amount the jurisdiction shall extend, &c.

and may be lawful to and for the governor-general and council of Fort William, and for the governor and council of Fort St. George aforesaid for the time being respectively, to order and appoint in what manner the said courts respectively shall in future be formed, and to what amount in value, not exceeding the sum of four hundred sicca rupees, the jurisdiction of the same shall extend, and to frame and make such new rules and orders, and to establish and declare such new modes and forms of proceeding, as to them shall appear to be necessary and expedient for new modelling, altering, and reforming the present constitution and practice of the said courts respectively, and by their proclamation, to be made and published in due form of law, to declare and notify to all persons concerned such new constitution, rules, orders, modes, and forms of proceeding, and the time from whence they are to have force and effect; and from and after such time as shall be so respectively notified for that purpose, the present Courts of Requests, as well as the rules, orders, modes, and forms of proceeding which are now used and observed therein, shall be abolished and cease, and thenceforth the new court, rules, orders, modes, and forms of proceeding which the said governor-general and council are authorized and empowered, under and by virtue of this act, to make and publish, shall be in full force and effect; any former act or acts to the contrary thereof in anywise notwithstanding.

Duties and Taxes.

1813. 53 Geo. 3, c. 155, § 98.

(34) Governor-general and governor in council at Fort William, Madras, 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, in the same manner as in places without such jurisdiction. 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.

§ 99. (35) Governor-general and governors in council may make laws and regulations respecting such duties and taxes, and impose fines and forfeitures for non-payment thereof.

1814. 54 Geo. 3, c. 105, § 1.

§ 2. (36) Power of levying duties, &c., by the government in India confirmed.

(37) And be it further enacted, that all such orders, regulations, usages, duties, taxes, fines, penalties, and forfeitures, shall be and remain in full force and effect until the same respectively shall be repealed, altered, or varied.—(*Vide* Duties, Customs, Taxes, &c.)

Justices of the Peace and Coroners.

1773. 13 Geo. 3, c. 63, § 38.

(38) The governor-general and council, and the chief justice and judges of the Supreme Court, to be justices for Fort William.

(39) Governor-

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1793. 33 Geo. 3, c. 52, § 151. (39) Governor-general, and governor in council, under commission from the Supreme Court, may appoint justices of the peace and coroners.

1807. 47 Geo. 3, c. 68, § 4. (40) Governors of Madras and Bombay to be justices of the peace. —(*Vide* Justices of the Peace, &c.)

The King.

1793. 33 Geo. 3, c. 52, § 35. (41) His Majesty, by sign-manual, countersigned by the President of the Board, may remove any officer or servant of the Company in India.—(*Vide* The Sovereign.)

Licenses and Certificates.

1813. 53 Geo. 3, c. 155, § 36. (42) Provided also, and be it further enacted, that if any person having obtained a certificate or license 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 license 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 license 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 license 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 license 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 may declare certificates and licenses to be void, if it shall appear to them that the persons to whom granted have forfeited their claim to protection.—Persons not to be prosecuted for residing without a license, until two months after notice.

§ 37. (43) 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 tenth day of April one thousand eight hundred and fourteen, unless such person shall have been previously furnished with a license or certificate from the Court of Directors

Governments in India not to sanction the residence of his Majesty's subjects without the authority of the directors, except under special circumstances.

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 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 license 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.

LAWS.

1813. 53 Geo. 3, c. 155, § 37.

Unlicensed Persons.

Persons residing in India without license, may be sent home without being afterwards prosecuted.

§ 104. (44) 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 license 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 supercargoes 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 licence or other lawful authority for that purpose; and the masters or other persons having the command of all such ships, shall

LAWS. 1813. 53 Geo. 3, c. 155, § 104.

'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.

Suspected Persons.

1793. 33 Geo. 3, c. 52, § 45.

(45) And be it further enacted, that it shall and may be lawful for the governor-general of Fort William aforesaid, for the time being to issue his warrant under his hand and seal, directed to such peace officers and other persons as he shall think fit, for securing and detaining in custody any person or persons suspected of carrying on, mediately or immediately, any illicit correspondence dangerous to the peace or safety of any of the British settlements or possessions in India, with any of the princes, rajahs, or zemindars, or any other person or persons having authority in India, or with the commanders, governors, or presidents of any factories established in the East-Indies, by any European power, or any correspondence contrary to the rules and orders of the said Company, or of the governor-general in council of Fort William aforesaid, and if, upon examination taken upon oath, in writing, of any credible witness or witnesses before the governor-general in council of Fort William aforesaid, there shall appear reasonable grounds for the charge, the said governor-general shall be, and is hereby authorized and empowered to commit such person or persons so suspected or accused to safe custody, and shall within a reasonable time, not exceeding five days, cause to be delivered to him or them a copy of the charge or accusation on which he or they shall have been committed; and that the party or parties accused shall be permitted to deliver in his or their defence in writing, together with a list of such witnesses as he or they shall desire to be examined in support thereof, and that such witnesses, and also the witness or witnesses in support of the charge, shall be examined and cross-examined on oath, in the presence of the party accused, and their depositions and examinations taken down in writing; and, if, notwithstanding such defence, there shall appear to the said governor-general in council reasonable grounds for the charge or accusation, and for continuing the confinement, the party or parties accused shall remain in custody until he or they shall be brought to trial in India, or sent to England for that purpose; and that all such examinations and proceedings, or attested copies thereof, under the seal of the Supreme Court of Judicature at Fort William, or of one of the mayor's courts, shall be transmitted to the said Court of Directors by the first despatches, in order to their being produced in

The governor-general of Fort-William may issue warrants for securing suspected persons.

in evidence on the trial of the parties in the event of their being sent for trial to Great Britain; and in case such person or persons is or are intended to be sent to England, the said governor-general shall and he is hereby required to cause such person or persons to be sent to England by the first convenient opportunity, unless such person or persons shall be disabled by illness from undertaking the voyage, in which case he or they shall be sent as soon as his or their state of health will safely admit thereof; and that the examinations and proceedings so transmitted as aforesaid shall be admitted and received as evidence in all courts of law, subject to any just exceptions to the competency of the said witness.

LAWS. 1793. 33 Geo. 3, c. 52, § 45.

(46) Any unlicensed person going within Company's limits liable to fine and imprisonment, and may be arrested and sent to England for trial by order of the governments in India; and persons who shall have been dismissed, if found within the limits, to be deemed to have unlawfully traded.—(*Vide* British Subjects.) §131—134.

Limits of Calcutta, Madras, and Bombay.

Limits of the towns of Calcutta, Madras, and Bombay.

1815. 55 Geo. 3, c. 84, § 1.

(47) Whereas by an act of the Parliament of Great Britain, made and passed in the thirty-third year of his present Majesty's reign, intituled "An Act 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; 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 good Order and Government of the Towns of Calcutta, Madras, and Bombay;" it was amongst other things enacted, that if any question should arise touching or concerning the true limits and extent of the towns and factories of Calcutta, Madras, and Bombay, respectively, or any of them, the same should be inquired into by the governor-general in council at Fort William, in respect to the limits and extent of Calcutta, and by the governor in council at Fort St. George in respect to the limits and extent of Madras, and the governor in council at Bombay in respect to the town of Bombay; and that such limits as the said respective governments by order in council should declare and prescribe to be the limits of the said towns and factories respectively, should be held, deemed, and taken in law as the true limits of the same, any custom or usage to the contrary notwithstanding: and whereas by reason of the increase of the population of the towns of Calcutta, Madras, and Bombay, it is expedient that the several governments of Fort William, Fort St. George and Bombay in the East-Indies, should be further empowered, in manner hereinafter mentioned, to extend, from time to time, the limits of the said several towns: may it therefore please your

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1815. 55 Geo. 3, c. 84, § 1.

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 it shall and may be lawful to and for the governor-general in council at Fort William in Bengal, from time to time, as circumstances shall in their judgment require, to extend the limits of the town of Calcutta; and to and for the governor in council at Fort St. George from time to time, as circumstances shall in their judgment require, to extend the limits of the town of Madras; and to and for the governor in council at Bombay, from time to time, as circumstances shall in their judgment require, to extend the limits of the town of Bombay; and that such extended limits as the said respective governments shall, from time to time, in and by their respective orders in council, or by their regulations, declare and prescribe as aforesaid to be the limits of the said towns respectively, shall, from the time of publishing such orders in council, or regulations by proclamation, at the respective presidencies, be held, deemed, and taken, as and for the true limits of the same; and from time to time, as any extension shall be made thereof, all jurisdictions, powers, and authorities which, by virtue of any act or acts of Parliament, or any charter or charters, or any law or usage, shall or may be bounded or regulated by the limits of the said towns respectively, shall thenceforth be bounded and regulated by the limits of the said towns respectively, as they shall be declared and prescribed, from time to time, in manner hereinbefore mentioned; any custom, law, or usage to the contrary notwithstanding: provided always, that no order in council or regulation hereafter to be made, and declaring or prescribing the limits of any of the said towns, shall be valid or effectual, until it shall have been sanctioned, or shall have been authorized to be made and passed by the Court of Directors of the United Company of Merchants of England trading to the East-Indies, with the approbation of the Board of Commissioners for the Affairs of India.

Passage-Money.

1813. 53 Geo. 3, c. 155, § 89.

(48) The 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 £5,000
To each of the members of council there 1,200
(*Vide* Passage-Money.)

Regulations.

Regulations.

Governor-General and Council may make Regulations.

Governor-general and council may make such regulations as may appear just, which shall not be valid until duly registered in the Supreme Court.—Appeals may be made to the King in council, who may repeal such rules; and a copy of all regulations is to be affixed in the India-House.

1773. 13 Geo. 3, c. 63, § 36.

(49) And be it further enacted, that it shall and may be lawful for the governor-general and council of the said United Company's settlements at Fort William in Bengal, from time to time, to make and issue such rules, ordinances, and regulations, for the good order and civil government of the said United Company's settlement at Fort William aforesaid, and other factories and places subordinate or to be subordinate thereto, as shall be deemed just and reasonable (such rules, ordinances, and regulations, not being repugnant to the laws of the realm), and to set, impose, inflict, and levy reasonable fines and forfeitures for the breach or non-observance of such rules, ordinances, and regulations; but nevertheless the same, or any of them, shall not be valid, or of any force or effect, until the same shall be duly registered and published in the said Supreme Court of Judicature, which shall be by the said new charter established, with the consent and approbation of the said court, which registry shall not be made until the expiration of twenty days after the same shall be openly published, and a copy thereof affixed in some conspicuous part of the court-house, or place where the said supreme courts shall be held, and from and immediately after such registry as aforesaid, the same shall be good and valid in law; but nevertheless, it shall be lawful for any person or persons in India to appeal therefrom to his Majesty, his heirs or successors, in council, who are hereby empowered, if they think fit, to set aside and repeal any such rules, ordinances, and regulations respectively, so as such appeal, or notice thereof, be lodged in the said new court of judicature within the space of sixty days after the time of the registering and publishing the same; and it shall be lawful for any person or persons in England to appeal therefrom in like manner, within sixty days after the publishing the same in England; and it is hereby directed and required, that a copy of all such rules, ordinances, and regulations from time to time, as the same shall be so received, shall be affixed in some conspicuous and public place in the India-House, there to remain and be resorted to as occasion shall require; yet nevertheless, such appeal shall not obstruct, impede, or hinder the immediate execution of any rule, ordinance, or regulation, so made and registered as aforesaid, until the same shall appear to have been set aside or repealed, upon the hearing and determination of such appeal.

§ 37.

Governor-general and council to transmit copies of their rules

(50) Provided always, and be it enacted, that the governor-general and council shall, and they are hereby required from time to time, to transmit copies

LAWS.

1773. 13 Geo. 3, c. 63, § 37.

copies of all such rules, ordinances, and regulations, as they shall make and issue, to one of his Majesty's principal secretaries of state for the time being; and that it shall and may be lawful to and for his Majesty, his heirs and successors, from time to time, as they shall think necessary, to signify to the said United Company, under his or their sign-manual, his or their disapprobation and disallowance of all such rules, ordinances, and regulations; and that from and immediately after the time that such disapprobation shall be duly registered and published in the said Supreme Court of Judicature at Fort-William in Bengal, all such rules, ordinances, and regulations shall be null and void; but in case his Majesty, his heirs and successors, shall not, within the space of two years from the making of such rules, ordinances, and regulations, signify his or their disapprobation or disallowance thereof, as aforesaid, that then and in that case all such rules, ordinances, and regulations shall be valid and effectual, and have full force.

to one of the secretaries of state; which, if his Majesty does not signify his disallowance of, shall have full force.

Regulations for Provincial Courts.

1781. 21 Geo. 3, c. 70, § 23.

(50) The said court may frame regulations for the provincial courts, &c.—(*Vide* Courts for the Provinces.)

Regulations to be printed and translated and formed into a Code.

1797. 37 Geo. 3, c. 142, § 8.

(51) And whereas certain regulations for the better administration of justice among the native inhabitants and others, being within the provinces of Bengal, Bahar, and Orissa, have been from time to time framed by the governor-general in council in Bengal; and among other regulations it has been established and declared as essential to the future prosperity of the British territories in Bengal, that all regulations passed by Government, affecting the rights, properties, or persons of the subjects, should be formed into a regular code, and printed, with translations, in the country languages, and that the grounds of every regulation be prefixed to it; and that the courts of justice within the provinces be bound to regulate their decisions by the rules and ordinances which such regulations may contain, whereby the native inhabitants may be made acquainted with the privileges and immunities granted to them by the British Government, and the mode of obtaining speedy redress for any infringement of the same: and whereas it is essential that so wise and salutary a provision should be strictly observed, and that it should not be in the power of the governor-general in council to neglect or to dispense with the same; be it therefore enacted, that all regulations which shall be issued and framed by the governor-general in council at Fort William in Bengal, affecting the rights, persons, or property of the natives, or of any other

Regulations of the governor-general in council, which affect the natives or others amenable to the courts of justice, to be printed, with translations, in the country languages, &c.

other individuals who may be amenable to the provincial courts of justice, shall be registered in the judicial department, and formed into a regular code, and printed, with translations, in the country languages, and that the grounds of each regulation shall be prefixed to it; and all the provincial courts of judicature shall be, and they are hereby directed to be bound by and to regulate their decisions by such rules and ordinances as shall be contained in the said regulations; and the said governor-general in council shall annually transmit to the Court of Directors of the East-India Company ten copies of such regulations as may be passed in each year, and the same number to the Board of Commissioners for the Affairs of India.

LAWS.

1797. 37 Geo. 3, c. 142, § 8.

The governor-general and council at Fort-William may order coporal punishment for breach of rules made under authority of the recited act of 13 Geo. 3.

1800. 39 and 40 Geo. 3, c. 79, § 18.

(52) And whereas the powers given by the act of the thirteenth year of his present Majesty to the governor-general and council of the said United Company's settlement at Fort William aforesaid, to enforce the observance of such rules, ordinances, or regulations, for the good order and civil government of the said settlement, and other factories and places subordinate to or to be subordinate thereto, as they are thereby authorized to make, by setting, imposing, and levying reasonable fines and forfeitures for the breach or non-observance of such rules, ordinances, and regulations, have not been found sufficient for the preservation of good order in the said settlement; be it therefore enacted, that it shall and may be lawful to and for the said governor-general and council for the time being, in addition to, or instead of such fines and forfeitures as above-mentioned, to order or appoint such moderate and reasonable corporal punishment, by public or private whipping, or otherwise, as to them shall seem fit and expedient, for the breach or non-observance of any such rules heretofore made or hereafter to be by them made, by virtue of the authority hereinbefore recited, subject nevertheless to such registry, publication, approbation, power of appeal, and other regulations, as in and by the said recited act, passed in the thirteenth year of his present Majesty, are prescribed and provided, touching the rules, ordinances, regulations, fines, and forfeitures therein and hereinbefore mentioned.

No corporal punishment to be ordered, except on conviction before two justices.—No conviction to be reviewed.

§ 19.

(53) Provided always, and be it further enacted, that no such corporal punishment shall in any case be ordered to be inflicted, except only in case of due conviction of the offender, before two justices of the peace acting in and for the said settlement, presidencies, and places thereto subordinate, which offence such two justices of the peace are hereby authorized and empowered to hear and determine, and to order such punishment upon conviction as aforesaid: provided also, that no such conviction, judgment, or order,

LAWS.

1800. 39 and 40 Geo. 3, c. 79, § 19.

order, shall be reviewed or brought into any superior court by writ of *certiorari* or appeal, or any other process whatsoever; any thing in any former act or acts to the contrary thereof in anywise notwithstanding.

1807. 47 Geo. 3, c. 68, § 1.

Subject to appeal —Governors in council at Madras and Bombay to make regulations for the good order of those towns and dependencies.

(54) 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 it shall and may be lawful to and for the said governor in council of Fort St. George, and the said governor in council of Bombay, from time to time, respecting ordinances, to make, frame, and issue such rules and regulations for the good order and civil government of the towns of Madras and Bombay respectively, and of the said Company's settlements at Fort St. George and Bombay, and other factories and places subordinate or to be subordinate thereto respectively, and to set, impose, inflict, and levy such reasonable fines and forfeitures, and to order and appoint such moderate and reasonable corporal punishment for the breach or non-observance of any such rules, ordinances, or regulations, as the governor-general in council of Fort William in Bengal may now lawfully make, frame, and issue, for the good order and civil government of the said Company's settlement at Fort William aforesaid, and other factories and places subordinate or to be subordinate thereto; but nevertheless, such rules, ordinances, and regulations, to be made by the said governor in council of Fort St. George, shall not be valid, or of any force or effect, until the same shall be duly registered and published in the Supreme Court of Judicature of Fort St. George aforesaid, in like manner, and within such time as the rules, ordinances, and regulations, to be made by the said governor-general in council of Fort William aforesaid, are by any act or acts now in force required to be registered in the Supreme Court of Judicature at Fort William aforesaid; nor shall the rules, ordinances, or regulations, to be made by the governor in council of Bombay, be valid, or of any force or effect, until the same shall be duly registered and published in the Court of the Recorder of Bombay, in like manner, and within such time as aforesaid.

§ 2.

(55) And be it further enacted, that all such rules, ordinances, and regulations, so to be made as aforesaid, shall be subject, in all respects, to the like power of appeal, and to all the like regulations and provisions as are mentioned and contained in an act made in the thirteenth year of the reign of his present Majesty, 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;" and in an act made in the thirty-ninth and fortieth year of the reign of his present 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, as to the "Rules,

"Rules, Ordinances, and Regulations therein respectively authorized "to be made by the said governor-general in council, as aforesaid."

LAWS.

Copies of Regulations to be laid before Parliament.

1813. 53 Geo. 3, c. 155, § 66.

(56) Copies of regulations abroad, made under 37 Geo. 3, c. 142; 39 and 40 Geo. 3, c. 79; and 47 Geo. 3, sess. 2, c. 68, to be laid annually, with accounts, before Parliament.—(*Vide* Parliament.)

Salaries.

1773. 13 Geo. 3, c. 63, § 21.

(57) And be it further enacted, that during such time as the territorial acquisitions shall remain in the possession of the said Company, the Court of Directors of the said United Company shall, and they are hereby required to direct, and cause to be paid, certain and established salaries to the governor-general, and to each of the council of the said United Company's presidency of Fort William in Bengal, (that is to say), to the governor-general twenty-five thousand pounds by the year, and to each of the council of the said United Company's presidency of Fort William in Bengal ten thousand pounds by the year, and that such salaries shall be paid and payable to each and every of them respectively, for the time being, out of the said territorial acquisitions in the kingdoms of Bengal, Bahar, and Orissa.*

§ 22.

(58) 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 by such governor-general and council.—(*Vide* Salaries.)

Schools, Public Lectures, &c. for benefit of Natives.

1813. 53 Geo. 3, c. 155, § 43.

(59) Provision for schools, public lectures, or other literary institutions for the benefit of the natives, to be regulated by governor-general in council, subject to control of the Board; but appointments to offices therein to be made by the local governments.—(*Vide* Colleges and Seminaries.)

Servants of the Company may be appointed to Boards without reference to Seniority.

§ 86.

(60) (*Vide* Servants, Civil and Military.)

Trade.

No Governor-General or Governor to embark in, &c.

1793. 33 Geo. 3, c. 52, § 137.

(61) And be it further enacted, that it shall not be lawful for any governor-general, or governor, or any member of council of the said presidencies in India, to be concerned in any trade or traffic whatever, except

* The salaries of the governors and members of council at Madras and Bombay are not fixed by act of Parliament.

LAWS.

except on account of the said Company, nor for any collector, supervisor, or other person employed or concerned in the collection of the revenues, or the administration of justice, in the provinces of Bengal, Bahar, and Orissa, or either of them, or their agents or servants, or any person or persons in trust for them or any of them, to carry on or be concerned in, or to have any dealings or transactions, by way of traffic or trade, at any place within any of the provinces in India, or other parts, or to buy any goods, and sell the same again, or any part thereof, at the place where he or they bought the same, or any other place within the same province, or any other such province or country respectively, except on account of the said Company.

1793. 33 Geo. 3, c. 52, § 137.

Transportation.

1813. 53 Geo. 3, c. 155, § 121.

(62) 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 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.—(*Vide* Coin.)

Government to carry sentences of transportation into execution; but natives not to be transported beyond a certain distance.

War, or Hostilities.

1793. 33 Geo. 3, c. 52, § 42.

(63) And forasmuch as to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour, and policy of this nation: be it further enacted, that it shall not be lawful for the governor-general in council of Fort William aforesaid, without the express command and authority of the said Court of Directors, or of the said Secret Committee by the authority of the said Board of Commissioners for the Affairs of India, in any case (except where hostilities have actually been commenced, or preparations actually made for the commencement of hostilities, against the British nation in India, or against some of the princes or states dependant thereon, or whose territories the said United Company shall be at such time engaged by any subsisting treaty to defend or guarantee) either to declare war or commence hostilities, or enter into any treaty for making war against any of the country princes or states in India, or any treaty for guaranteeing the possessions of any country princes, or states; and that in any such case it shall not be lawful for the said governor-general and council to declare war or commence hostilities, or to enter into any treaty for making war against any other prince or state, than such as shall be actually committing hostilities or making preparations as aforesaid, or to make such treaty for guaranteeing the possessions

Council at Fort William without the command of the directors, &c., except preparations of hostilities shall be made, &c.—Communication of commencement of hostilities, &c. to be made to the directors, &c.

possessions of any prince or state, but upon the consideration of such prince or state actually engaging to assist the Company against such hostilities commenced, or preparations made as aforesaid; and in all cases where hostilities shall be commenced, or treaty made, the said governor-general and council shall, by the most expeditious means they can devise, communicate the same unto the said Court of Directors, or to the said secret committee, together with a full state of the information and intelligence upon which they shall have commenced such hostilities, or made such treaties, and their motives and reasons for the same at large.

LAWS.

1793. 33 Geo. 3, c. 52, § 42.

Governments of Fort St. George or Bombay not to declare war, &c., but by orders from Fort-William or the directors, &c.—Penalty on governors, &c. of Fort St. George and Bombay, for neglect of orders from Fort-William.

(64) And be it further enacted, that it shall not be lawful for the governors and counsellors of Fort St. George and Bombay, or of any other subordinate settlement, to make or issue any order for commencing hostilities, or levying war, or to negotiate or conclude any treaty of peace or other treaty, with any Indian prince or state (except in cases of sudden emergency or imminent danger, when it shall appear dangerous to postpone such hostilities or treaty), unless in pursuance of express orders from the said governor-general in council of Fort William aforesaid, or from the said Court of Directors, or from the said secret committee by the authority of the said Board of Commissioners for the Affairs of India; and every such treaty shall, if possible, contain a clause for subjecting the same to the ratification or rejection of the governor-general in council of Fort William aforesaid: and the said governors and counsellors, and other officers of the said presidencies of Fort St. George and Bombay, or other settlements respectively, are hereby required to pay and yield obedience to all such orders as they shall from time to time respectively receive from the said governor-general in council of Fort William aforesaid, concerning the matters aforesaid; and that all and singular the said governors, counsellors, and other officers, who shall refuse or wilfully neglect or forbear to pay obedience to such orders and instructions as they shall receive from the said governor-general in council of Fort William as aforesaid, shall be liable to be removed, dismissed, or suspended from the exercise of their respective offices or powers, by order of the said governor-general in council of Fort William, and be sent to England, and be subject to such further pains and penalties as are or shall be provided by law in that behalf.

§ 43.

GRATUITIES.

PRIOR to 1813, the Court of Directors had full power to award such gratuities as they might see fit, without reference to any other authority. By the 88th section of the 53d Geo. III, the court are restricted from charging the Company's funds with any gratuity beyond £600, unless the grant or resolution shall be sanctioned by the Court of Proprietors, and approved and confirmed by the Board of Commissioners for the Affairs of India. In 1815, it was found that the above-mentioned act did not fully effectuate what was then intended, as any grant by the Court of Proprietors was not subjected to approval by the Board of Commissioners. The act of the 55th Geo. III, cap. 64, was accordingly passed, to remedy the defect. Copies of all instruments or warrants authorizing such gratuities are to be laid before Parliament.

The By-Laws of the Company provide that every resolution of the Company for granting to any person any sum by way of gratuities exceeding £600, shall be laid before and approved by two General Courts, to be specially summoned for that purpose, in the form of a report, to be signed by such Directors as approve of the grant.

LAWS.

No Gratuity above £600 to be good, unless confirmed by the Board.

LAWS. 1813. 53 Geo. 3, c. 155, § 88.

Copies of grants of annuities to be laid before Parliament.

(1) 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 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,

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.

LAWS. 1813. 53 Geo. 3, c. 155, § 88.

Any Gratuity above £600 to be approved by Board.

Company not to charge themselves with any gratuity exceeding £600, unless approved by the Commissioners for Indian Affairs.

1815. 55 Geo. 3, c. 64.

(2) Whereas by an act of Parliament passed in the fifty-third year of his Majesty's reign, after reciting therein that it was expedient that the said Company should be put under reasonable limitations in respect to the granting of gratuities, it was enacted, that from and after the passing thereof, it should not be lawful for the Court of Directors of the said Company to charge the funds of the said Company with the payment of any gratuity to any officer, civil or military, or any other person, exceeding the sum of six hundred pounds, unless the grant or resolution for that purpose should 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, should be submitted to both Houses of Parliament within one month after such grant, if Parliament should be then sitting, or if not, within one month after their then next meeting: and whereas the said last-mentioned enactment doth not fully effectuate the intention expressed in the preamble thereto; be it therefore 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 from and after the passing of this act, it shall not be lawful for the said Company, or for the Court of Directors of the said Company, with the sanction of the Court of Proprietors of the said Company, 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

LAWS.

1815. 55 Geo. 3, c. 64.

six hundred pounds, 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 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 should be then sitting, or if not, within one month after their then next meeting.

BY-LAWS.*

c. 6, § 20.

THAT every resolution of the Court of Directors for granting to any person, by way of gratuity, any sum of money exceeding in the whole six hundred pounds shall be laid before and approved by two General Courts, specially summoned for that purpose, in the form of a report, stating the grounds upon which such grant is recommended, which resolution and report shall be signed by such directors as approve the same; and that the documents on which such resolution may have been formed shall be open to the inspection of the proprietors, from the day on which public notice has been given of the proposed grant.

Resolutions respecting gratuities exceeding £600 to be laid before two general courts in the form of a report, stating the grounds of recommendation, and signed by the directors approving the same.

JURIES, JUSTICES, AND CORONERS.

TRIAL BY JURY in Great Britain is said to be* coeval with the first government of the island, and it has been so highly esteemed and valued by the people, that no conquest, no change of government, could ever prevail to abolish it. In Magna Charta, it is more than once insisted on as the principal bulwark of our liberties; and it is therein declared, that no freeman shall be hurt, either in his person or his property: *Nisi per legale judicium parium suorum, vel per legem terræ.**

In the session of 1825, his Majesty's principal secretary of state for the home department† submitted to Parliament the expediency of making further provisions for the regulation of juries, and obtained leave of the House to bring in a bill for that purpose. The Report thereon was considered on the 21st of May, when Mr. Peel stated the provisions which were contemplated by the intended measure. In the first place, it was to consolidate the statute law respecting the empanelling of juries, and thereby relieve the statute-book from the weight of no less than sixty statutes—repealing altogether twenty useless statutes: another object was to extend materially the number of persons qualified to serve on juries; but the most important was the mode to be adopted in selecting special juries, under which it was proposed, that in every case in which the crown was either a real or nominal party, and a special jury required, the jury should be selected by ballot. The whole measure was received by the House with marked approbation, and the strongest testimony was borne by the leading professional members (although politically opposed to the right honourable mover) to the substantial benefit which would

* Blackstone, vol. iii.

† The Right Honourable Robert Peel.

would be derived to the country at large from the proposed measure, which they considered would confer a more lasting fame on his reputation, than any that had been introduced by his predecessors. The act 6 Geo. IV, cap. 50, received the royal assent 22d June 1825.

Trial by Jury in India is confined to criminal causes.

The Charter of Justice establishing the Supreme Court of Judicature in Bengal in 1773, requires that persons who are to be summoned to serve on grand juries, "shall be subjects "of Great Britain," and that persons to be summoned on petit juries "shall be such British subjects as aforesaid." A high law authority considers "that the legitimate descen- "dants in the paternal line of a native of the United Kingdom "are British subjects within the meaning of the charter, though "their mothers or ancestors in the maternal line may be natives "of India, and that the legitimate descendants of a native "of India in the paternal line are not British subjects, though "their mothers or ancestors in the maternal line may be natives "of the United Kingdom. The national character, according "to the principles of the law of England, (which differs in this "respect from the maxim *partus sequitur ventrem* of the civil "law) is determined by the father. *Lex Angliæ nunquam matris* "*sed semper patris conditionem imitari partum judicat.** Illegi- "timate children born in India, of whatever parents, are "necessarily excluded from any claim to British descent, and "must derive their national character from the place of their "birth."

In civil causes the plaintiff and defendants appear either personally, or by their attorney, before the Supreme Court, where witnesses are summoned and examined upon oath; and the judges have full power and authority, upon examining and considering the several allegations of the parties to the suit, to give judgment and sentence according to justice and right; and also to award and order such costs as the court may think just.

The Supreme Court being a court of Oyer and Terminer and gaol delivery, the judges are to issue their warrant or precept

* Fortescue de laudibus leg. Angl., cited in Coke on Littleton, fol. 123 *a*.

precept directing the sheriff to summon a convenient number, therein to be specified, of the principal inhabitants resident in Calcutta, being subjects of Great Britain, as a grand jury; and also a convenient number to be specified of such British subjects aforesaid as a petit jury, to try the indictment or inquest.

The sheriff at Fort William is appointed in the following mode. The Supreme Court of Judicature upon the first Tuesday of December in every year is to nominate three persons resident in the town of Calcutta, or the precincts thereof, to the Governor-General in Council, or the major part of them, who within three days after such nomination is to appoint one of the said three persons to serve the office of sheriff for the year ensuing, to be computed from the 20th December. Similar provisions exist at Madras and Bombay.

In March 1826, the president of the Board of Commissioners for the Affairs of India* obtained leave to bring in a bill to regulate the appointment of juries in the East-Indies; by which all good and sufficient persons resident within the limits of the several towns of Calcutta, Madras, and Bombay, and not being the subjects of any foreign state, according to certain rules and qualifications, are to be deemed capable of serving as jurors on grand or petit juries, and upon all other inquests, and liable to be summoned accordingly; the respective courts of judicature at Calcutta, Madras, and Bombay, to make and establish such rules, with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors, and such other regulations relating thereto, as they may respectively deem expedient and proper: copies of all such rules and regulations to be certified under the hands and seals of the judges of such courts to the president of the Board of Commissioners for the Affairs of India, for the purpose of being laid before his Majesty for his royal approbation, correction, or refusal: grand juries in all cases, and all juries for the trial of persons professing the Christian religion, are to consist wholly of persons professing the Christian religion.

Justices

* The Right Hon. C. W. Williams Wynn.

Justices of the Peace.

The Governor-General, Governors, Members of Council, and Judges of the respective Courts of Judicature, are justices of the peace, and may act as such.

The several Governments, under a commission from the Supreme Court, may appoint the Company's servants and other British inhabitants justices of the peace for the several presidencies, and the provinces subordinate thereto.

The justices of the peace may appoint scavengers for the towns of Calcutta, Madras, and Bombay, and may give orders for watching and repairing the streets, and also grant licenses for the sale of spirituous liquors, and may exercise the same power in granting such licenses as justices of the peace in England. Justices of the peace in the provinces have jurisdiction in cases of assault and trespass committed by British subjects on the natives of India; and in cases of small debts due from the former to the latter, justices may qualify by taking the oaths in any court of justice within the provinces.

Coroners.

The Governments may appoint Coroners for their respective presidencies, who may exercise the same power as Coroners in England, and are to have and be entitled to such reasonable fees and allowances for the performance of the duties of their office, as shall be prescribed by the several Governments.

LAWS.

Juries.

LAWS. 1774. H. M. Letters Patent, Bengal.

(1) And it is our further will and pleasure, and we do hereby grant, ordain, and appoint, that the said Supreme Court of Judicature at Fort William in Bengal, shall also be a court of Oyer and Terminer and gaol delivery, in and for the town of Calcutta and factory of Fort William, in Bengal aforesaid, and the limits thereof and the factories subordinate thereunto; and shall have the like power and authority as commissioners or justices of Oyer and Terminer and gaol-delivery have or may exercise in that part of Great Britain called England, to inquire, by the oaths of good and sufficient men, of all treasons, murders, and other felonies, forgeries, perjuries, trespasses, and other crimes and

Supreme court to be a court of oyer and terminer and gaol-delivery.—Sheriff to summon grand juries.—Sheriff to summon petit juries.—Punishment for non-attendance of juries.

and misdemeanors heretofore had, done, or committed, or which shall hereafter be had, done, or committed, within the said town or factory and the limits aforesaid, and the factories subordinate thereto; and for that purpose to issue their warrant or precept, to be prepared in manner above-mentioned, and directed to the said sheriff, commanding him to summon a convenient number, therein to be specified, of the principal inhabitants resident in the said town of Calcutta, being subjects of Great Britain, of us, our heirs and successors, to attend and serve, at a time and place therein also to be specified, as a grand jury or inquest, for us, our heirs and successors; and present to the said Supreme Court of Judicature at Fort William in Bengal such crimes as shall come to their knowledge, and the said crimes and offences to hear and determine, by the oaths of other good and sufficient men, being subjects of Great Britain, of us, our heirs or successors, and resident in the said town of Calcutta; and for that purpose to issue a summons or precept, prepared in such manner as is beforementioned, and directed to the said sheriff, commanding him to summon a convenient number, to be therein specified, of such British subjects as aforesaid, to be and appear, at a time and place therein to be specified, and to try the said indictment or inquest. And if any such grand or petit jury, so summoned as aforesaid, shall refuse or neglect to attend, according to such summons, and be sworn upon inquest, we do hereby further empower the said Supreme Court of Judicature at Fort William in Bengal to punish the said contempt by fine or imprisonment, or both.

LAWS. 1774. H. M. Letters Patent, Bengal.

Also criminal jurisdiction as a court of oyer and terminer.

1800. H. M. Letters Patent, Madras.

(2) And it is our further will and pleasure, and we do hereby grant, order, ordain, and appoint, that the said Supreme Court of Judicature at Madras shall also be a court of Oyer and Terminer and gaol delivery, in and for Fort St. George, and the town of Madras and the limits thereof, and the factories subordinate thereto, and shall have and be invested with the like power and authority as commissioners or justices of Oyer and Terminer and gaol delivery have or may exercise in that part of Great Britain called England, to inquire, by the oaths of good and sufficient men, of treasons, murders, and other felonies, forgeries, perjuries, trespasses, and other crimes and misdemeanors, heretofore had, made, done or committed, or which shall hereafter be had, done or committed within Fort St. George and the said town of Madras, or the limits thereof, or the factories subordinate thereto; and for that purpose to issue their warrant or precept, to be prepared in manner above-mentioned and directed to the said sheriff, commanding him to summon a convenient number, therein to be specified, of the principal inhabitants resident in Fort St. George or the said town of Madras, being persons so heretofore described and distinguished as British subjects of us, our heirs and successors, as aforesaid, to attend and serve, at a time and place therein also to be specified, as a grand jury or inquest, for us, our heirs and successors, and present to the said court such

LAWS.

1800. H. M. Letters Patent, Madras.

such crimes and offences as shall come to their knowledge, and the said crimes and offences to hear and determine, by the oaths of other good and sufficient men, being persons so heretofore described and distinguished as British subjects of us, our heirs and successors, and resident in Fort St. George, or the said town of Madras, or the limits thereof, or the factories subordinate thereto: and for that purpose to issue a summons or precept, prepared in such manner as is hereinbefore-mentioned, and directed to the said sheriff, commanding him to summon a convenient number, to be therein specified, of such persons so heretofore described and distinguished as British subjects, as aforesaid, to try the said indictment or inquest. And if any person or persons to be summoned upon such grand or petit jury, as aforesaid, shall refuse or neglect to attend according to such summons, and be sworn upon inquest, we do hereby further empower the said Supreme Court of Judicature at Madras to punish the said contempt, by fine or by imprisonment, for a reasonable time, to be limited, or by both.

1823. H. M. Letters Patent, Bombay.

(3) And it is our further will and pleasure, and we do hereby grant, order, ordain and appoint, that the said Supreme Court of Judicature at Bombay shall also be a court of Oyer and Terminer and gaol delivery, in and for the town and island of Bombay and the limits thereof, and the factories subordinate thereto, and shall have and be invested with the like power and authority as commissioners or justices of Oyer and Terminer and gaol delivery have or may exercise in that part of Great Britain called England, to inquire, by the oaths of good and sufficient men, of all treasons, murders, and other felonies, forgeries, perjuries, trespasses, and other crimes and misdemeanors heretofore had, made, done or committed, or which shall hereafter be had, done or committed, within the said town and island of Bombay, or the limits thereof, or the factories subordinate thereto; and for that purpose to issue their warrant or precept, to be prepared in manner above-mentioned, and directed to the said sheriff, commanding him to summon a convenient number, therein to be specified, of the principal inhabitants resident in the said town or island of Bombay, being persons so heretofore described and distinguished as British subjects of us, our heirs and successors, as aforesaid, to attend and serve, at a time and place therein also to be specified, as a grand jury or inquest, for us, our heirs and successors; and present to the said court such crimes and offences as shall come to their knowledge, and the said crimes and offences to hear and determine, by the oaths of other good and sufficient men, being persons so heretofore described and distinguished as British subjects of us, our heirs and successors, and resident in the said town or island of Bombay or the limits thereof, or the factories subordinate thereto; and for that purpose to issue a summons or precept, prepared in such a manner as is hereinbefore-mentioned, and directed to the said sheriff, commanding him to summon a convenient number, to be therein specified, of such persons, so heretofore described

Also criminal jurisdiction as a court of oyer and terminer.

LAWS.

1823. H. M. Letters Patent, Bombay.

scribed and distinguished as British subjects, as aforesaid, to try the said indictment or inquest. And if any person or persons to be summoned upon such grand or petit jury, as aforesaid, shall refuse or neglect to attend according to such summons, and be sworn upon inquest, we do hereby further empower the said Supreme Court of Judicature at Bombay to punish the said contempt, by fine or by imprisonment, for a reasonable time, to be limited, or by both.

1826. 7 Geo. 4, c. § 1.

All persons resident in Calcutta, Madras, and Bombay, qualified as aftermentioned, to be deemed capable of serving on juries.—Courts may make rules with respect to qualification, &c. —Juries to consist of persons professing the Christian religion.

(4) 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 all good and sufficient persons resident within the limits of the several towns of Calcutta, Madras, and Bombay, and not being the subjects of any foreign state, shall, according to such rules, and subject to such qualifications as shall be fixed in manner hereinafter-mentioned, be deemed capable of serving as jurors on grand or petit juries, and upon all other inquests, and shall be liable to be summoned accordingly; any thing in the said act, or in any other act, charter, or usage to the contrary notwithstanding.

§ 2.

(5) And that the respective courts of judicature at Calcutta, Madras, and Bombay, shall have power from time to time to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors, and such other regulations relating thereto, as they may respectively deem expedient and proper: provided always, that copies of all such rules and regulations as shall be so made and established by such courts of judicature shall be certified under the hands and seals of the judges of such courts, to the president of the Board of Commissioners for the Affairs of India, to be laid before his Majesty for his royal approbation, correction, or refusal.

§ 3.

(6) Provided also, and be it further enacted, that grand juries, in all cases, and all juries for the trial of persons professing the Christian religion, shall consist wholly of persons professing the Christian religion.

Justices.

Governor-General, Council, and Judges to act as Justices.

1773. 13 Geo. 3, c. 63, § 38.

Governor-general and council to act as justices of peace.

(7) And be it further enacted by the authority aforesaid, that the governor-general and council for the time being of the said United Company's settlement at Fort William aforesaid, and the chief justice and other judges of the said Supreme Court of Judicature, shall and may, and they are hereby respectively declared to be, and to have full power and authority to act as justices of the peace for the said settlement, and for the several settlements and factories subordinate thereto, and to do and transact all matters and things which to the office of a justice or justices of the peace do belong and appertain; and for that purpose the said

LAWS.
1773.
13 Geo. 3, c. 63, § 38.

said governor-general and council are hereby authorized and empowered to hold quarter-sessions within the said settlement of Fort William aforesaid, four times in every year, and the same shall be at all times a court of record.

May appoint Justices of Peace.

1793.
33 Geo. 3, c. 52, § 151.

Power given to the governor-general in council of Fort William to appoint justices of the peace.—Such justices not to sit in the courts of Oyer and Terminer, unless called upon.

(8) And whereas the governor-general and other members of the Supreme Council of Fort William in Bengal, and the chief justice and other justices of the Supreme Court of Judicature at Fort William aforesaid, are at present the only persons authorized by law to act as justices of the peace within and throughout the provinces, districts, and countries of Bengal, Bahar, and Orissa; and the governor or president, and the other members of the council of Fort St George, on the coast of Coromandel; and the governor or president, and the other members of the council of Bombay, are the only persons authorized by law to act as justices of the peace in and for the presidency of Fort St. George, and the presidency, island, town, and factory of Bombay, and the places belonging and subordinate to the said two last-mentioned presidencies respectively; and whereas, for preserving and maintaining the peace in the said provinces and presidencies aforesaid, and the places subordinate thereto, it is expedient that a further number of persons should be appointed to act as justices of the peace in and for the same respectively: be it therefore further enacted, that it shall and may be lawful to and for the governor-general in council of Fort William in Bengal for the time being, by commissions to be from time to time issued under the seal of the Supreme Court of Judicature there, in the name of the King's Majesty, his heirs and successors, tested in the name of the chief justice of the said court (which said commissions the said Supreme Court of Judicature is hereby authorized and required, from time to time, by any order or warrant from the said governor-general in council, to issue accordingly) to nominate and appoint such and so many of the covenanted servants of the said Company, or other British inhabitants, as the said governor-general in council shall think properly qualified, to act as justices of the peace within and for the said provinces and presidencies, and places thereto subordinate respectively, and such persons shall, according to the tenor of the respective commissions wherein they shall be so nominated and appointed, and by virtue thereof and of this act, have full power and authority to act as justices of the peace, according to the tenor of the same commissions, wherein they shall be respectively named in and for the provinces and presidencies aforesaid, and places subordinate thereto respectively; and the said Supreme Court, upon any requisition in writing from the said governor-general in council, shall and may, from time to time, supersede

LAWS.
1793.
33 Geo. 3, c. 52, § 151.

supersede such commissions, and upon like requisition issue new commissions for the purposes aforesaid, unto the same or such other of the covenanted servants of the said Company, or other British inhabitants, as shall from time to time be so nominated by the said governor-general in council in that behalf, all which commissions shall be filed of record in the respective courts of Oyer and Terminer of the province, presidency, or place wherein and for which the same shall be issued as aforesaid: provided always, that the persons who shall be so nominated and appointed as aforesaid shall not be capable of holding any court of Oyer and Terminer and gaol delivery, nor to sit in any such court, unless the justices of the said court shall, on any particular occasion, call upon them so to do, in which case, and so often as the same shall happen, the persons so called upon shall and may for that time associate with them, and sit as justices of the said court of Oyer and Terminer and gaol delivery by virtue of this act, and have a deliberative voice, being first specially authorized for that purpose by order in council.

Governments, Madras and Bombay, may appoint Justices.

Governors and members of the council of Madras and Bombay may act as justices of the peace for the said towns.

1807.
47 Geo. 3, Sess. 2, c. 68, § 4.

(9) And be it further enacted, that the governor and members of the council for the time being of Fort St. George, and the governor and members of the council for the time being of Bombay respectively, shall and may, and they are hereby respectively declared to be, and to have full power and authority to act as justices of the peace for the said towns of Madras and Bombay respectively, and for the several settlements and factories subordinate thereto respectively, and to do and transact all matters and things which to the office of a justice or justices of the peace do belong and appertain; and for that purpose the said governor and council of Fort St. George, and the said governor and council of Bombay, are hereby respectively authorized and empowered to hold quarter sessions within the said settlements of Fort St. George and Bombay aforesaid respectively, four times in every year, and the same shall respectively be at all times Courts of Record.

And issue commissions for appointing justices in the places subordinate thereto.

§ 5.

(10) And be it further enacted, that it shall and may be lawful to and for the governor in council of Fort St. George and the governor in council of Bombay respectively, for the time being, by commissions to be from time to time issued under the seals of the Supreme Court of Judicature of Fort St. George and the court of the recorder of Bombay respectively, in the name of the King's Majesty, his heirs and successors, such commissions as shall be issued under the seal of the Supreme Court of Judicature of Fort St. George to be tested in the name of the chief justice of the said court, and such commissions as shall be issued under the seal of the court of the recorder of Bombay to be tested in the name of the recorder of the said

LAWS. 1807. 47 Geo. 3, c. 68, § 5.

said court (which said commissions the said Supreme Court of Judicature of Fort St. George and the said court of the recorder of Bombay are hereby respectively authorized and required, from time to time, by any order or warrant from the said governor in council of Fort St. George and Bombay respectively, to issue accordingly) to nominate and appoint such and so many of the covenanted servants of the said Company, or other British inhabitants, as the said governor in council of Fort St. George, and the said governor in council of Bombay respectively, shall think properly qualified to act as justices of the peace within and for the said provinces and presidencies and places thereto subordinate respectively; and such persons shall, according to the tenor of the respective commissions wherein they shall be so nominated and appointed, and by virtue thereof and of this act, have full power and authority to act as justices of the peace, according to the tenor of the same commissions wherein they shall be respectively named, in and for the provinces and presidencies aforesaid and places subordinate thereto respectively; and the said Supreme Court of Judicature of Fort St. George and the court of the recorder of Bombay respectively, upon any requisition in writing from the said governor in council of Fort St. George and governor in council of Bombay respectively, shall and may from time to time supersede such commissions, and upon like requisitions issue new commissions for the purposes aforesaid, unto the same or such other of the covenanted servants of the said Company, or other British inhabitants, as shall from time to time be so nominated by the said governor in council of Fort St. George and governor in council of Bombay respectively, in that behalf, all which commissions shall be filed of record in the respective courts of Oyer and Terminer of the province, presidency or place wherein and for which the same shall be issued as aforesaid; and all such justices of the peace and their proceedings shall be subject and liable to such rules, regulations and restrictions as under and by virtue of any act or acts of Parliament now in force, the justices of the peace to be appointed by the governor-general in council of Fort William aforesaid, and their proceedings, are or may be subject or liable to.

§ 6.

(11) And be it further enacted, that from and after the first day of March one thousand eight hundred and eight, so much of the act passed in the thirty-third year of the reign of his present Majesty, intituled, "An Act 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; 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 good Order "and

Repeal of provision in 33 Geo. 3, c. 52, for enabling the governor-general in council at Fort William to appoint justices for the presidencies at Madras and Bombay.

"and Government of the Towns of Calcutta, Madras, and Bombay," as authorizes the governor-general in council of Fort William in Bengal, to nominate and appoint any person or persons to be or act as justices of the peace within and for any of the provinces, presidencies or places subordinate to the said governor in council of Fort St. George and governor in council of Bombay respectively, or to supersede any commissions of the peace, shall be and is hereby repealed: provided always, that such repeal shall in nowise prejudice or affect the authority of any person or persons theretofore appointed by the said governor-general in council of Fort William, to be and act as justices of the peace within and for any of the provinces, presidencies or places subordinate to the said governor in council of Fort St. George and governor in council of Bombay respectively, until the commissions to such persons shall be superseded by the governor in council of Fort St. George, or the governor in council of Bombay respectively.

LAWS. 1807. 47 Geo. 3, c. 68, § 6.

Justices to take requisite Oaths.

No persons capable of acting as a justice of the peace, till they have taken the requisite oaths.

1793. 33 Geo. 3, c. 52, § 152.

(12) Provided always, and be it further enacted, that no person to be nominated and appointed in and by any such commission as aforesaid shall be capable of acting as a justice of the peace in any of the said provinces or presidencies, until he shall have taken and subscribed in the court of Oyer and Terminer of the province or presidency for which he shall be appointed to act as a justice of the peace, the like oaths as are appointed to be taken by justices of the peace in Great Britain, or as nearly to the tenor thereof as the case will admit and as shall be approved by the said court; the oath of qualification prescribed by an act of the eighteenth year of his late Majesty King George II, intituled, "An Act to amend and render "more effectual an Act passed in the fifth Year of his present "Majesty's Reign, intituled, 'An Act for the Qualification of Jus-"tices of the Peace,'" only and always excepted.

Justices of the peace may qualify by taking the oaths in any court of justice within the provinces. 33 Geo. 3, c. 52.

1813. 53 Geo. 3, c. 155, § 112.

(13) 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 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.

LAWS.

1813. 53 Geo. 3, c. 155, § 112.

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.

May appoint Scavengers.

1793. 33 Geo. 3, c. 52, § 158.

Justices may appoint scavengers for cleaning the streets of Calcutta, Madras, and Bombay, and may order their being watched and repaired, and make assessments for those purposes, &c.

(14) And whereas by an act of the first year of the reign of his late Majesty King George I, intituled, "An Act for making the Laws for repairing the Highways more effectual," provision was made for authorizing justices of the peace in cities and market towns, at their general or quarter sessions, to appoint scavengers for cleansing and repairing the streets of the same, and to raise money by assessments upon the inhabitants for defraying the expenses thereof: and whereas, by an act passed in the seventh year of the reign of his present Majesty, to amend and reduce into one act the statutes for the amendment and preservation of the public highways, it was enacted, that the said recited act of the first year of King George I. should be repealed: and whereas, it is essentially necessary for the health, as well as for the security, comfort and convenience of the inhabitants of the towns and factories of Calcutta, Madras, and Bombay, in the East-Indies, that the streets therein should be regularly and effectually cleansed, watched and repaired: be it therefore enacted, that it shall and may be lawful to and for the justices of the peace within or for the presidencies of Fort William, Fort St. George, and Bombay respectively, for the time being, or the major part of them, from time to time assembled at their general or quarter sessions, to appoint scavengers for cleansing the streets of the said towns or factories of Calcutta, Madras, and Bombay respectively, and to nominate and appoint such persons as they shall think fit in that behalf, and also to order the watching and repairing of the streets therein as they respectively shall judge necessary; and for the purpose of defraying the expenses thereof, from time to time to make an equal assessment or assessments on the owners or occupiers of houses, buildings and grounds in the said towns or factories respectively, according to the true and real annual values thereof, so that the whole of such assessment or assessments shall not exceed, in any one year, the proportion of one-twentieth part of the gross annual values thereof respectively, unless any higher rate of assessment shall, in the judgment of the governor-general in council or governor in council of the said respective presidencies, become essentially necessary for the cleansing, watching or repairing thereof, in which case the said governor-general in council or governor in council

council shall and may, on any such urgent occasion, by order in council, authorize a further assessment, not exceeding in any one year the half part of the amount of the ordinary annual assessment hereinbefore limited, and that it shall be thereupon lawful for the said justices to make a further assessment, according to the tenor of such order, and not otherwise or in any other manner; and that all and every such assessment or assessments shall and may, from time to time, be levied and collected by such person or persons, and in such manner as the said justices by their order in session shall direct and appoint in that behalf, and the money thereby raised shall be employed and disposed of according to the orders and directions of the said justices in sessions respectively, for and towards the repairing, watching and cleansing the said streets, and for no other purpose; and that the said assessments, being allowed under the hands and seals of such justices, or any two or more of them, shall and may be levied by warrant under their hands and seals, or the hands and seals of any two of them, by distress and sale of the goods and chattels of any person or persons not paying the same within eight days after demand, rendering the overplus if any be to the same person or persons, the necessary charges of making, keeping and selling such distress or distresses being first deducted.

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1793. 33 Geo. 3, c. 52, § 158.

Spirituous Liquors not to be sold without License from two or more Justices.

§ 159.

No spirituous liquors to be sold in Calcutta, Madras, or Bombay, without license. —By whom the limits of those places shall be prescribed.

(15) And be it further enacted, that it shall not be lawful for any person or persons to sell any arrack or other spirituous liquors within the towns or factories of Calcutta, Madras, or Bombay respectively, without a license for that purpose, under the hands and seals of two or more of the justices of the peace having jurisdiction: and that the powers and authorities vested, by any laws or statutes now in force in that part of Great Britain called England, in any justices of the peace for restraining the inordinate sale of spirituous liquors, shall extend to and be put in force against all unlicensed traders in spirits or spirituous liquors within the said towns and factories respectively, by the justices having jurisdiction therein; and that if any question shall arise touching or concerning the true limits and extent of the said towns and factories, or any of them, the same shall be inquired into by the governor-general in council at Fort William in respect to the limits and extent of Calcutta, and by the governor in council of Fort St. George in respect to the limits and extent of Madras, and the governor in council at Bombay in respect of the town of Bombay; and that such limits as the said respective governments, by order in council, shall declare and prescribe to be the limits of the said towns and factories respectively, shall be held, deemed, and taken in law as the

LAWS.

§ 159.

the true limits of the same; any custom or usage to the contrary notwithstanding.

Justices to have Jurisdiction in cases of Assault and Trespass on the Natives.

1813. 53 Geo. 3, c. 155, § 105.

Justices of peace in provinces shall have jurisdiction in case of assault and trespass committed by British subjects on the natives of India. — Copy of conviction and proceedings to be sent to the government. — Fines to be paid to the magistrate. — Application thereof. — Convictions removeable by *certiorari*, and subject to provisions of 33 Geo. 3, c. 52.

(16) 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 as 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, 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

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1813. 53 Geo. 3, c. 155, § 105.

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 hereinbefore contained, the magistrate before whom such conviction shall take place shall forthwith transmit copies of such convictions, 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 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.

To have Jurisdiction in cases of small Debts to Natives.

§ 106.

Justices of the peace to have jurisdiction in cases of small debts due to natives from British subjects.

(17) 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 Requests 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

LAWS. 1813. 53 Geo. 3 c. 165, § 106.

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.

Proceedings of Justices may be removed by Certiorari.

1793. 33 Geo. 3, c. 52, § 153.

Proceedings of the justices of the peace may be removed by *certiorari* into the court of Oyer and Terminer, &c.

(18) Provided always, and be it further enacted and declared, that all convictions, judgments, orders, and other proceedings, which shall be had, made, or pronounced by or before any justice or justices of the peace within any of the British settlements or territories in India, out of the court of Oyer and Terminer within and for the same, shall and may be removable, by writ of *certiorari*, into the court of Oyer and Terminer and gaol delivery of and for the same presidency, at the instance of any of the parties thereby affected or aggrieved, at any time within the space of six calendar months next after the making or pronouncing thereof respectively; and for that purpose it shall and may be lawful to and for any one or more of the justices of the said court of Oyer and Terminer and gaol delivery, and such justice or justices is and are hereby required, at the instance of such party or parties, to grant his fiat or warrant to the keeper of the rolls of the peace, or other proper officer, to award a writ of *certiorari* under the seal of the Supreme Court of Judicature, when the matter shall arise in Bengal, Bahar or Orissa; or if it shall arise in the presidency of Fort St. George, or in the presidency of Bombay, or in any settlement or place subordinate thereto respectively, then under the seal of the Mayor's Court of the presidency wherein the matter shall so arise, or to which the cognizance thereof shall belong, for the removal and bringing of such conviction, judgment, order or other proceeding into the said court of Oyer and Terminer and gaol delivery; and that the said court of Oyer and Terminer and gaol delivery shall have full power and authority to hear and determine the matter of such conviction, judgment, order and other proceeding so removed, and to quash or affirm the same, so that the same be not quashed for want of form, but on the merits only, and to pronounce judgment thereon, in the like manner as the Court of King's Bench at Westminster can or may do upon convictions, judgments, orders or other proceedings had or made by or before any justices of the peace, or court or quarter sessions in England removed or brought into the said Court of King's Bench by writ of *certiorari*.

(17) Provided

LAWS. 1793. 33 Geo. 3, c. 52, § 154.

Before granting writs of *certiorari*, recognizance to be entered into.

(19) Provided also, and be it enacted and declared, that before the granting of any such writ, the like recognizances shall be entered into, and the party or parties applying for such writ shall be put under the same terms and conditions, in all respects, as are by law directed and provided in the cases of writs of *certiorari* awarded or granted for the removal of any conviction, judgment, order, or other proceeding, had or made by or before any justice or justices of the peace in England, into the said Court of King's Bench, or as by the usage and practice of the same court hath been accustomed.

May sit in Council to hear Appeals.

§ 155.

Justices of the peace may sit in the council of the presidency to hear appeals.

(20) And be it further enacted, that it shall and may be lawful for the governor-general in council of Fort William, or the governors of Fort St. George and Bombay, by any order to be made in their councils respectively, to call any of the justices of the peace authorized in and by any such commission or commissions as aforesaid, to sit and associate with the said governor-general in council or governor in council, for the more speedy hearing and determining of causes appealed; and that the said justices shall, and they are hereby authorized and required, when so called upon, to act as justices in the Court of Appeals accordingly, and to have and use deliberative voice in all proceedings upon such appeals.

Coroners.

§ 157.

Presidencies may appoint coroners, who may exercise the same powers as coroners in England.

(21) And whereas it is expedient that coroners should be appointed for the settlements in India, for taking inquests upon view of the bodies of persons coming, or supposed to have come to an untimely end: be it enacted, that the governor-general in council at Fort William, and the governors in council at Fort St. George and Bombay, within their several presidencies and governments respectively, shall have full power and authority, by orders in council, from time to time, to nominate and appoint so many coroners, being British subjects, as they shall respectively think fit, or as shall be limited by the Court of Directors of the said Company, and by like orders to supersede and remove the persons so appointed, as occasion may appear to require; and that the persons so nominated, and taking and subscribing, before one of the judges of the Supreme Court of Judicature, or one of the Mayor's Courts, the like oaths as are directed to be taken by the coroners of counties in England, shall and may, by force of this act, have, do, execute, perform, and exercise the like powers, authorities, and jurisdictions, within the presidency or settlement for which they shall be so respectively nominated and appointed, as by law may be had, done, executed, performed, or exercised

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1793. 33 Geo. 3, c. 52, § 157.

cised by coroners elected for any county or place in England, and not otherwise, or in any other manner; and that such coroners shall have and be entitled unto such reasonable fees and allowances, for the performance of the duty of their said office, as shall be limited or prescribed by the said respective governments in that behalf.

LOANS AND INTEREST THEREON IN INDIA.

The rate of interest on loans of money in Great Britain became the subject of legislative enactment in the thirty-seventh year of the reign of Henry VIII, when, by cap. 9, the rate of interest was confined to ten per cent., which was confirmed by the 13th of Elizabeth, cap. 8. By the 21st of James I, cap. 17, it was reduced to eight per cent.; and by the statute of Charles II, cap. 13, to six; and lastly, by the 12th of Anne, cap. 16, to five per cent. per annum, which is now the extremity of legal interest that can be taken on a loan of money. It is understood that, if a contract which carries interest be made in a foreign country, the courts in this country will direct the payment of interest according to the law of the country in which the contract was made, and that Irish, Turkish, American, and Indian interest have been allowed so far as ten and twelve per cent.: hence the settled rate of interest for money lent may be considered the lawful gain, and the extortion of unlawful or excessive gain, usury. A proposition for the repeal of the laws, generally termed the usury laws in this country, has been brought forward by Mr. Serjeant Onslow in successive sessions of Parliament.

With respect to India, the subject was first noticed in Parliament in the Fourth Report from a Secret Committee of the House of Commons, which was appointed in 1772, for the purpose of inquiring into the affairs of the East-India Company. In that report, the revenue in India was principally adverted to: its sources were stated to be rents of lands, duties and customs, farms of exclusive privileges, fines and forfeitures. The committee pointed out that the diminution of the revenues arose in a great measure from the exorbitant rate of interest exacted for money taken up by the zemindars and others,

others, to enable them to discharge their rents. Three and a-half per cent. per mensem, or thirty-seven and a-half per cent. per annum, was a very general rate; and in some instances, a rate of interest almost incredible had been taken: from which it was clearly shewn, that however fertile the lands might be, or whatever crops they might yield, no produce could bear the charge. It was likewise apparent that the Company's covenanted servants had been parties to leases of lands, in cases where they themselves were entrusted with the management of the revenues and letting of the territory.

In May 1772, a Committee of Revenue was held at Calcutta, of which the Governor, Mr. Hastings, was president. It had been specially referred to the committee, to find out some means of preventing the practice of lending money on exorbitant usury, by which the ryots were often involved in heavy debts, without the hope, or scarce the probability of relief; and not only the fruits of their industry, but often the farmers' dues (which in effect are those of the state), became the property of the money-lenders. The collector himself in the meantime was forbidden, on pain of removal from his office, either to lend money himself, or to suffer his banyan, or any other of his servants, or dependants, to lend money to the zemindars, talookdars, farmers, ryots, or any other person whatever, within the district of which he had charge. In like manner, the zemindars, talookdars, and others were prohibited from lending money to the ryots; the restriction however was not to prevent the farmer from affording the usual and necessary aids of *tuccavy** to the ryots, the premium of such advances being fixed at two per cent. per mensem, and payment received not in kind, but in money. In the regulating act passed the following year, a clause was introduced, which provides that no subject of his Majesty in the East-Indies shall take, directly or indirectly, for loan of any monies, wares, merchandize, or other commodities, a greater rate of interest than twelve per cent.

In the year 1797, in order to checkt he practice of British subjects lending money, or their being concerned

* Assisting tenants with an advance of money for cultivation when the necessary means are wanting.

cerned in lending the same to native princes in India, which had been the source of much usury and extortion, the 37th Geo. III, cap. 142, sec. 28, was passed, prohibiting such practice in future, and declaring any party concerned in any transaction of that nature after the 1st December 1797, guilty of a misdemeanor, and liable to be proceeded against by any competent court of jurisdiction.

A question arose, in 1822, as to the construction to be put upon the two enactments before-mentioned, and a case was accordingly prepared and laid before his Majesty's Attorney and Solicitor-General and the Company's standing counsel, who gave it as their opinion,* with reference to the 30th section of the 13th Geo. III, cap. 63, that the restriction on the rate of interest extends to contracts made as well in those parts of the East-Indies which are not under the government of the East-India Company, as in those which are. That such restriction also extends to loans made to native princes and governments in the East-Indies, as well as to those made to individuals, whether the contracts for such loans be made or carried into execution within or beyond the territories under the government of the East-India Company. That if a loan be made by a British subject to a native prince in the East-Indies, with the consent and approbation of the Governor in Council of one of the Company's governments, first had and obtained in writing, pursuant to the 37th Geo. III, cap. 142, sec. 28, but without any specification of the rate of interest to be taken for such loan, the rate of interest will be limited by the 13th Geo. III, cap. 63, sec. 30, whether the contract for such loan be made or carried into execution within or beyond the territories under the government of the East-India Company, and that the Governor in Council could not in either case legally authorize the lender to take a rate of interest exceeding twelve per cent. per annum.

That it is not lawful for a mercantile or banking partnership, consisting partly of natives of India and partly of European-born subjects of his Majesty, to make a loan to a native prince contrary to the provisions of 37th Geo. III, cap. 142, sec. 28, whether

* Hyderabad Papers, page 107.

whether the contract for such loan be made or carried into execution within or beyond the territories under the Government of the East-India Company, that in either case the contract of the house would be void, and that the European-born partners would be liable to be prosecuted for a misdemeanor.

These opinions were communicated by the Court of Directors to their Government in Bengal in April 1823, who were desired to make the same public.

In the month of June 1825, the Marquis of Hastings obtained permission to bring in a bill for the purpose of amending and explaining the 13th Geo. III, as to the rate of interest in India. The second reading took place on the 22d of June, when Lord Hastings stated, that the object of the bill was to define the scope of the enactment, which limits the rate of interest to be taken on money lent in India; and to declare that the clause adverted to did not extend to persons residing within the territories of the native sovereigns. His Lordship accordingly proposed, that the following question should be put to the judges, on the East-India Company's Affairs Bill:—

"Whether, according to the true construction of the 30th "section of an act passed in the thirteenth year of the reign of "his late Majesty, entitled, 'An Act for establishing certain "Regulations for the better Management of the Affairs of the "East-India Company,' the same limits the rate of interest to "be taken for loans of any monies to twelve pounds for one "hundred pounds by the year, such loans being made, or "advanced, within the dominions of a native independent so-"vereign by British subjects domiciliated and residing within "such dominions."

The question was answered in the negative on the 27th June, when the bill submitted by the Marquis of Hastings to the House of Lords was read a second time, beyond which stage no farther proceeding has taken place upon it. The opinion of the judges was communicated to the Bengal Government by the Court of Directors in August 1825. The existing laws are contained in the acts of 1773 and 1797.

LAWS.

No Person to take Interest above Twelve per Cent. per Annum.

LAWS. 1773. 13 Geo. 3, c. 63, § 30.

No person shall take on loan of monies above the rate of £12 per cent. per annum.—Persons by covin accepting loans, &c., shall forfeit for every offence treble the value; one moiety to go to the Company, and the other to the prosecutor.

(1) And be it further enacted by the authority aforesaid, that no subject of his Majesty, his heirs and successors, in the East-Indies, shall, upon any contract which shall be made from and after the said first day of August, one thousand seven hundred and seventy-four, take directly or indirectly, for loan of any monies, wares, merchandize, or other commodities whatsoever, above the value of twelve pounds for the forbearance of one hundred pounds for a year; and so after that rate for a greater or lesser sum, or for a longer or shorter time; and that all bonds, contracts, and assurances whatsoever, made after the time aforesaid, for payment of any principal or money to be lent or covenanted to be performed upon, or for any usury whereupon or whereby there shall be reserved or taken above the rate of twelve pounds in the hundred, as aforesaid, shall be utterly void: and all and every such person or persons whatsoever who shall, after the time aforesaid, upon any contract to be made after the first day of August, one thousand seven hundred and seventy-four, take, accept, and receive, by way or means of any corrupt bargain, loan, exchange, shift, or interest of any wares, merchandizes, or other thing or things whatsoever, or by any deceitful way or mean, or by any covin, engine, or deceitful conveyance, for the forbearing or giving day of payment for one whole year, of and for their money or other thing, above the sum of twelve pounds for the forbearing of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter term, shall forfeit and lose, for every such offence, treble the value of the monies, wares, merchandizes, and other things so lent, bargained, exchanged, or shifted, with costs of suit, one moiety whereof shall be to the said United Company, and the other moiety to him or them who will sue for the same in the said Supreme Court of Judicature at Fort William, in Calcutta, or in the Mayor's Court in any other of the said United Company's settlements where such offence shall have been committed, by action of debt, bill, plaint, or information, in which no essoin, wager of law, or protection, shall be allowed; and in case no such action, bill, plaint, or information, shall have been brought and prosecuted with effect within three years, that then it shall and may be lawful to and for the party aggrieved to sue and prosecute for recovery of all sums of money paid over and above such rate of interest.

§ 31.

Persons making compositions contrary to the meaning of the

(2) And be it further enacted, that no informer or plaintiff shall or may compound or agree with any person or persons that shall offend, or shall be surmised to

LAWS.

1773. 13 Geo. 3, c. 63, § 31.

to offend, against this act, for any offence committed, or pretended to be committed, before answer made in the said Supreme Court, unto the information or suit in that behalf exhibited or prosecuted, nor after answer, but by the order or consent of the said court, on pain that if any person or persons shall offend in making of any composition or agreement, contrary to the true intent and meaning of this act, or shall, by colour or pretence of process, or without process, upon colour or pretence of any matter of offence against this act, make any composition, or take any money, reward, or promise of reward, for himself, or to the use of any other, without order or consent of the said court, that then he or they so offending, being thereof lawfully convicted, shall, for every such offence, be liable to be fined and imprisoned, at the discretion of the said court.

act, liable to be imprisoned at the discretion of the court.

No Person to lend Money to Native Princes, without Consent of the Court of Directors or Governor in Council.

1797. 37 Geo. 3, c. 142, § 28.

(3) And whereas the practice of British subjects lending money, or being concerned in the lending of the same, or in transactions for the borrowing money for, or lending money to the native princes in India, has been productive of much mischief, and is the source of much usury and extortion: and whereas the wholesome orders of the Court of Directors of the United Company of Merchants trading to India, have not been sufficient to restrain and repress the same: and whereas it is highly desirable that such practices should be prevented in future; be it therefore enacted, that, from and after the first day of December next, no British subject shall, by himself, or by any other person directly or indirectly employed by him, lend any money or other valuable thing to any native prince in India, by whatever name or description such native prince shall be called, nor shall any British subject, either by himself, or by any other person directly or indirectly employed by him, be concerned in the lending any money to any such native prince, nor shall any British subject be concerned either by himself or by any other person, either directly or indirectly, in raising or procuring any money for any such native prince, or as being security for such loan or money, nor shall any British subject lend any money or other valuable thing to any other person for the purpose of being lent to any such native prince, nor shall any British subject, by himself or by any other person, either directly or indirectly, for his use and benefit, take, receive, hold, enjoy, or be concerned in any bond, note, or other security, or assignment, granted or to be granted by any such native prince, after the first day of December next, for the loan, or for the re-payment of money, or other valuable thing, without the consent and approbation

From Dec. 1, 1797, no British subject to lend any money, or be concerned in raising any for native princes, without consent of the Court of Directors or the governor in council; and any person doing so may be prosecuted for a misdemeanor.—Security for money lent contrary hereto to be void.

approbation of the Court of Directors of the East-India Company, or the consent and approbation of the governor in council of one of the said Company's governments in India, first had and obtained in writing; and every person doing, acting, or transacting, or being concerned in any actings, doings, and transactions, contrary to this act, shall be deemed and taken to be guilty of a misdemeanor at law, and shall and may be proceeded against and punished as such, by virtue of this act, before any court of competent jurisdiction; and all bonds, notes, assignments, or securities for money, of what kind or nature soever, taken, held, or enjoyed, either directly or indirectly, for the use and benefit of any British subject, contrary to the true intent and meaning of this act, shall be, and the same are hereby declared to be null and void to all intents and purposes.

LAWS.

1797. 37 Geo. 3, c. 142, § 28.

§ 29.

On complaint to the governments in India for acting contrary to this act, the case to be laid before the law-officers, whose report shall be transmitted to the Court of Directors.

(4) And be it further enacted, that when and so often as any information shall be given, or complaint made to any of the Governments of the said United Company in the East-Indies, of any person having acted contrary to the provisions of this act, such Governments shall forthwith lay the case before the Company's law officers at the settlement where it arises, who shall take the same into their consideration, and report their opinion thereupon, whether the same is a proper case for prosecution (together with their reasons for the same), which report shall be transmitted home to the Court of Directors by the first convenient opportunity.

MILITARY FORCES—KING'S AND COMPANY'S.

The military force in India is composed of King's regiments serving in that country, and of the Company's European and native troops. Irregular corps have been raised and disbanded, from time to time, according to the exigencies of the public service.

The legislative enactments, under which a King's force is stationed in India, will be first noticed.

King's Troops.

Prior to 1781, the expense of sending King's troops to India was borne by the public. In that year the negotiations took place which led to the territorial possessions and revenues, with the exclusive trade, being vested in the Company till the year 1793.

On the 25th June 1781, twenty-two propositions were approved by the General Court of Proprietors, and ordered to be submitted to Lord North as the basis for an arrangement. The eighth proposition provided for the payment of two lacs of current rupees per annum by the Company on account of every regiment, consisting of one thousand men, sent or to be sent by his Majesty to India, *on the requisition of the Company*, so long as they possessed the territories of Bengal, Bahar, and Orissa, which provision was incorporated in the seventeenth section of the act of 1781, 20th Geo. III, cap. 65.

A correspondence between the Board of Commissioners and the Court of Directors took place in 1785, respecting the European forces, and with the Chancellor of the Exchequer, Mr. Pitt, in 1786, as to the demands against the Company on account of the expenses of the King's troops; but it was not till 1787 that those measures were adopted which led to the declaratory act of the following year. In the latter part of 1787,

1787, it was apprehended that Great Britain would have been involved in war, and that a blow would be struck at our Eastern possessions. An intimation was accordingly made in the month of October, by Mr. Dundas, that the King had been graciously pleased to order four regiments to be immediately raised for service in India, and that his Majesty permitted the Company to present for nomination seventy-five officers. The regiments were—

The 74th, Sir A. Campbell,
75th, Colonel Abercrombie,
76th, Colonel Musgrave,
77th, Colonel March,

to consist, in the whole, of 2,840 Europeans.

The Court's grateful sense of his Majesty's gracious attention to the safety of the Company's possessions was conveyed through Mr. Dundas, and a Committee of General Officers was appointed by the Court of Directors to meet at the India-House, for the purpose of devising the most eligible mode of carrying into effect the appointments which the Court were permitted to make, as by the Act of 27th Geo. II, cap. 9, under which the articles of war were framed, officers bearing his Majesty's commission ranked over those of the Company, although the King's bore a later date than the Company's commission. A petition from the Company's Bengal officers, praying that the Court would intercede with his Majesty to remove all partiality as to rank, was presented to the Directors. So great were the embarrassments apprehended if the measure was persevered in, that on the 21st of November the chairman and deputy were requested to wait on the Board of Commissioners, and consult with them upon some mode of obviating the contemplated difficulties, either by an application to his Majesty to grant an equal rank, or for withdrawing the regiments intended for India. The chairs accordingly had an interview with the Board, when they were informed by Mr. Dundas, that a reply to the representation would be transmitted to the Court in writing. On the 4th of December the reply was communicated to the Court, in which some observations were made as to the point of rank; but it was intimated that the idea of diminishing any part of the British forces contemplated to be sent to India, was

was so adverse to what the Board conceived to be for the welfare and security of that country, that they could not allow such an idea to enter into any further discussion between the Board and the Court. On the following day, the Court of Directors resolved, that they beheld, with the deepest concern, the determined manner in which the Commissioners had thought proper to waive all further discussion upon the subject of withdrawing entirely the four regiments intended to be raised for India. They pointed out that as the apprehension of impending war had ceased, it was wholly unnecessary to entail so heavy a charge upon the Company: under this consideration, therefore, and with reference to the principle of economy so strongly enjoined by the Act of the 24th Geo. III, cap. 25, sec. 40 and 41, and to the alteration in public affairs, they trusted the Board would concur in a representation to the King, to enable the Company to increase their European force in India, in a mode less destructive to the welfare of the Company, and thereby remove from the minds of 1,800 gallant officers the disgust and indignation which they would feel, from a most cruel and unmerited supercession. The Board explicitly declined to concur in any such representation, and stated, that the subject would be brought before his Majesty's confidential advisers. On the 28th of December, the chairman laid before the Court a note from Lord Sydney, acquainting the Court that his Majesty's servants did not propose to advise his Majesty to alter the resolution of sending the four regiments to India.

The Court of Directors accordingly resolved on the 16th January 1788, that Jacob Bosanquet, Hugh Inglis, and Stephen Lushington, Esqrs., with the Honourable W. F. Elphinstone, be appointed a committee to prepare an address to his Majesty to withdraw the regiments. On the 23d, the petition so prepared was approved: it expressed the readiness of the Company to pay all expenses occasioned "in consequence of "his Majesty's order for raising the four regiments; and "being persuaded that, with the aid of his Majesty's ministers, they should be able to raise any force that might be "thought necessary for the defence of India, upon terms infinitely less burthensome to the Company, they felt impelled "by

"by every consideration of public duty, by a necessary atten-"tion to the finances of the Company, by a sense of justice "to individuals, by a willing obedience to the legislature, but "above all by their alarming apprehensions of the effect the "measure would produce in India, to pray that the said regi-"ments might be withdrawn." Mr. Motteux, the chairman, dissented from the resolution, approving such petition; but stated, he should still feel it to be his duty to support any petition signed by thirteen or more directors. Messrs. Smith, Hunter, Robert Thornton, Pattle, Townson, Le Mesurier, Moffatt, and Devaynes, likewise dissented.

On the 29th January, the chairman informed the Court that the petition had been delivered to Lord Sydney, who promised to lay the same before the King; his Lordship, on the 1st of February, addressed a letter to the Court, stating, that his Majesty did not judge proper to change his resolution of sending four regiments to India.

The Court having taken the legal opinions of Mr. Rous, Mr. Macdonald, Mr. Serjeant Adair, and Mr. Mansfield, and it appearing by such opinions that they might withdraw their consent to the regiments proceeding to India; and, moreover, that they were not liable to defray the expenses of the four regiments, if sent to India without their requisition, but that the State must bear the same, they rescinded their resolution of the 17th October 1787, accepting the said four regiments intended for service in India. In consequence of dissents from such resolution having been delivered in by Messrs. Motteux, Devaynes, and Robert Thornton, a letter was addressed to the Court by Messrs. Bosanquet, Lushington, Fitzhugh, Elphinstone, Cheap, Inglis, Travers, Bensly, Baring, Manship, Roberts, and Smith, vindicating their opinions and conduct, which they considered to have been called in question. They reviewed the whole matter from the commencement; pointed out that the original acceptance of the regiments was only carried by ten votes to nine, and with the greatest possible celerity, not a day being allowed to discuss it: that when the altered state of affairs was considered, as well as the difficulties likely to arise out of the conflicting interests involved in the measures; and when they adverted to the solemn and cordial

agreement

agreement entered into between the Company and Government in 1784, containing an ample reservation of all the rights and privileges of the Company under the protection of ministers, who stood forth as their zealous and successful advocates, they considered it to be their duty to oppose a measure pregnant with such evils. They declared that they had, on every occasion, endeavoured to meet his Majesty's ministers with alacrity and zeal; that they had exerted every means in their power to promote harmony and a good understanding with the Board of Commissioners; but they humbly conceived that they were entrusted by their constituents with their rights, privileges, and property, which it was their duty to watch over, and to resist every attempt at invasion, from whatsoever quarter it might arise. In conclusion, they described the measure as "contrary to a solemn act of Parliament, as highly injurious to "their constituents, absolutely unnecessary in itself, and involving the most fatal consequences."

On the 11th February, a letter was received by the Court from Lord Sydney, intimating that the regiments were ready for embarkation. The Court resolved, that the chairs should wait on Lord Sydney, and communicate their resolution rescinding that of the 17th October 1787, "accepting the "regiments so far as bound the East-India Company to the "payment of the expense;" but adding, that as the Court were desirous of obeying his Majesty's commands, and co-operating with his Ministers, as far as they could consistently with their duty, they were ready to receive the troops on board the Company's ships, provided it was clearly understood that the said four regiments did not go at the requisition of the Court of Directors; that the East-India Company were not bound to pay any part of the expense thereof; and that such forces were not to be considered as part of the permanent establishment in the East-Indies. The resolution having been made a reference by Lord Sydney to the Board of Commissioners, his Lordship, on the 12th February, transmitted the resolutions of the Board thereon, which had been submitted to and received his Majesty's royal approbation. They denied the power of the Court to withdraw their requisition or to liberate the Company from defraying the expense. They did not conceive

conceive that the King's troops going to India, under requisition or otherwise, were to be considered as forming any part of the Company's establishment in the East-Indies. They were unable to decide as to the number of King's troops which it might be expedient to maintain in India. They intimated that they should feel it to be their duty to exercise the superintending powers vested in them over the Indian revenues, in such a manner as effectually to provide that those revenues should be applied to defray the expense of the force necessary for the defence of the possessions there; and that if his Majesty's Government were compelled to have recourse to any other mode of sending those troops, they would feel it right, upon every principle of justice, to order payment of such expense of conveyance from the revenues of India.

The Court having negatived a motion which was made for embarking the troops, and resolved that the ships for Bombay and China should be despatched on the following Friday, they summoned a General Court of Proprietors for the 19th, to consider the subject. Their proceedings being made known to Lord Sydney, his Lordship laid the same before the Board, who expressed their satisfaction at such a step, being fully assured that the proprietors would concur in sending those regiments out, and repeated their determination to charge the expenses of conveying the regiments to India on the revenues of that country. The Court accordingly resolved to take counsel's opinion as to the right of the Board of Commissioners to assume such powers. The proprietors met on the 19th, and adjourned to the 20th, on which day a motion was made in the General Court to support the Court of Directors in their opposing the transmission of the four regiments to India: upon which question, after an amendment had been proposed and lost, a ballot was demanded. It took place on the 28th: the numbers being 371 for the motion, and 371 against it, the treasurer was called in and drew the lot, which decided the question in the affirmative.

In the interim (on the 23d February) the Court received intimation from the Board that a motion would be made in Parliament for leave to bring in a bill for removing all doubt as to the power of the Board, to order payment of any expenses which might be incurred in sending out and maintaining such troops

troops as should be judged necessary for the security of the British territories and possessions in India.

On the 25th, Mr. Pitt accordingly moved the House of Commons for leave to bring in such bill: he stated, that he was at a loss to imagine on what principle doubts were entertained by several high legal characters as to the powers of the Board: and contended, that there was not one step which the Court of Directors could take prior to the act of 1784, establishing the Board, which that Board might not now take touching the political and military concerns and revenues of India. In this Mr. Dundas concurred, adding, that if it should appear necessary for the security of our Indian possessions, the Board had power to apply the whole of the revenue of India to that purpose, without leaving a single rupee for the Company's investment.

The motion was strongly opposed: it was contended that the opinions of counsel taken, perhaps, on an imperfect state of the case, was not a fit ground for the introduction of a declaratory bill; by such proceedings, Parliament would quit its legislative and assume a judicial capacity, and in the case then before it, decide in some respects as an interested party, to be a gainer by its own decision. The minister was stated to be guilty of manifest injustice and a violent oppression of the subject, in removing a question from the courts of law, where he knew he could have no undue influence, into the two Houses of Parliament. After a long debate, the bill was brought in, and on the 3d of March the East-India Company were heard by counsel. Mr. Fox, Colonel Barré, Mr. Fullarton, Mr. Powis, and Mr. Pulteney opposed the proposed bill. The latter gentleman, as well as the other members who usually voted with the minister, declared that the construction attempted to be put upon the act of 1784 by the declaratory bill now under discussion, made it equally obnoxious with the celebrated bill rejected by Parliament in 1783;* only with this difference, that what the one had for its professed object, openly and without disguise, the other was attempting to effect by fraud and dissimulation. It was pointedly remarked, that whilst the Board, in 1785, had contended in opposition to the Court of Directors, for

* Vide Board of Commissioners.

for a reduction of their European force, they now came forward to propose an additional King's force; that the measure wore the appearance of a regularly digested plan to grasp progressively at all the patronage of India. To these remarks Mr. Pitt replied, that if any danger was apprehended from the bill before the House, relative either to the augmentation of the army or the patronage of India in general, he was ready to receive any clauses that might be offered, from whatever part of the House they might come, from whatever individual, or accompanied by what language they might, for guarding in the most effectual manner against it.

The unfavourable reception the bill met with in the House, and even from many of the minister's own friends, was apparent through the whole progress. Some of his friends suggested, that he had been led into the measure by persons of whose principles they did not much approve, and with whom they were sorry to see him so intimately connected. One member observed, that he was sure his conscience had been surprised: on which Mr. Sheridan remarked, "that without "doubt his original crimes had been, that he had connected "himself with those from whom no good counsel could come; "and that lamenting, as they must all do, the consequences "of his want of vigilance and the misfortune of his connec-"tions, it was earnestly to be wished either that his conscience "would keep a better look-out, or that he would keep better "company." On the 5th March, the motion for committing the bill was brought forward, when there were 182 ayes to 125 noes; and, on the report being brought up on the 7th, Mr. Pitt declared, that for the purpose of having farther checks, he should move for its re-commitment; and that the committee should be instructed to receive clauses for the said purposes. The question for bringing it up was carried by only a majority of sixty-seven.

The clauses were moved by the Chancellor of the Exchequer on the re-commitment of the bill. The first limited the number of King's forces, for the payment of which the Board of Commissioners were empowered to issue their orders, to 8,045, including commissioned and non-commissioned officers, and 12,000 of European forces in the Company's service; the second

second was to prevent their increasing the established salary of any office in the service of the Company, unless proposed by the Directors and laid before Parliament; the third was to prevent the Commissioners from ordering the payment of any extraordinary allowance to any person on account of services in India, except proposed by the Directors; the fourth required the Directors to lay sundry accounts before Parliament annually. The bill was read a third time on the 14th March, when it underwent another long discussion; on which occasion Sir Grey Cooper contended against the unparliamentary course which had been adopted, of adding clauses to a declaratory bill. What was it but to say that the power declared to be in the Commissioners was *first invested in them by law*, provided certain things be done, and certain conditions observed by them, which *were not law* before. The bill was finally passed by a majority of 54, and ordered to the Lords, where, on its second reading, Lord Porchester proposed that the opinion of the judges should be taken upon the construction of the act; which was opposed by Lord Hawkesbury and the Lord Chancellor, as tending to create unnecessary delay, and negatived by seventy-six to thirty, as was also a motion proposed by the Duke of Norfolk for postponing the second reading. On the main question, the Marquess of Lansdowne expressed the utmost astonishment that any one who recollected what passed in the year 1783 and 1784, could contend for a moment that the principles of the present bill were contained in that of 1784. His Lordship pointed out the danger to be apprehended from the influence such a measure would throw into the hands of the crown; and, as a proof that ministers had insidiously concealed their design, if they had ever really conceived an idea of construing the act of 1784 in its present extent, his Lordship quoted a pamphlet, published by Mr. Pulteney, which at that time was avowedly dispersed by administration throughout the country, as containing the sentiments which they wished to be considered as the principles of their conduct; on the present occasion Mr. Pulteney could not support the minister. On the third reading, on the 19th March, the bill was supported by Lords Camden, Coventry, Hopeton, and the Lord Chancellor; and opposed by Lords Loughborough, Grantley, Stormont, Carlisle, and

and Hawke. It passed by a majority of seventy-one to twenty-eight. A strong protest was entered, and signed by sixteen of the dissentient peers.

Thus was established the first legislative provision, fixing the number of King's troops which might be sent to India, and maintained out of the revenue of that country, under the orders of the Board of Commissioners for the Affairs of India.

In 1791, the House of Commons resolved, that the conduct of the Governor-General in prosecuting with vigour the war against Tippoo was highly meritorious, and in support of the war it was deemed advisable to send out a further number of King's troops. As the act of 1788 had limited that force to 8,045, an act was passed authorizing an additional King's force of 2,682 men to be maintained out of the Indian revenues, making a total of 10,727.

On the renewal of the Company's exclusive privileges, in 1793, no alteration was made in the number of King's troops to be sent to India; but by the 107th section of the act of the 33d Geo. III, c. 52, it was provided that the expenses of all the troops, garrisons, &c., should be defrayed out of the revenues; and by the 127th section, the accounts between the public and the Company as to the maintenance of King's troops were closed to the 24th December 1792; from which date all sums paid by the paymaster-general on account of King's troops in India, or for recruits, were to be repaid by the Company, and the actual charge on account of King's troops was to be borne henceforth by the Company. By the same act, section 149, the powers given by the acts of 1788 and 1791 to the Board of Commissioners, as to the number and payment of the King's forces in India, were continued, as if repeated in the said act of the thirty-third of the King.

In 1808, the discussions commenced with the Board of Commissioners for a renewal of the Company's exclusive privileges. The necessity of maintaining a considerable European force, and the heavy expense arising out of the number of King's troops in India, formed prominent points in the correspondence which took place. It was proposed by the Court of Directors that the King's forces in India should not exceed 15,000 men in all, and that such number should be reduced if possible.

possible. On the part of Ministers, it was contended that the amount of the force which had been maintained did not go beyond what was requisite for the defence and security of India; and Lord Castlereagh accordingly proposed, in his resolution to the House of Commons, that the number should be 20,000, which was the maximum fixed on the 2d July. The bill was read a third time on the 13th July 1813.

In 1822, a settlement of accounts between the public and the Company took place, including, amongst other items, that of a claim on the part of Government for the maintenance of the King's forces beyond the number fixed in 1781.

In 1823, the East-India Company agreed to pay the further annual sum of £60,000 for retiring pay, pensions, or other allowances to his Majesty's forces serving in India, in quarterly payments, to commence from the 30th April 1822. An act was accordingly passed to enable the same to be carried into effect. The King's troops are governed by the King's Mutiny Act and articles of war.

Company's Troops.

It has already been observed, that the Company's forces consist of Europeans and Natives.

In the early period of the wars with the French on the coast of Coromandel, the forces of the Company were very limited, and consisted principally of Europeans, the French having first trained the sepoys for military service. In 1748, when the siege of Pondicherry was meditated, Major Lawrence took into his pay 2,000 peons. It has always been considered sound policy to maintain an European force in India, and the East-India Company have invariably evinced an anxious desire to act in conformity with such opinion.

In 1772, the Company's European force consisted of 11,468 men, including commissioned and non-commissioned officers.

In 1785, when orders were sent out to place the army on a peace establishment, the Board of Commissioners, in decided opposition to the Court, insisted upon a reduction in the Company's European force then in India, far below what either the Court of Directors or Mr. Hastings, to whom reference had been made on the subject, deemed essential for the public

public service; as below also the number prescribed by the act of 1781, *viz.* 12,200.

In the correspondence which took place between the Board of Commissioners and the Court of Directors, from 1808 to 1813, the importance of extending the Company's European force was strongly pointed out, and on the revision of the military establishment in 1814, the subject was again pressed on the attention of the Board. The support of the public interests as connected with the existing system, may be a sufficient reason for maintaining a King's force in India; but there are various and weighty reasons in favour of maintaining a permanent European force recruited and organized on the principle of the Company's European regiments.

A King's regiment is at all times liable to removal from one presidency to another, and from Asia to Europe or America; the opportunities or inducements which both the officers and men attached to such regiments have of acquiring the language, or studying the habits, customs, and prejudices of the native, are few, whilst the Company's officers and soldiers, on the contrary, aware that all their hope of fortune and preferment centre in India, necessarily apply themselves to the attainment of that knowledge upon which their comfort and future prospects depend. The Company's European regiments are in a great measure the nursery for European non-commissioned officers; and it is contended, that the spirit and discipline of the native regiments have been most materially promoted by their union with the Company's European troops.

The Company's European force at the three presidencies in 1822, did not exceed, including artillery, 8,000 men. The Company are empowered to enlist in this country recruits for their service in India, under the provisions of the 39th Geo. III, cap. 109, and 50th, cap. 87, which will be noticed under this head.

The rise and progress of the Company's Native Army to its present state in point of strength and efficiency, presents an extraordinary feature in the history of the East-India Company.

Although the native troops can scarcely be considered

to have existed as a regular army until 1765, they distinguished themselves in the early hostilities in Bengal under Colonel Clive, more particularly at the memorable battle of Plassey in 1763; also under Major Adams, at the battle of Gheria; and under Major (afterwards Sir Hector) Munro, at that of Buxar, in the same year. Colonel Clive, who returned to England in 1760, and had been raised to the peerage, proceeded again to India in 1765, when his Lordship remodelled the Company's army, forming the whole into three brigades, in which were seven battalions of sepoys. It is unnecessary to enter minutely into the various alterations made from time to time in the regulations by which the Indian army has been governed, as well as its internal economy directed. Those of 1796 are the most important, and they will be noticed. A few of the most prominent occasions, in which the native army has been engaged, will be first adverted to.

In 1767, three battalions of sepoys were detached on service in the northern Circars, with the view of supporting the Madras Government against the attacks of Hyder Ally and the French. In 1769, they were embarked to return by sea to Calcutta, on which occasion two grenadier companies perished by shipwreck. This occurrence is adverted to, as it made a fatal impression on the minds of the native troops with regard to sea voyages, which, joined to their previous religious and habitual prejudices, required the lapse of many years and much conciliatory management to overcome. On reference to this point, it shews how important it is to treat with the utmost forbearance and kindness prejudices, not arising from any indisposition towards the ruling authorities, but solely from the strongest of all sources—that of religious feeling.

Sir John Clavering, when he succeeded as Commander-in-Chief, in 1774, bore the strongest testimony to the state and discipline of the sepoy corps, which he declared had excited his wonder and admiration.

In 1778, when Mr. Hastings determined on his own responsibility to detach a portion of the Bengal army in support of the Bombay Government, which was then embarrassed from the

the pressure of the Mahratta war, a body of 6,600 native troops, under Colonel Goddard, marched from the banks of the Ganges to the western coast of India, and arrived at Surat in February 1779; after a short interval of repose, this force took the field, and nobly distinguished itself through a series of most arduous service to the close of 1783; the remains of that body, reduced by casualties of service to less than one-half of its original complement, returned to Bengal in 1784, where honorary standards were granted to each of the battalions, gold medals to the subahdars, silver to the jemadars, and to every private sepoy who served with the detachment from the commencement of the expedition.

In 1780, the fortress of Gwalior, till then deemed impregnable, was captured by escalade by a detachment of 2,000 sepoys, under Major Popham.

In 1781, in Malwah, against Scindiah and the Mahrattas, and at the insurrection at Benares, on the revolt of Cheyt Sing, on which occasion, although the pay of the native troops was five months in arrear, the means of obtaining supplies most difficult, and their distresses consequently great, they never manifested the least symptom of discontent; their fidelity, attachment, and devotion was inherent, spontaneous, and undisguised.

In September 1786, Earl Cornwallis arrived in India as Governor-General and Commander-in-Chief. In 1787, his Lordship made a tour of inspection, and having visited all the military stations, expressed the greatest satisfaction at the appearance and good order of the troops.

The repugnance of the Bengal native soldiery to sea voyages has already been noticed. It was to the firm, but temperate and encouraging line of conduct pursued by Lord Cornwallis in 1789, when it was deemed expedient to send succour to Bencoolen, that the aversion was overcome; four companies of volunteers were raised from three battalions of the fourth brigade, then at the presidency; every attention was given to the comfort and wants of the troops, and these marks of consideration were amply repaid by the zeal and alacrity displayed by the detachment throughout the service

service on which they were about to embark. To the discerning and conciliatory temper evinced by his Lordship, is to be attributed the readiness with which they obeyed the call, when his Lordship proceeded by sea to Madras, at the close of 1790, for the purpose of superintending in person the war in Mysore: and again in 1791, when a call was made for 900 volunteers to fill up the eight battalions serving in Mysore, on which occasion, such was the spirit of emulation, that more than the number required turned out, and reached Madras in the course of eight days. Lord Cornwallis quitted India in 1793.

A marine battalion was raised in 1795, for service in the islands of Sumatra, Penang, &c.

On the conquest of Mysore in 1799, the native troops greatly distinguished themselves. The relation of two interesting occurrences, as honourable to the feelings which dictated the proceedings as to the exalted merits of the distinguished noblemen who were the objects of them, ought not to be omitted.

The present venerable and gallant Lord Harris, who, as General Harris, commanded at Seringapatam, was requested by the army to solicit in their name that the Marquis Cornwallis would accept the sword and war-turban of the deceased Tippoo Sultaun, and also the sword of the Mahratta chief, Mariar Row. General Harris reached Cork in June 1800, from whence he addressed a letter to Lord Cornwallis, then Viceroy in Ireland, presenting, in the name of the army, the swords and turban as a mark of their genuine respect for his Lordship; who, in acknowledging it, expressed the gratification which he derived at such a mark of esteem and regard, from the brave officers and soldiers who had rendered such important service to their country.

The Marquis Wellesley, then Governor-General, was also vested with the title of Captain-General of all the Forces in India. The army resolved, on the plains of Seringapatam, to request his Lordship's acceptance of a star and badge of the order of St. Patrick, made from the jewels of the Sultaun, as a mark of their high respect. His Lordship, in acknowledging the communication which was also made

made through General Harris, replied, that any mark of respect of that gallant army which achieved the conquest of Mysore, must ever be esteemed by him as a distinguished honour. The resolution having been adopted in the hour of victory, and on the field of conquest, afforded a most satisfactory testimony of the intention to associate his name with the memory of their unexampled triumph; that although he was sincerely desirous of accepting the gift of the army, and of wearing it as an emblem of their glory, and of their good-will towards him, he declined it on the ground that he might thereby violate the letter of the existing statutes. The star and badge were accordingly tendered to the Court of Directors, who addressed a letter to the Bengal Government in the following terms, under date the 10th June 1801:—

"We are thoroughly sensible of the propriety and delicacy "of the motives which induced our Governor-General to de- "cline the acceptance of this token of respect to his Lord- "ship, from the gallant conquerors of Mysore. In order, "however, further to testify the very high sense which we "entertain of the distinguished services to this Company of "the Most Noble the Marquis Wellesley, by the superior "wisdom and energy of whose councils the late war in "Mysore was brought to so speedy and glorious a termi- "nation, we hereby present the star and badge, of the order "of St. Patrick, formed from the jewels taken at Seringapatam, "to his Lordship's acceptance; the same having been ten- "dered to and received by the Court of Directors for that "purpose."

In the expedition to Egypt in 1800; in the war in 1803, at the memorable battle of Laswarree in November of that year, which led to the dispersion of Scindiah's forces in Hindoostan; in the war with Holkar in the following year; and at the battle of Deeg, and also at the unsuccessful siege of Burtpoor in the beginning of 1805 (in one of the attempts to carry which by storm, the colours of the 2d battalion of the 12th were thrice planted on the top of the bastion), the native troops were highly distinguished for their bravery and fidelity. The conduct of the whole of the Company's native army

cannot be better described than by quoting the following extract from general orders by Lord Lake, on the occasion of his quitting the station of commander-in-chief in India, in February 1807:—

"But he finds it difficult to do justice to the merits of "our native soldiers, who have encountered every danger with "the most exemplary valour—who have submitted to every "hardship and privation with the utmost fortitude and per- "severance, and who, to promote the cause in which they "were engaged, have on many occasions made a ready and "cheerful sacrifice of every habit and prejudice which they "had been taught to regard as dear and inviolable."

On the occasion of the expedition to the Isle of France in 1810, and to Java in 1811, the zeal, alacrity, and courage of the Company's native troops were most conspicuous, and received the warmest thanks of the Governor-General and Commander-in-Chief. The same spirit actuated them throughout the military operations with the Nepaulese, and in the extended military operations conducted by the Marquis of Hastings, which took place between the years 1815 and 1820, against the Pindarries and the Peishwah, and in Hindoostan and the Deccan.

It would be in vain to attempt to do justice, in so brief a sketch as this must necessarily be, to the merits of the Indian army. The thanks which they have repeatedly received from the British Parliament and from the East-India Company, will best evince the sense which is entertained of those services by the country and the Company. It is impossible, however, not to seize this occasion of recording an extract from the eloquent speech of his Majesty's present Secretary of State for Foreign Affairs,* on the occasion of that Right Honourable Gentlemen proposing, when president of the Board of Commissioners for the Affairs of India, on the 4th March 1819, in the House of Commons, votes of thanks to the Marquis of Hastings and the British Army in India:

"In every instance the valour of the British troops has "been eminently conspicuous; and when I say—of the British "troops,

* The Right Honourable George Canning.

"troops, let me guard the House against any such erroneous "impression, as that the contest was one between tried and "valiant British soldiers on the one side, and feeble and "unwarlike natives on the other. Let it not be considered "as an unequal conflict of European valour with untaught "Indian courage: for, out of about 90,000 troops whom "Lord Hastings brought into the field, 10,000 only or there- "abouts were British: the remainder were the native forces "of the East-India Company; trained, it is true, by Euro- "pean officers, and proving by their obedience, their courage, "their perseverance, their endurance, that in discipline and "in achievements they were capable of rivalling their British "instructors.

"In doing justice to the bravery of the native troops, I "must not overlook another virtue—their fidelity. Many of "the Bombay army had been recruited in the territories of "the Peishwah; their property, their friends, their relatives, "all that was valuable and dear to them, were still in that "prince's power. Previously to the commencement of hos- "tilities, the Peishwah had spared no pains to seduce and "corrupt these troops; he abstained from no threats to force "them from their allegiance: but his utmost arts were vain. "The native officers and soldiers came to their British com- "manders with the proofs of these temptations in their hands, "and renewed the pledges of their attachment. One man, "a non-commissioned officer, brought to his captain the sum "of 5,000 rupees, which had been presented to him by the "Peishwah in person, as an earnest of reward for desertion.* "The vengeance denounced by the Peishwah was not an "unmeaning menace: it did, in many instances, fall heavily "on the relatives of those who resisted his threats and his "entreaties; but the effect was rather to exasperate than to "repress their ardour in the service to which they had sworn "to adhere."

In 1781, the army was re-modelled.

In 1796, a complete revision was made of the whole of the Indian army. The Company's officers, who had been hitherto restricted

* The name of this man is Sheick Houssein.

restricted in their rise to the rank of colonel, were now to have the rank of major-general; and, in order to prevent the existence of jealousies between the King's and Company's troops, it was recommended to his Majesty to give every officer of the Company a King's commission, of the same date with that he received from the Company; ten major-generals were to be promoted in Bengal from the senior officers in the army, six at Madras, and four at Bombay, from whence the selections for the staff were to be made. The number of major-generals on the staff were to be six in Bengal, two from the King's, and four from the Company's officers; at Madras, two from the King's, and two from the Company's; and at Bombay, one from the King's, and two from the Company's: these have been altered, as respects the Company's officers, the number in Bengal being five, at Madras three, and at Bombay two. Measures were, at the same time, taken for making promotion to the higher ranks more extensive, by appointing two lieutenant-colonels and two majors to each regiment of infantry. The pay and allowances of the army were revised, and the off-reckonings thrown into one aggregate fund: but the most important regulations, as affecting the health and comfort of the Company's officers, was the establishment of the Furlough and Retiring Regulations.—(*Vide* Appendix.)

The Medical Board was also established, to consist of two members, to be denominated the first and second member, to superintend, under the Commander-in-Chief, or officer commanding the troops at each presidency, the management of the medical department, and the conduct of all persons employed in it. Fixed rates for passage-money to and from India were also established.

The foregoing outline will shew the foundation of the existing regulations for the Company's army.

In 1814 and 1815, the military establishments were revised.

In November 1823, the Court, with a view to accelerate the promotion of their European officers to the command and off-reckonings of corps, reorganized the army on the principle of reducing by one-half the number of steps from the bottom to the top of each regiment. The number, which in the Native Infantry had previously been forty-five, was reduced

reduced to twenty-three. This arrangement involved a duplication of the number of regiments in the service, and consequently of the number of colonels, occasioning an immediate promotion of the senior officers, to a very considerable extent. Every arm of the service which had previously consisted of a different establishment was, by this arrangement, constituted on the same footing; so that officers of cavalry, infantry, artillery, and engineers, were placed on an exact equality, each being allowed at the rate of twenty-three officers per regiment. The Court on the same occasion adopted several financial arrangements, which were generally beneficial to the army.

By the act of 1813, military officers of the rank of a general officer, colonel, or lieutenant-colonel commandant, may return to India after an absence of five years, although such absence shall not have been occasioned by sickness. All other military officers who shall have been absent beyond five years, unless such absence shall have been occasioned by sickness, infirmity, or inevitable accident, are rendered incapable of returning to the service.

In July 1823, an act was passed (4th Geo. 4, cap. 81), consolidating and amending the laws for punishing mutiny and desertion of officers and soldiers in the Company's service; prior to which, those proceedings were governed by an act passed in the twenty-seventh year of the reign of Geo. II, cap. 9. The provisions of the act of 1823 are given at length in the laws which follow.

LAWS.

King's Troops.

LAWS.

1793. 33 Geo. 3, c. 52, § 128.

Expenses of King's troops to be borne by Company.

(1) And be it further enacted, that from the said twenty-fourth day of December, one thousand seven hundred and ninety-two, all sums issued by the said paymaster-general of his Majesty's forces, for and on account of his Majesty's forces serving in India, or for raising and supplying recruits for the same, shall be repaid by the said Company; and that the actual expenses only which since the said twenty-fourth day of December, one thousand seven hundred and ninety-two, have been, or which hereafter shall be incurred for the support and maintenance of the said troops, shall be borne and defrayed by the said Company; any

LAWS.

any clause or provision contained in the said recited act of the twenty-first year of his Majesty, or any other act or acts, to the contrary notwithstanding.

1813. 53 Geo. 3, c. 155, § 87.

King's troops not to exceed 20,000.

(2) 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.

1823. 4 Geo. 4, c. 71, § 1.

Company agree to pay £60,000 annually for pensions to King's troops.—In addition to the sum now payable, the East-India Company to pay an annual sum of £60,000 for retiring pay, pensions, or other allowances of his Majesty's forces serving in India. To be paid quarterly.

(3) Whereas no provision has been made for the charge incurred for retiring pay and pensions, and other expenses of that nature, arising in respect of his Majesty's forces serving in India; and the said United Company in consideration thereof have agreed to pay, for those purposes, the annual sum of sixty thousand pounds, to commence from the thirtieth day of April one thousand eight hundred and twenty-two, out of the territorial revenues in the East-Indies, as hereinafter mentioned; be it therefore 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 over and above all sum and sums of money now payable by the said United Company in respect of his Majesty's forces serving in the East-Indies, the annual sum of sixty thousand pounds, to commence from the said thirtieth day of April one thousand eight hundred and twenty-two, shall be paid out of the rents, revenues, and profits arising from the said territorial acquisitions, in full discharge and satisfaction of all claims upon the said Company for retiring pay, pensions, and other expenses of that nature, granted or payable by his Majesty or by authority of Parliament or otherwise, in respect of any of the forces of his Majesty which have served, are now serving, or which hereafter may serve in the East-Indies; such annual

LAWS.

1823. 4 Geo. 4, c. 71, § 1.

annual sum of sixty thousand pounds to be payable by the said United Company out of any money in their treasury applicable to the territorial charges in the East-Indies, by even quarterly payments, on the thirtieth day of July, the thirtieth day of October, the thirtieth day of January, and the thirtieth day of April in every year, into the receipt of his Majesty's Exchequer, there to remain at the disposal of Parliament; and such payments shall be charged upon and borne by the rents, revenues, and profits arising from the territorial acquisitions, in the same order as the charges and expenses of raising and maintaining the said forces are now charged and borne.

Company's European Troops.

1788. 28 Geo. 3, c. 8, § 2.

Payment limited to £12,000.

(4) Provided always, and be it enacted, that it shall not be lawful for the said Commissioners to give or approve any such direction, with respect to the payment of any greater number of the European forces of the East-India Company, than shall amount in the whole to twelve thousand two hundred men, including the commissioned and non-commissioned officers.

Restoration of Officers dismissed by Courts-Martial.

1811. 51 Geo. 3, c. 75, § 4.

East-India Company may restore to their service military officers removed therefrom by sentences of courts-martial.

(5) And whereas it was, in and by the said act of the thirty-third year of his present Majesty's reign, also enacted, that after sentence or judgment of any court, having competent jurisdiction, whether in Great Britain or in India, against any governor-general, governor, president, counsellor, or commander-in-chief, or against any of the said United Company's servants, civil or military, for any debts or penalty due or belonging to the said United Company, or for any extortion or other misdemeanor, it should not be lawful for the said United Company, in any case whatever, to release or compound such sentence or judgment, or to restore any servant or servants of the said Company who should have been removed or dismissed from his or their office or employment, for or on account of misbehaviour, by the sentence of any of the said courts: and whereas doubts have arisen whether military officers may be restored to the service of the said United Company, who may have been removed therefrom by sentences of courts-martial: be it therefore enacted and declared, that it was and is lawful for the Court of Directors of the said United Company, to restore to the service of the said Company any military officer who shall have been or shall be dismissed or suspended therefrom by the sentence of a court-martial.

§ 5.

With consent of the Board of Commissioners.

(6) Provided always, and be it enacted, that from and after the passing of this act, no such restoration shall be in anywise valid or effectual, without the approbation and consent of the Board of Commissioners for the Affairs of India, for that purpose had and obtained.

Military

LAWS.

1813. 53 Geo. 3, c. 155, § 83.

Military Servants suspended.

(7) Restoration of servants suspended or removed, not valid without the consent of the Board of Commissioners.—(*Vide* Servants, Civil and Military.)

Mutiny Act—Consolidating and Amending the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company, 1823.

Actions.

1823. 4 Geo. 4, c. 81, § 65.

(8) And be it further enacted, that if any action, bill, plaint or suit, shall be brought against any person or persons, for any act, matter, or thing to be acted or done in pursuance of this act, it shall and may be lawful to and for all and every person or persons sued as aforesaid, to plead thereto the general issue, that he or they are not guilty, and to give this act and the special matter in evidence on any trial to be held thereupon, and that the same was done in pursuance and by authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the verdict shall pass with the said defendant or defendants in any such action, or the plaintiff or plaintiffs therein become nonsuited, or suffer any discontinuance thereof, that in every such case the justice or justices, or such other judge before whom the said matter shall be tried, shall by force and virtue of this act allow unto the defendant or defendants his or their treble costs, which he or they shall have sustained by reason of their wrongful vexation in defence of the said action or suit, for which the said defendant or defendants shall have the like remedy as in other cases where the costs by the laws of the realm are given to defendants.

Persons may plead the general issue.

§ 66.

(9) And be it further enacted, that every bill, plaint, action, or suit against any person or persons for any act, matter, or thing to be acted or done in pursuance of this act, or against any member or minister of a court-martial, in respect of any sentence of such court, or of any thing done by virtue or in pursuance of such sentence, shall be brought into the Court of Record at the presidency under which such person is serving, or in the courts of record at Westminster, and in no other court whatsoever.

Suits against such persons to be brought before the courts of record at the presidency or at Westminster.

§ 70.

(10) Provided always, and be it further enacted, that no action shall be brought or prosecution carried on by virtue of this act, for the penalties aforesaid, unless the same be commenced within six months after the offence is committed.

Limitation of actions.

Articles of War.

§ 33.

(11) And be it further enacted, that it shall and may be lawful to and for his Majesty, from time to time, to form, make, and establish articles of war for the

The King to make articles of war.

LAWS.

1823. 4 Geo. 4, c. 81.

the better government of the said United Company's forces, and the same, from time to time, to vary, alter, and amend; which articles of war shall be judicially taken notice of by all judges, and in all courts whatsoever.

§ 34.

Copy to the judges, &c.

(12) And for the more effectual notification thereof to the several judges and persons hereinafter mentioned, be it further enacted, that copies of all such articles of war, printed by the King's printer, shall from time to time, as soon as conveniently may be after the same shall have been made and established by his Majesty, be transmitted by his Majesty's secretary at war for the time being, signed with his own hand and name, to the judges of his Majesty's superior courts at Westminster, Dublin, Edinburgh, and in India respectively; and also to the governors of his Majesty's colonies, plantations, and territories within the limits of the charter of the said United Company.

§ 35.

Officers authorized to convene courts-martial. —None to be adjudged of life or limb, but the crimes so punishable by this act.

(13) And be it further enacted, that for bringing offenders against such articles of war to justice, it shall be lawful for his Majesty to grant his royal commission or warrant to the persons and in the manner herein mentioned and expressed, for convening and authorizing others to convene courts-martial, with power to try, hear, and determine any crimes or offences by such articles of war, and to inflict penalties by sentence or judgment of the same, as well in the possessions or territories which are or may be under the government of the Company, as elsewhere where the troops of the Company are or may be employed: provided always, that no person shall by such articles of war be subject to any punishment extending to life or limb, within the dominions of his Majesty, or the possessions or territories which are or may be under the government of the said United Company, for any crime committed within one hundred and twenty miles distance from either of the presidencies of Bengal, Madras, or Bombay, which is not expressed to be so punishable by this act.

§ 61.

Troops in places in possession of the Company, or occupied by persons subject to the Company, liable to the articles of war.

(14) And whereas great mischief and inconvenience may arise if it should be doubted whether troops in pay raised or serving in any of the possessions or territories which are or may be under the government of the said United Company, or places which are or may be occupied by persons subject to the government of the said Company, or by any forces of the said Company, are, while under the command of any officer having a commission immediately from the government of any of the presidencies of the said Company, liable to the rules and articles of war, and the same penalties and punishments as the Company's other forces are subject to; to prevent such mischief, and remove all doubts, be it declared and enacted, that all officers and soldiers of any troops being mustered and in pay, which have been or are or shall be raised or serving as aforesaid, shall at

LAWS. 1823. 4 Geo. 4, c. 81.

at all times and in all places be liable to martial law and discipline, and to the same trials, penalties, and punishments, in like manner, to all intents and purposes, as the Company's other forces.

Artillery and Engineer Officers and others.

§ 45. (15) And be it further enacted, that all officers and persons serving and hired to be employed, or who shall serve and be hired to be employed in the artillery, and in the several trains of artillery, and in the department of the engineers, and all officers serving or who shall serve in the corps of engineers, and all officers and persons serving or who shall serve as military surveyors or draftsmen, or in the corps of sappers and miners, or pioneers, and all persons who now are or shall be under the ordnance, and all apothecaries, veterinary surgeons, medical storekeepers, hospital stewards, and others serving on the medical establishment of the army, licensed suttlers and followers, shall be at all times subject to all the penalties and punishments mentioned in this act, and shall in all respects whatsoever be holden to be within the intent and meaning of every part of this act.

Officers, &c. of artillery, engineers, &c. liable to this act.

Capital Crimes.

§ 2. (16) And be it further enacted, that it shall and may be lawful for the general or other officer commanding in chief the forces of or belonging to the presidencies of Fort William, Fort. St. George, and Bombay respectively, for the time being, having authority to appoint courts-martial, to appoint general courts-martial, and to issue his warrant to any general or other officer, having the command of a body of troops of his Majesty or of the said Company, empowering them respectively to appoint general courts-martial as occasion may require, to be holden within the territories of any foreign state, or in any country under the protection of his Majesty or the said United Company, or at any place other than Prince of Wales' Island, in the territories under the government of the said United Company, and situated above one hundred and twenty miles from the said presidencies respectively, for the trial of any person under his command accused of having committed wilful murder, theft, robbery, rape, or any other crime which is capital by the laws of England, or of having used violence, or committed any offence against the person or property of any subject of his Majesty, or any other person entitled to his Majesty's protection, or to the protection of the respective governments of the East-India Company, or of any state in alliance with the said Company, within the territories of any foreign state, or in any country under the protection of his Majesty or the said United Company, or at any place other than Prince of Wales' Island, in the territories under the government of the said United Company, situate above one hundred and twenty miles from the said presidencies

Persons accused of capital crimes 120 miles from the presidencies, can be tried by court-martial.

LAWS. 1823. 4 Geo. 4, c. 81, § 2.

presidencies respectively; and the persons accused, if found guilty, shall suffer death, or be liable to transportation for life or for a term of years, or to such other punishments, according to the nature and degree of their respective offences, as by the sentence of any such general court-martial shall be awarded: provided always, that any person so tried shall not be liable to be tried for the same offence by any other court whatsoever.

§ 3. Person liable to be tried by court-martial may be apprehended and delivered over to his regiment.

(17) And be it further enacted, that if any person liable to be tried by a court-martial for any such offence alleged to have been committed within the territories of any foreign state, or in any country under the protection of his Majesty or the said United Company, or at any place, other than Prince of Wales' Island, in the territories under the government of the said United Company situate above one hundred and twenty miles from the said presidencies of Fort William, Fort St. George, and Bombay respectively, and for which no proceeding shall have been commenced in any ordinary court of competent civil or criminal jurisdiction, shall be apprehended by the authority of, or brought before any magistrate for any such offence, it shall and may be lawful for such magistrate, and he is hereby required to deliver over such accused person to the commanding officer of the regiment, corps, or detachment to which such accused person shall belong, or to the commanding officer of the nearest military station, for the purpose of his being tried by a court-martial for such offence, as hereinbefore is provided in that behalf.

§ 4. Sentences of such courts not to be carried into execution till confirmed by the chief governor, and approved by governor of the presidency.

(18) Provided always, and be it enacted, that in all and every case wherein a sentence of death or transportation shall be pronounced for any such capital offence, committed at any place situate above one hundred and twenty miles from the presidencies of Fort William, Fort St. George, and Bombay respectively, and being within the territories under the government of the said United Company, such sentence shall not be carried into execution until confirmed by the general or other officer commanding at the presidency, with the concurrence of the governor-general in council or governor in council of the presidency in the territories subordinate to which such offenders shall have been tried.

§ 17. Persons accused of capital crimes, &c. to be delivered to the civil magistrate. — After such trial persons can only be cashiered by a court-martial.

(19) And be it further enacted, that if any officer or non-commissioned officer or soldier shall be accused of any capital crime, or of any violence or offence against the person, estate, or property of any of his Majesty's subjects, or any other person entitled to his Majesty's protection, or to the protection of the respective governments of the East-India Company, or of any state in alliance with the said Company, which is punishable by the known laws of the land, the commanding officer or officers of every regiment,

LAWS. 1823. 4 Geo. 4, c. 81, § 17.

regiment, troop, company, or party, is and are hereby required to use his and their utmost endeavours to deliver over such accused person to the civil magistrate, and shall also be aiding and assisting to the officers of justice in the seizing and apprehending such offender, in order to bring him to trial; and if any such commanding officer shall wilfully neglect or refuse, upon application made to him for that purpose, to deliver over any such accused person to the civil magistrate, or to be aiding or assisting to the officers of justice in apprehending such offender, every such officer so offending, and being thereof convicted upon any information or indictment in any of his Majesty's Courts of Record in India, shall be deemed and taken to be cashiered, and shall be utterly disabled to have or to hold any civil or military office or employment in the said United Company's service in the East-Indies, provided a certificate of the said conviction be transmitted to the Judge Advocate General of the army to which such offender shall belong: provided always that nothing herein contained shall extend, or be construed to extend, to require the delivery over to the civil magistrate of any such person accused of any offence, who shall have been tried for such offence by any court-martial in manner hereinbefore provided, in respect of offences committed within the territories of any foreign state, or in any country under the protection of his Majesty or the said United Company, or at any place in or out of the territories of the said United Company situate above one hundred and twenty miles from the said presidencies of Fort William, Fort St. George, and Bombay respectively, or against whom any effectual proceeding shall have been taken, or ordered to be taken, for the purpose of bringing such person to trial by such court-martial as aforesaid: provided also, that no person or persons, being acquitted or convicted of any capital crime, violence, or offence, by the civil magistrate, shall be liable to be punished by a court-martial for the same, otherwise than by cashiering.

Civil Officers.

§ 60. (20) And be it declared and enacted, that all officers and persons who are or shall be commissioned or employed in the Commissariat Department, or as storekeepers, and all civil officers who are or shall be employed by or act under the ordnance, and who are or shall be placed under the command of any general or other officer, shall be to all intents and purposes liable to the provisions of this act, and to the same rules and articles of war, and the same penalties and punishments, as in case of the Company's other forces.

Persons and civil officers employed in the commissariat and ordnance liable to this act.

Commencement of Act.

§ 74. (21) And be it further enacted, that this act shall commence and take effect from and after the first day of February one thousand eight hundred and twenty-four, except where any other commencement

LAWS. 1823. 4 Geo. 4, c. 81, § 74.

ment is particularly directed; and that from and after such day, all powers and provisions contained in the said act of the twenty-seventh year of the reign of his Majesty King George the Second shall cease and determine, and that the said act shall be and is hereby repealed, except so far as is hereinbefore provided in that behalf; and the whole of the said act of the first year of the reign of his Majesty King George the Third shall be and is hereby repealed.

Courts-Martial.

§ 14. (22) And be it further enacted, that it shall and may be lawful for the governor-general or governor in council of any of the said Company's presidencies in India, to suspend the proceedings of any court-martial which may at any time be holden upon any person belonging to such presidencies respectively.

Governor-general or governor in council may suspend proceedings.

§ 15. (23) And be it further enacted, that his Majesty may from time to time grant a commission or warrant under his royal sign-manual, unto the Court of Directors of the said United Company, who by virtue of such commission or warrant shall have power, under the seal of the said United Company, to authorize and empower their governor-general in council and governor in council for the time being, at the presidencies of Fort William, Fort St. George, and Bombay respectively, and their governors and council for the time being at the said island of St. Helena, from time to time to appoint courts-martial, and to authorize and empower the general or other officer commanding any body of the forces employed in the said Company's service to appoint general courts-martial, as well as to authorize any officer under their respective commands, not below the degree of a field officer, to convene general courts-martial, as occasion may require, for the trial of offences committed by any of the forces under their several commands, whether the same shall have been so committed before or after such general officer shall have taken upon himself such command; all which courts-martial shall be constituted and shall regulate their proceedings according to the several provisions hereinafter specified.

Warrant to hold courts-martial; none lower than a field-officer can convene, &c.

§ 16. (24) Provided always, and it is hereby declared and enacted, that no officer or soldier, being acquitted or convicted of any offence, shall be liable to be tried a second time by the same or any other court-martial for the same offence, unless in the case of an appeal from a regimental to a general court-martial; and that no sentence given by any court-martial, and signed by the president thereof, shall be liable to be revised more than once: provided always, that nothing in this act contained shall extend or be construed to exempt any officer or soldier whatsoever from being

None tried a second time for the same offence, unless in case of appeal.—Soldiers liable to ordinary proceedings of a court of law, &c.

LAWS. 1823. 4 Geo. 4, c. 81, § 16.

proceeded against by the ordinary course of law, unless such officer or soldier shall have been tried by a court-martial in manner hereinbefore provided in respect of offences committed within the territories of any foreign state, or in any country under the protection of his Majesty, or the said United Company, or at any place in the territories of the said United Company situate above one hundred and twenty miles from the said presidencies of Fort William, Fort St. George, and Bombay respectively.

§ 19.

Constitution of general courts-martial.

(25) And it is hereby further enacted and declared, that all general courts-martial held under the authority of this act shall consist of thirteen or nine commissioned officers, as the case may require; except the same shall be holden upon any officer or non-commissioned officer or private soldier of the said Company's forces which shall be serving in any place out of his Majesty's dominions, or of the possessions or territories which are or may be under the government of the said Company, in which cases any general court-martial may consist of any number not less than seven; and except the same shall be holden at Sumatra, or at Prince of Wales' Island, or at Singapore, at which places such general court-martial may consist of any number not less than five, of whom none shall be under the degree of a commissioned officer; nor shall the president of any general court-martial be the officer commanding in chief or governor of the garrison where the offence shall be tried, nor under the degree of a field officer, unless where a field officer cannot be had, nor in any case whatsoever under the degree of a captain.

§ 20.

Constitution of court-martial of three officers in places out of his Majesty's dominions, or out of the possessions of the East-India Company, &c.

(26) Provided always, and be it further enacted, that it shall be lawful for any general or other officer commanding any station, or commanding any detachment, brigade, division, or distinct party belonging to any army of the said Company, which may at any time be serving in any place out of his Majesty's dominions, or of the possessions or territories which are or may be under the government of the said Company, or of the territories of those states in alliance with the said Company, in which the said Company's forces are permanently stationed, upon complaint made to him of any crime or crimes, offence or offences, done or committed against the property or person of any inhabitant of or resident in any such place, by any non-commissioned officer or soldier, or other person serving with or belonging to the Company's army, being under the immediate command of any such general or other officer, to summon and cause to assemble general courts-martial, which shall consist of not less than three officers at the least, for the purpose of trying any such person or persons accused or suspected of having committed any such crime or crimes, or offence or offences as aforesaid, notwithstanding such general or other officer shall not have received any warrant or warrants, empowering such general or other

LAWS. 1823. 4 Geo. 4, c. 81, § 20.

other officers to summon or assemble courts-martial; and every such court-martial shall have power to try any such person or persons so accused or suspected as aforesaid, and to adjudge any such person or persons to suffer any such punishments as shall be prescribed for any crime or crimes, offence or offences, with which any such person or persons shall be charged before such court-martial: provided always, that no sentence of any such court-martial shall be executed until the general commanding in chief the army in the field of which the division, brigade, detachment, or party to which any person so tried, convicted, and adjudged to suffer punishment shall belong, shall have approved and confirmed the same: provided also, that every such court-martial shall have such and the same powers for summoning and examining witnesses as any other court-martial; and that witnesses guilty of perjury on examination before them, being persons amenable to this act, shall be subject and liable to the same penalties and punishments as any witnesses examined before any other court-martial are or shall be by any law or usage in force in relation to any other court-martial.

§ 21.

General court-martial, unless out of the Company's possessions, &c. to consist of thirteen members.

(27) Provided always, and be it further enacted, that no general court-martial for the trial of any officer, (except the same shall be holden in any place out of his Majesty's dominions, and out of the possessions or territories which are or may be under the government of the said United Company, or on Sumatra, or at Prince of Wales' Island, or at Singapore), shall consist of less than thirteen members.

§ 22.

No general court-martial under thirteen members to pass sentence of death, unless held out of the Company's possessions, &c.

(28) Provided always, and be it further enacted, that no general court-martial, consisting of any less number than thirteen commissioned officers, unless holden in any place out of his Majesty's dominions, or out of any of the possessions or territories which are or may be under the government of the said United Company, or on Sumatra, or at Prince of Wales' Island, or Singapore, shall sentence any non-commissioned officer or soldier to loss of life or limb, or transportation.

§ 23.

Corporal or other punishment for immoralities.

(29) Provided always, and be it further enacted, that it shall be lawful for such general courts-martial, by their sentence or judgment, to inflict imprisonment, solitary or otherwise, or corporal punishments, not extending to life or limb, as such court shall think fit, on any non-commissioned officer or soldier, for immoralities, misbehaviour, or neglect of duty; or to adjudge a forfeiture of all benefit or advantage as to increase of pay, or as to pension, which might otherwise have accrued to such non-commissioned officer or soldier, from the length or nature of his service.

§ 24.

Imprisonment may be inflicted.

(30) Provided always, and be it further enacted, that it shall be lawful for any general or other court-martial to

LAWS. 1823. 4 Geo. 4, c. 81, § 26.

to sentence any non-commissioned officer or soldier to imprisonment in any fortress or garrison, or other suitable place of safe custody.

Oath to witnesses.

(31) And be it further enacted, that all general and other courts-martial shall have powers and authority, and are hereby required to administer an oath, or in case of natives of India, an oath or solemn declaration, as circumstances may require, to every witness, in order to the examination or trial of any of the offences that shall come before them.

§ 27.

Members of general courts-martial and judge-advocate sworn.

(32) Provided always, and be it further enacted, that at all general courts-martial to be held by virtue of this act, every member, before any proceedings be had before such court, shall take the following oaths upon the Holy Evangelists, before the Judge Advocate or his deputy, who are hereby authorized to administer the same; that is to say,

"You shall well and truly try and determine, according to your "evidence, in the matter now before you. So help you God."

"I, A. B., do swear, that I will duly administer justice according "to the rules and articles for the better government of the officers "and soldiers in the service of the United Company of Merchants of "England trading to the East-Indies, and according to an Act of "Parliament now in force for the punishment of mutiny and deser- "tion of officers and soldiers in the service of the said United Com- "pany, without partiality, favour, or affection; and if any doubt "shall arise, which is not explained by the said articles or act of "Parliament, according to my conscience, the best of my under- "standing, and the custom of war in like cases: and I do further "swear, that I will not divulge the sentence of the court until it "shall be approved by the general or commander-in-chief, or the "person or persons by whose warrant or authority the court-martial "is held; neither will I, upon any account, at any time whatsoever, "disclose or discover the vote or opinion of any particular member "of the court-martial, unless required to give evidence thereof as "a witness by a court of justice or a court-martial, in a due course "of law. So help me God."

And as soon as the said oaths shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or the person officiating as such, an oath in the following words:—

"I ——— do swear, that I will not, upon any account, at any "time whatsoever, disclose or discover the vote or opinion of any "particular member of this court-martial, unless required to give "evidence thereof as a witness by a court of justice or court-martial, "in due course of law. So help me God."

Concurrence in sentence of death.—Witnesses for non-attendance attached.

And no sentence of death shall be given against any offender in such case by any general court-martial, unless nine officers present shall concur therein (except such general court-martial shall be holden in any place out of his Majesty's dominions, or out of any of the possessions or territories which are or may be under the government of the said United Company, or be holden on Sumatra, or Prince of Wales' Island, or Singapore as aforesaid; and in all cases where a court-martial shall consist of more officers than thirteen, and also in any place out of his Majesty's dominions, or out of any of the possessions or territories which are or may be under the government of the said United Company, or on Sumatra, or Prince of Wales' Island, or Singapore, when the same shall consist of a less number of officers, then such judgment shall pass by the concurrence of two-thirds at the least of the officers present; and no proceeding or trial shall be had upon any offence, but between the hours of six in the morning and four in the afternoon, except in cases which require an immediate example: provided always, that all witnesses duly summoned by the judge-advocate, or the person officiating as such, shall, during their necessary attendance in such courts, and in going to and returning from the same, be privileged from arrest, in like manner as witnesses attending any of his Majesty's courts of law are privileged; and that if any such witness shall be unduly arrested, he shall be discharged from such arrest by the court out of which the writ or process issued by which such witness was arrested; or if the court out of which the writ or process issued be not sitting, then by any judge or any court of law, according as the case shall require, upon its being made appear to such court or judge, by affidavit in a summary way, that such witness was arrested in going to or returning from or attending upon such court-martial; and that all witnesses so duly summoned as aforesaid, who shall not attend on such courts, shall be liable to be attached in the courts of law, upon complaint made to such judge or court, in like manner as if such witness had neglected to attend on a trial in any criminal proceeding in that court.

LAWS. 1823. 4 Geo. 4, c. 81, § 27.

§ 28.

Oaths to be taken by members of courts-martial, not being general courts-martial.

(33) Provided always, and be it further enacted, that at all courts-martial other than general courts-martial, which shall be held by virtue of this act, or of any articles of war established by his Majesty in pursuance thereof, every member assisting at such court, before any proceedings be had before it, shall take the following oaths on the Holy Evangelists (which oaths shall and may be administered by the president of the court or to other members thereof, and to the president by any member having first taken the said oaths), that is to say,

"You shall well and truly try and determine, according to your "evidence, in the matter now before you. So help you God."

"I A. B. do swear, that I will duly administer justice according "to the rules and articles for the better government of the forces of "the United Company of Merchants of England trading to the "East-

LAWS. 1823. 4 Geo. 4, c. 81, § 28.

"East-Indies, and according to an act of Parliament now in force, "for the punishment of mutiny and desertion of officers and soldiers "in the service of the said United Company, without partiality, fa- "vour, or affection; and if any doubt shall arise, which is not ex- "plained by the said articles or act of Parliament, according to my "conscience, the best of my understanding, and the custom of war "in like cases.

So help me God."

Rank of president.

And the president of every such court-martial (not being under the rank of a captain) shall be appointed by the commanding officer of the regiment, detachment, or brigade, or the governor or commander of the garrison, fort, castle, or barrack, directing such court-martial.

§ 29.

Conjunction of King's and Company's officers on courts-martial.

(34) And whereas it may be expedient that officers of his Majesty's land forces, when employed in conjunction with officers in the service of the United Company, should in certain cases be associated for the purpose of holding courts-martial; be it enacted and declared, that when and as often as there may be occasion, it shall and may be lawful for officers of his Majesty's land forces, and of the forces in the service of the United Company, to sit in conjunction at courts-martial, and proceed in the trial of any officer and soldier, in like manner to all intents and purposes as if such courts-martial were composed of officers of his Majesty's land forces, or of officers in the service of the said United Company only, with this distinction, that upon the trial of any officer or soldier of his Majesty's land forces, regard shall be had to the regulations and provisions made in pursuance of the act which shall exist at the time for the punishment of mutiny and desertion in his Majesty's forces; and the oaths administered to the several members of the courts-martial shall be in the terms by that act prescribed; and upon the trial of any officer or soldier in the service of the said United Company, regard shall be had to the regulations and provisions made by or in pursuance of this act; and the oaths administered to the several members of the court-martial shall be in the terms prescribed by this act, notwithstanding any officer in the service of the said United Company may also have a commission from his Majesty.

§ 30.

Appointment of courts-martial to be in the officer commanding his Majesty's forces.

(35) Provided always, and be it enacted, that when and so long as any of his Majesty's forces shall be employed to act within or under the authority of any of the said Company's presidencies in the East-Indies, the power of appointing courts-martial or authorizing the appointment of courts-martial for the trial of any officer or soldier of the said Company of or belonging to such presidency, shall be in the officer for the time being commanding in chief such of his Majesty's forces as shall be employed within or under the authority of such presidency.

(36) Provided

LAWS. 1823. 4 Geo. 4, c. 81, § 31.

Persons tried may have copy of sentence and proceedings.

(36) Provided always, and be it enacted, that the party tried by any general court-martial within the presidencies of Bengal, Madras, or Bombay, shall be entitled to a copy of the sentence and proceedings of such court-martial, upon demand thereof made by himself or by any other person or persons on his behalf (he or they paying reasonably for the same), at any time not sooner than six months after such sentences; and in case of trial by any general court-martial in the Company's other possessions beyond the seas or in foreign parts, at any time not sooner than twelve months after the sentence given by such court-martial, whether any such sentence be approved or not; any thing in this act to the contrary notwithstanding.

§ 32.

Original of proceedings and sentence to be transmitted to the judge-advocate-general.

(37) Provided always, and be it enacted, that every judge-advocate, or person officiating as such at any general court-martial, do and is hereby required to transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial, to the judge-advocate-general of the army in which such court-martial shall be held; and the said original proceedings and sentences are to be carefully kept and preserved in his office, to the end that persons entitled thereto may be enabled, upon application to such office, to obtain copies thereof, according to the true intent and meaning of this act.

§ 36

Offenders may be tried in places other than where the offences have been committed.

(38) Provided always, and be it further enacted, that if any officer or soldier, or any other person subject to the provision of this act, at any place out of the presidencies of Bengal, Madras, or Bombay, commit any of the offences for which he may be liable to be tried by a court-martial by virtue of this act, and shall, after the commission of any such offence, go or be sent to any part of his Majesty's dominions, or to any station or part of the possessions or territories under the government of the said Company, or elsewhere, in the course of service abroad, or come or be brought within the said presidencies, or either of them, before he be tried by a court-martial for such offence, such officer or soldier shall be liable to be tried for the same at such other station or part of his Majesty's dominions, or the possessions or territories which are or may be under the government of the said Company, or elsewhere, in the same manner as if the offence had been committed where such trial shall take place.

§ 37.

Courts-martial for the trial of Company's officers and soldiers may be wholly composed of King's officers when no Company's officer can be had.

(39) And whereas it may sometimes happen that officers in the service of the said United Company cannot conveniently be had to compose the whole or part of a court-martial for the trial of offenders liable to be tried by court-martial by virtue of this act; be it further enacted, that in any such case any officer or soldier, or person subject to the provisions of this act, may and shall be tried by a general court-martial composed

LAWS. 1823. 4 Geo. 4, c. 81, § 71.

posed of officers in his Majesty's service alone: provided always, that in every such case the officer convening such court-martial shall specify in his warrant that no officer in the service of the said Company could conveniently be had.

Offences against former mutiny-act punishable.—Such offences not liable to cognizance if committed three years before, unless the offender had absented himself, &c.

(40) And in order to prevent all doubts that may arise in relation to punishing crimes and offences committed against the said act, made in the twenty-seventh year of the reign of his late Majesty King George II, and against any of the articles of war made and established by virtue of the same; be it further enacted, that all crimes and offences which have been committed against the said last-mentioned act, or against any of the articles of war made and established by virtue of the same, shall and may be inquired of, heard, tried, determined, adjudged, and punished, before and by the like courts, persons, powers, authorities, ways, means, and methods, as the like crimes and offences committed against this act may be inquired of, heard, tried, determined, adjudged, and punished; and every warrant for holding any court-martial, under the said act of the twenty-seventh year of the reign of King George II, shall remain in full force, notwithstanding the repeal of such act; and proceedings of any court-martial upon any trial began under the authority of such former act, shall not be discontinued by the repeal of the same; but it shall be lawful to proceed to judgment upon any such trial, and to carry such judgment into execution, in like manner as if the proceedings had been commenced under the authority of this act: provided always, that no person shall be liable to be tried and punished for any offence against the said act of the twenty-seventh year of the reign of King George II, or this act, or the articles of war made or to be made by virtue of the same acts or either of them, which shall appear to have been committed more than three years before the issuing of the commission or warrant for such trial; unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried under such commission or warrant, to be issued at any time not exceeding two years after the impediment shall have ceased; or unless the conduct of the person accused shall have been submitted to the consideration of the Court of Directors, by the governor-general, or governor in council of the presidency to which such person shall belong, in which case such person shall be liable to be tried under such commission or warrant, to be issued at any time not exceeding five years after his offence shall have been committed.

Court of Requests.

§ 57.

Where troops are serving beyond the jurisdiction of the courts of requests, actions of debt not exceeding 400 sicca rupees, shall be cognizable before a military court consisting of five and not less than three commissioned officers, &c.—Witnesses to be examined on oath.—Powers of court.—53 Geo. 3, c. 155.

(41) And be it further enacted, that in all places where the said Company's forces now are or may be employed

LAWS. 1823. 4 Geo. 4, c. 81, § 57.

employed, or where any body of his Majesty's forces may be serving with the forces of the said Company, situate beyond the jurisdiction of the Court of Requests established at the cities of Calcutta, Madras, and Bombay respectively, actions of debt and all personal actions against such officers, non-commissioned officers, or soldiers, all persons licensed to act as sutlers to any corps or detachment, or at any station or cantonment, or other persons amenable to the provisions of this act, or resident within the limits of a military cantonment, shall be cognizable before a Court of Requests composed of military officers, and not elsewhere: provided the value in question shall not exceed four hundred sicca rupees, and that the defendant was a person of the above description when the cause of action arose; which court the commanding officer of any station or cantonment is hereby authorized and empowered to convene, and the said court shall in all practicable cases consist of five commissioned officers, and in no instance of less than three, and the president thereof shall not be under the rank of a captain; and every member assisting at any such court, before any proceedings to be had before it, shall take the following oath upon the Holy Evangelists; which oath shall be administered by the president of the court to the other members thereof, and to the president by any member having first taken the said oath; (that is to say,)

"I——— swear, that I will duly administer justice, according to the evidence, in the matter that shall be brought before me. So help me God."

And every witness before any such court shall be examined on oath, which such courts are hereby authorized to administer, or if natives of the East-Indies, on oath or solemn declaration, as the circumstances of the case may require; and it shall be competent for such courts, upon finding any debt or damage due, either to award execution thereof generally, or to direct that the whole or any part thereof shall be stopped and paid over to the creditor out of any pay or public money which may be coming to the debtor in the current or any future month; and in case the execution shall be awarded generally, the debt, if not paid forthwith, shall be levied by seizure and public sale of such of the debtor's goods as may be found within the camp, garrison, or cantonment, under a written order of the commanding officer, grounded on the judgment of the court, and the goods of the debtor, if found within the limits of the Company's garrison or cantonment to which the debtor shall belong at any subsequent time, shall be liable to be seized and sold in satisfaction of any remainder of such debt or damages; and if sufficient goods shall not be found within the limits of the camp, garrison, or cantonment, then any public money, or any sum not exceeding the half-pay accruing to the debtor,

LAWS. 1823. 4 Geo. 4, c. 81, § 57.

debtor, shall be stopped in liquidation of such debt or damage; and if such debtor shall not receive pay as an officer or soldier, or from any public department, but be a sutler, servant, or follower, he shall be arrested by like order of the commanding officer, and imprisoned in some convenient place within the military boundaries, for the space of two months, unless the debt be sooner paid: provided always, that from and after the time limited for the commencement of this act, so much of an act passed in the fifty-third year of the reign of his late Majesty King George III, 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 Privi-"leges, 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, as gives to Magis-"trates the Cognizances of Debts due from Officers or Soldiers, "being British Subjects, to the Natives of India resident without the "Jurisdiction of the Courts of Requests therein mentioned, shall be "and the same is hereby repealed accordingly."

Debts.

§ 55. No soldier liable to process, except for a criminal matter or a real debt amounting to 200 sicca rupees.

(42) And to prevent, as far as may be, any unjust or fraudulent arrests that may be made upon soldiers, whereby the said United Company may be deprived of their services, it is hereby further enacted, that no person who is or shall be listed, or who shall list and enter himself in the Company's service as a soldier, shall be liable to be taken out of the Company's service, by any process or execution whatever, other than for some criminal matter, unless for a real debt or other just cause of action, and unless before the taking out of such process or execution (not being for a criminal matter) the plaintiff or plaintiffs therein, or some other person or persons on his or their behalf, shall make affidavit before one or more judge or judges of the Court of Record, or other court out of which such process or execution shall issue, or before some person authorized to take affidavits in such courts, that to his or their knowledge the original sum justly due and owing to the plaintiff or plaintiffs from the defendant or defendants, in the action or cause of action on which such process shall issue, or the original debt for which such execution shall be sued out, amounts to the value of two hundred sicca rupees at the least, over and above all costs of suit in the same action, or in any other action on which the same shall be granted; a memorandum of which oath shall be marked on the back of such process or writ, for which memorandum or oath no fee shall he taken; and if any person shall nevertheless be arrested contrary to the intent of this act, it shall and may be lawful for one or more judge or judges of such court, upon complaint thereof made

LAWS. 1823. 4 Geo. 4, c. 81, § 55.

made by the party himself, or by any of his superior officers, to examine into the same by the oath of the parties or otherwise, and by warrant under his or their hand and seal, or hands and seals, to discharge such soldier so arrested contrary to the intent of this act, without paying any fee or fees, upon due proof made before him or them that such soldier so arrested was legally enlisted as a soldier in the Company's service, and arrested contrary to the intent of this act, and also to award to the party so complaining such costs as such judge or judges shall think reasonable, for the recovery whereof he shall have the like remedy that the person who takes out the said execution might have had for his costs, or the plaintiff in the like action might have had for the recovery of his costs, in case judgment had been given for him with costs against the defendant in the said action.

§ 56. Plaintiff may file a common appearance.

(43) And to the end that honest creditors, who aim only at the recovery of their just debts due to them from persons entering into and enlisting in the Company's service, may not be hindered from suing for the same, but on the contrary may be assisted and forwarded in their suits, and instead of an arrest, which may at once hurt the service and occasion great expense and delay to themselves, may be enabled to proceed in a more easy and cheap method; be it further enacted, that it may and shall be lawful to and for any plaintiff or plaintiffs, upon notice first given in writing of the cause of action to such person or persons so entered, or left at his or their last place of residence, before such listing, to file a common appearance in any action to be brought for or upon account of any debt whatsoever, so as to entitle such plaintiff to proceed therein to judgment and outlawry, and to have an execution thereupon other than against the body or bodies of him or them so listed as aforesaid; this act, or any thing herein, or any former law or statute to the contrary notwithstanding.

Deserters.

§ 5. Deserters enlisting in other corps punishable.

(44) And it declared and enacted, that no non-commissioned officer or soldier who shall desert the said Company's service shall be exempt from the pains and penalties imposed by this act, for such offence, by again enlisting into his Majesty's or the said Company's service; but any such non-commissioned officer or soldier shall, notwithstanding such subsequent enlistment, be deemed to have deserted, and shall in like manner suffer death, or such other punishments as by a court-martial shall be awarded.

§ 6. While in such corps, can be punished for crimes committed therein.

(45) And whereas doubts have arisen whether soldiers who of right belong to the corps from which they have deserted, may be proceeded against and tried for deserting any other corps in which they may afterwards have enlisted, or from the said Company's service, if they shall

LAWS. 1823. 4 Geo. 4, c. 81, § 6.

shall not after such subsequent enlisting have been placed in any corps, or for any crime committed by them whilst serving therein; be it therefore enacted, that every such soldier shall be liable to be tried by a court-martial, and be punishable in like manner as if he had originally enlisted in, and of right belonged to the regiment, corps, troop, company, detachment, or party in which he shall be at the time of any subsequent desertion, or committing any offence, notwithstanding it shall have been discovered or known that he had previously belonged to any other regiment, corps, troop, company, detachment, or party, and had not been discharged therefrom: provided always, that if such persons shall be claimed by such other regiment, corps, troop, company, detachment, or party, and proceeded against as a deserter therefrom, his subsequent desertion from any one or more corps in which he may have unwarrantably enlisted, may (unless he shall have been already tried for the same) be given in evidence as an aggravation of his crime; previous notice being always given to such deserter of the fact or facts intended to be produced as evidence upon his trial.

§ 9.

Deserters may be sentenced to general service.

(46) And be it further enacted, that it shall be lawful for any general court-martial to sentence any non-commissioned officer or soldier, convicted of desertion by such court, to general service as a soldier; and that the general or commander of the forces at the presidency to which the said offender shall belong, may thereupon direct, that such service shall be in any regiment or regiments or corps of the said Company, and in any country, or place or places out of the possessions of the territories under the government of the said Company, or otherwise, as he may think fit.

§ 10.

If deserter be a limited service-man, he may be sentenced to serve for life, &c.

(47) Provided always, and be it further enacted, that if any non-commissioned officer or soldier in any regiment or corps of the said Company's forces, so convicted of desertion, shall appear to have enlisted for a limited term of years, it shall be lawful for such court to sentence any such non-commissioned officer or soldier so enlisted in any regiment or corps of the said Company's forces, to serve for life as a soldier, or for any number of years beyond the period for which such non-commissioned officer or soldier shall have enlisted in the regiment in which he so enlisted, or generally in any regiment or corps which the general or commander of the forces at the presidency where such offender shall be tried shall please to direct; and any non-commissioned officer or soldier may in any case, in addition to any service, be further adjudged to forfeit all benefit or advantage as to increase of pay, or as to pension or discharge, which might otherwise have accrued to such non-commissioned officer or soldier from the length or nature of his service; and such forfeiture may, in such cases of desertion, be adjudged in addition to any other punishment, if the court should think fit.

(48) And

LAWS. 1823. 4 Geo. 4, c. 81, § 11.

A mark on deserters.

(48) And be it further enacted, that it shall be lawful for any general court-martial, before which any non-commissioned officer or soldier shall be tried and convicted of desertion, to direct, if it shall so think fit, in addition to any other punishment such court may award for such desertion, that such deserter be marked on the left side, two inches below the armpit, with the letter (D.), such letter not to be less than half an inch long, and to be marked upon the skin with ink or gunpowder, or other preparation, so as to be visible and conspicuous, and not liable to be obliterated.

§ 54.

A person acknowledging himself to be a deserter, to be deemed duly enlisted.

(49) And be it further enacted, that any person who shall voluntarily surrender or deliver himself up as a deserter from any regiment or corps of the said Company's forces, or who upon being apprehended for desertion or any other offence shall, in the presence of the magistrate or of the commanding officer of the place, confess himself to be a deserter from any such regiment or corps, shall be deemed to have been duly enlisted, and to be a soldier, and shall be liable to serve in any such regiment or battalion or corps of the said Company's forces, as the commander of the forces of the said Company shall think fit to appoint, whether such person shall have been ever actually enlisted as a soldier or not.

§ 67.

Penalty on persons concealing deserters, &c. receiving arms, grain, forage, &c.

(50) And be it further enacted, that if any person shall harbour, conceal, or assist any deserter from the Company's service, knowing him to be such, the person so offending shall forfeit for every such offence the sum of one hundred and sixty sicca rupees, and upon conviction, by the oath of one or more credible witness or witnesses, before any of his Majesty's justices of the peace, the said penalty of one hundred and sixty sicca rupees shall be levied by warrant under the hand of such justice of the peace, by distress and sale of goods and chattels of the offender; one moiety of the said penalty to be paid to the informer, and the other moiety to be paid to the government of the presidency under which such offender is resident; and a report of the penalty being adjudged shall be made to the government by the justice of the peace by whom the same shall have been imposed; and in case any such offender, who shall be convicted as aforesaid of harbouring, concealing, or assisting any such deserter, shall not have sufficient goods and chattels whereon distress may be made, to the value of the penalty awarded against him or her for such offence, or shall not pay such penalty within four days after such conviction, then and in such case such justice of the peace shall and may, by warrant under his hand and seal, commit such offender to the common gaol, there to remain without bail, or mainprize for the space of six months: provided also, that if any person shall knowingly detain, buy, or exchange, or otherwise receive from any soldier or deserter, or any other person, upon any account

or

LAWS. 1823. 4 Geo. 4, c. 81, § 67.

or pretence whatsoever, any arms, clothes, caps, or other furniture belonging to the said Company, or furnished and provided for the use of any troops or forces serving with the forces of the said Company, or any meat, drink, beer, or other provision, provided under any regulations relating thereto, or any such articles belonging to any soldier or deserter as are generally deemed regimental necessaries, according to the custom of the army, being provided for the soldier and paid for by deductions out of his pay, or cause the colour of any such clothes to be changed, the person so offending shall forfeit for every such offence the sum of forty sicca rupees; and if any person shall buy or receive any grain, hay, straw, or other forage, provided for the use of any horse or horses belonging to the Company's service, from any trooper or other soldier, knowing him to be such, or shall move, procure, counsel, solicit, or entice any trooper or other soldier, knowing him to be such, to sell or otherwise dispose of any such grain, hay, straw, or other forage as aforesaid, the person so offending shall forfeit for every such offence the sum of forty sicca rupees; and upon conviction by the oath of one or more credible witness or witnesses, before any of his Majesty's justices of the peace, the said respective penalties of forty sicca rupees, and forty sicca rupees, shall be levied by warrant under the hand of such justice of the peace, by distress and sale of goods and chattels of the offender; one moiety of the said first-mentioned penalty of forty sicca rupees to be paid to the informer, and one moiety of the said last-mentioned penalty of forty sicca rupees to be paid to the informer, and the residue of the said respective penalties to be paid to the government of the presidency under which such offender shall be resident; and in case any such offender who shall be convicted as aforesaid of having knowingly received any arms, clothes, caps, or other furniture belonging to the Company, or any such meat, drink, beer, or other provisions, or any such articles generally deemed regimental necessaries, or of having caused the colour of such clothes to be changed, or of having bought or received any grain, hay, straw, or other forage, provided for the use of any horse or horses belonging to the Company's service, from any trooper or other soldier, knowing him to be such, or of having moved, procured, counselled, solicited, or enticed any trooper or other soldier, knowing him to be such, to sell or otherwise dispose of any such grain, hay, straw, or other forage as aforesaid, contrary to the intent of this act, shall not have sufficient goods and chattels whereon distress may be made to the value of the penalties recovered against him or her for such offence, or shall not pay such penalties upon such conviction, or give sufficient security for payment thereof within the space of four days from such conviction, then and in such case such justice of the peace shall and may, by warrant under his hand and seal, either commit such offender to the common gaol, there to remain without bail or mainprize for the space of three months, or cause such

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such offender to be publicly or privately whipped, at the discretion of such justice.

1823. 4 Geo. 4, c. 81, § 68.

Penalty on persuading soldiers to desert.

(51) And be it further enacted, that if any person or persons shall in any part of the territories which are or may be under the government of the said Company, directly or indirectly persuade or procure any soldier or soldiers in the service of the said Company to desert or leave such service as aforesaid, every such person or persons so offending as aforesaid, and being thereof lawfully convicted, shall for every such offence forfeit to the said Company, or to any other person or persons who shall sue for the same, the sum of eight hundred sicca rupees; and if it shall happen that any such offender so convicted as aforesaid hath not any goods and chattels, land or tenements, to the value of eight hundred sicca rupees, to pay and satisfy, or if, from the circumstances and heinousness of the crime, it shall appear to the court before which the said conviction shall be made as aforesaid, that any such forfeiture is not sufficient punishment for such offence, it shall be lawful for such court to commit any such offender to prison, there to remain for any time not exceeding twelve months, without bail or mainprize.

§ 69.

Penalties how recoverable.

(52) And be it further enacted, that all penalties by this act imposed for persuading or procuring any soldier to desert, may and shall be sued for and be recoverable in his Majesty's Court of Record at the presidency under which such offender shall be resident.

Discharged Soldiers.

§ 52.

Soldiers entitled to discharge sent home free of expense.

(53) And be it further enacted, that every soldier entitled to his discharge under any orders or any regulations made by the said Company, or upon the expiration of any period for which he shall have engaged to serve, shall be sent to Great Britain or Ireland, free of expense, and be entitled on his return to have and receive marching money from the place of his being landed to the parish or place in which he shall have been originally enlisted, at the rate and reckoning per diem fixed for victualling soldiers in his Majesty's service on the march.

§ 53.

Such persons subject to this act, till their arrival at and debarkation in Great Britain, &c.

(54) Provided also, and be it further enacted, that every such soldier entitled to and claiming his discharge, and to be sent to Great Britain or Ireland, shall, until his arrival and debarkation in Great Britain or Ireland, be subject to the provision of this act, and the articles of war framed or to be framed by his Majesty for the better government of the Company's forces.

Embezzlement.

§ 41.

Embezzlement by officers, commissaries, &c.

(55) And be it further enacted, that every paymaster or other commissioned officer of the Company's forces, or

LAWS. 1823. 4 Geo. 4, c. 81, § 41.

or any storekeeper or commissary, or deputy or assistant commissary, or other person employed in the commissariat department, or in any manner in the care or distribution of money, provisions, forage, or stores belonging to the said United Company, or for the said United Company's forces, or for the use of his Majesty's troops, or other forces serving with the said United Company's forces in India, or who shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall knowingly or wilfully permit or suffer any money, provisions, forage, arms, clothing, ammunition, or other such military stores to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by and before a general court-martial; and it shall be lawful for any court-martial to adjudge any such paymaster or other commissioned officer, storekeeper, or commissary, or deputy or assistant commissary, or other person, to be transported as a felon for life, or for any certain term of years, or to suffer such punishment of fine, imprisonment, dismissal from the Company's service, and incapacity of serving the Company in any office, civil or military, as any such court shall think fit, according to the nature and degree of the offence; and every such officer or person shall, in addition to any other punishments, make good at his own expense the loss and damage sustained which shall have been ascertained by such court-martial; and the loss and damage so ascertained as aforesaid, may be recovered in any of his Majesty's Courts of Record at the presidency where such offender shall be resident, or in any other court of law having jurisdiction, where any person adjudged by a court-martial to have incurred any such penalties, or to make good any such losses or damages, shall be resident, after the said judgment shall be confirmed and made known; and after the said sum shall be recovered and levied, the same shall be applied and disposed of as the government of the presidency shall direct and appoint, in case the same shall be recovered within any of the said presidencies, and if not, then as the government of the presidency to which the offender shall have belonged at the time of his offence shall direct and appoint.

how to be punished.

§ 42.

(56) And be it further enacted, that every non-commissioned officer who shall be convicted at a general or regimental court-martial of having embezzled or misapplied any money with which he may have been entrusted for the payment to the men under his command, shall be reduced to serve in the ranks as a private soldier, and be put under stoppages until the money be made good, and suffer such corporal punishment (not extending to life or limb) as the court-martial shall think fit.

Embezzlement by non-commissioned officers.

Estates of Officers and Soldiers.

§ 49.

(57) And be it further enacted, that all sums of money due by deceased officers and soldiers in respect of any military clothing, appointments, and equipment,

Debts due by deceased officers, &c. considered regimental debts, to be paid in preference to others.

or

LAWS. 1823. 4 Geo. 4, c. 81, § 49.

or in respect of any quarters, or of any mess or regimental accounts, and all sums of money due to any agent or paymaster, or quartermaster, or any other officer upon any such accounts, or on account of any advance made for any such purpose, shall be deemed and taken to be regimental debts, and shall be paid out of any arrears of pay or allowances, or out of any prize or bounty money, or the equipage, goods, chattels, and effects of any officer or soldier dying while in the service of the said United Company, in preference to any other debts, claims, or demands whatsoever, upon the estate and effects of such officer or soldier; and if any doubt shall arise, as to whether any claim or demand made in relation to any officer or soldier is a regimental debt or not, such question shall be decided and concluded by the order or certificate of the military secretary to the government of the presidency to which such officer or soldier shall have belonged; and all such payments shall be good and valid in law; and every person who shall make any such payment out of any such arrears of pay, effects, or proceeds as aforesaid, under the provisions of this act, or in pursuance of any such order or certificate of such military secretary, or into whose hands any such money shall come, shall be and are hereby indemnified for and in respect of such payments, and all other acts, matters, and things done in pursuance of the provisions of this act, or of the order or certificate of the said military secretary, in relation to the distribution of such assets; any thing in any act or acts of parliament, or law or laws, to the contrary notwithstanding.

§ 50.

Surplus to be paid to person entitled.

(58) And be it further enacted, that it shall be lawful for such military secretary to cause all surplus which may remain, after satisfying such regimental debts as aforesaid, to be paid to the person or persons entitled thereto.

§ 51.

Regimental debts to be paid without probate of will, &c. being obtained.

(59) And be it further enacted, that all such regimental debts shall and may be paid without any probate of any will being obtained, or any letters of administration, or any confirmation of testament, or letters testamentary or dative, being taken out by any person, and the surplus only of such arrears of pay or allowances, prize or bounty money, equipage, goods, and chattels, or the proceeds thereof, shall be deemed the personal estate of the deceased, for the payment of any duty in respect of any probate, or of any letters of administration, or confirmation of testament, or letters testamentary or dative, or for the purpose of distribution as personal estate; and it shall be lawful for the said military secretary to order and direct the payment or distribution of any such surplus, in any case in which the same shall not exceed two hundred sicca rupees, without any probate, or letters of administration, or confirmation of testament, or letters testamentary or dative, or payment of any duty of stamps, or upon legacies or otherwise; and it shall also be lawful for any paymaster or other person to issue any sum not exceeding the value of two hundred sicca rupees, which may

LAWS. 1823. 4 Geo. 4, c. 81, § 51.

may be due to any officer deceased, or to the widow or relative of any officer deceased, or to the representative or representatives of any such officer's widow or relative, in like manner, without any probate or letters of administration, or confirmation of testament, or letters testamentary or dative, or payment of any duty of stamps, or upon legacies or otherwise, the same to be paid to the person who shall be notified by the said military secretary as aforesaid as being entitled thereto; and all such payments respectively shall be as valid and effectual, to all intents and purposes, as if the same had been made by or to any executor or administrator, or under the authority of any probate, or letters of administration, or confirmation of testament, letters testamentary or dative; any thing in any act or acts of parliament, or law or laws, to the contrary notwithstanding.

Felons.

§ 13. (60) And be it further enacted, that if any offender under sentence of death by a court-martial as aforesaid, shall obtain any such conditional remission of such sentence as aforesaid, all and every the laws now in force touching the escape of felons under sentence of death shall apply to such offender, and to all persons aiding, abetting, or assisting in any escape, or intended escape of any such offender, or contriving any such escape, from the time when such order shall be made by such judge as aforesaid, and during all the several proceedings which shall be had for the purposes aforesaid.

Offenders, where sentence is conditionally remitted, subject to the law touching escape of felons, &c.

Musters.

§ 38. (61) And for preventing of fraud and deceit in the mustering of soldiers, be it further enacted, that if any person do make or give, or procure to be made or given, any false or untrue certificate, whereby to excuse any soldier for his absence from any muster, or any other service which he ought to attend or perform, upon pretence of such soldier being employed on some other duty of the regiment, or being sick, in prison, or on furlough, then every such person so making, giving, or procuring such certificate, shall for every such offence forfeit the sum of four hundred sicca rupees, and shall be forthwith cashiered and displaced from his office, and shall be thereby utterly disabled to have or hold any military office or employment in the service of the Company in the East-Indies; and no certificate shall excuse the absence of any soldier but for the reasons above-mentioned, or one of them.

Penalty on giving false certificates 400 sicca rupees.

§ 39. (62) And be it further enacted, that every officer that shall make any false or untrue muster of man or horse, or wittingly or willingly allow or sign the muster roll wherein such false muster is contained, or any duplicate thereof, and also every officer who shall directly or indirectly take or cause to be taken any sum or sums of money, or any other gratuity, on or for the mustering any regiment, troop, or company, or on or for the signing of any muster rolls, or any duplicate thereof, upon proof thereof

False musters punishable.

LAWS. 1823. 4 Geo. 4, c. 81, § 39.

thereof upon oath made by two witnesses before a general court-martial, to be thereupon called (which is hereby authorized and required to administer such oath), shall for such offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any civil or military office or employment in the said Company's service in the East-Indies.

§ 40. Mustering by wrong names. (63) And be it further enacted, that if any officer shall knowingly muster any person by a wrong name, upon conviction thereof before a general court-martial, the said officer shall be subject to such penalties as are directed and inflicted by this act upon those who shall make false musters.

Mutiny.

§ 1. Punishment for mutiny, desertion, &c. (64) That if any person who is or shall be commissioned or in pay as an officer, or who is or shall be enlisted or in pay as a non-commissioned officer or soldier in the service of the said Company, at any time during the continuance of this act, shall begin, excite, cause, or join in any mutiny or sedition, in the land or marine forces of his Majesty, or of the said Company, or shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any mutiny or intended mutiny, shall not without delay give information thereof to his commanding officer; or shall misbehave himself before the enemy; or shall shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge, or which he shall be commanded to defend, or shall compel the governor or commanding officer of any garrison, fortress, or post to deliver up to the enemy or to abandon the same; or shall speak words or use any other means to induce such governor or commanding officer or others to misbehave before the enemy, or shamefully to abandon or deliver up any garrison, fortress, post, or guard committed to their respective charge, and which he or they shall be commanded to defend; or shall leave his post before relieved; or shall be found sleeping on his post; or shall hold correspondence with or give advice or intelligence to any rebel or enemy of his Majesty or the said Company, either by letters, messages, signs, or tokens, in any manner or way whatsoever; or shall treat or enter upon any terms with such rebel or enemy, without the license of the said United Company, or of the said United Company's governor-general in council, or governor in council at any of their presidencies, or without the license of the general or chief commander; or shall strike or use any violence against his superior officer, being in the execution of his office; or shall disobey any lawful command of his superior officer; or shall desert the said Company's service; all and every person and persons so offending in any of the matters before-mentioned, whether such offence shall be committed within the dominions of his Majesty, or the possessions or territories which are or may be under the government of the said

 Company,

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Company, or in foreign parts, upon land or upon the sea, within or without the limits of the charter of the said United Company, shall suffer death, or such other punishments as by a court-martial shall be awarded.

Native Officers and Soldiers.

1813. 53 Geo. 3, c. 155, §96.

(65) The governments in India empowered to make laws, regulations, and articles of war for the native troops, and to hold courts-martial.

§ 97.

(66) Former laws, articles of war, and established usages respecting native troops, confirmed.

1823. 4 Geo. 4, c. 81, § 62.

(65*) Provided always, and be it further enacted, that nothing in this act contained shall in any manner impeach or affect any matters enacted or declared respecting officers or soldiers being natives of the East-Indies, or other places within the limits of the said Company's charter, contained in the said act passed in the fifty-third year of his late Majesty, but that all such matters shall be of the same force, in respect of such native officers and soldiers, as if this act had not been made.

This act not to affect 53 Geo. 3, c. 155, as to any regulation respecting the native troops.

§ 63.

(66*) And be it further enacted, that whenever any portion of such native troops shall be serving in any country or place out of the possessions or territories which are or may be under the government of the said United Company, whether such be the dominions of his Majesty or elsewhere, on the trial of all offences committed by any native officer, or soldier, or follower, reference shall be had to the articles of war framed by the government of the presidency to which such native officer, soldier, or follower, shall belong, and to the established usages mentioned and confirmed in the said last-recited act.

Native troops to be always subject to articles of war of presidency to which they shall belong.

Pay and Allowances.

§ 18.

(67) And be it further enacted, that no officer, non-commissioned officer, or soldier, who shall be arrested and committed to prison upon a charge of any criminal offence, shall be entitled to receive any part of his pay, from the day of such commitment till the day of return to the regiment, troop, company, or detachment to which he shall belong, or which he shall be ordered to join; provided that if he shall be acquitted of the offence for which he was committed, he shall upon his return to his corps be entitled to receive all arrears of pay which were growing due during the time of his confinement; but if he shall be convicted, he shall forfeit all right to any pay from the day of his commitment during the time of his confinement, as well under the original commitment as under any commitment consequent upon such conviction, and until the day of his return to the regiment, troop, company, or detachment to which he shall belong, or which he shall be ordered to join.

Officers, &c. imprisoned to receive no pay, but if acquitted they shall receive arrears of pay.

§ 25.

(68) And be it further enacted, that every non-commissioned officer or soldier sentenced to imprisonment by any general court-martial, shall forfeit all

Such offenders to forfeit their pay.

right to any pay or allowances from the day of his commitment during the time of such imprisonment.

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1823. 4 Geo. 4, c. 81, § 43.

Paymasters not to make deductions, &c.

(69) And be it further enacted, that no paymaster or other person shall receive any fees, or make any deductions whatsoever, out of the pay or allowances which shall be due to any officer or soldier in the Company's army (without his consent be obtained thereto), other than the usual deductions, as shall be from time to time required to be made according to the regulations of the service.

§ 44.

Penalty on such officers for detaining pay and allowances 800 sicca rupees.

(70) And be it further enacted, that if any officer or paymaster shall unlawfully detain or withhold for the space of one month the pay and allowances of any officer or officers (clothes and all other just allowances being deducted) after such pay and allowances shall be by him or them received; or if any officer, having received the soldier's pay and allowances, shall refuse to pay each non-commissioned officer and soldier his or their respective pay and allowances, when they shall become due and payable, according to the several rates established by the regulations of the service, then upon proof thereof before a court-martial as aforesaid, to be for that purpose duly held and summoned, every such paymaster or officer so offending shall be discharged from his employment, and shall forfeit to the informer, upon conviction before the said court, eight hundred sicca rupees, and be liable to such further punishment as shall by the court-martial be awarded: provided always, that it shall and may be lawful for the governor-general in council, or the governor in council at the said presidencies respectively, to give orders for withholding the pay of any officer, non-commissioned officer or soldier, for any period during which such officer, non-commissioned officer, or soldier shall be absent without leave.

§ 58.

Soldiers confined for debt not to receive pay.

(71) And be it further enacted, that from the commencement of this act, no soldier being arrested or confined for debt in any prison, gaol, or other place, shall be entitled to any part of his pay or allowances, from the day of such arrest or confinement until the day of his return to the regiment, troop, company, or detachment to which he shall belong, or shall be ordered to join.

§ 59.

Soldiers taken prisoners forfeit pay.—Soldiers, on proving that they were unavoidably taken prisoners, may recover arrears of pay.

(72) And be it further enacted, that every soldier who shall be taken prisoner by the enemy shall forfeit all right or claim to pay and allowance during the period of his remaining a prisoner, and until he shall again return to the Company's service: provided always, that upon the return of every soldier to the Company's service, due inquiry shall be made as to the conduct of such soldier in relation to his being made prisoner, and during the period of his so remaining a prisoner, and before

LAWS. 1823. 4 Geo. 4, c. 81, § 59.

return to service, by some general or regimental or garrison or other court-martial, which shall be constituted under any article of war made by his Majesty, for the purpose of investigating such cases; and every soldier who shall prove to the satisfaction of the court, by oath of himself or others, or in such manner as such court shall require (and which oath every such court is hereby authorized to administer), that he was fairly and unavoidably taken prisoner in the course of service, without any wilful neglect of duty on his part, and that he hath not served with or under or in any manner aided or assisted the enemy, and that he hath returned as soon as possible to the Company's service, shall be thereupon entitled to receive either the whole of any such arrears of pay or allowances, or a proportion thereof, as shall be adjudged by any such court.

Postage.

§ 73.

(73) And whereas by a certain act passed in the fortieth year of the reign of his late Majesty, King George the Third, intituled, "An Act to amend Three "Acts, made in the Thirty-first, Forty-first, and "Forty-second Years of His present Majesty, relating "to the Conveyance of Letters and Packets by the "Post;" seamen employed in his Majesty's navy, and non-commissioned officers in the army, within any part of his Majesty's dominions, whilst actually employed in his Majesty's service, were authorized to send and receive by the post, on their private concerns only, single letters, upon payment of one penny for each letter, under the several restrictions in the said act contained: and whereas it is expedient to extend the provisions of the said act to seamen in the navy, and to non-commissioned officers and soldiers whilst actually employed in his Majesty's service in the East-Indies, and at the island of St. Helena, and also to the non-commissioned officers and soldiers actually employed in the service of the East-India Company, subject to such modifications as are hereinafter contained; be it therefore enacted, that from and after the passing of this act, it shall and may be lawful to and for every seaman employed in his Majesty's navy, within any part of the East-Indies, or at the island of St. Helena, and to and for every serjeant, corporal, drummer, trumpeter, fifer, and private soldier in his Majesty's regular forces, militia, fencible regiments, artillery, or royal marines, whilst actually employed in his Majesty's service in the East-Indies, or at the island of St. Helena; and also to and for every serjeant, corporal, drummer, trumpeter, fifer, and private soldier in the service of the said Company, whilst actually employed in the service of the said Company, and not otherwise, to receive single letters

Seamen employed in the navy in the East-Indies or St. Helena, and non-commissioned officers and privates serving there, either in his Majesty's forces or in East-India Company's service, may receive single letters free from postage, except the payment of 1*d.* for each letter on putting it into the post-office; and may send letters, the party receiving them paying 2*d.* for sea-postage and 1*d.* for inland-postage.

letters by the post, on his own private concerns only, free from all postage, except the sum of one penny for each single letter, to be paid upon putting the same into any post-office in Great-Britain or Ireland; provided that the several regulations and restrictions contained in the hereinbefore recited act shall have been complied with; and likewise to send by the post, on his own private concerns alone, single letters, upon payment, by the party receiving the same, of the sum of twopence for the sea postage of each such letter, and of the aforesaid further sum of one penny for the inland postage of each such letter, making in the whole the sum of threepence for each such letter; provided that if any such letter shall be delivered into one of his Majesty's post-offices in Great-Britain or Ireland free of all expense to his Majesty or the revenue of the post-office, such letter shall be chargeable with the inland postage of one penny as aforesaid, and to no other charge; provided also, that the several regulations and restrictions contained in the said hereinbefore recited act shall have been complied with.

LAWS. 1823. 4 Geo. 4, c. 81, § 73.

Perjury.

Punishment for false-swearing.

§ 64.

(74) And be it further enacted, that any person wilfully and knowingly giving false testimony, on oath or solemn declaration, in any case wherein an oath or solemn declaration is required to be made by this act, shall be deemed guilty of wilful and corrupt perjury, and being thereof duly convicted shall be liable to such pains and penalties as by any laws now in force any persons convicted of wilful and corrupt perjury are subject and liable to; and every commissioned officer convicted before a general court-martial of perjury shall be cashiered; and every non-commissioned officer or soldier, or other person amenable to the provisions of this act, found guilty thereof, shall be punished at the discretion of a general or regimental court-martial.

Recruits.

Recruits concealing infirmities punishable.

§ 46.

(75) And be it further enacted, that any person who shall enlist into the Company's forces, and who shall be discovered to be incapable of active service, by reason of any infirmity which shall have been concealed by such person, or not declared before the justice of the peace at the time of his attestation, and mentioned at the foot thereof, may be transferred into any garrison, or veteran or invalid battalion, or into his Majesty's or Company's marine forces, notwithstanding he shall have been enlisted for any particular regiment, and shall be entitled to receive such portion or residue of bounty only as shall be allowed by the said Company, by any regulation made in that behalf, in lieu and instead of the bounty upon which such man shall have been enlisted; any thing in any act or acts of parliament, or any rules or regulations relating to soldiers, to the contrary notwithstanding.

(76) And

LAWS. 1823. 4 Geo. 4, c. 81, § 47.

After embarkation, officers and soldiers subject to Mutiny Act.

(76) And be it further enacted, that all officers and soldiers who shall be enlisted in or transferred to the service of the United Company, and all officers in the said Company's service who may proceed in charge of or be appointed to do duty with such enlisted or transferred officers and soldiers, shall, from and after their embarkation to go abroad to such place whereto they shall be sent in the service of the said Company, be and hereby are adjudged to be, during their passage, subject to all the provisions and regulations of this act, and to all such provisions and regulations as officers and soldiers in the pay of the said United Company shall from time to time be subject to at the garrison or place to which such officers and soldiers shall be sent.

§ 48.

Offences by such, previous to arrival at destination, cognizable after their arrival.

(77) And forasmuch as it may happen that offences may be committed by the said officers and men after their embarkation, and before their arrival at their place of destination abroad, which nevertheless cannot be tried and punished during their passage in such manner as such offences ought to be tried and punished; be it therefore enacted, that in every such case every such officer or soldier shall and may, after his arrival at his place of destination abroad, be tried and punished for every offence committed after his embarkation and before his arrival, in the same manner as he would have been liable to be tried and punished if such offence had been committed in any place where the offender could have been tried by any court-martial held under the authority of this act.

Regulations.

§ 72.

Regulations and orders, though not provided for by former acts, to be in force till this act be published. 27 Geo. 2, c. 9.

(78) And be it further enacted and declared, that all regulations and orders made respecting the administration of justice by courts-martial, or in any manner respecting the government, economy, or discipline of officers or soldiers and followers of the army of the said United Company, although not expressly provided for in the said act passed in the twenty-seventh year of his Majesty King George II, intituled, "An Act for punishing Mutiny "and Desertion of Officers and Soldiers in the Service of the United "Company of Merchants of England trading to the East-Indies, "and for the Punishment of Offences committed in the East-Indies, "or at the Island of St. Helena," and acted upon by the governments or military authorities at the several presidencies of Fort William, Fort St. George, and Bombay, are and shall be to all intents or purposes valid, and shall continue valid until this act shall be published and in force; and all acts or proceedings done or had under such orders or regulations are hereby ratified and confirmed.

Transportation.

§ 7.

Transportation for Desertion.

(79) And be it further enacted and declared, that in case of any non-commissioned officer or soldier tried

tried and convicted of desertion, wheresoever the court-martial which shall pass sentence upon such trial shall not think the offence deserving of capital punishment, such court-martial may, instead of awarding a corporal punishment, adjudge the offender, according to the nature of his offence, if they shall think fit, to be transported as a felon for life, or for a certain term of years; and if such non-commissioned officer or soldier, having been adjudged to be transported as a felon, shall afterwards, without leave from the governor or commanding officer of the place to which he shall have been transported, return into or be found at large without leave as aforesaid, or other lawful cause, within any part of his Majesty's dominions, or any of the possessions or territories which are or may be under the government of the said United Company, other than the place to which he shall have been transported before the expiration of the term limited by such sentence, and shall be convicted thereof in the ordinary course of law, every such person shall be deemed and adjudged guilty of felony, and shall suffer death as a felon, without the benefit of clergy.

LAWS. 1823. 4 Geo. 4, c. 81, § 7.

Power of commuting death to transportation.

§ 8.

(80) Provided also, and be it enacted, that in all cases wherein a capital punishment shall have been awarded by a court-martial, it shall be lawful for the officer commanding in chief the forces at the presidency to which the offender shall belong, and having power to appoint or authorize the appointment of such court-martial, instead of causing such sentence to be carried into execution, to order the offender to be transported as a felon for life, or for a certain term of years, as to the said officer commanding in chief may seem meet; and if the person so transported in pursuance of such order shall afterwards, without leave from the governor or commanding officer of the place to which he shall have been transported, return into or be found at large without leave as aforesaid, or other lawful cause, within any part of his Majesty's dominions, or any of the possessions or territories which are or may be under the government of the said Company, other than the place to which he shall have been transported, before the expiration of the term limited by such order, and shall be duly convicted thereof, he shall suffer death.

Notice to a judge, &c. of the award, &c. of transportation.

§ 12.

(81) Provided always, and be it further enacted, that whenever any sentence of transportation passed by any court-martial in the East-Indies, or in the other possessions or territories which are or may be under the government of the said Company beyond the seas or in foreign parts, is to be carried into execution, or mercy shall be extended to any offender liable to the punishment of death by the sentence of any court-martial upon condition of transportation, the same shall be notified in writing by the officer commanding in chief, or in the absence of the officer commanding in chief, then by the adjutant-general for the time being, to some judge of the Supreme Court of Judicature of the presidency under

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4 Geo. 4, c. 81, § 12.

under which such offender shall serve; and thereupon such judge shall make an order for the transportation of such offender, upon the terms and for the time which shall be specified in such notification, and shall also make such other order or orders, and do all such other acts consequent upon the same, as any such judge is authorized to make or do with respect to offenders ordered to be transported by sentence of the criminal courts of India; and the governor in council of such presidency, or governors of such settlement, island, territory, or country respectively, shall and they are hereby required to take order for the transportation of all such offenders accordingly; and all such orders and acts shall be obeyed and done in respect to such offenders, and shall have the like consequence, as in cases of persons convicted of crime and sentenced to be transported, or receiving pardon on condition of transportation; and every person so ordered to be transported shall be subject respectively to all and every the provision and provisions made by law and now in force concerning persons convicted of any crime and sentenced to be transported, or receiving pardon on condition of transportation.

RECRUITS FOR THE COMPANY'S EUROPEAN FORCES.

The mode of raising recruits for the Company's European force in India, formed one of the earliest subjects of discussion between the Board of Commissioners for the Affairs of India and the Court of Directors, after the establishment of the former authority in 1784.

The Company at that period recruited under the provisions of the 32d section of the act of the 21st Geo. III, cap. 65, the King's warrant being issued from time to time on application from the Court of Directors, who entered into contracts with parties to raise recruits on certain stated terms. The recruits so raised were first approved by the Company's inspecting officer and surgeon, and afterwards by his Majesty's inspecting officer. Notwithstanding these precautions, representations were received from India pointing out the inefficiency of many of the parties sent out. In the arrangements of 1796, by which the whole of the Company's military establishments were revised, the Court declared their intention to recruit their European corps in the manner pursued in his Majesty's service; it was accordingly resolved to apply to Parliament for the sanction of the Legislature to the adoption of

of such a measure, and likewise for establishing a depôt, under proper regulations, where the recruits should be received when enlisted, for the purpose of being trained and disciplined, and thereby acquire habits of subordination, regularity, and cleanliness, previously to their embarking, and also be fitted to join their corps in a much shorter period after reaching India than heretofore.

Colonel Sir Henry Montague Cosby, who had been absent from India beyond the term of five years, and consequently out of the Company's service, under the 33d section of the act of 1793, was restored to his rank, for the express purpose of superintending and commanding the depôt—the Board of Commissioners concurring therein.

Circumstances subsequently occurred which led to the postponement of the measure of forming a depôt. The delay occasioned a communication from Mr. Dundas, pointing out the necessity of immediately adopting some plan for effectually curing the defects of the existing recruiting system: his Majesty's warrant, which had been transmitted to the India-House by mistake, was recalled.

Considerable difference of opinion existed as to the most eligible course to be pursued. The House of Commons, on the 22d December 1796, called for copies of all the proceedings of the Court of Directors, and of the correspondence which had passed between the Court and their Governments abroad, on the subject of recruiting the Company's European forces in India. The matter was again brought to the notice of the Court of Directors by the chairman on the 30th of that month: and, on the 4th of January following, the Court resolved, by the ballot, that a depôt should be formed with all convenient despatch. The resolution was communicated to the General Court on the 17th, when a ballot was demanded on the question, to approve the draft of a bill to be proposed to Parliament, to enable the Company to carry the plan into effect: the ballot took place on the 24th of January, when the question was lost; the numbers for it being 291, and against it 470.

In the early part of the following year, the subject was again discussed, and a lengthened correspondence took place between His

His Royal Highness the Commander-in-Chief, the Board of Commissioners, and the Court of Directors. The result led to the establishment of a depôt; and an act of Parliament was passed in July 1799, 39th Geo. III, cap. 109, authorizing the Company to train, array, exercise, and discipline recruits raised for their service, during the stay of such recruits in England; and likewise subjecting them to martial law prior to embarkation, and also during the voyage to India. The Company were not to enlist, or have in pay at any one time, more than two thousand men.

In 1801, the depôt was established in the Isle of Wight, where it remained until 1815, when it was transferred to Chatham. The recruits raised under the act of the 39th, were for general service, and subsequently transferred to the Com- the 50th Geo. III, cap. 87, was passed, under which recruits might be enlisted either for life or a limited service of twelve years, and for the Company's European infantry or for their artillery. Parties enlisted under the said acts are required to take the oath of allegiance and other prescribed oaths hereafter mentioned. After embarkation, all soldiers enlisted in or trans- ferred to the service of the Company, and all officers in the Com- pany's service who may proceed in charge of, or be appointed to do duty with such soldiers, are subject to the provisions of the 4th Geo. IV, cap. 81; and all offences, of which any of the said parties may be guilty previous to their arrival at the place of destination, are cognizable after their arrival.

Provisions are inserted in the annual Mutiny Act for the relief of parties hastily enlisting; also for inflicting penalties on persons advertizing for recruits for the Company's service without authority, which are also noticed in the following laws.

LAWS.

An Act for better Recruiting the Forces of the East-India Company.

1799. 39 Geo. 3, c. 109, § 1.

(1) Whereas the United Company of Merchants of England trading to the East-Indies are by law enti- tled to maintain and keep up, and at their own costs and charges do maintain and keep up, a military force

Preamble.— His Majesty may order officers to levy men to serve in the East-In-

to

dies in his Majesty's troops or the Company's forces, who shall take the follow- ing oath.

in their settlements abroad, for the defence and protec- tion of the territorial acquisitions and revenues of which they are in possession, and for the defence and protection of their trade; and certain regulations are established for the said Company's raising recruits in Great Britain, but no provision is made, by virtue of which such recruits can be trained, arrayed, exercised, or disciplined, during their abode in this kingdom, or whereby they can be subjected to military law previous to their embarkation for, and during their pas- sage to the places where the said United Company are entitled to maintain and keep such militia force: and whereas it is expedient that his Majesty's officers should be authorized in certain cases to enlist recruits for service, either in his Majesty's troops or in the forces of the said United Company, as his Majesty shall think fit to direct; and that all recruits so raised and transferred over to, or enlisted by officers in the service of the said United Company, should be trained, arrayed, exercised, and disciplined in the use of arms, previous to their departure for places abroad; and that they should be subjected to military law during their abode in this kingdom, and during their passage to, and before their arrival at such places: 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 con- sent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for his Majesty, his heirs and suc- cessors, to order and cause such of his officers as he shall see fit, to levy, enlist, and raise such number of men as from time to time his Majesty shall think fit, for the special purpose of serving in the East- Indies, either in his Majesty's troops, or in the forces of the said United Company; and that the recruits to be raised for such special purpose, instead of taking the oath of fidelity appointed to be taken by the rules and articles for the better government of all his Majesty's forces, shall take the following oath; (that is to say,)

LAWS. 1799. 39 Geo. 3, c. 109, § 1.

Oath.

" I, A. B., being enlisted to serve either in his Ma-
" jesty's troops or in the forces of the East-India Company, accord-
" ing as his Majesty shall think fit, do swear, that I will bear true
" allegiance to our Sovereign Lord King George, and that I will, as
" in my duty bound, defend him in his person, crown, and dignity,
" against all his enemies; and that so long as I shall remain in his
" Majesty's service, I will duly observe and obey his Majesty's orders,
" and the orders of the generals and officers set over me by his
" Majesty; and that if his Majesty shall please to appoint me to
" serve in the forces of the United Company of Merchants of
" England trading to the East-Indies, then I swear that I will also be
" true to the said United Company, and will duly observe and obey
" all their orders, and the orders of their generals and officers, who
" shall be lawfully set over me."

(2) And

LAWS. 1799. 39 Geo. 3, c. 109, § 2.

(2) And be it further enacted, that on such recruits being carried before a justice of the peace, in pursuance of an act, passed in the present session of Parliament, intituled, "An Act for Punishing Mutiny and "Desertion, and for the better Payment of the Army "and their Quarters;" or in pursuance of any act hereafter to be passed for the same purposes, such justice shall tender and administer such oath as is hereinbefore mentioned, instead of the oath prescribed by the said articles of war; and the same (if taken by such recruits) shall be so expressed in the certificate to be given by such justice, in the form required by the said act.

Which justices are to administer, instead of the oath prescribed by the articles of war.

§ 3.

(3) And be it further enacted, that it shall and may be lawful to and for his Majesty, his heirs and successors, upon the petition of the Court of Directors of the said United Company, to cause so many recruits or soldiers, who shall have been raised by his Majesty's officers for the special purpose hereinbefore mentioned, as the said Court of Directors shall petition for, and as his Majesty, his heirs or successors, shall see fit to grant, to be transferred over to the service of the said United Company, which transfer shall be made by such recruits or soldiers being delivered over by such officer in his Majesty's service, who shall have the command of them, at such place as his Majesty shall think proper to appoint, to such person or persons as the said Court of Directors shall appoint to receive them.

His Majesty, on petition of the Court of Directors, may cause recruits to be transferred to the service of the Company.

§ 4.

(4) Provided always, and be it enacted, that the said United Company shall not be obliged to receive into their service any recruit or soldier who shall be an invalid, or who shall have any bodily infirmity.

Company not obliged to receive invalids.

§ 5.

(5) And be it further enacted, that the said United Company shall pay unto such person or persons, for the use of his Majesty, as shall be appointed for that purpose, in writing, by the Commissioners of his Majesty's treasury, or any three or more of them, or by the Lord High Treasurer for the time being, such sum and sums of money as from time to time shall be agreed upon between one of his Majesty's principal secretaries of state on behalf of his Majesty and the said Court of Directors, to reimburse the expense of raising such recruits and soldiers as shall be transferred into the service of the said United Company in manner hereinbefore mentioned; and that, over and above such sum, the said United Company shall in like manner pay to such person or persons, as aforesaid, the costs of the subsistence of each recruit, from the time of his enlistment to the time of his being delivered over to the said United Company, as hereinbefore mentioned.

Company to pay such sum as shall be agreed upon for such recruits and their subsistence from enlistment.

§ 6.

(6) And be it further enacted, that the said United Company shall and may deposit, keep, maintain, pay, train,

Company may train men enlisted under recited act, and transferred under this, in Great Britain, Guernsey, or Jersey, and may make drafts to be sent abroad.

train, and exercise in the use of arms, such men as they may from time to time enlist and engage in their service, under and by virtue of the authority of the said act of the twenty-first year of his Majesty's reign, and such men as shall be transferred over to their service in manner herein-mentioned, in any of his Majesty's garrisons, or at such other place or places within Great Britain, or the islands of Guernsey or Jersey, as shall be approved of by his Majesty; and that the said United Company, or their Court of Directors, may, from the men so enlisted or transferred as aforesaid, make drafts of non-commissioned officers and soldiers, to be from time to time sent abroad in the said United Company's service, as they shall think proper and necessary.

LAWS. 1799. 39 Geo. 3, c. 109, § 6.

§ 7.

(7) And be it further enacted, that for the purpose of raising, receiving, keeping, training, and exercising the men so enlisted by license from his Majesty as aforesaid, it shall and may be lawful for the Court of Directors of the said United Company, with the approbation of his Majesty, signified under the hand-writing of one of his Majesty's principal secretaries of state, to appoint, from and amongst such officers in the service of the said United Company, as may be in England, on furlough or by leave of absence, from their duty in India, or who have retired from the service of the said Company, and shall hold and have commissions from his Majesty as well as from the said United Company, one commanding officer, and such other commissioned officers, of such ranks and with such commissions as shall be necessary for the training, exercising, and disciplining such men so enlisted or transferred as aforesaid, until they shall be sent abroad; and that it shall also be lawful for the said Court of Directors to appoint, from the number of men so enlisted or transferred as aforesaid, such number of serjeants, corporals, drummers, and fifers, as shall be necessary for the same purpose.

Court of Directors, with the approbation of his Majesty, may appoint officers holding commissions from his Majesty and the Company for disciplining the men, out of whom they may appoint serjeants, &c.

§ 8.

(8) Provided always, and be it enacted, that it shall not be lawful for the said United Company to enlist or have in pay at any one time, or to train or discipline at any one time, by virtue of this act, any greater number of non-commissioned officers and private men than two thousand, nor shall it be lawful for the Court of Directors of the said Company to appoint any greater number of non-commissioned officers than the number of men to be so raised and disciplined shall require; nor shall the officer so appointed to command, or any other commissioned officer to be appointed as aforesaid, be continued in the said appointment, or have any power or authority to command, train, or discipline the said men so enlisted, longer than he shall continue to hold

Company not to enlist above a certain number of men, nor appoint more than the necessary number of commissioned officers.—Officers not to have any power longer than they hold commissions from his Majesty.—No more than a certain number of men enlisted, and not transferred, shall be

LAWS. 1799. 39 Geo. 3, c. 109, § 8.

hold a commission from his Majesty, his heirs or successors; and his or their said appointment, powers, authorities, and commands, shall cease and determine, and become utterly void, from and immediately after the said commission shall be revoked, determined, or otherwise made void by his Majesty, his heirs or successors: provided also, that from and after the passing of this act, and until the 25th day of March one thousand eight hundred, no greater number of men than three thousand of men enlisted for the special purpose aforesaid, and not transferred by his Majesty to the service of the said Company, shall, at any one time, be maintained by his Majesty within this realm; and that, from and after the said day, no greater number of such men shall be so maintained than shall be specially included within the provisions of such act or acts of Parliament, as may from time to time be made and be in force for the punishment of mutiny and desertion, or for the discipline and government of his Majesty's forces in Great Britain.

maintained within the realm.

§ 9. (9) Provided also, and be it further enacted, that it shall and may be lawful for the said Company, with his Majesty's approbation so signified as aforesaid, to appoint such quartermasters, paymasters, and other persons, as may be necessary for disciplining and training, attending, and otherwise taking care of the said men so enlisted and transferred, over and above the number of commissioned officers hereinbefore mentioned, whether the said persons shall be in their service or not.

Company, with the approbation of his Majesty, may appoint quarter-masters, &c.

§ 10. (10) Provided also, and be it further enacted, that it shall not be lawful for the said United Company to pay or allow any greater pay, or other sums, to the commissioned and non-commissioned and staff officers to be appointed to raise, receive, train, exercise, and discipline the said men, than after the rates following; that is to say, not more than ten shillings per day to each captain, not more than five shillings per day to each subaltern officer, over and above the pay, according to their rank, which they shall be entitled to during their being in this country on furlough or leave of absence, or retired from their service; nor more than five shillings per day to each quartermaster, one hundred and twenty pounds per annum to each paymaster, two shillings per day to each serjeant, one shilling and sixpence per day to each corporal, five shillings per day to each surgeon, and one hundred pounds per annum to one chaplain; such last-mentioned sums to be the full allowance to which in any case such officers shall be entitled (save and except the regimental pay which such officers may be entitled to, according to their respective ranks, and save and except such barrack allowances as are usually to be given to officers in his Majesty's service when quartered in barracks).

Rates of pay to be allowed to the commissioned, non-commissioned, and staff-officers.

§ 11. (11) And be it further enacted, that the said pay, so to be made to the said officers respectively as aforesaid, shall

Pay to be in full of all emoluments, and clothing, &c. to be provided as the directors shall think best.

LAWS. 1799. 39 Geo. 3, c. 109, § 11.

shall be in full satisfaction of all emoluments whatsoever; and that the clothing for the said men, and all other things whatsoever, necessary to be provided for them, or for the place in which they shall be deposited and kept, shall be provided by the said United Company, upon the best terms, and in such manner as shall appear to the Court of Directors of the said Company to be best suited to that purpose.

§ 12. (12) And be it further enacted, that in case the said men, so to be enlisted into, or transferred over to the service of the said United Company, shall be deposited and kept at any of his Majesty's garrisons or barracks, all such recruits and soldiers, and the commissioned and non-commissioned officers having the command of, or being employed in the training, exercising, and arraying such recruits or soldiers, shall at all times be subject to the command and orders of the commandant of such garrison or barracks, or in his absence to the senior officer in his Majesty's service, or the officer for the time being commanding in such garrison or barracks; and that the commissioned and non-commissioned officers, to be appointed by the said United Company to the command of, or for the training, exercising, or arraying such recruits as aforesaid, shall at all times partake in and perform the duties of any of his Majesty's garrisons or barracks in which they may be stationed.

Officers and men to be subject to the commandants of garrisons or barracks, and to partake in the duties.

§ 13. (13) And be it further enacted, that all orders which shall be given by the said United Company, or their Court of Directors, to their officers so stationed at any of his Majesty's garrisons or barracks, shall be given and passed through the commandant or senior officer commanding at such garrisons or barracks.

Orders of the Company to be given through such commandants.

§ 14. (14) And be it further enacted, that if any person who shall be enlisted and engaged by the said United Company, under the authority of the said act of the twenty-first year of his Majesty's reign, or who shall be transferred over to the service of the said United Company as herein mentioned, shall afterwards desert, or be found wandering, or otherwise illegally absenting himself from the service of the said United Company, it shall and may be lawful for any constable, headborough, or tythingman of the town or place where any such person who may be reasonably suspected to be a deserter shall be found, to apprehend or cause him to be apprehended in the same manner as if he were a deserter from his Majesty's service; and every constable, headborough, tythingman, justice of the peace, or magistrate, shall have the same power and authority, and proceed in the same manner as he or they would have had, or as he or they would have proceeded in, if the person had been a deserter from his Majesty's service; and every keeper of any gaol, house of correction, or prison, to which such

Deserters may be apprehended and confined as from his Majesty's service.

LAWS. 1799. 39 Geo. 3, c. 109, § 14.

such person shall be committed, shall be entitled to receive the full subsistence of such deserter, during the time he shall remain in their custody, for the maintenance of such deserter, and shall receive and confine him or them in the same manner as if he or they had been a deserter from his Majesty's service.

§ 15.

Persons apprehending deserters to be entitled to such reward only as the Company may give.

(15) Provided always, that nothing in this act contained shall extend, or be construed to extend, to authorize any justice to pay or cause to be paid any reward to any person or persons, who shall apprehend or cause to be apprehended any person or persons who shall desert from the service of the East-India Company, nor shall the person or persons apprehending the same be entitled to any other reward than the East-India Company may voluntarily give for such apprehension.

§ 16.

Officers and soldiers, until embarkation, to be subject to the mutiny laws, and afterwards to the provisions of 27 Geo. 2, cap. 9.

(16) And be it further enacted, that all such officers and soldiers as shall be raised and enlisted by virtue of this act shall, at all times and until their embarkation, be subject to all the provisions and regulations of the said act, made in the present session of parliament, intituled, "An Act for Punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters," during the continuance of the same act in Great Britain, and after the expiration thereof to such other act or acts of parliament, provisions, and regulations, as shall from time to time be made and be in force for the discipline and government of his Majesty's forces in Great Britain; and after their embarkation to the provisions of the 4th Geo. IV, cap. 81.

§ 18.

His Majesty may grant commissions for holding general courts-martial.

(17) And whereas for more effectually suppressing mutiny and desertion, and for the punishment of other offences committed by officers and soldiers in the service of the said United Company, during the time of their being trained and disciplined by virtue of this act, or by any of the officers or non-commissioned officers employed on that service, it may be necessary that his Majesty should be enabled to convene courts-martial, or to authorize the same to be convened, consisting either in the whole or in part of officers in the service of the East-India Company who hold commissions from his Majesty: be it enacted, that it shall and may be lawful for his Majesty from time to time to grant a commission for the holding of general courts-martial for the trial of offences committed by officers or soldiers in the service of the said United Company, during the time of their being so employed, and trained and exercised under the authority of this act, which courts-martial may either consist of officers appointed to train and discipline the said men, or of such other officers in the service of the East-India Company, holding commissions from his Majesty, as may be in Great Britain upon furlough, or by leave of absence, or of officers

officers in his Majesty's service in Great Britain, or of such numbers and proportions of each, as to his Majesty shall seem meet; and such courts-martial shall in all other respects be convened, and have the same powers and authorities, and their sentences shall be carried into execution, as if they were courts-martial respecting his Majesty's forces.

LAWS. 1799. 39 Geo. 3, c. 109, § 18.

Regimental courts-martial may be convened.

§ 19.

(18) And be it further enacted, that regimental courts-martial, or courts-martial to be composed of officers of different corps, with the same powers as regimental courts-martial, may be convened for enquiring into such disputes or criminal matters as may come before them, touching any of the non-commissioned officers or soldiers in the service of the said United Company during the time of their being so employed and trained and exercised as aforesaid, and for awarding corporal or other punishments for small offences; and such courts-martial shall be constituted and proceeded, and their sentences shall be carried into execution, in like manner as if they were courts-martial respecting his Majesty's forces.

Court of Directors to transmit a report of the number of men levied, &c. to the secretary of state and the commander-in-chief.

§ 21.

(19) And be it further enacted, that the Court of Directors of the said United Company shall, and they are hereby required and directed, twice in every year, to make out a report of the number of men levied and subsisted by virtue of this act, and of all the orders issued, and every other matter or thing done or directed to be done by them in the execution of this act, and to transmit one copy of the same to one of his Majesty's principal secretaries of state, and another to the commander-in-chief of his Majesty's forces.

Public act.

§ 22.

(20) And be it further enacted, that this act shall be deemed to be a public act, and shall be taken notice of as such, by all judges and justices whomsoever, without specially pleading the same.

An Act to amend two Acts, relating to the raising Men for the Service of the East-India Company, and the Quartering and Billeting such Men; and to Trials by Regimental Courts-Martial.

1810. 50 Geo. 3, c. 87, § 1.

39 Geo. 3, c. 109.—27 Geo. 2, c. 9.—His Majesty may order any of his officers to enlist the number of men specified in the recited act of 39 Geo. 3, c. 109, to serve in the Company's forces, in India for life or a limited time.

(21) Whereas an act passed in the thirty-ninth year of the reign of his present Majesty, intituled, "An Act for the better Recruiting the Forces of the East-India Company:" and whereas an act passed in the twenty-seventh year of the reign of his late Majesty King George II, intituled, "An Act for Punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of England Trading to the East-Indies, and for the Punishment of Offences committed in the East-Indies or at the Island of St. Helena:" and whereas it would tend to the more speedy recruiting of the

LAWS. 1810. 50 Geo. 3, c. 87, § 1.

forces of the East-India Company, if men were permitted to enlist for a limited time in the service of the said Company, without engaging to serve in his Majesty's forces; and provision must in such case be made for quartering and billetting the men so raised; and whereas it is also expedient that the provisions of the said recited act of his late Majesty King George II, as to trials by regimental courts-martial, should be amended in relation to the members and witnesses being sworn, as now required on such trials in his Majesty's regular forces; be it therefore 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 it shall be lawful for his Majesty, his heirs and successors, to order and cause such of his officers as he shall see fit, to levy, enlist, and raise such number of men, either for life or limited service, as his Majesty shall from time to time think fit, not exceeding the number of men specified in the said recited act of the thirty-ninth year of the reign of his present Majesty aforesaid, for the special purpose of serving in the East-Indies in the forces of the said United Company only.

§ 2. (22) And be it further enacted, that all soldiers enlisted into the service of the said United Company of Merchants, shall be trained and disciplined and subject to such command and regulations, and at all times and until their embarkation be subject to all the provisions of any act in force for the punishment of mutiny and desertion, and the better payment of the army and their quarters.

Soldiers to be subject to the Mutiny Act till their embarkation.

§ 3. (23) And be it further enacted, that all the powers, authorities, provisions, clauses, rules, regulations, and restrictions, and penalties, and forfeitures, contained and prescribed in any act or acts of parliament in force for the time being, in relation to the quartering and billetting and provisioning of, and allowances in respect of such quartering and billetting of soldiers and officers in his Majesty's service, and to the providing of carriages for the use of soldiers, shall, from and after the passing of this act, extend to all soldiers enlisted for or transferred into the service of the said United Company of Merchants, as fully and effectually as if the same were severally and separately repeated and re-enacted in this act, and made part thereof; any thing in the said act of the thirty-ninth year aforesaid, or any other act or acts of parliament to the contrary notwithstanding.

Powers of acts relating to quartering, &c. to extend to this act.

§ 4. (24) And whereas it is expedient to allow men to enlist in the service of the said United Company for twelve years; be it therefore enacted, that it shall be lawful for any person enlisting for limited service in the service of the said United Company, to enlist for twelve years, if at the time of such enlisting he shall be of the age of eighteen years and upwards, and

Men may enlist for twelve years, &c.

and if he shall be under eighteen years of age, then for such further period beyond twelve years as shall be equal to the difference between eighteen years and the age of the person so enlisting.

LAWS. 1810. 50 Geo. 3, c. 87, § 5.

After the expiration of the first period, the men may re-enlist.

(25) Provided always, and be it further enacted, that it shall be lawful for all persons who shall have been enlisted for limited service in the forces of the said United Company, after the expiration of the first period for which they shall have been severally enlisted, to re-enlist for such further period as shall be allowed and appointed by any order of the governor-general in council in Bengal.

§ 6. Men serving in the local militia may enlist.

(26) And be it further enacted, that it shall be lawful for any person ballotted or enrolled to serve or serving in the local militia, to enlist or enter into the service of the United Company of Merchants trading to the East-Indies, in like manner and at such times as any such person might or may enlist or enter into his Majesty's regular forces.

§ 7. His Majesty may direct the manner of trials by courts-martial.

(27) And be it further enacted, that all regimental and garrison and other courts-martial which shall be held for the trial of any offences committed by the troops in the service of the said United Company, shall have full power and are hereby authorized and required to take and administer such oaths, and to proceed in such manner in the trial of offences, as his Majesty shall from time to time think fit to order and direct.

*Annual Mutiny Act.**

1825. 6 Geo. 4, c. 5, § 93.

Clause for relief of persons hastily enlisting themselves.—Such persons not paying the enlisting and subsistence-money within the limited time to be enlisted; in which case, or if they enlist, the justices to read over to them certain sections of the articles of war and administer certain oaths.—Recruits enlisted under 39 Geo. 3, c. 109, for the East-India Company's service, &c. shall take the oath of allegiance.—Recruits enlisted

(28) Provided always, and it is hereby enacted and declared, that from and after the said twenty-fourth day of March one thousand eight hundred and twenty-five, when and as often as any person or persons shall be enlisted as a soldier or soldiers in his Majesty's land service, he or they shall within four days, but not sooner than twenty-four hours, after such enlisting respectively, be carried or go with some officer, non-commissioned officer, or private soldier belonging to the recruiting party by which he shall be enlisted, or with the person employed on the recruiting service with whom he shall have enlisted, before some justice of the peace of any county, riding, city, or place, or chief magistrate of any city or town corporate, residing or being next to or in the vicinity of the place, and acting for the division or district where such person or persons shall have been enlisted, and not being an officer in the army, and before such justice or chief magistrate he or they shall be at liberty to declare his or their dissent to such enlisting; and upon such declaration,

* The provisions contained in the clauses 93 and 101, with the schedules annexed, are re-enacted in the Annual Mutiny Act.

LAWS. 1825. 6 Geo. 4, c. 5, § 93.

and returning the enlisting money, and also each person so dissenting paying the sum of twenty shillings for the charges expended or laid out upon him, together with such full rate allowed by law for the subsistence or diet and small beer furnished to such recruit subsequent to the period of his having been enlisted, such person or persons so enlisting shall be forthwith discharged and set at liberty in the presence of such justice or chief magistrate; but if such person or persons shall refuse or neglect within the space of twenty-four hours after so declaring his or their dissent, to return and pay such money as aforesaid, he or they shall be deemed and taken to be enlisted, as if he or they had given his or their assent thereto before the said justice or chief magistrate; and if such person or persons shall declare his or their having voluntarily enlisted himself or themselves, then such justice or chief magistrate shall and he is hereby required forthwith to read over, or in his own presence to cause to be read over, to such person or persons, the third and fourth articles of the second section, and the first article of the sixth section, of the articles of war against mutiny and desertion, and to tender and administer to such person or persons respectively, not only the oath of fidelity mentioned in the said articles of war, but also the oath mentioned in the schedule to this act annexed marked (A.), or if the person shall be desirous of enlisting without any limitation of period of service, the oath in the schedule to this act annexed marked (B.); and if such person or persons shall take the said oaths, then such justice or chief magistrate shall and he is hereby required forthwith to certify under his hand the enlisting and swearing, together with the place of the birth, age, and calling, if known, of such person or persons, in the form mentioned in the schedule to this act annexed marked (C.) if the oath in the form marked (A.) shall have been taken, and in the form marked (D.) if the oath in the form marked (B.) shall have been taken; except in the case of recruits enlisting to serve either in his Majesty's troops or in the forces of the East-India Company, according as his Majesty shall think fit, in pursuance of an act passed in the thirty-ninth year of the reign of his late Majesty King George III, intituled, "An Act for better Recruiting the Forces "of the East-India Company," in which case every such recruit shall, instead of the said oath of fidelity, and of the oath contained in the schedule (A.) or (B.) to this act annexed, take the oath of allegiance directed by the said act of the thirty-ninth year of his said late Majesty, and contained in the schedule to this act annexed marked (E.); and the justice or chief magistrate shall certify such enlistment and swearing accordingly in the form mentioned in the schedule to this act annexed marked (F.); and except also in the case of recruits enlisted for the special purpose of serving in the East-Indies, in the forces of the East-India Company only, in pursuance of an act passed in

under 50 Geo. 3, c. 87, shall take the oaths in schedules (G) and (H.)—Name and residence of recruits to be taken down.—Justices may discharge persons hastily enlisting themselves, on paying the enlisting-money.

Counterfeiting Licenses or Certificates.

LAWS. 1813. 53 Geo. 3, c. 155, § 120.

(6) Counterfeiting licenses or certificates, or attested copies thereof, punishable with fine and imprisonment.—(*Vide* p. 119.)

Crimes, Misdemeanors, and Offences, may be tried in the Court of King's Bench.

Governor-General, President, &c.

1773. 13 Geo. 3, c. 63, § 39.

(7) And be it further enacted by the authority aforesaid, that if any governor-general, president, or governor or council of any of the said Company's principal or other settlements in India, or the chief justice, or any of the judges of the said supreme court of judicature to be by the said new charter established, or of any other court in any of the said United Company's settlements, or any other person or persons who now are, or heretofore have been employed by or in the service of the said United Company, in any civil or military station, office or capacity, or who have or claim, or heretofore have had or claimed any power or authority, or jurisdiction, by or from the said United Company, or any of his Majesty's subjects residing in India, shall commit any offence against this act, or shall have been, or shall be guilty of any crime, misdemeanor, or offence committed against any of his Majesty's subjects, or any of the inhabitants of India within their respective jurisdictions, all such crimes, offences and misdemeanors may be respectively inquired of, heard, tried and determined in his Majesty's Court of King's Bench, and all such persons so offending, and not having been before tried for the same offence in India, shall on conviction, in any such case as is not otherwise specially provided for by this act, be liable to such fine or corporal punishment as the said court shall think fit; and moreover shall be liable, at the discretion of the said court, to be adjudged to be incapable of serving the said United Company in any office, civil or military; and all and every such crimes, offences, and misdemeanors as aforesaid, may be alleged to be committed, and may be laid, inquired of, and tried in the county of Middlesex.

Manner of Procedure by Mandamus *for Examination of Witnesses in Cases of Indictments and Informations laid in the King's Bench.*

§ 40.

(8) And whereas the provisions made by former laws for the hearing and determining in England offences committed in India have been found ineffectual, by reason of the difficulty of proving in this kingdom matters done there; be it further enacted by the authority aforesaid, that in all cases of indictments or informations laid or exhibited in the said Court of King's Bench, for misdemeanors or offences committed in India, it shall and may be lawful for his Majesty's said court, upon motion to be made on behalf of the prosecutor, or of the defendant or defendants, to award a writ or writs of mandamus, requiring the chief justice and judges of the said Supreme Court

LAWS. 1773. 13 Geo. 3, c. 63, § 40.

Court of Judicature for the time being, or the judges of the Mayor's Court at Madras, Bombay, or Bencoolen, as the case may require, who are hereby respectively authorized and required accordingly to hold a court with all convenient speed for the examination of witnesses, and receiving other proofs concerning the matters charged in such indictments or informations respectively; and in the mean time to cause such public notice to be given of the holding the said court, and to issue such summons or other process as may be requisite for the attendance of witnesses, and of the agents or counsel of all or any of the parties respectively, and to adjourn from time to time as occasion may require; and such examination as aforesaid shall be then and there openly and publicly taken *vivâ voce* in the said court, upon the respective oaths of witnesses, and the oaths of skilful interpreters, administered according to the forms of their several religions; and shall, by some sworn officer of such court, be reduced into one or more writing orwritings on parchment, in case any duplicate or duplicates should be required by or on behalf of any of the parties interested, and shall be sent to his Majesty, in his Court of King's Bench, closed up, and under the seals of two or more of the judges of the said court, and one or more of the said judges shall deliver the same to the agent or agents of the party or parties requiring the same; which said agent or agents (or, in case of his or their death, the person into whose hand the same shall come) shall deliver the same to one of the clerks in court of his Majesty's Court of King's Bench, in the public office, and make oath that he received the same from the hands of one or more of the judges of such court in India (or if such agent be dead, in what manner the same came into his hands); and that the same has not been opened or altered since he so received it (which said oath such clerk in court is hereby authorized and required to administer): and such depositions, being duly taken and returned, according to the true intent and meaning of this act, shall be allowed and read, and shall be deemed as good and competent evidence as if such witness had been present and sworn and examined, *vivâ voce*, at any trial for such crimes or misdemeanors as aforesaid, in his Majesty's said Court of King's Bench, any law or usage to the contrary notwithstanding; and all parties concerned shall be entitled to take copies of such depositions at their own costs and charges.

Offences committed by the Chief Justices or Judges.

§ 41. (9) And be it further enacted by the authority aforesaid, that in case the said chief justice or judges of the said Supreme Court of Judicature, or any of them for the time being, shall commit any offence against this act, or be guilty of any corrupt practice, or other crime, offence, or misdemeanor in the execution of their respective offices, it shall and may be lawful for his Majesty's said Court of King's Bench in England, upon an information or indictment laid or exhibited in the said court for such crime, offence, or misdemeanor, upon

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upon motion to be made in the said court, to award such writ or writs of mandamus as aforesaid, requiring the Governor-general in council of the said United Company's settlement at Fort William aforesaid, who are hereby respectively authorized and required accordingly to assemble themselves in a reasonable time, and to cause all such proceedings to be had and made as hereinbefore respectively directed and prescribed concerning the examination of witnesses; and such examination, so taken, shall be returned and proceeded upon in the same manner, in all respects, as if the several directions hereinbefore prescribed and enacted in that behalf were again repeated.

LAWS. 1773. 13 Geo. 3, c. 63, § 41.

Examination of Witnesses in India in case of Proceedings in Parliament.

§ 42. (10) And be it further enacted by the authority aforesaid, that in all cases of proceedings in Parliament touching any offences against this act, or any other offences committed in India, it shall and may be lawful for the Lord High Chancellor, or Speaker of the House of Lords, and also the Speaker of the House of Commons for the time being, in like manner to issue his or their warrant or warrants to the Governor-general and council of the said United Company's presidency at Fort-William, and to the chief justice and judges of the said Supreme Court of Judicature, or the judges of the Mayor's Court at Madras, Bombay, or Bencoolen, as the case may require, for the examination of witnesses; and such examination shall be returned to the said Lord High Chancellor, or Speaker of the House of Lords, or to the Speaker of the House of Commons respectively, and proceeded upon in the same manner, in all respects, as if the several directions hereinbefore prescribed and enacted in that behalf were again particularly repeated; and every such examination returned either to the Lord Chancellor, or Speaker of the House of Lords, or to the Speaker of the House of Commons, as aforesaid, shall be deemed good and competent evidence, and shall be allowed and read in both Houses of Parliament, or either of them respectively, as occasion may require, any law or usage to the contrary notwithstanding.

No Proceedings in Parliament to be discontinued by any Prorogation.

§ 43. (11) And whereas, by the usage and custom of Parliament, no proceedings by bill in Parliament have continuance from one session to another, and whereas it would be impracticable that the examination taken upon such warrant, as aforesaid, could ever be returned within the ordinary length of a session of Parliament; be it enacted by the authority aforesaid, that from and after the first day of November, one thousand seven hundred and seventy-three, no proceedings in Parliament touching any offence committed, or to be committed in India, wherein such warrant as aforesaid shall have been issued, shall be discontinued by any prorogation or dissolution of the Parliament, but that such proceedings may be resumed and proceeded upon in a subsequent session, or in a subsequent Parliament, in either House

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LAWS.
1773.
13 Geo. 3, c. 63.

House of Parliament, in like manner, to all intents and purposes, as they might have been in the course of one and the same session, any law, usage or custom to the contrary notwithstanding.

Depositions not to be allowed as Evidence in Capital Cases, excepting in Parliament.

§ 45. (12) Provided nevertheless, and be it enacted, that no such depositions, taken and returned as aforesaid by virtue of this act, shall be allowed or permitted to be given in evidence in any capital cases, other than such as shall be proceeded against in Parliament; any thing in this act contained to the contrary notwithstanding.

Writs of Mandamus in Civil Cases.

§ 44. (13) And whereas his Majesty's subjects are liable to be defeated of their several rights, titles, debts, dues, demands or suits, for which they have cause arising in India against other subjects of his Majesty; now, for preventing such failure of justice, be it further enacted by the authority aforesaid, that when and as often as the said United Company, or any person or persons whatsoever, shall commence and prosecute any action or suit, in law or equity, for which cause hath arisen, or shall hereafter arise in India, against any other person or persons whatever in any of his Majesty's courts at Westminster, it shall and may be lawful for such court respectively, upon motion there to be made, to provide and award such writ or writs, in the nature of a mandamus or commission, as aforesaid, to the chief justice and judges of the said supreme Court of Judicature for the time being, or the judges of the Mayor's court at Madras, Bombay, or Bencoolen, as the case may require, for the examination of witnesses as aforesaid; and such examination being duly returned, shall be allowed and read, and shall be deemed good and competent evidence at any trial or hearing between the parties in such cause or action, in the same manner in all respects as if the several directions hereinbefore prescribed and enacted in that behalf were again repeated.

Extortion and other Misdemeanors. Persons holding Office in India may be proceeded against by his Majesty's Attorney-General, or others.

1784.
24 Geo. 3, c. 25, § 64.

(14) And whereas it would conduce to the better government, management and ordering of the territories, possessions, revenues and commerce of the said United Company, if some more effectual course than the common law hath provided were devised, for the prosecuting and bringing to speedy and condign punishment persons guilty of the crime of extortion, and other misdemeanors, committed in the East-Indies by British subjects holding offices or employments there under his Majesty, his heirs or successors, or under the said United Company; be it therefore enacted by the authority aforesaid, that it shall and may be lawful to and for the coroner and attorney of our Lord the King, in the Court of King's-Bench, by rule of the Court of King's-

LAWS.
1825.
6 Geo. 4, c. 5, § 93.

in the fiftieth year of the reign of his said late Majesty, intituled, "An "Act to Amend Two Acts relating to the raising Men for the Service of the East-India Company, and the Quartering and Billetting "such Men, and to Trials by Regimental Courts-martial," in which case every such recruit shall, instead of the said oath of fidelity, take the oath directed to be taken by the said act of the fiftieth year of his said late Majesty, and contained in the schedule to this act annexed marked (G.), and instead of the oath of service contained in the schedule (A.) or (B.) to this act annexed, shall take the oath directed to be taken by the said recited act of the fiftieth year aforesaid, and contained in the schedule to this act annexed marked (H.); and the justice or magistrate shall certify such enlistment and swearing accordingly in the form mentioned in the schedule to this act annexed marked (I.); and if any such person or persons so to be certified shall wilfully refuse to take the said oath of fidelity before the said justice or chief magistrate, it shall and may be lawful for such officer, from whom he received such money as aforesaid, to detain and confine such person or persons, until he or they shall take the said oath of fidelity; and every military officer that shall act contrary hereto, or offend herein, shall incur the like penalty and forfeiture as is by this act inflicted upon any officer for making a false and untrue muster; and the penalty and forfeiture shall be levied and recovered in the same manner as any penalties or forfeitures are by this act to be levied or recovered: provided always, that every non-commissioned officer or private soldier who shall enlist any recruit shall at the time of such enlisting inquire the Christian and surname and place of abode of such recruit, and either take the same down in writing, or give the same to the non-commissioned officer commanding the recruiting party, to be so taken down: provided also, that it shall be lawful for any justice of the peace to discharge any person who shall have hastily enlisted, and who shall apply to him to declare his dissent within such four days as aforesaid, upon payment of the sum of money required to be paid by any recruit declaring his dissent under this act, notwithstanding no officer, non-commissioned officer, or private soldier belonging to the recruiting party shall be with the recruit, if it shall appear to such magistrate, upon the examination of such recruit or of any other person, that the recruiting party has left the place where such recruit was enlisted, or that such recruit could not procure any non-commissioned officer belonging to such party to go with such recruit before the justice of the peace; and the sum paid by such recruit upon his discharge shall be kept by the justice of the peace, and paid when demanded to any person belonging to the recruiting party entitled thereto demanding the same.

§ 101.

Penalty on persons advertising for recruits without authority.

(29) And whereas various persons are in the habit of advertising for recruits for regiments of the line, the embodied militia, or for the service of the Honourable the East-India Company, and also under the pretence of procuring

LAWS. 1825. 6 Geo. 4, c. 5, § 101.

procuring substitutes for the same, to the great detriment of the service; be it therefore further enacted, that all persons whomsoever who shall after the passing of this act advertise, post, or disperse or caused to be advertised, posted, or dispersed, bills for the purpose of procuring recruits or substitutes, or shall open or keep any houses or place of rendezvous purporting in any manner whatever to be connected with the recruiting service or department, for the line, embodied militia, or East-India Company, or shall interfere or be concerned directly or indirectly in any manner or way therewith (except such recruiting parties as may be stationed under the command and direction of the respective field officers of districts, without the express permission in writing of the adjutant-general, if for the line, or embodied militia, or of the Court of Directors if for the Honourable East-India Company's service), or shall receive any person or persons as aforesaid at his house or office, under any such bill or advertisement on any pretence whatever, shall forfeit the sum of twenty pounds for every such offence; to be recovered on conviction before a magistrate, one moiety to the informer, and the other to the poor of the parish where such information shall be laid; and on default of payment thereof shall be committed to the common gaol or other public prison, at the discretion of the magistrate, for any period not exceeding three months, and not less than one month, for each and every such offence.

SCHEDULE (x).

Oath of Allegiance.

I, ———, being enlisted to serve either in his Majesty's troops or in the forces of the East-India Company, according as his Majesty shall think fit, do swear, that I will bear true allegiance to our sovereign lord King George, and that I will, as in my duty bound, defend him in his person, crown, and dignity, against all his enemies; and that so long as I shall remain in his Majesty's service, I will duly observe and obey his Majesty's orders, and the orders of the generals and officers set over me by his Majesty; and that if his Majesty shall please to appoint me to serve in the forces of the United Company of Merchants of England trading to the East-Indies, then I swear that I will also be true to the said United Company, and will duly observe and obey all their orders, and the orders of their generals and officers who shall be lawfully set over me.

SCHEDULE (y).

To wit.—I, ———, one of his Majesty's justices of the peace of ———, certify, that ———, aged ——— years, ——— feet ——— inches high, ——— complexion, ——— eyes, ——— hair, came before me at ———, on the ——— day of ———, one thousand eight hundred and ———, and acknowledged that he had voluntarily enlisted himself for the bounty of ———, to serve either in his Majesty's army or in the forces of the East-India Company, according as his Majesty shall think fit to order. And I further certify,

LAWS. 1825. 6 Geo. 4, c. 5, SCHEDULE (y).

certify, that in my presence the third and fourth articles of the second section, the first article of the sixth section of the articles of war against mutiny and desertion, and the notice contained in the schedule marked D.D. annexed to the act for punishing mutiny and desertion, were read over to him; and that he took the oath of allegiance prescribed by the act of the 39 Geo. III, c. 109, to be taken instead of the oath of fidelity mentioned in the said articles of war, and also the oath above set forth; and that he, ———, received the sum of ———, on being attested.

SCHEDULE (a).

I, ———, being enlisted to serve in the [infantry or artillery, as the case may be] of the East-India Company, do swear, that I will bear true allegiance to our sovereign lord King George, and that I will, as in duty bound, defend him in his person, crown, and dignity, against all his enemies; and I swear that I will also be true to the said United Company, and will duly observe and obey all their orders, and the orders of their generals and officers who shall be lawfully set over me.

SCHEDULE (b).

I, ———, do make oath, that I am (or have been, as the case may be) [state occupation if any, or state if of none], and to the best of my knowledge and belief was born in [state county, parish, or place, &c.], and that I am of the age of ——— years, and that I do not belong to the militia, or to any regiment in his Majesty's service, or to his Majesty's navy or marines; and that I will serve the United Company of Merchants of England trading to the East-Indies, until I shall be duly and legally discharged [or if the recruit enlists for limited service, then leave out the words scored under, and insert] for the period of twelve years [if the person enlisting is of the age of eighteen years or upwards, but if under eighteen years, then the difference between his age and eighteen to be added to such twelve years, as the case may be, and such period to be inserted instead of twelve years], provided the said United Company should so long require my service.

SCHEDULE (i).

I, ———, one of his Majesty's justices of the peace of ———, [or chief magistrate of ———] do hereby certify, that ——— appeared to be ——— years old, ——— feet ——— inches high, ——— complexion, ——— eyes, ——— hair, came before me at ——— on the ——— day of ———, and stated himself to be of the age of ——— years, and that he had no rupture, and was not troubled with fits, and was no ways disabled by lameness, deafness, or otherwise, but had the perfect use of his limbs and hearing, and was not an apprentice legally bound so as to prevent his enlisting, and acknowledged, that he had voluntarily enlisted himself for the bounty of ———, to serve the United Company of Merchants of England trading to the East-Indies, and did engage to serve for the period of ——— [this blank to be filled up by the magistrate either until discharged or for years, as in

LAWS.
1825. 6 Geo. 4, c. 5, SCHEDULE (1).

in the preceding form of enlistment]; and I do hereby certify, that in my presence the third and fourth articles of the second section, the first article of the sixth section of the articles of war against mutiny and desertion, and the notice contained in the schedule marked D.D. annexed to the act for punishing mutiny and desertion were read over to him, and he took the oath of fidelity mentioned in the act of the fiftieth year of his late Majesty King George the Third, and also the oath above set forth; and that he received the sum of _____ on being attested, and that I have given to the said _____, a duplicate of this certificate signed with my name.

Military Stores and Fire-Arms.

It is not lawful for any person to export military stores to any place on the continent of Asia between the river Indus and the town of Malacca, or in any island under the government of the East-India Company situate to the north of the equator, save only the Company, or such parties as shall obtain their special leave or license for that purpose. All applications for such permission are to be made to the Court of Directors. This enactment was repeated in the 4th Geo. IV, cap. 80, consolidating the laws with respect to the trade from and to places within the Company's limits; the latter act alone is given.

In July 1813, an act was passed to ensure the proper and careful manufacturing of fire-arms in England, and for making provision for proving the barrels of such fire-arms, but exempting from such proof any barrels used in the manufacturing of any musquet, pistol, or other fire-arms for the use of the East-India Company. This act was amended in 1815, by the 55th Geo. III, cap. 59. It may be observed that all ordnance and fire-arms provided for the Company's service undergoes the most severe and effective proof.

LAWS.

Military Stores.

1823. 4 Geo. 4, c. 80, § 5.

(1) 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,

Military stores not to be carried without a special license.

Asia, between the river Indus and the town of Malacca on the peninsula of Malacca inclusive, 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.

LAWS.
1823. 4 Geo. 4, c. 80, § 5.

Fire-Arms.

Not to extend to Scotland or Ireland, to arms for military service, or for East-India Company.

1813. 53 Geo. 3, c. 115, § 3.

(2) Provided always, and be it further enacted and declared, that nothing in this act contained shall extend, or be construed to extend to that part of the United Kingdom called Scotland, or to that part of the United Kingdom called Ireland (except as to the forging marks as in this act after-mentioned), or to the proving of any barrels used in the manufacturing of any musket, pistol, or other fire-arms, for the use of his Majesty's forces, or for the Honourable East-India Company.

Not to extend to arms made for his Majesty or the East-India Company, or certain barrels specified.

1815. 55 Geo. 3, c. 59. § 5.

(3) Provided always, and be it further declared and enacted, that nothing in this act contained shall extend or be construed to extend to that part of the United Kingdom called Scotland, or to that part of the United Kingdom called Ireland (except as to the forging marks as in this act after-mentioned), or to the proving of any barrels used in the manufacturing of any musket, pistol, or other fire-arms, for the use of his Majesty's forces, or for the Honourable East-India Company, or to any barrels of the description hereinafter mentioned, *videlicet*, any barrels in the forged ground, finished or in any other state of manufacture, which shall be made or consist of stub or twisted stub iron, or other barrels usually termed best barrels (which said last-mentioned barrels may be and are hereby allowed to be sent, bought, or received for the purposes aforesaid, in any number not exceeding the number of twenty, without being subject to any of the penalties of the said recited act or this act, except that such barrels shall be liable to the penalty for using barrels not duly proved and marked); and nothing in this act contained is to exempt or be construed to exempt such last-mentioned barrels from being proved and marked, as required by the said recited act and this act.

MISDEMEANORS AND OFFENCES,

AND

EXAMINATION OF WITNESSES IN INDIA IN CIVIL CASES.

In addition to the Court of Commissioners, constituted by the act of the 24th Geo. III, cap. 25, and the 26th Geo. III, cap. 57,* and to the several enactments declaring the liabilities of parties to punishment who may be concerned in illicit trade, or be found residing in India without license, or who may have been unlawfully engaged in loans of money to native princes, there are other provisions which point out the mode of procedure for the trial of offences committed in India by the Court of King's Bench, either at the instance of his Majesty's attorney-general or of the East-India Company; likewise for the issue of a mandamus for the examination of witnesses, &c. in India.

The enactments generally connected with the subject are noticed under this head; those contained in other parts of this work are given merely in the abstract; the remainder are stated at full length.

LAWS.

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Breach of Trust.

1773. 13 Geo. 3, c. 66, § 33. (1) Breach of public trust or embezzlement of public money, subject to fine and imprisonment.—(Vide *Servants, Civil and Military*, p. 630.)

Counterfeiting Coin.

1813. 53 Geo. 3, c. 155, § 116. (2) Counterfeiting current coin punishable with transportation.

§ 117. (3) Uttering counterfeit coins punishable:—first offence with six months' imprisonment; second with two years; third with transportation for life.

§ 118. (4) Certificate of former conviction in the courts, sufficient proof of such conviction.

§ 119. (5) Having in possession more than five pieces of counterfeit coin, without lawful excuse, punishable by fine, or three months' imprisonment.—(Vide *Coin*, p. 153.)

* Vide *Courts of Judicature*, page 257.

Counterfeiting

LAWS.

1784. 24 Geo. 3, c. 25, § 64. King's-Bench, to be obtained upon motion to be made for that purpose, at the instance of any person or persons (and which rule the said court is hereby empowered to grant at their discretion, if the magnitude and circumstances of the case shall appear to the said court to render it proper), or for his Majesty's attorney-general, or for the Court of Directors or Court of Proprietors of the said United Company, in the name of the said United Company, to exhibit in the said Court of King's-Bench an information against any such person for any such offence as aforesaid committed after the first day of March, one thousand seven hundred and eighty-five; whereupon the said court shall and may, at the instance of the prosecutor, cause the party against whom such information shall have been exhibited as aforesaid to be attached, and may and shall order him to stand committed to the prison of the Marshalsea, or to the Tower of London, or to the gaol of Newgate, at the discretion of the said court, there to be detained until he shall be delivered by due course of law, or until he, together with two sufficient sureties, shall have entered into a recognizance unto the King's Majesty, his heirs and successors, in such sum of money, and with such condition for his appearance, and for satisfying the judgment to be pronounced in and upon such information, as to the said court in its discretion shall seem meet; and when the defendant shall have appeared and pleaded to the said information, the chief justice, or some of the justices of the said Court of King's-Bench, shall, within ten days (unless any mandamus shall be granted for the examination of witnesses as hereinafter provided, upon a motion to be made within a time to be limited by the said Court of King's-Bench for that purpose), deliver the record of the said information and plea to the Lord High Chancellor of Great Britain, or Lord Keeper, or Lords Commissioners for the custody of the Great Seal of Great Britain, who shall thereupon issue a commission under the said Great Seal, in manner hereinafter provided.

§ 65. If any person accused shall neglect to appear, &c., the information shall proceed notwithstanding. (15) And be it further enacted, that if any person or persons against whom any information shall be exhibited under the authority of this act shall neglect or refuse, within such respective times as shall be allowed to him or them for those purposes, by the rules or according to the discretion of the said court, to appear and plead not guilty to such information, it shall and may be lawful for his Majesty's attorney-general, or other prosecutor, to cause an appearance, and the plea of not guilty, to be entered for such person or persons; and the said information shall thereupon proceed as if the party or parties had appeared, and pleaded not guilty thereto.

Evidence of Bonds and Deeds.

1786. 26 Geo. 3, c. 57, § 38. Bonds executed in the East-Indies shall be evidence in Britain, (16) And whereas great difficulties, expense and delay often arise in giving proof in Great Britain of the execution of bonds, and other deeds and writings executed

LAWS.

executed and witnessed by persons resident in the East-Indies; and the like difficulties, expense and delay also arise in giving proof in the East-Indies of the execution of bonds, and other deeds and writings executed and witnessed by persons resident in Great Britain; for remedy thereof be it enacted, that whenever any bond, or other deed or writing, executed in the East-Indies, and attested by any person or persons resident there, shall be offered in evidence in any of the courts of justice in Great Britain, it shall be sufficient to prove, by one or more credible witness or witnesses, that the name or names subscribed to such bond, deed, or writing, purporting to be of the hand or hands-writing of the obliger or obligers to such bond, or of the party or parties to such deed or writing, is or are of the proper hand-writing or hands-writing of such obliger or obligers, party or parties respectively, and that the name or names set and subscribed of the witness or witnesses attesting the execution of the same respectively, is or are of the proper hand or hands-writing of the witness or witnesses so attesting the same, and that such witness or witnesses is or are resident in the East-Indies; and in like manner all courts of justice in the East-Indies shall admit the like proof of the execution of bonds and other deeds and writings executed in Great Britain, and witnessed by any person or persons resident in Great Britain: and such proofs shall be deemed and taken to be as valid and sufficient evidence of the due execution of such bonds, and other deeds and writings, as if the witness or witnesses thereto was or were dead.

1786. 26 Geo. 3, c. 57, § 38.

and contrariwise, on proof of the land-writing of the parties.

Misdemeanors committed above One Hundred Miles from Presidency.

(17) For misdemeanors committed by British subjects more than one hundred miles from a presidency, informations may be filed *ex officio* and prosecuted as in the Court of King's-Bench in England.—(Vide *British Subjects*, p. 118.)

1813. 53 Geo. 3, c. 155, § 103.

Forgery punishable with Transportation.

(18) 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 Straits 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

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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, 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 the payment of money, acceptance of any bill of exchange, 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, 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 transported to such place beyond the seas, and for such term of years, as the said court shall direct.

1813. 53 Geo. 3, c. 155, § 115.

Gifts, Company's Servants or others receiving any, to be deemed a Misdemeanor.

(18) Receiving gifts to be deemed a misdemeanor.

1793. 33 Geo. 3, c. 52, § 62.

(19) The Court may order gifts to be restored, and fines to be given the prosecutor.—(Vide *Servants, Civil and Military*, p. 631.)

§ 63.

Loans, and Interest on.

(20) No person to take above twelve per cent. Persons by covin accepting loans, shall forfeit for every offence treble the value, &c.

1773. 13 Geo. 3, c. 63, § 30.

(21) From 1st December 1797, no British subject to lend money to or raise loans for native princes, without consent of the Court of Directors or the Governor in council.—(Vide *Loans*, p. 435.)

1797. 37 Geo 3, c. 142. § 28, 29.

Neglect of Court's Orders, and Office obtained by corrupt means, Misdemeanors.

(22) Neglect to execute the orders of the Directors, &c. to be deemed a misdemeanor, as also any corrupt bargain for giving up or obtaining any employment.—(Vide *Servants, Civil and Military*, p. 633.)

1793. 33 Geo. 3, c. 52, § 65 and 66.

Perjury.

(23) 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

1813. 53 Geo. 3, c. 155, § 122.

LAWS.

1813. 53 Geo. 3, c. 155, § 122.

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.

Stealing Choses in Action.

§ 114. (24) 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 St. 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 Straits 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.

Suspected Persons engaged in Illicit Correspondence.

1793. 33 Geo. 3, c. 52, § 45. § 46.

(25) Governor-general may issue his warrant for the apprehension of persons suspected of carrying on illicit correspondence, &c.

(26) Governor of Madras and Bombay shall have the like powers.—(Vide *Governments in India*, p. 400.)

Trading

Trading clandestinely or under the authority of Foreign Powers.

LAWS.

1793. 33 Geo. 3, c. 52, § 136.

(27) And be it further enacted, that no person being a subject of his Majesty, his heirs or successors, of or belonging to Great Britain, or any of the islands, colonies, or plantations aforesaid, shall procure, solicit for, obtain, or act under any commission, authority or pass, from any foreign prince, state, or potentate whatsoever, to sail, go, or trade in or to the said East-Indies, or any of the parts aforesaid; and every such person who shall offend therein shall incur and forfeit for every offence five hundred pounds, one-half part of which penalty shall belong to such person or persons as shall inform or sue for the same, and the other half to the said United Company; and if the said United Company shall inform or sue for the same, then the whole of the said penalty shall belong to the said Company.

1823. 4 Geo. 4, c. 80, § 17.

(28) Provisions against clandestine traders not repealed by opening the trade.—(Vide *British Subjects*, p. 109.)

Unlicensed Persons.

1813. 53 Geo. 3, c. 155, § 40.

(29) Unlicensed persons trading to or going within the limits of the Company's charter, otherwise than as allowed by this act, shall be subject to all the penalties imposed on illicit traders.

§ 101.

(30) Provision for summary conviction and punishment of British subjects being in India without license, or exceeding the terms of their license.

§ 104.

(31) Persons residing in India without license may be sent home, without being afterwards prosecuted.—(Vide *British Subjects*, p. 109.)

PARLIAMENT.

THE Parliament in 1698 empowered his Majesty King William III. to grant to the English East-India Company the charter bearing date the 5th of September of that year, which charter is the foundation of the privileges and immunities enjoyed by the present United East-India Company.

The existing laws which have been subsequently passed for the government of the Company's affairs, are contained under the different heads treated of in this work. Those which require certain accounts and statements to be laid before Parliament, and THE SPEAKER to give notice of the expiration of the period to which the Company's exclusive privileges have been extended, will be now given: such laws being preceded by an account of the leading points connected with the Company, which have been noticed in Parliament from the year 1767, when their affairs formed the subject of discussion and regulation.

The difference of opinion which arose between the Court of Directors and the Proprietors of East-India Stock, on the subject of increasing the dividends, was productive of consequences which were then little foreseen or expected. On the
1767. 24th September 1767, a message in writing was sent to the Court of Directors from the First Lord of the Treasury, intimating that it was very probable the Company's affairs might be taken into consideration; therefore, from regard to the welfare of the Company, and in order that they might have time to prepare their papers for the occasion, they were informed that Parliament would meet some time in November.

In the early part of the session, a committee was appointed to inquire into the state of the Company. After several warm

warm debates, copies of the Company's charters, their treaties with, and grants from the country powers, together with their letters to and from their servants in India, and the state of their revenues, were ordered to be laid before the House. In the course of the rigorous scrutiny which took place, an order was made for printing the East-India papers. The Court of Directors presented a petition, setting forth the great injury it would be to the Company, and the many ill consequences that might attend the printing of the private correspondence between them and their servants. A motion was accordingly made to discharge the former order, on which a debate ensued: it was at last agreed that the private correspondence should not be printed. In the course of the discussion that followed, questions of much moment arose; amongst others, the right of the Company to their territorial possessions. It was argued that they had no right by the charters to any conquest; that such possessions in the hands of a trading corporation were improper and dangerous; and that even if it were legally and politically right that they should hold those territories, yet the vast expenditure of Government in the protection of the Company, gave it a fair and equitable right to the revenues arising from the conquests. Those who maintained the rights of the Company, denied that the crown had made any reservation of such acquisitions: that it was a dangerous infringement on property and public faith to question them, as the Company had purchased its charters from the public, which charters were confirmed by Parliament: that if the crown had any right to the possessions of the Company in India, the courts were open for the trial of the claim; that the House of Commons was not by constitution the interpreter of the laws, or the decider of legal rights; that it would be of the most fatal consequence to the liberties of Great Britain, if ever they should assume it; that as to the equitable right pretended from the expenses incurred by Government, the Company stood as fair in that light as the crown, they having expended much greater sums in acquiring the disputed territories and revenues. The point was frequently debated, but the House appeared disinclined to 1767.

1767. to the determination of a question teeming with such important consequences.

The Chancellor of the Exchequer* declared fully against the trial of such a right in such a court as the House of Commons, and strenuously recommended an amicable agreement with the Company.

In the month of May, a petition was presented to Parliament, submitting proposals for the Company's property in the new acquisitions for three years. The proposals were acceded to by Parliament, and an act was passed limiting the agreement to two, instead of three years. (7th Geo. III, cap. 57.)

In the same session, two other acts were passed; one regulating the qualification of proprietors of East-India stock, and the other limiting the rate of dividend† to be declared by the Company.

1768. In 1768, a further act was passed restraining the increase of dividends for another year, though not without great opposition in the two houses, as well as strong appeals from the East-India Company.

1769. In 1769, the war in the Carnatic, and the mode in which it was conducted, created general alarm at home, notwithstanding the production of the despatches from India, which shewed that it was attended with no real danger to the British interests. General complaints having reached the Court of Directors, of the abuses and mismanagement of the Company's affairs in India, they resolved on the appointment of three gentlemen of character as supervisors, to inquire into and rectify the concerns of every department in that country. A further agreement was at the same time entered into between the public and the Company, for the term of five years; and an act accordingly passed, 9th Geo. IV, cap. 24, by which the Company were to continue to pay to the public the annual sum of £400,000, and to export during that term British goods equal in value on an average to those exported annually for the preceding five years; if any surplus cash of the Company remained after the payment of certain specified debts, it was to be lent to the public at two per cent.

* Lord North.

† *Vide* Dividends and Ballot.

A bill

A bill brought in that session, to enable the East-India Company more effectually to raise and support a military force for their service in India, was lost on the third reading. 1769.

On the 21st January 1772, his Majesty's speech on opening Parliament concluded with the following passage:— 1772.

"The concerns of this country are so various and extensive as to require the most vigilant and active attention, and some of them as well from remoteness of place as from other circumstances are so peculiarly liable to abuses and exposed to danger, that the interposition of the legislature for their protection may become necessary. If in any such instances, either for supplying defects or remedying abuses, you shall find it requisite to provide any new laws, you may depend upon my ready concurrence in whatever may best contribute to the attainment of those salutary ends."

This was considered as evidently alluding to the East-India Company. The member who seconded the motion for the address in the House of Commons expatiated upon the subject, and hinted that new laws and regulations were necessary to be made for the support of the Company; that at present they had not sufficient powers in their hands to control their servants, who made enormous fortunes at the expense of their masters, and were guilty of such exorbitancy in other respects, as to hazard the total loss of the valuable possessions in India.

On the 30th March, the Deputy Chairman of the East-India Company moved for leave to bring in a bill for the better regulation of the Company's servants and concerns in India. The bill was lost on the second reading; and as a select committee of thirty-one members was appointed by the House on the 13th of April, to inquire into the state of the Company's affairs, all further measures for establishing regulations were postponed until the following session.

On the meeting of Parliament, which was summoned earlier than usual for the purpose of enabling them to enter on a consideration of the affairs of India, a secret committee consisting of thirteen members, chosen by ballot, was appointed to inquire into the Company's affairs. The select committee of thirty-one members before adverted to was also re-appointed.

1772. ed. The secret committee, in a report which they very shortly submitted to the House, recommended that a bill should be brought in to restrain the Company from sending out another commission of supervision. After considerable discussion, a bill to that effect was passed in December 1772.

1773. In 1773, the Company presented a petition praying relief, soliciting a loan of £1,500,000 for four years at four per cent. Various questions arose, and repeated discussions took place regarding the Company. The House having been occupied for about two months on their affairs, the minister moved for leave to bring in a bill upon which was founded the Regulating Act of 1773, establishing the Governor-General and Council, and the Supreme Court of Judicature at Calcutta; also regulating the qualification of voters, and prescribing the mode in which the election of Directors was in future to take place.

The most severe strictures were passed, in the reports from the Select Committee, upon the conduct of many of the gentlemen concerned in the affairs which were touched upon; and to which the distresses of the Company were mainly to be ascribed. The chairman of the committee, after adverting to those points, proposed the following resolutions, which were agreed to.

"That all acquisitions made under the influence of a military force, or by treaty with foreign princes, do of right belong to the state.

2. "That to appropriate acquisitions so made to the private emolument of persons entrusted with any civil or military power of the state is illegal.

3. "That very great sums of money and other valuable property, have been acquired in Bengal, from princes and others of that country, by persons entrusted with the military and civil powers of the state by means of such powers, which sums of money and valuable property have been appropriated to the private use of such persons."

In the spirit of those resolutions, the following motion was put and carried, *viz.* "that Lord Clive, about the time of deposing Serajah Dowlah, and the establishing of Meer Jaffeer, did obtain and possess himself of several sums under

under the denomination of private donation, which sums were of the value in English money of £234,000." It was then moved, "that Lord Clive did in so doing abuse the power with which he was entrusted, to the evil example of the servants of the public." Another motion, made at near four in the morning, "that Lord Clive did at the same time render great and meritorious services to this country," being carried, put an end to the inquiry. 1773.

In 1774, a bill was passed to enable the East-India Company to export tea to all places duty free. This measure had special reference to our American colonies, where threepence per lb. was imposed on all tea imported, although the duty on the several other articles mentioned in the bill of 1770, levied to raise a revenue in those colonies, was repealed. So fully were the colonists persuaded that the measure was intended to establish a revenue, that the scheme failed through the determined opposition which was offered to the landing teas at Boston, New York, and in South Carolina. 1774.

In 1777, the proceedings of Lord Pigot, the governor of Madras, against the Rajah of Tanjore, attracted the attention of Parliament. The Court of Proprietors of East-India Stock having adopted, by the ballot, on the 9th of May, by a majority of ninety-seven (the numbers being 414 to 317) three resolutions; the first, ordering home Lord Pigot from the government of Madras, for an inquiry into his conduct; the two others ordering home his friends in council and the whole body of his enemies: Governor Johnstone, on the 22d May, in the House of Commons, proposed several resolutions, upon which, had they been carried, it was his intention to have founded a bill for the better securing our settlements in the East-Indies. The resolutions went to a strong approbation of his Lordship's conduct as governor, and to annul the resolution for his recall. The business was warmly taken up by the Opposition. In support of the motion for recall, it was insisted that Lord Pigot had been guilty of a breach of the late regulating act; that his conduct was reprehensible in other respects; that the seizure and confinement of that nobleman, and the total subversion of all legal government by the majority of the council, were also matters deserving of the utmost censure; 1777

1777. that in such circumstances, where charges were made and faults must be acknowledged on all sides, nothing could be more right and equitable, than to bring all the parties to England, where only a just and impartial inquiry into their conduct could take place. The question, on the resolutions being put at one in the morning, after a very violent and acrimonious debate, was rejected by a majority of ninety-seven to sixty-seven.

1779. On the 16th April 1779, the House being in a committee on India affairs, Admiral Pigot entered into a detail of the causes which led to, and the circumstances attending the appointment of his brother, the late Lord Pigot, to the government of Madras, and concluded by a motion for an address, praying his Majesty would be graciously pleased to give directions to his Attorney-general to prosecute George Stratton, Henry Brooke, Charles Floyer and George Mackay, Esqrs., for ordering the governor and commander-in-chief, Lord Pigot, to be arrested and confined under a military force. The motion was carried.

1780. On the 21st March 1780, the minister informed the House that the East-India Company not having made such proposals for the renewal of their charter as he had deemed satisfactory, he should move the House for the Speaker to give the three years' notice ordained by the Act of Parliament previous to the dissolution of their charter, on the 5th April 1783. Mr. Fox and Mr. Burke strongly and animatedly opposed the measure. Mr. Fox asked the minister, whether he was not content with having lost America? whether he could point out a single good which the motion was capable of producing, or wished to behold scenes of anarchy, confusion, distress and ruin, which his idle and impotent threat might produce in the Company's possessions and affairs in India. Mr. Burke ridiculed the idea of a new company; he did not doubt that men would be found weak and mad enough in the country to attempt such a measure, but it could not fail to burst with ruin upon the adventurers, and warned them not to throw away the East after the West, by being again led into another revenue chase. The minister observed, that the Company as established was the best medium of drawing home the revenues from India; that he did not wish to break with them: but if the Company were so unreasonable and so thoughtless, as not to come to a fair bargain

bargain with the public, a new company might be formed, and such measures adopted as would prevent or remedy the evils threatened to the revenue. The notice was accordingly ordered to be given. 1780.

1781. In the following year the affairs of India attracted the particular attention of Parliament. The extensive jurisdiction claimed and exercised by the Supreme Court at Calcutta, established under the act of 1773; the differences which had arisen between the Bench and the Government, and the evils resulting to the Indian community from such a state of affairs, led to appeals to the authorities in Europe; in consequence of which, on the 12th February 1781, General Smith moved in the House of Commons for a select committee of fifteen, to take into consideration the allegations, and to report thereon to the House.

On the 30th April, on the motion of the minister, a secret committee was appointed to inquire into the causes of the war in the Carnatic. They were authorized to sit in the India-House, to adjourn from time to time and place to place, as it suited their convenience, and to meet and pursue their inquiries during the recess of Parliament.

The committee which had been appointed to examine the petitions from Bengal on the subject of the Supreme Court of Judicature, made their report on the 23d May, when a bill was brought in, modifying and explaining the powers of the Supreme Court.*

It has already been remarked, that the minister carried a vote in the last session for giving three years' notice to the Company previous to the dissolution of their charter on the 5th April 1783. It was now considered time to bring the matter to some conclusion with the Company; the result was, the introduction of a temporary bill, submitted to the House by the minister, allowing the Company for a limited term to continue their exclusive trade to India, to manage the territorial possessions there, and to receive the revenues arising therefrom; which bill, along with the Bengal Judicature Bill, received the Royal assent in that session.

* Vide *Courts of Judicature.*

1781. In his Majesty's speech on closing the session of Parliament on the 18th July 1781, was the following passage:

"Your deliberations on the affairs of the East-India Com-
"pany have terminated in such measures as will, I trust, pro-
"duce great and essential advantage to my kingdom."

1782. In 1782, the reports from the secret and select committees of the House of Commons, relative to the affairs of the Company, were voluminous beyond example, and allowed to be drawn up with the greatest ability and judgment. On the reports from the secret committee, the Lord Advocate of Scotland, Mr. Dundas, who was their chairman, moved, in the month of April, one hundred and eleven resolutions, which were divided into three classes, each class consisting of three distinct heads. The first class regarded the general system of the government, censured the conduct of Mr. Hastings and Mr. Hornby, and declared it to be the duty of the Directors to recall them. In consequence of this resolution of the House of Commons, the Directors took the necessary steps for carrying it into effect; but on the 31st October, the orders of the Court of Directors were rescinded by the Proprietors by a large majority.

The second and third classes related to the affairs of the Carnatic, and on these a bill of pains and penalties on Sir Thomas Rumbold, J. Whitehill, and P. Perring, Esqrs., was brought in, for breaches of public trust and high crimes and misdemeanors. Little progress was made that session, and the unsettled state of affairs at the beginning of 1783 prevented the House from taking it up till late in that year. On the 1st July, a motion was made and carried for adjourning the further consideration of the bill to the 1st October, by which means the whole measure fell to the ground, and was never resumed.

The resolutions moved by General Smith, the chairman of the select committee, on the 18th April 1782, were ten in number. The first five related to the misconduct of the chairman of the Court of Directors, in having delayed to transmit to India the explanatory act of 1781, which provides for the relief of certain individuals, as well as for the people at large. In consequence of the proceedings of the Supreme Court, the three

three following resolutions condemned Mr. Hastings and Sir Elijah Impey; and having been agreed to by the House, an address was presented to his Majesty to recall Sir Elijah Impey. 1782.

1783-4. On the 11th November 1783, Parliament being assembled, ministers were called upon to bring forward without delay some plan for securing and improving the advantages that might be derived from our eastern possessions: a plan, vigorous and effectual, suited to the magnitude, the importance, and the exigency of the case. Mr. Fox, in answer to this requisition, informed the House that it was his intention on the Tuesday following to bring forward a motion relative to that object; on which day Mr. Fox accordingly moved for leave to bring in two bills for that purpose. These bills were subsequently incorporated into one, and formed the celebrated India Bill, which ended in the retirement of Mr. Fox from his Majesty's councils, and the introduction of Mr. Pitt: who in 1784, succeeded in passing through Parliament the bill upon which the 24th Geo. III, cap. 25, was founded, first establishing the Board of Commissioners for the Affairs of India. The whole of the proceedings connected with that interesting measure will be found under *Board of Commissioners*, where the objects of the two bills are described, and the difference pointed out.

1785. In 1785, a discussion arose between the Board of Commissioners and the Court of Directors, as to the instructions framed by the latter to the Madras Government, respecting the mode of adjusting the claims on the Carnatic. The proceedings will be found under the head of *Carnatic Commissioners.*

1786. On the opening of the session of Parliament on the 24th of January 1786, Major Scott observing Mr. Burke in his place, begged to remind the House that Mr. Hastings had arrived in England some months, and he therefore called upon Mr. Burke to produce the charges which he had pledged himself to bring forward against Mr. Hastings, and to fix the earliest day possible for the discussion of them. Mr. Burke replied, by relating an anecdote of the great Duke of Parma, who, being challenged by Henry IV of France, to bring his forces into the open field and instantly decide their dispute, answered

1786. answered, with a smile, "that he knew very well what he "had to do, and was not come so far to be directed by an "enemy." On Friday the 17th February, Mr. Burke brought the subject before the House of Commons, and moved for copies of all the correspondence since the month of January 1782, between Mr. Hastings and the Court, relative to presents and other money particularly received by him.

On the 4th April, Mr. Burke, in his place, charged Mr. Hastings with sundry high crimes and misdemeanors, and delivered at the table the nine first articles, and the rest in the course of the following week, amounting in the whole to twenty-two. On the 1st May, Mr. Hastings read his defence to the House.

In this session, Mr. Dundas brought in the bill to amend and explain the act of 1784. It permitted the offices of governor-general and commander-in-chief to be united in the same person, should it be deemed expedient; and also enabled the Governor-general to decide on any measure, whether his counsel agreed with him or not.

1787. In 1787, the House of Commons resolved that Mr. Burke, in the name of the House of Commons and of all the Commons of Great Britain, "do go to the bar of the "House of Lords, and impeach Warren Hastings, Esquire, "late Governor-General of Bengal, of high crimes and mis-"demeanors, and do acquaint the Lords, that the Commons "will, with all convenient speed, exhibit articles of impeach-"ment against him, and make the same good." The majority of the House immediately attended Mr. Burke to the bar of the House of Peers, where Mr. Burke solemnly impeached Mr. Hastings, in the above form; who was delivered into the custody of Black rod, and afterwards admitted to bail; himself in £20,000, and two friends, Messrs. Sullivan and Sumner, in £20,000.

1788. In 1788, the declaratory bill was brought in by Mr. Pitt, authorizing the Board of Commissioners to cause to be defrayed out of the Indian revenue the expenses incurred in maintaining King's troops in India to the number of 10,727 men. Considerable opposition was offered to the measure. A detail will be found under *Military Forces*.

On

1789. On the 1st July 1789, Mr. Dundas opened his first India budget. The revenue of the three presidencies were stated to be:—

Bengal	£5,182,000
Madras	1,082,000
Bombay	131,000
Total	£6,395,000

By the accounts laid before Parliament in 1825, the revenues were:—

Bengal	£14,128,776
Madras	5,585,210
Bombay	3,352,875
Total	£23,066,861

1790. In 1790, some discussion took place in the House of Commons, on the measures adopted by Lord Cornwallis, as to the revenue and permanent settlement in Bengal.

In December 1790, a motion was made by Mr. Hippesley for copies of the correspondence relative to the attack of Tippoo Sultaun on the lines of Travancore, in consequence of the sale by the Dutch of the forts of Cranangore and Iyacottah to the Rajah of Travancore. Mr. Hippesley, Mr. Francis and Mr. Fox, condemned the war; Mr. Dundas supported its necessity, contending that the war was well founded in policy and justice. Mr. Francis made a series of motions for papers, which were negatived.

1791. On the 22d March 1791, the House of Commons, on the motion of Mr. Dundas, resolved, "that it appears to this House "that the attacks made by Tippoo Sultaun on the lines of "Travancore on the 29th December 1789, the 6th March, and "15th April 1790, were unwarranted and unprovoked infrac-"tions of the treaty of Mangalore of 10th March 1784, and "that the conduct of the Governor-General in determining to "prosecute the war with vigour was highly meritorious;" also strongly approving of the treaties entered into with the Nizam on

1791. on the 1st of June, and with the Mahrattas on the 7th July 1790. In the House of Commons the resolutions passed without a division; in the Lords by sixty-four to twelve.

In the session of 1791, when the bill for settling a new constitution for Canada (acquired by Great Britain, at the peace of Paris in 1763) was brought under discussion, Mr. Fox took the opportunity to eulogize the new constitution in France. On the next discussion of the measure, which took place on the 6th of May, Mr. Burke stated his decided opinion concerning the revolution in France, and the doctrines maintained by the advocates for that revolution. The difference of sentiments, and the warmth with which each party advocated the principles they professed, led to a rupture between Mr. Fox and Mr. Burke, which continued during the remainder of their lives.

1792. In February and March 1792, the war with Tippoo formed again the subject of discussion: a motion made for the production of papers was negatived.

1793. In February 1793, Mr. Dundas, preparatory to the discussion on the renewal of the Company's exclusive privileges, laid before the House a full statement of the Company's affairs at home and abroad, and submitted a series of resolutions founded thereon, which were agreed to by the House.

On the 23d of April, the petition from the Company for a renewal of their charter was taken into consideration by a committee of the whole House; when Mr. Dundas insisted upon the policy of continuing the government in the hands of the Company, and proposed thirty-three resolutions, which were carried on the 2d May. On the 8th of that month the whole were read, and a bill ordered to be brought in. On the 24th, Mr. Dundas, brought up several clauses, which were agreed to and added to the bill, which was read a third time. On the question "that the bill do pass," Mr. Fox entered into a discussion of the comparative merits of the bill and that which he had submitted to the House in 1783. Mr. Pitt drew very different conclusions from a similar comparative view of the different measures, and the bill passed.*

* Vide *Board of Commissioners and Governments in India.*

In 1794, the Company were permitted to increase their capital £2,000,000, and to issue new bonds for £1,000,000. 1794.

In 1795, the trial of Mr. Hastings, which had lasted seven years, was brought to a close. He was solemnly acquitted in the most honourable manner of every charge brought against him; out of twenty-nine peers who pronounced judgment on the occasion, twenty-three declared him innocent. Mr. Hastings' law expenses, amounting to £71,080, were defrayed by the East-India Company, who likewise voted him an annuity of £4,000, which was continued until his decease in August 1818. It has been justly remarked, that he retired from the perilous situation in which he had so long stood, with an injured constitution, but with a reputation not only unimpaired, but, notwithstanding the indefatigable attempts to ruin him in the esteem of the public, confirmed and exalted. Mr. Hastings was raised to the dignity of a Privy Counsellor in May 1814. 1795.

1799. In March 1799, Mr. Dundas brought forward the India Budget, and took occasion to advert to the increase in the exports from India, and the necessity which would arise for an extension of the means of bringing the same to British ports in British vessels.

1801. On the 12th June 1801, Mr. Dundas, as the last act of his Indian administration, laid before the House of Commons, in a committee, a general view of the financial affairs of the Company; and proposed various resolutions, which were passed without opposition.

On the 12th November 1801, on the thanks of Parliament being proposed by Lord Hobart, in the House of Lords, to the army employed in Egypt, his Lordship took the opportunity of directing attention to the merits of the Marquis Wellesley, whose foresight and wisdom had not only been manifested in regard of the most glorious achievements of the war in India, but had led him to conceive, that the most beneficial services might be rendered to his country by detaching five thousand of the troops who served at the siege of Seringapatam, under the command of one of their most gallant generals, by the way of the Red Sea, to co-operate with the British army in Egypt.

1802. In 1802, Lord Cornwallis was nominated to represent the British nation at the negociation to be carried on at Amiens for a definitive treaty of peace between the two nations. Considerable anxiety was manifested for the conclusion of the treaty, and various questions were put to the minister in Parliament. One of the propositions brought forward by Joseph Buonaparte related to the augmentation of the French commerce and territory in India. Various papers were moved for in both houses previous to the discussion on the treaty, which was fixed for the 13th May 1802. In the House of Commons, on the 12th May, Dr. Laurence moved for certain papers relative to India, including an account of the acquisitions made or pretended to be made by his most Christian Majesty on the coast of Coromandel and Orixa, between the years 1748 and 1763. Mr. Dundas opposed the motion; he remarked, that "with regard to European powers, we could say freely and distinctly, we had gained our possessions in India by our arms, and by our arms we would keep them. When he observed that we should not prevent the French trading, he meant that he was not afraid of them as merchants; he was not unwilling to give them a boon as such, but he did not think he was going too far in desiring to guard against that which he knew the French had endeavoured to make, and will endeavour to make, if they see any probability of success—he meant an encroachment on our sovereignty in India. This they have done; and if an opportunity offers, they will do, under the pretence of pursuing trade. They will ask to be allowed to do a number of things for the purpose of carrying on trade, when their object will be to encroach upon our sovereignty. It was in this way they endeavoured to encroach in 1787, when they told us they could not recover their debts without a certain enlargement of power; we resisted that distinctly, and he hoped such would be the conduct of this country in future." The very first article insisted upon by Lord Auckland in 1787, was, "that nothing in the most distant degree touching our sovereignty in India, would on any terms or conditions whatever be assented to on the part of this country; and he hoped it was not presumptuous in him to say, that he trusted his Majesty's government would adopt the same principle,

principle, and stand upon the same ground as we did then; 1802.
and if we do so, he would venture to say there would be no danger; depart from that principle, and our sovereignty in India would be first undermined, then attacked, and perhaps overthrown. Having said thus much, he stated that he did not think any disposition was, however, shewn on the present occasion by France to encroach on our sovereignty in that country, and it would be time enough when they did bring forward such claims to resist them." Dr. Laurence's motion was *negatived* without a division. Although the subject had undergone such frequent and lengthened preparatory discussions, the definitive treaty was debated in both houses with great earnestness; that in the Lords taking place on the 13th May, the debate in the Commons occupying the 13th and 14th May. In the House of Lords the debate was opened by Lord Grenville. With regard to India, his Lordship observed, "that we had added to France, possessions of considerable importance in that country, but had omitted to stipulate that they should not be fortified. But, what was of infinitely more importance, our right of sovereignty in India, so clearly and explicitly recognized and acknowledged by France in the year 1787, was set loose by the non-renewal of that treaty in the definitive articles, and once more reduced to the form of a disputable claim." His Lordship concluded by moving an address, in which it was proposed the House should declare it could not conceal its awful apprehensions at considering the situation which had been the result of the peace. Lord Pelham proposed an amendment, approving of the treaty, in which he was supported by Lord Mulgrave. Lord Auckland stated, that the subject which most particularly induced him to enter on the discussion, was the injury which might be produced to our possessions in India by the non-renewal of the convention of 1787. His Lordship pointed out, that if that convention were renounced, the injury would not be to England but to France, who retained no possible claim in India beyond the peaceable possession of the factories restored to her, and such liberal protection as might be granted by us to every nation with which we were at peace. His Lordship added, "that he found it impossible to close the subject without referring to the Marquis Wellesley, whose provident and energetic mind had

1802. had done so much toward extending and strengthening our Indian empire. That noble person, who had made such gigantic strides in the paths of fair conquest and of glory, would be much astonished if he were told, because our forty years' sovereignty was not recited in the definitive articles, it might be questioned by a power which holds Brabant, Flanders, Savoy, and great part of Germany and Italy, by mere pretension of recent conquest. Still it might be repeated again and again, that France might revive her old and litigated claims, and so she certainly might; she might claim Gibraltar and Jamaica, she might assert a right to the free navigation of the Thames: but if she were disposed to bring forward absurd and hostile pretensions, would any clause in any treaty prevent her?" Lord Pelham's amendment was adopted by a hundred and twenty-two to sixteen.

In the House of Commons, Mr. Windham detailed at great length his objections to the treaty. He condemned the restitution of the Cape of Good Hope, insisting that the question of its being a free port was left entirely at the option of France. By the restitution of the Cape and Cochin, France gained the means of preparing an armament, and landing it in India, before we should have conceived in this country the least suspicion of any such design.

Mr. Windham moved a similar address to that of Lord Grenville, in which he was seconded by Lord Folkstone. Lord Hawkesbury moved an amendment.

Mr. Dundas directed his principal observations to objects connected with India. "He had no hesitation in saying, that when he heard of the manner in which the Cape of Good Hope was to be disposed of, he heard it with regret and sorrow; he had always considered that place as a great acquisition to this country. He was of that opinion in theory before we had it: he was confirmed in that opinion by experience of the use of it since it had been in our possession. He looked upon it as a good depôt, and a place for the reception of our troops, when we had occasion to send them to India; by their being landed and refreshed there, they went to India full of health. His opinion, which no connexion however close, no friendship however cordial, no attachment however sincere,

1802. sincere, could induce him to withhold, was, that the Cape of Good Hope should not have been given up."

Mr. Sheridan, in adverting to the observations that we had preserved our honour, relinquished nothing, and gained much, remarked, that we had gotten Ceylon and Trinidad. "I "should propose," he said, "that as we have given to our "heroes titles from the places where their laurels were won, "so we should name Ceylon, 'Security Island;' and Trini- "dad, 'the Island of Indemnity.'" He ridiculed the opinion that the restitution of colonies would make France commercial, and divert the attention of Buonaparte from military projects. "I do not know, he said, what France will be, but I do know that she is now a hard iron republic. Buonaparte, from his military education and the sort of company he has kept, they allow, is, as yet, a little rough; but then, if we could only catch him and clap him behind the counter, he will become perfectly civil and quiet. When reading the treaty, I thought all the names of foreign places, such as Pondicherry, Chandernagore, Cochin, Martinico, all cessions. Not they; they are all so many traps and holes to catch the silly fellow in, and make a merchant of him."

Mr. Sheridan then remarked, that the minister took no strong ground of defence; he said the ex-minister was mounted on a kind of hill-fort, to fire down on the assailants; he stated, that he should like to support the minister upon fair ground, but asked what he was? A sort of outside passenger; or, rather, a man leading the horses round a corner, while reins and whip and all are in the hands of the coachman on the box (alluding to Mr. Pitt, who was on one of the upper seats on the Treasury bench) and compared him to ~~Nycias~~ Nestor, who sat so long in one posture, (perhaps as long as the ex-minister on the Treasury bench) that he adhered to the seat; so that when Hercules came to snatch him away, in the sudden jerk, a certain portion of his sitting part was left behind him.

Lord Hawkesbury's amendment was carried by a majority of 278 to 22.

On the 3d December 1802, the Earl of Moira, in the House of Peers, called their Lordships' attention to the affairs of the Carnatic. His Lordship dwelt upon the necessity of controlling

1802. ling the East-India Company in their system of excessive aggrandizement and increase of their territories, and on their unjustifiable measures of making war for conquest. His Lordship observed, that we had found fault with France for invading and oppressing all the feeble states about her, and now, by the conduct of the East-India Company, we allowed that opprobrium to be retorted upon ourselves; and it was held up to all Europe, that we pursued in India that same conduct, of which we so loudly accused France. His Lordship concluded by moving for papers respecting the assumption of the Carnatic, which was agreed to.

1803. On the 14th March 1803, Lord Castlereagh brought forward the India budget; when the Chancellor of the Exchequer, in reply to some remarks from Mr. Johnstone, denied that our conquests in India had been made unjustly. As to the circumstance alluded to (the assumption of the territories of Arcot), he hoped that the House would not entertain any prejudice against some of the most meritorious men the country could boast, but allow them time to explain and justify their conduct in that affair.

1804. In the House of Lords, on the 17th April 1804, the Earl of Carlisle moved for papers respecting the date of instructions sent out to Admiral Rainier, commanding in chief in the East-Indies. It was generally supposed, that he did not receive his orders until seventeen days after the war was known in India by private letters, and until Admiral Linois had escaped. Lords Hawkesbury and Hobart insisted that he had received timely notice of the rupture, and opposed the motion, on the ground that public rumour was not a sufficient parliamentary reason to allege for the production of papers. The motion, however, was carried by thirty-one to thirty.

In the House of Commons, the opposition to Mr. Addington's administration increased daily. On the 25th April, a motion was submitted for suspending the operation of the Army of Reserve bill; which measure was opposed by Mr. Pitt: the numbers were 240 to 203, leaving a majority of thirty-seven only for ministers.

On the 3d May, Lord Hobart in the House of Lords, and Lord

Lord Castlereagh in the Commons, moved votes of thanks to Marquis Wellesley, Lord Clive, Mr. Duncan, governor of Bombay, and Generals Lake, St. John, and Wellesley, for their services in the war against Scindiah. 1804.

Mr. Francis proposed the postponement of the question, on the ground that it would be difficult to go fairly into the consideration of the policy of the war, after having first given the Governor-general the unreserved thanks of the House, both for its plan and execution. Mr. Fox objected to the motion, on the ground of it being a new and unusual thing to return thanks to any but the military persons engaged in those services, and concluded by moving the previous question. Instances were cited to shew that governors of different establishments had been thanked for their share in military successes. The previous question having been put and negatived without a division, the original resolutions were carried.*

On the 12th May, it was publicly announced that Mr. Addington had resigned the office of Chancellor of the Exchequer. That gentleman was succeeded by Mr. Pitt: who, having been re-elected for Cambridge, took his seat in the House of Commons on the 18th of May.

On the 10th July, Lord Castlereagh brought forward the India Budget, when Mr. Francis offered some general observations on the affairs of India, and insisted upon the necessity of their undergoing a full examination. Mr. Grant, Deputy-Chairman of the East-India Company, expressed his regret that the affairs of India were so little known or attended to, and asserted, upon his own positive knowledge, that the Company's affairs were in a much better situation than in 1793. The resolutions proposed by Lord Castlereagh were agreed to in the committee; on the day when they were discussed in the House, his Lordship entered into a detailed statement of the accounts, and moved that the proper officers should be directed to lay before the House an account of the revenue and charges for the preceding ten years, distinguishing each year, which, after some debate, was carried without a division.

On

* *Vide* Appendix.

1804. On the 21st January 1805, Mr. Francis, after alluding to the war with the Mahratta chiefs, Scindiah and Ragojee Boonslah, which began in 1803, and was concluded by the treaties laid before the House; adverted to the war which subsequently broke out with Holkar, and moved for papers relative to the war with that chieftain, which was acceded to.

1805. On the 28th March, Lord Castlereagh obtained leave to bring in a bill to amend the act of the 33d Geo. III, cap. 52; its object was to allow of the Commander-in-chief in Bengal being appointed a member of the Supreme Council, when the offices of governor-general and commander-in-chief in India were united in the same person.

On the 8th May 1805, a committee of the House of Commons was appointed to take into consideration the account between the public and the East-India Company, arising out of the expedition to the French Islands, the Cape of Good Hope, the intended expedition against Manilla, the expenses incurred on account of the purchase of vessels for his Majesty's navy, the capture of the Danish settlements in India in 1801, the extraordinary expense by the expedition to Egypt, and the balance of property in Ceylon.

The committee reported on the 26th June following: their report was ordered to be printed. The investigation embraced a period of ten years, from 1794 to 1803; during which, commissions had been appointed at three different times on the part of the Treasury and the East-India Company, for the purpose of considering the most equitable mode of adjusting the account. The minutes of those meetings formed part of the appendix attached to the report. The first, dated the 1st January 1803, when the Right Honourable Charles Bragge and Nicholas Vansittart, Esq. were appointed by the Chancellor of the Exchequer and the Lords of the Treasury, on the part of Government; and Jacob Bosanquet, Esq., Deputy Chairman, and Sir Hugh Inglis, Bart., on the part of the East-India Company: in December 1804, and January 1805, the meeting was held between the Right Honourables Charles Long and William Dundas, and the Deputy Chairman (Charles Grant, Esq.), and Sir Hugh Inglis, Bart. The committee reported that a balance of about £2,200,000 was

was owing by the public to the Company, but as the detail would require revision, they recommended that £1,000,000 should be provided in the supplies of the year, to be voted to the Company: which sum was accordingly voted on the 29th June. Another million was voted in the following year, on the report of the accountant named by the Lords of the Treasury on the part of the public.* 1805.

On the 25th June 1805, Mr. Paull, a gentleman who had lately returned from India, moved for a variety of official documents in support of matters of charge against the Marquis Wellesley, during his administration as Governor-General. The motion was acceded to.

On the 23d January 1806, Mr. Pitt died, at the age of forty-seven; this event was followed by the coalition between Lord Grenville and Mr. Fox; the former being nominated first Lord of the Treasury, the latter Secretary of State for Foreign Affairs. 1806.

Mr. Paull, in the early part of the session, resumed the subject of his intended charges against the Marquis Wellesley. The first charge brought forward related chiefly to acts of extravagance and profusion in the expenditure of the public money: the charge was not printed. The next charge brought forward related to the affairs of Oude, and recited numberless acts of tyranny, oppression, and fraud, practised against the Nabob Vizier by order of Lord Wellesley. It was not taken into consideration until the 18th June, when Mr. Bankes endeavoured ineffectually to dispose of the whole accusation by referring it to the India tribunal provided for by the Act of 1784.† The House went into a committee, for the examination of evidence on the charges; which examination was resumed on the 19th, 20th, and 23d June. Nothing was decided that session.

On the 13th of September Mr. Fox expired, following his deceased rival, Mr. Pitt, in less than eight months! Lord Howick succeeded as Secretary of State for Foreign Affairs.

On the 26th January 1807, Lord Folkstone submitted to the House

* T. N. Wittwer, Esq.

† Vide *Courts of Judicature*.

1807. House of Commons a motion respecting the conduct of Marquis Wellesley towards the Nabob and province of Oude. Mr. Paull, who had instituted the proceedings in the last session, was not at the time a member of the House, though he was a petitioner to the House of Commons, in the expectation of being returned. Lord Folkstone's object was, that the papers as to Oude should be reprinted and laid on the table as soon as possible, with the view, in the event of Mr. Paull not being returned to the House, to bring them forward himself. The motion was agreed to.

On the 5th March, Lord Howick moved for leave to bring in the "Roman Catholics' Army and Navy Service Bill." The measure was opposed by Mr. Percival; the bill, however, was read the first time, and ordered to be again read on the 12th; further consideration was postponed to the 18th, on which day, Lord Howick stated that the circumstances which had induced him to postpone the measure still operated, but gave notice that he should move the second reading on the following day. It does not appear to have been brought on; but, on the 26th March, Lord Grenville in the House of Lords, and Lord Howick in the House of Commons, stated the reasons which had led to a change of ministry. The House adjourned to the 8th of April, when Mr. Percival took his seat as Chancellor of the Exchequer.

On the 10th and 18th July, sundry accounts as to the revenues of the East-India Company in India were laid before the House of Commons; and, on the 7th August, the House resolved, that the said accounts should be taken into consideration early in next session.

1808. On the 9th March 1808, Lord Folkstone entered upon the subject of the Marquis Wellesley's conduct towards the Nabob of Oude; the debate was protracted to a great length, and continued by adjournment to the 15th of March. Various resolutions were proposed by Lord Folkstone, and negatived by large majorities; when Sir John Anstruther moved, that it appeared to the House that the Marquis Wellesley, in his arrangements in the province of Oude, was actuated by an ardent zeal for the service of his country, and an ardent desire to promote the safety, interests, and prosperity of the British

British empire in India. The motion was carried by one hundred and eighty-nine to twenty-nine. 1808.

Lord Archibald Hamilton, on the 31st March, moved a series of resolutions. The purport of the last was, that it appeared to the House that the British Government was bound in honour to reconsider and revise the treaty of 1801 with the Nabob of Oude, with the view to an arrangement more favourable to the Nabob. The motion was negatived by eighty to twenty.

On the 17th May, a motion of a similar nature was brought forward by Sir Thomas Turton, respecting the Nabob of the Carnatic; he urged the propriety of appointing a committee to inquire into the best means of indemnifying the family of Mahomed Ally, and of ensuring the safety of our Indian possessions. The debate was continued by adjournment to the 1st of June. The resolutions moved by Sir Thomas Turton were negatived by a large majority: on the fourth resolution, which directly criminated the conduct of Marquis Wellesley, the number against it were, one hundred and twenty-four to fifteen. Sir Thomas Turton observed that, with reference to the numbers, he should not move the two other resolutions, provided Mr. Wallace would consent to postpone his resolution of approbation.

Mr. Wallace remarked, that no approbation could be stronger than that which was marked by the majorities with which the resolution had been rejected; and read the resolution with which he intended to close the business: "Resolved, that it is the opinion of this House, that the Marquis Wellesley and Lord Clive, in their conduct relative to the Carnatic, were influenced solely by an anxious zeal and solicitude, to promote the permanent security, welfare, and prosperity of the British possessions in India;" which resolution was agreed to the 17th of June.

In pursuance of the resolution of the House of Commons of the 7th August last year, a Select Committee was appointed on the 11th March, to inquire into the affairs of the East-India Company, and to report.

On the 26th April, a petition was presented to the House from the Company, setting forth the various expenses which

1808. had been incurred by them, for expeditions from the continent of India to the French, Dutch, and Spanish islands in the Indian seas, under instructions from his Majesty's Government, and to Egypt, and the claims which the Company had on that account. They stated the actual amount of their property in England, and that they did not request the interposition of the House to aid them, without shewing their unquestionable ability to discharge all their present debts in England: the property of unsold goods in their warehouses being £7,815,000.

The Chancellor of the Exchequer having stated, that his Majesty recommended the petition to the consideration of the House, it was referred to the Select Committee appointed on the 7th March, to examine and report.

On the 25th May, Sir John Anstruther, as chairman of the Select Committee, delivered in their Report, which was ordered to be printed.

That report forms the first of a series of five reports laid before the House of Commons, on the affairs of the East-India Company, from the year 1808 to 1812 inclusive.

The committee offered it as their opinion, that the state of the Company's affairs, as exhibited in the accounts, was to be traced to a combination of various circumstances connected with the wars in which they had been engaged in India, as well as with the general state of warfare in which a large portion of Europe had for a long period been involved. In adverting to that part of the petition wherein the Company represented their ability to discharge all their debts in England, and to repay whatever the House might think fit to assist them with, the committee stated, that they felt it to be their duty carefully to investigate that part of the subject, and that they had no difficulty in giving their opinion, that there would remain in this country assets to an amount considerably beyond what the then exigency of the Company's affairs appeared to demand, on security, for any advance to the extent which Parliament might think fit to grant.

The report was referred to the Committee of Supply on the 13th June; on the 14th, £1,500,000 was granted to enable his Majesty to pay the same to the East-India Company,

pany, on account of expenses incurred by them in the public service. 1808.

In the course of an investigation which had taken place in the House of Commons in the early part of the year 1808, as to the supposed sale of offices, there appeared to be strong grounds to believe, that an almost avowed traffic had taken place in the appointment of writers and cadets to India.

In order to ascertain the fact, two of the Directors of the East-India Company, George Smith and Charles Grant, Esqrs., moved in their places in the House of Commons, on the 10th February 1809, for the appointment of a Select Committee, to inquire into the existence of any corrupt practices in regard to the appointment and nomination of writers and cadets, or any agreement, negotiation, or bargain, direct or indirect, for the sale thereof, and to report the same to the House. 1809.

On the 21st February, Mr. Bankes, from the committee, informed the House, that John Annesley Shee, in the evidence given before the committee, had been guilty of gross prevarication; whereupon the House ordered him to be taken into the custody of the Serjeant at Arms.

On the 27th, the Serjeant at Arms being called upon to give an account of what had been done in execution of the order of the House for taking Mr. Shee into his custody, stated to the House that he could not be found. The House accordingly resolved that he had absconded to avoid being taken into custody, and voted an address to his Majesty, that he would be graciously pleased immediately to issue his royal proclamation, with a reward for discovering, apprehending, and detaining the said *John Annesley Shee*, alias *Calvert*.

Mr. Shee having surrendered himself the following day, the order for presenting the address was discharged, and the House ordered that the Speaker should issue his warrant for the committal of Mr. Shee to Newgate.

On the 23d March, the report from the Select Committee was laid before the House, and ordered to be printed.

In their report the committee observed, that it was a satisfaction to remark nothing throughout the whole evidence which traced any one of the corrupt or improper bargains to

1809. any Director, or to induce a reasonable suspicion that it was done with the privity or connivance of any member of the Court of Directors. The whole of the appointments so obtained were annulled by the Court, and the parties dismissed the Company's service, *viz.* two writers and nine cadets. The unanimous thanks of the Proprietors were voted to Mr. Smith and Mr. Grant, for the very honourable promptitude with which they moved for the appointment of the Select Committee, and to the other Directors, who, as members of the House of Commons, supported with so much zeal and unanimity the inquiry.

On the 25th April, the House of Commons, with reference to so much of the minutes of evidence contained in the report of the Select Committee, as related to the evidence given before the committee by Lord Castlereagh, Lord Clancarty, Mr. Reding, and Mr. Davies, respecting the nomination of a writership to India by Lord Castlereagh:

Resolved—"That it is the duty of this House to maintain "a jealous guard over the purity and independence of Par- "liament; but that this House, duly weighing the evidence "before it, and all the circumstances of the case, and con- "sidering that the intention referred to in that evidence was "not carried into effect, this House does not think it neces- "sary to come to any criminatory resolution upon the same."

A Select Committee was appointed, on the 23d February 1809, to inquire into the state of the Company's affairs, and to report.

1810. On the 20th February 1810, the Committee was re-appointed.

On the 13th April 1810, a petition was presented to the House from the East-India Company, setting forth the excessive and unexampled drafts made on them from India in the two last years, amounting to £4,707,946, part of the Indian debt incurred on account of wars and expeditions, pointing out the calamities which had befallen the Company's shipping, to the extent in value of £1,048,077; a loss in no way imputable to any want of care in the Company. That as the unavoidable disbursement of the Company, from the 1st March 1810 to the 1st March 1811, would exceed the probable

ble amount of their receipts by £2,038,948, which sum it would be disadvantageous for them to raise by the increase of their capital, they prayed the House would grant such a vote for their relief as they might see fit: the Company's property and effects in England exceeding the amount of their debts, including the heavy and unusual drafts from India before-mentioned, by the sum of £4,842,145. 1810.

The Chancellor of the Exchequer, by his Majesty's command, having acquainted the House that his Majesty had been informed of the contents of the petition and recommended it to the House, it was referred to the Select Committee appointed on the 20th February.

On the 11th May, Sir John Anstruther laid before the House a report from the said Select Committee, which was ordered to be printed. On the 14th of that month another petition was presented from the Company, praying leave that, as the time was past for presenting petitions for private bills, the House would permit a petition to be presented, praying the House to take the pecuniary claims of the Company into consideration. Leave was accordingly given.

On the 23d May, the report from the Select Committee laid before the House on the 11th, was referred to a committee of the whole House.

On the 31st of May, Mr. Robert Dundas brought the subject before the House. Having represented the difficulties in which the Company were involved by the heavy drafts on account of the Indian debt, and stated, in reply to an observation as to the Company being bankrupts, that the affairs of the Company could not be considered as a mere mercantile concern—that they were not to be considered as bankrupt, because their commercial profits in this country could not answer all the demands for India bills—that it might as well be said that the country was bankrupt because it could not at once discharge a debt of six hundred millions of pounds; he moved that the sum of £1,500,000 be granted to the Company by the public, to be repaid on or before 1st January 1812: which was agreed to by a majority of seventy-three to ten. The act 50th Geo. III, cap. 114, brought in in consequence, received the royal assent 20th June 1810.

1811. On the 1st March 1811, a Memorial was presented to the House of Commons from the creditors of the Rajah of Tanjore, praying the House to adopt such measures as would lead to a speedy adjustment of their claims, which was ordered to lie on the table.

On the 21st March, a Select Committee of the House of Commons was appointed to inquire into the state of the East-India Company, and to report.

On the same day, Lord Archibald Hamilton introduced a motion relative to the regulations for the government of the press in India; and moved for copies of all the regulations, orders, rules, and directions, promulgated at the three presidencies since the year 1797.

His Lordship stated, that it was not his intention to suggest to the House any measure so incompatible with the nature of our government in India as a free press; all that he asked for was information, that an opportunity might be afforded to him, and other members, to know what the laws upon the subject were. His Lordship's motion was supported by Lord Folkstone, Sir Thomas Turton, and Mr. Whitbread; and opposed by Mr. Dundas, Sir John Anstruther, Mr. Lockhart, and Mr. Johnstone.

Sir John Anstruther, who had filled the office of chief justice of the Supreme Court in Bengal, observed that there was not an European in India who was not aware of the engagements into which he had entered before he entered into them, and that if he did not choose to comply with those engagements, the term of his residence was at an end. As to the regulations which respected the publication of newspapers, he would ask any one who was at all acquainted with India, whether an unrestrained publication could be permitted there with safety. Was it to be allowed, for the purpose of permitting one set of the Company's servants to illuminate another set of those servants? Perhaps it was intended, by the unrestrained publication of newspapers, to illuminate the natives—was this exactly desirable? would it be very expedient to inform them of the peculiar tenure by which the British Government held their power?

Mr. Lockhart, adverting to the circumstance under which we had

had acquired and held India, stated that, in his opinion, the unrestrained liberty of the press in that country would be dangerous. The situation of the people of India was not fairly stated: though they did not enjoy a free government, they were governed by persons responsible to the country, and answerable for their conduct to that House. He thought the motion had been brought forward merely as a compliment to the abstract liberty of the press. He was a friend to that liberty, well regulated. It had done much good, but it had also been the source of the most tremendous evils. 1811.

Mr. Johnstone was satisfied that the evils of a free press would be soon experienced, and the most mischievous effects result from its introduction into India. The motion was negatived by fifty-three to eighteen.

On the 4th April 1811, the House of Commons ordered that the Speaker should, on the 10th of that month, signify by writing to the East-India Company, the resolution of the House as to the three years' notice and the redemption of the arrears of annuity due from the public to the Company of £1,207,559. 15s.* The

* The notice was accordingly given by the Speaker, through his secretary, to the Court of Directors, on the 10th April, in the form following:

The Court being informed that the secretary to the Speaker of the House of Commons was in waiting, he was introduced to the Court, and delivered to the Chairman the following Resolution and order of the Honourable House of Commons, viz.

" Whereas upon Thursday the fourth day of this instant April, the House of " Commons came to a certain Resolution, which is as followeth:

" Resolved, ' That notice be given that the sum of one million two hundred and " ' seven thousand five hundred and fifty-nine pounds fifteen shillings, and all arrears " ' of annuity payable in respect thereof, being the remainder of the capital stock, " ' debt, or sum due from the public to the United Company of Merchants of " ' England trading to the East-Indies, will be redeemed and paid off on the 10th " ' day of April 1814, agreeable to the power of redemption contained in an act " ' made in the thirty-third year of the reign of his present Majesty King George III, " ' intituled, " An Act for continuing in the East-India Company for a further " ' term the possession of the British Territories in India, together with their exclu- " ' sive 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 good order and government " ' of the Towns of Calcutta, Madras, and Bombay.'

" And

1811. The Third Report from the Select Committee appointed to inquire into the affairs of the Company was laid before the House by Mr. Wallace, and ordered to be printed, on the 21st June 1811. In this report the committee entered into a further examination of the receipt and expenditure of the Company, more especially of the receipts and disbursements which might be termed EXTRAORDINARY.

In adverting to the application of the funds the committee observed, that the accounts would doubtless be considered by the House as a display of order, regularity, and precision, as satisfactory as could be expected in the management of the extensive and complicated finances of that great empire.

In adverting to the Indian Debt, the committee considered it as due to those entrusted with the government of India to state, that the growing amount of that debt had from a very early period been the subject of their most anxious attention.

1812. On the 14th February 1812, a bill was brought in to amend the act of 50 Geo. III, for granting £1,500,000 in Exchequer Bills to the Company; in order that all sums advanced or paid by the Company in aid of the public service, or on account of his Majesty's navy in India, should be carried to the credit of the Company with reference to the said loan— 52 Geo. III, cap. 10.

On the 6th February, a Select Committee was re-appointed to inquire into the state of the Company's affairs.

On the 10th April, Mr. Wallace, from the committee, laid a report before the House (the Fourth Report); which was ordered

" And whereas the House of Commons thereupon ordered, that the Speaker do, " on the tenth day of April 1811, signify by writing to the United Company of " Merchants of England trading to the East-Indies the said Resolution of the " House.

" I do hereby signify the said Resolution accordingly.

" Given under my hand, the tenth day of April 1811,

" CHAS. ABBOTT, Speaker."

" To the United Company of Merchants of England
" trading to the East-Indies."

The Chairman then requested Mr. Rickman, the Speaker's secretary, to present the compliments of the Court to Mr. Speaker, and to acquaint him his notice had been duly received

ordered to be printed, together with a Supplement laid before the House on the 22d April. 1812.

On the 22d July, a further Report from the committee (the Fifth Report), was likewise laid before the House, and ordered to be printed.

In the Fourth Report the Home concerns of the Company, from 1793 to the end of 1810, and those of China and St. Helena from 1792 to 1809 are reviewed.

The Fifth Report treats of the political, military, revenue, and judicial establishments, in India.

In the King's speech, at the opening of the session on the 7th January 1812, the attention of Parliament was directed to the propriety of providing such measures for the future government of the British possessions in India, as should appear from experience and mature deliberation " to be calculated to se- " cure their internal prosperity, and to derive from those " flourishing dominions the utmost degree of advantage to the " commerce and revenue of the United Kingdom."

On the 7th April, a petition was presented from the Company, praying that leave might 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 the Company.

The petition was ordered to lie on the table, and copies of the correspondence which had passed between the Board of Commissioners and the Court of Directors to be laid before the House.

Numerous petitions from various parts of the country were presented to Parliament, praying for a free and open trade with India.

On the 9th June, a petition was presented from the Company for a loan of £2,500,000, to enable them to meet the bills drawn on account of the Indian debt. The same being recommended by his Royal Highness the Prince Regent to the House of Commons, was referred to a committee on the 7th July. The bill for advancing the £2,500,000 on loan to the Company passed the Commons, and received the royal assent the 13th July.

In the same session an act was passed, authorizing the Company to re-transfer to the East-Indies debts originally contracted there.

On

1813. On the 22d March 1813, the House of Commons resolved itself into a committee to consider the petition of the East-India Company for a renewal of their charter. Lord Castlereagh, in introducing the subject, observed, that if he and his colleagues had conceived that the arrangements they should propose would shake a system which had unquestionably answered all the great purposes of government, they would have hesitated before they had suggested them; but his proposition would not only abstain from touching the principle of that system, but would render it more applicable to the times. His Lordship submitted sundry resolutions to the House, containing certain modifications of the system. The propriety of hearing evidence at the bar of the House having been acceded to, the examination commenced on the 30th March, before a committee of the whole House, with that of Warren Hastings, Esq., and was continued until the 13th April, when it was deemed expedient, in order to save the time of the House, to appoint a Select Committee for the further inquiry. A committee for the same purpose was likewise nominated in the House of Lords. The Minutes of Evidence form two large quarto volumes, and contain much interesting information on the affairs of India, and the commerce with that country and with China generally. On the 31st May, Lord Castlereagh moved the order of the day for the House resolving itself into a committee, when the first resolution for a continuance of the East-India Company, with certain exclusive privileges, was submitted.

On the 16th June, the several resolutions having been considered, leave was given to bring in a bill. On the 28th June, the House went into a committee on the bill. The Report was brought up on the 1st July, when it was moved to limit the term as to the China trade to ten instead of twenty years, which was negatived by sixty-nine to twenty-nine. The third reading took place on the 13th July, and received the royal assent on the 21st July 1813.

In the month of December 1813, an act was passed for further regulating the trade with India,* which permitted the same to be carried on with the ports and places in North and South

* Vide *Trade with India.*

South America, with Madeira, the Canaries, the Cape de Verde Islands, and the Cape of Good Hope, without first coming to the United Kingdom. An act was also passed allowing importations from and exportations to, the places within the limits of the charter of the Company, in ships not British-built.* 1813.

In July 1814, an act was passed to remove all doubt as to the authority of the several governments to impose and levy duties and taxes.† 1814.

By the twelfth article of the treaty of Paris, concluded 30th May 1814, his most Christian Majesty engaged not to erect any fortifications on the establishments to be restored to him in India, and to maintain only such troops as may be necessary for police. By the seventh article of a convention, signed at London in March 1815, the civil officers in such establishments, in the event of a rupture between Great Britain and France, are not to be considered as prisoners of war.

In May 1815, an act was passed to explain and amend the act of the 53d Geo. III, cap. 155, subjecting all grants of money by the East-India Company as well as by the Court of Directors, beyond £600, to any one person, to confirmation by the Board of Commissioners.‡ 1815.

On the 14th June 1815, an act was passed to authorize the governments in India, should they see fit, to remove all persons being subjects of foreign states, from India.§

On the 11th July, the act authorizing postage on letters to and from India was passed, which act was revised in 1819.—(*Vide* Postage.)

It was on the 1st March in this year that Buonaparte landed at Cannes, a small town in Provence, having embarked from Porto Ferrajo on the 26th February, on board a brig, followed by four small vessels, conveying about 1,000 men, French, Poles, Corsicans, Neapolitans, and Elbese. On the 8th March he reached Grenoble; Lyons on the 9th; and entered Paris on the 20th; where, on the 27th, at the Tuileries, he received the addresses of ministers, &c. The ceremonial of the *Champ de Mai* took place on the 1st June; it was held

* 54 Geo. 3, cap. 35.
† 54 Geo. 3, cap. 105.
‡ 55 Geo. 3, cap. 64.
§ 55 Geo. 3, cap. 84.

1815. held in the *Champ de Mars*: where he took the oath to observe the constitution of the empire. On the 8th of June, the several members of both Chambers took the oath in his presence, when he adverted to the formidable coalition forming against him, and announced the probability of his being soon called to appear at the head of the army. On the 12th, he left Paris and pushed forward to Laon, and on the 15th, attacked the Prussian posts on the Sambre, and carried Charleroi. The Prussian army under Blucher was concentrated at Sambreuf. The French continued their march towards Brussels. On the 16th, Blucher was attacked by the French in his position between Bric and Sombreuf, and was so much weakened as to be obliged to fall back on the Wavre: the Duke of Wellington also making a corresponding movement upon Genappe; and, on the 17th, moved to Waterloo, where, on the 18th, the memorable battle took place. Buonaparte, after his defeat, reached Paris on the 20th; having abdicated in favour of his son. On the 22d, he quitted Paris, and proceeded towards the western coast. He arrived at Rochfort on the 3d July, and resided at the house of the Prefect until the 8th, on the evening of which day he embarked on board the Saale frigate for the Isle of Aix. On the 10th, he sent a flag of truce on board the English man-of-war, Bellerophon. On the 15th, he embarked on the Epervier brig, and made sail towards the English admiral as a flag of truce; when he was taken on board, and brought to Torbay on the 24th.

An arrangement having been made with the East-India Company, it was determined that St. Helena should be the place of Napoleon's exile. On the 7th of August he was embarked on board the Northumberland, Captain Sir George Cockburn, which ship proceeded for her destination the following day.

1816. In April 1816, two acts were passed: the one for more effectually detaining Napoleon Buonaparte in custody,* the other regulating the intercourse with the island during his detention there;† by which, no vessels, other than those chartered or engaged

* 56 Geo. 3, cap. 22.

† 56 Geo. 3, cap. 23.

engaged by the East-India Company, were to trade or touch there. 1816.

In June 1817, an act was passed, permitting a direct trade to and from the places within the Company's limits and certain possessions in the Mediterranean.* 1817.

In June 1818, an act was passed to consolidate the several laws relating to the manner in which the East-India Company are required to hire ships;† also another act to remove doubts as to the validity of certain marriages had and solemnized in India by ministers of the church of Scotland.‡

On the 5th June 1818, the committee of the House of Commons to whom the petition of William Abbott, Richard Arthur Maitland, and Thomas Parry, and also the petition of several creditors of the banking-house of Chase, Sewell, and Co., of Madras, was referred, submitted a report to the House, accompanied by minutes of evidence and an appendix; in which the committee stated, that there was no doubt advances were made by the petitioners, of loans to the Nabobs of the Carnatic; and as doubts had arisen as to the period when the act of the 37th Geo. III, which received the royal assent on the 20th July 1797, reached Madras, the committee observed, that the House might be of opinion, that it would be advisable to permit a bill to be brought in, allowing the parties to bring evidence of the peculiar circumstances attending the loans before the Carnatic Commissioners; at the same time stating, that in framing a bill with that object, much care ought undoubtedly to be taken not to include in its relaxations any other loans than those which, in the strictest sense, come within the description to which the committee adverted, *viz.* on account of advances made with some degree of countenance on the part of the members and officers of government, to enable the Nabob to pay the kists which, by treaty, he had engaged to make good. 1818.

An act was accordingly passed in the following session; but being a private act, it was not printed.

In April 1819, an act was passed, enabling his Majesty to fix the rate and direct the disposal of freight of money for the conveyance 1819.

* 57 Geo. 3, cap. 36.

† 58 Geo. 3, cap. 83.

‡ 58 Geo. 3, cap. 84.

1819. conveyance of specie and jewels on board his Majesty's ships and vessels.*

An act was also passed in July, regulating the postage to and from India.†—(*Vide* Postage.)

1820. In 1820, the foreign trade of the country engaged the attention of both Houses of Parliament.

In the House of Commons, on the 8th May, Mr. Baring on presenting a petition from the Merchants of London, adverted to the necessity of revising the navigation laws, of repealing the wool tax, of permitting the importation of timber from the north of Europe, and of removing the restraints on the China trade.

On the 16th May, Mr. Finlay, in presenting a petition from the Chamber of Commerce at Glasgow, similar in its prayer to that from the Merchants of London, alluded particularly to the restrictions on the China trade, and to the limitation on the tonnage of vessels engaged in the India trade; he likewise urged the repeal of the usury laws, the revision of our revenue laws and bankrupt laws, and the removal of some of the imposts on the importation of foreign commodities.

In the House of Lords, the Marquis of Lansdown, on the 26th May, moved for the appointment of a committee to consider of the means of extending and securing the foreign trade of the country. His Lordship expatiated at great length on the trade with the East-Indies. The Earl of Liverpool replied to his Lordship. No objection was made to the appointment of a committee, which was accordingly nominated; and, on the 3d July, Lord Lansdown, as their chairman, brought up the report.

In July 1820, an act was passed to enable the East-India Company to raise and maintain a corps of volunteer infantry.

In the House of Commons a committee had been appointed the 5th June on the foreign trade of the country; a report was brought up by Mr. Wallace on the 18th July. Some relaxation in the navigation laws was suggested; as well as the importance of extending the warehousing system. The inconvenience arising from the variety of laws relative to mercantile transactions

* 59 Geo. 3, cap. 25.

† 59 Geo. 3, cap. 111.

transactions was strongly pointed out, and a more liberal policy, with a due regard to the interests which had grown up under the existing system, was recommended to the attention of the House. 1820.

On the 11th April 1821, the Marquis of Lansdown presented another Report from the Committee on Foreign Trade, having reference more particularly to the British trade with Asia. An act was passed* in the month of July following, authorizing a trade to and from places within the limits of the charter of the East-India Company (excepting the dominions of the Emperor of China), and ports or places beyond those limits, belonging to any state or country in amity with his Majesty. 1821.

The Chancellor of the Exchequer, when he brought forward his Budget on the 1st June, adverted to two contingent circumstances, which might cause an increase in the expenditure either of that or the following year. The first was, the charge for out-pensioners of Greenwich Hospital; the second, a claim of the East-India Company, arising out of a mixed and complicated account between Government and the Company.†

In June 1821,‡ an act was passed to regulate the appropriation of unclaimed shares of prize money belonging to soldiers or seamen in the service of the East-India Company.

On the 14th March 1822, Mr. Creevy brought forward a motion for an inquiry into the duties of the Board of Control, and by whom the same were performed. In opposing the motion, Mr. Canning remarked on the increase of business which had taken place in the last five or six years, in the ratio of twenty per cent., and bore testimony to the accuracy and talent with which the papers drawn up at the India-House, and sent to the Board, were prepared. The motion was negatived by two hundred and seventy-three to eighty-eight. 1822.

On

* 2 Geo. 4, cap. 65.

† On the 13th July 1821, Viscount Lowther and S. R. Lushington, Esq. were appointed on the part of Government, and Jacob Bosanquet, Esq. and G. A. Robinson, Esq., on the part of the East-India Company, to adjust the outstanding accounts; the final settlement did not take place till the following year.

‡ 2 Geo. 4, c. 61.

1822. On the 26th June 1822, a copy of a Minute of the Lords of the Treasury was laid before the House of Commons, and ordered to be printed; detailing the proceedings which had taken place since July 1821, to effect a settlement of the accounts between the public and the East-India Company; and the determination of the Lords of the Treasury to propose to Parliament, that the public should pay to the Company the sum of £1,300,000; such sum to be considered as closing the accounts between the Government and the Company to the 30th April 1822, and to be applied in part discharge of the loan raised for the East-India Company in 1812.

The sum of £557,322, beyond the said sum of £1,300,000, being necessary to complete the redemption of the £2,500,000, raised by loan in 1812, for the service of the Company, arrangements were made to meet that sum on the part of the Company; and the act of 3d Geo. IV, c. 93, was passed in the month of July, to carry into execution the settlement between his Majesty and the East-India Company, by which the account between Government and the Company was closed to 30th April 1822, and repayment made by the Company to the public of the £2,500,000: the future charges on which were transferred to the Consolidated Fund.*

On the 10th June 1822, a petition was presented from G. Prendergast, Esq., agent for Monohur Doss and Seetul Bahoo, praying satisfaction of their demands on the government of Oude. Copies of all proceedings of the Court of Directors thereon were ordered to be laid before the House of Commons. Those proceedings consisted of a letter from Mr. Prendergast to the Court, setting forth the claims of the parties above adverted to; a Report from the Committee of Correspondence of the Court of Directors, the 31st May, recommending to the Court the total and unqualified rejection of Mr. Prendergast's demand, which report was unanimously approved by the Court, and a communication to that effect made to Mr. Prendergast. The Committee of Correspondence having had an opportunity of perusing Mr. Prendergast's petition to the House of Commons, they submitted a report thereon, under date

* Vide *Settlement of Account between Government and the Company.*

date the 19th June, pointing out the misstatements in the petition; which report was unanimously approved by the Court of Directors on the same day. Those additional proceedings were laid before the House of Commons on the 21st June. 1822.

On the 29th July 1822, the committee of the House of Commons to whom the matter was referred reported that, owing to the late period of the session in which they commenced their inquiry, they had not been enabled to make further progress therein.

In the year 1823, further measures were adopted with reference to the extension of the commercial policy of the country. The warehousing bill, the object of which was to allow foreigners to deposit their goods in British warehouses, and to take them out without payment of duty, was passed. 1823.

Three acts relating to the affairs of the Company were also passed in that session.

The 4th Geo. IV, cap. 71, to authorize the Company to defray the charge of retiring pay, pensions, and other expenses of that nature, of his Majesty's forces serving in India; also fixing pensions for the bishop and archdeacons; and likewise establishing a court of judicature at Bombay. With reference to the half-pay, pensions, &c., the Chancellor of the Exchequer, in submitting his Budget to the House, on the 2d July, stated, that as the Company had a large portion of British troops employed in protecting their territory, it appeared reasonable that they should defray some part of the half-pay and pensions with which the country was chargeable on account of the army. The arrangement ultimately concluded was that the Company should pay £60,000 a year.

The 4th Geo. IV, cap. 80, (regarding which a lengthened correspondence took place between the Board of Commissioners for the Affairs of India and the Court of Directors), was passed, to consolidate and amend the several laws respecting the Indian trade. By that act the restriction as to the burthen of vessels in any part of the India trade, as well as the necessity of taking out licenses, were abolished. India-built ships were likewise to be admitted to British registry, thereby enjoying the same

1823. same privilege as ships built in any other of the British plantations.

A penalty is inflicted on any commander or officer of a ship taking on board, or conniving at any person being unlawfully taken on board his ship.

The third act was the 4th Geo. IV, cap. 81, consolidating and amending the laws for punishing mutiny and desertion of officers and soldiers in the East-India Company's service.

On the 2d May 1823, Mr. Whitmore moved in the House of Commons for a Select Committee to inquire into the duties payable on East and West-India sugar, and contended that, as far as our empire in India was concerned, we were bound, not only by a sense of justice, but of individual interest, to abolish the restrictions with which the importation of East-India sugars into the home market was fettered. The motion was rejected by one hundred and sixty-one to thirty-four.

1824. In 1824, the 5th Geo. IV, cap. 88, was passed, authorizing the East-India Company to trade direct from China to the British colonies and plantations in America. And the act of the same session, cap. 108, was passed, transferring to the Company the Dutch possessions on the continent of India, and the settlement of Malacca ceded to Great Britain under a treaty concluded between his Britannic Majesty and the King of the Netherlands, on the 17th March 1824, together with the island of Singapore; also authorizing the removal of convicts from Sumatra. An act was likewise passed (local and personal), cap. 117, enabling the Tanjore commissioners the better to carry into effect the agreement between the East-India Company and the creditors of his Highness Ameer Sing.

1825. In May 1825, papers relating to the discussions with the Burmese Government were laid before the House of Commons.

In the month of July, in the same year, an act was passed for further regulating the payment of the salaries and pensions to the judges in India, and to the Bishop of Calcutta; also authorizing the transportation of offenders from the island of St. Helena, and for more effectually providing for the administration of justice in Singapore and Malacca.*

1826. In March 1826, Mr. Williams Wynn brought two bills before

* 6 Geo. 4, c. 85.

fore the House of Commons, the one regulating the appointment of juries in the East-Indies; the other to suspend the provisions of the 53d Geo. III, which makes it obligatory upon every person, before he shall proceed to Bengal, Madras, or Bombay, as a writer, to pass four terms at the East-India College; and to authorize representatives of civil and military servants dying within the Company's limits, or at the Cape of Good Hope, when on leave of absence from the settlement or station to which they may belong, to receive the salaries to which such officers would have been entitled had they returned to India. 1826

LAWS.

Accounts to be laid before Parliament.

LAWS. 1793. 33 Geo. 3, c. 52, § 126.

(1) And be it further enacted, that the Court of Directors of the said Company shall, within the first fourteen sitting days next after the thirtieth day of March in every year, lay before both Houses of Parliament an account, made up according to the latest advices which shall have been received, and with as much accuracy as the nature of the case will admit, of the annual produce of the revenues of the British territories in India, distinguishing the same under the respective heads thereof, at each of their several presidencies or settlements, with the amount of their sales of goods and stores within the limits of their exclusive trade, and of all their annual disbursements within the said limits, distinguishing the same under the respective heads thereof, together with the latest estimate of the same; and also the amount of their debts abroad, with the rates of interest they respectively carry, and the annual amount of such interest; the state of their effects at each presidency or settlement, and in China, consisting of cash and bills in their treasuries, goods and stores, and debts owing to the said Company, according to the latest advices which shall have been received thereof; and also a list of their several establishments in India, and other parts within the limits of their exclusive trade, and the salaries and allowances payable by the said Company in respect thereof; and also another annual account, made up to the first day of March next preceding the delivery thereof to Parliament, containing the amount of the proceeds of the sale of the goods and merchandizes of the said Company in Great Britain, and of their commercial and other receipts, charges, and payments in Great Britain, under the several heads thereof, together with an estimate of the same for the current year, and a statement of their bond debts and simple contract debts, with the rates of interest they respectively carry, and the amount of such interest, and the state of the cash remaining in their treasury, and other effects appertaining to the Company in Great Britain or afloat; and if any new or

LAWS. 1793. 33 Geo. 3, c. 52, § 126.

or increased salaries, establishments, or pensions, payable in Great Britain, shall have been granted or created within the preceding year, the particulars thereof shall be specially stated and inserted at the foot of such account.

Accounts to be separated into Territorial and Commercial.

1813. 53 Geo. 3, c. 155, § 65.

(2) 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.

The principle to be attended to in accounts to be laid before Parliament.—33 Geo. 3, cap. 52.

Accounts to be made up to the 1st May, annually.

1816. 54 Geo. 3, c. 36, § 55.

(3) And whereas, by an act made in the thirty-third year of his present Majesty, intituled, "An Act 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; for establishing further Regulations for "the Government of the said Territories, and the better Adminis- "stration of Justice within the same; for appropriating to certain "Uses the Revenues and Profits of the said Company; and for "making Provision for the good Order and Government of the "Towns of Calcutta, Madras, and Bombay," it is among other things enacted, that the Court of Directors of the United Company of Merchants of England trading to the East-Indies should, within the first fourteen sitting days after the thirtieth day of March in every year, lay certain accounts before Parliament: and whereas it is expedient to alter the periods for making up and presenting the said accounts to Parliament; be it therefore enacted, that the several accounts directed by the said recited act to be presented to Parliament shall, by the Court of Directors of the said United Company, be annually made up to the first day of May, and be presented to both Houses of Parliament within the first fourteen sitting days after the said period in every year, any thing in the said recited act contained to the contrary thereof notwithstanding.

33 Geo. 3, c. 52, directing the making up and presenting of East-India accounts.

Allowances to Ship-Owners to be laid before Parliament.

1817. 57 Geo. 3, c. 120, § 10.

(4) Copies of all proceedings of the Court of Directors, touching the execution of the act authorizing the Company to make extraordinary allowances to ship-owners, to be laid before both Houses of Parliament, together with the annual accounts under the 33d Geo. III, cap. 52.

Grants of Salary, Pension, or Gratuity, to be laid before Parliament.

LAWS. 1813. 53 Geo. 3, c. 155, § 88.

Copies of grants of annuities to be laid before Parliament.

(5) 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.

Notice by the SPEAKER *as to Expiration of the Company's exclusive Privileges.*

§ 3.

On the expiration of three years' notice by Parliament, any time after the 10th 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. 3, c. 47.

(6) 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 Eng- "land, 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.

§ 4.

Not to determine the corporation of the Company, or their right to trade in common with others.

(7) 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 III, 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 part or limits.

LAWS.

1813. 53 Geo. 3, c. 155, § 5.

(8) 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 to be deemed a due notice by Parliament.

Regulations by Governments abroad: Copies to be laid before Parliament.

§ 66.

(9) 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 "An Act for the better Government of the Settlements of Fort "St. 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."

Copies of Regulations abroad made under 37 Geo. 3, c. 142, 39 and 40 Geo. 3, c. 79, and 47 Geo. 3, sess. 2, c. 68, to be laid annually, with accounts, before Parliament.

Superannuations: Account of to be laid before Parliament.

§ 94.

(10) Provided always, and be it further enacted, that an account of all allowances, compensations, remunerations and superannuations which shall be 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.

Account of superannuations to be laid before Parliament.

Alteration in Superannuations and Salaries of Board of Commissioners to be laid before Parliament.

1811. 51 Geo. 3, c. 75, § 3.

(11) And be it further enacted, that so much of an act passed in the fiftieth year of his present Majesty's reign,

So much of 50 Geo. 3, c. 117,

as directs accounts of increase and diminution of salaries, &c. to be laid before Parliament, shall extend to the office of the Commissioners for the Affairs of India.

reign, intituled "An Act to direct that Accounts of "Increase and Diminution of Public Salaries, Pen- "sions, and Allowances shall be annually laid before "Parliament, and to regulate and control the granting "and paying of such Salaries, Pensions, and Allow- "ances," as directs that, between the first day of February and the twenty-fifth day of March in every year, if Parliament shall be sitting during any part of such period; or if Parliament shall not be sitting during any part of such period, then within forty days after the commencement of the session of Parliament in such year, there shall be laid before both Houses of Parliament an account of every increase and diminution which shall have taken place within the preceding year, ending on the first day of January, in the number of persons employed in all public offices or departments, or in the salaries, emoluments, allowances, and expenses which may have taken place, or been paid, granted, received or incurred, for and in respect of all officers and persons belonging to, or employed in or by, or in the service of all public offices or departments, specifying the amount and nature thereof, and distinguishing in such account every increase and diminution in the amount of all allowances or compensations granted or allowed, as retired allowances or superannuations, to any person or persons having held any office, place, or employment in any such public office or department, or having been employed in any manner in any public services under any such office or department; and specifying in every such account the time and length of service of every such person, and the amount of the salary or allowances received by such person immediately preceding such superannuation, and the nature of his services; and also specifying in every such account the grounds upon which every such increase or diminution in the establishment of any such public office or department, or of any such salary, emolument, allowance, or compensation, or superannuation, as aforesaid, shall have been made, granted, or allowed, shall extend and be construed to extend to the office of the Commissioners for the Affairs of India.

LAWS.

1811. 51 Geo. 3, c. 75, § 3.

BY-LAW.

Item, it is ordained, That such accounts and papers as may from time to time be laid before either House of Parliament by the Court of Directors, shall be laid before the next General Court. And that all proceedings of Parliament which, in the opinion of the Court of Directors, may affect the rights, interests, or privileges of the East-India Company, shall be submitted by them to the consideration of a General Court, to be specially summoned for that purpose, before the same shall be passed into a law.

c. 1, § 4.

PASSAGE-MONEY.

PREVIOUSLY to the act of 1813, the salaries of the governor-general, governors, judges, members of council, &c., if resident in England, commenced at the time of their embarkation: by the 53d Geo. III, the salaries commence from the parties taking upon themselves the execution of their offices; and a certain allowance is made and advanced to the several parties for the purpose of defraying the expenses of their equipment and voyage.

LAWS.

Passage-Money.

LAWS. 1813. 53 Geo. 3, c. 155, § 89.

(1) 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 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 Cal-"cutta, Madras, and Bombay, and for preventing British Subjects "from

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. 3, c. 63.—39 and 40 Geo. 3, c. 79.—37 Geo. 3, c. 142.

"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 St. 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 offices 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,

LAWS. 1813. 53 Geo. 3, c. 155, § 89.

To the governor-general of Fort-William in Bengal	£5,000
To each of the members of council there	1,200
To the commander-in-chief of all the forces in India	2,500
To the chief justice of the Supreme Court at Fort-William	1,500
To each of the puisne judges there	1,000
To the governor of Fort St. George	3,000
To each of the members of council there	1,000
To the commander-in-chief there	2,000
To the chief justice of the Supreme Court there	1,200
To each of the puisne judges there	1,000
To the governor of Bombay	2,500
To each of the members of council there	1,000
To the commander-in-chief there	1,500
To the recorder there	1,000
To the governor of Prince of Wales' Island	1,200
To the recorder there	1,000
To the bishop	1,200
To each of the archdeacons	500

PENSIONS.

THE *amount and conditions* under which the parties named in the several enactments contained in this head,* are entitled to the pensions fixed for their respective offices, having been prescribed by Parliament. It may not be uninteresting to advert very briefly to the proceedings which took place in the year 1782, when the system of granting pensions from the public purse was revised, and all future grants subjected to the cognizance of the Legislature.

In the year 1780, Mr. Burke submitted to the House of Commons his plan for a general reform in the branches of public expenditure, and pointed out the injurious effects which had arisen from the system of granting pensions at the pleasure of the Crown on the civil list. It was not, however, till 1782, that any steps were taken to carry such revision into effect; in the early part of the year, acts were passed for disqualifying revenue officers from voting at elections, and for rendering contractors incapable of sitting in the House of Commons. In the month of April, a message was sent down to both Houses of Parliament, recommending amongst other measures, a reform in the Civil establishment. A bill was accordingly brought in, upon which was founded the act of 1782, for regulating the civil list and the future grants of pensions, and providing that henceforth no pension beyond £1,200 per annum be granted, excepting to his Majesty's Royal Family, or on an address of either House of Parliament.

A custom had prevailed of granting pensions on a private list, during his Majesty's pleasure, upon a supposition, that in some cases it might not be expedient for the public good to divulge the names of the persons on such list, or that it might be disagreeable to the persons receiving such payments to have it known that their distresses were so relieved. It appearing to Parliament

* Judges, Bishop, Archdeacons, and Recorder.

Parliament that such usage might be the means of practising secret and dangerous corruption, they declared it to be no disparagement for any person to be relieved by the royal bounty in their distress, or for their desert; but that, on the contrary, it is honourable on just cause to be thought worthy of reward. It was accordingly ordained, in future, that all pensions should be paid at the Exchequer, and the names of the parties to whom or in trust for whom such pensions is granted, entered there. Provision was at the same time made for permitting the high treasurer, or first commissioner of the Treasury, to return into the Exchequer any pension then on the private list, without the name of the pensioner, on taking an oath that such pension was not directly or indirectly for the benefit, use, or behalf of any member of the House of Commons, or applicable directly or indirectly, to the purpose of supporting or procuring an interest in any place returning members to Parliament. In 1799, an act was passed, enabling his Majesty to grant certain pensions to the Lord Chancellor and Judges of the several courts in England.

In the month of February 1817, Lord Castlereagh brought under the consideration of the House of Commons a statement of the public income and the expenditure, with a view to fixing a permanent peace establishment; and proposed the appointment of a committee to inquire into and state the income and expenditure of the United Kingdom for the year ending the 5th January 1817; and also to consider and state the probable income and expenditure, so far as the same could be then estimated, for the years 1818 and 1819, and to report thereon; and also on what further measures might be adopted for the relief of the country. An amendment was moved by Mr. Brand, to carry the inquiry so far back as 1799, which was lost by 210 to 117. The committee was accordingly appointed, consisting of twenty-one members. On the 5th May the first report, relating to the abolition of sinecures, was laid before the House. The existence of sinecures was considered as a blot and blemish in the system of the country: it was liable to the charge of favouritism; and another strong objection was, its being granted in reversion. The abolition of certain offices was accordingly recommended, and that his Majesty

Majesty should be empowered to grant pensions in lieu of such rewards. In the course of the discussions which took place, it was moved, that any person who might accept a pension under the proposed act, should vacate his seat in Parliament: it was rejected by sixty-four to twenty-seven. The bill passed both Houses of Parliament, and in July received the Royal assent.

57 Geo. 3, c. 65.

Under limitations and restrictions, the act prescribes four sections or classes.

First Class:

The First Lord of the Treasury;
His Majesty's principal Secretaries of State;
The Chancellor of the Exchequer;
The First Lord of the Admiralty;
The President of the Board of Commissioners for the Affairs of India; by the Act of the 6th of Geo. IV., cap. 89 (July 1825).

To any person who shall have served in any one or more of the above-mentioned offices for a period of not less than two years in the whole, either uninterruptedly or at different times, his Majesty may grant a pension during life, not exceeding £3,000 per annum. No greater number than six such pensions to be existing at the same time.

Second Class:

The Chief Secretary for Ireland;
The Secretary at War.

To any person who shall have served in the above-mentioned offices not less than five years in the whole, either uninterruptedly or at different times, in either or both of the offices, a pension during life, not exceeding £2,000 per annum. No greater number than three such pensions to be existing at the same time.

Third Class:

The Joint Secretaries of the Treasury;
First Secretary of the Admiralty;
The Vice-President of the Board of Trade; by the Act of July 1825.

After five years' service in any one or more of the above offices, a pension during life of £1,500 per annum. No greater

greater number than six such pensions to be existing at the same time.

Fourth Class:

The Under Secretaries of State:
Clerk of the Ordnance;
Second Secretary to the Admiralty; and,
The Secretary to the India Board; by the Act of July 1825.

After ten years' service in any one or more of those offices, £1,000 per annum during life. No greater number than six such pensions to be existing at the same time.

A provision, however, was inserted, that any person who shall have served in more than one of the three latter classes of offices, and the whole period of his service therein shall amount to eight years, he shall be entitled to the pension annexed to the higher class of office of £2,000 per annum, provided he shall have served in such higher class not less than three years.

By the Act of 1810 it is provided, with reference to persons who have served the Crown in foreign countries, that no pension or allowance shall be granted within less than ten years from the date of such person's first appointment, during which time he shall have served not less than three years, and no such allowance shall exceed £2,000 per annum; and the person in whose favour the grant shall be made, is not to be less than thirty-five years of age.

50 Geo. 3, c. 117.

Such are the provisions with reference to offices under the Crown.

Those now will be noticed as respect the Company.

In 1793, the 33d Geo. III, cap. 52, was passed; by the 125th section of which act, any new pension or increase of pension beyond £200 per annum, is not available in law if granted after the passing of that act, and during the continuance of the Company's right in the exclusive trade, unless approved and confirmed by the Board of Commissioners for the Affairs of India, attested under the hand of the President of the Board.

The first enactment establishing pensions to parties who had held offices in India, was passed in 1797. By the act of the

the 37th Geo. III, cap. 142, it was declared, that the Supreme Court of Calcutta should thereafter consist of a chief justice, and two, instead of three puisne judges; and his Majesty was empowered to direct payment of a yearly sum out of the territorial revenues, to any chief justice or other judge, on his returning to Europe, provided they shall have resided seven years in India—to the chief justice not exceeding £2,000 per annum, and such puisne judge £1,500 per annum; also to each of the recorders of Madras and Bombay who should have resided in India as recorder five years, on their return to Europe, £1,200 per annum; but such pensions were not to exceed in the whole £6,000 per annum. In July 1800, when the Supreme Court was established at Madras, his Majesty was authorized to grant a pension of £1,600 per annum to the chief justice, and £1,400 to a puisne judge on their return to Europe, provided they had resided in India seven years as chief or puisne judge. The pensions which might be granted to the judges of the Supreme Court at Calcutta and Madras, and to the recorder at Bombay, were not to exceed in the whole the sum of £11,000 per annum, which sum was equal to the salaries of one puisne judge at Calcutta and one at Madras.

The next legislative provision as to pensions was made in 1813, when his Majesty was empowered, by warrants under his royal sign-manual, countersigned by the Chancellor of the Exchequer for the time being, to grant pensions to the bishop and archdeacons, after fifteen years' residence, to the former £1,500 per annum, and to the latter £800 per annum; the same to be taken as part of the political charges of the Company.

In June 1815, by the 8th section of the 55th Geo. III, cap. 84, his Majesty was empowered, in the event of the promotion of any of the parties to the highest stations, to grant the largest pension, provided the party shall have filled such station for four years, and have been resident in India seven, although they might not return to Europe: in the event, however, of their re-appointment to any of the offices, such pension was to cease.

Alterations

Alterations were made in 1823; but the existing laws as to pensions are contained in the act of 1825, 6th Geo. IV, cap. 85, by which it is provided that no allowance shall be made to any judge who shall not have resided in India as chief justice or puisne judge, or as partly one and partly the other, for five years; after which period the scale of pension is guided by length of service.

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CALCUTTA.

To the chief justice who shall have served as such for five years		£1,000 per annum.
As chief or puisne, partly one and partly the other office, seven years	1,300	do.
Ditto ten years	2,000	do.
To each puisne judge, after five years	750	do.
Ditto seven years	1,000	do.
Ditto ten years	1,500	do.

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MADRAS AND BOMBAY.

To the chief justice, after having served as such five years		£800 per annum.
As chief or puisne, partly one and partly the other, seven years	1,000	do.
Ditto ten years	1,600	do.
To each of the puisne judges, after five years	600	do.
	800	do.
Ditto seven years	1,200	do.
Ditto ten years		

If a chief justice has not filled that office in one of the Supreme Courts for five years, he is only entitled, on resigning, to the allowance to be made to the puisne judges of the court to which such chief justice shall belong.

PRINCE

PRINCE OF WALES' ISLAND.

Recorder.

To the Recorder, after five years,.....£500 per annum.
Ditto ..... after seven years,..... 650 do.
Ditto ..... after ten years, ...1,000 do.

The recorder's residence in India, if he should be appointed to the office of chief justice, or puisne judge, of either of the Supreme Courts of Calcutta, Madras, or Bombay, to be accounted and taken in the proportion of three years' residence as recorder, to two years as such puisne judge.

BISHOP AND ARCHDEACONS.

By the act of 1813, it is provided that his Majesty may grant to the person who has filled the office of bishop for fifteen years, a pension of £1,500 per annum; and to each person who shall have served the same time as archdeacon, £800 per annum. By the act of July 1823, the period of service was limited to ten years. A further alteration as respects the bishop was made by the act of 1825, by which it is provided that his Majesty may grant—

To a bishop, who shall execute that office within the limits of the Company's charter, for five years, £750 per annum.
Ditto ..... if seven years, 1,000 do.
Ditto ..... if ten years, 1,500 do.
To an archdeacon, after ten years' service, 800 do.

Of the period of ten years' service, to entitle an archdeacon to a pension, seven must have been passed in that station; the remaining three years may be computed from his service as chaplain, in the proportion of three years as chaplain to two as archdeacon.

The Company's regulations as to chaplains to remain in full force, as the Court of Directors may order and direct.

LAWS.

LAWS.

1825.
6 Geo. 4, c. 85, § 7.

JUDGES.

Chief Justices, Bengal.

Pensions to chief justice and judges on resignation.—Five years' residence necessary.

(1) And be it further enacted, that if any of the chief justices or puisne judges of the said Supreme Courts of Judicature at Fort William, Madras, or Bombay respectively, or the recorder of the Court of Judicature of Prince of Wales' Island, shall resign his office

LAWS.

1825.
6 Geo. 4, c. 85, § 7.

office in consequence of age, infirmity, or other cause, to be approved by his Majesty, his heirs or successors, it shall and may be lawful for his Majesty, his heirs or successors, by warrants under the sign-manual, to direct and authorize an allowance to be made out of the revenues of the British territories in India, to such chief justice, puisne judges, or recorder so resigning, subject to the limitations and restrictions hereinafter provided; that is to say, provided always, that it shall not be lawful for his Majesty to direct any such allowance to be made to any person who shall not have resided in India for five years, either as chief justice, or as a puisne judge, or partly as one and partly as the other, of some or one of the said Supreme Courts.

§ 8.

Limitation of allowance to chief justice of Fort William.

(2) Provided also, and be it enacted, that it shall not be lawful to direct any larger allowance to be made to any chief justice of the said Supreme Court of Judicature at Fort William, than the sum of one thousand pounds sterling per annum, unless he shall have resided in India as such chief justice or puisne judge, or partly as one and partly as the other, for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand three hundred pounds sterling per annum, unless he shall have resided in India as such chief justice or puisne judge, or partly as one and partly as the other, for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of two thousand pounds sterling per annum.

Chief Justices, Madras and Bombay.

§ 9.

Limitation of allowance to chief justices of Madras and Bombay.

(3) Provided also, and be it further enacted, that it shall not be lawful to direct any larger allowance to be made to either of the chief justices of the said Supreme Courts of Judicature at Madras or Bombay, than the sum of eight hundred pounds sterling per annum, unless he shall have resided in India as such chief justice or puisne judge, or partly as one and partly as the other, for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand pounds sterling per annum, unless he shall have resided in India as such chief justice or puisne judge, or partly as one and partly as the other, for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand six hundred pounds sterling per annum.

Puisne Judges, Bengal.

§ 10.

Limitation of allowance to puisne judges of Fort William.

(4) Provided also, and be it further enacted, that it shall not be lawful to direct any larger allowance to be made to either of the puisne judges of the said Supreme

LAWS. 1825. 6 Geo. 4, c. 85, § 10.

preme Court of Judicature at Fort William than the sum of seven hundred and fifty pounds sterling per annum, unless he shall have resided in India as such puisne judge for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand pounds sterling per annum, unless he shall have resided in India as such puisne judge for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand five hundred pounds sterling per annum.

§ 11.

Puisne Judges, Madras and Bombay.

(5) And be it further enacted, that it shall not be lawful to direct any larger allowance to be made to any one of the puisne judges of either of the said Supreme Courts of Judicature at Madras or Bombay respectively, than the sum of six hundred pounds sterling per annum, unless he shall have resided in India as such puisne judge for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of eight hundred pounds sterling per annum, unless he shall have resided in India as such puisne judge for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand two hundred pounds sterling per annum.

Limitation of allowance to puisne judges of Madras and Bombay.

§ 12.

Chief Justices must serve five years as such for larger Pension.

(6) Provided also, and be it further enacted, that it shall not be lawful for his Majesty to direct any larger allowance to be made to any chief justice of any of the said Supreme Courts so resigning, than the amount by this act limited for the allowance to be made to the puisne judges of the court to which such chief justice shall belong, unless he shall have held the office of a chief justice of one of the said Supreme Courts during five years of his residence in India.

Chief justice not to have more than puisne judge, unless he has been chief justice for five years.

RECORDER.

§ 13.

Limitation of Allowance to Recorder of Prince of Wales' Island.

(7) And be it further enacted, that it shall not be lawful to direct any larger allowance to be made to the recorder of the said Court of Judicature of Prince of Wales' Island than the sum of five hundred pounds sterling per annum, unless he shall have resided in India as such recorder for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of six hundred and fifty pounds sterling per annum, unless he shall have resided in India as such recorder for ten years; nor

LAWS. 1825. 6 Geo. 4, c. 85,

nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand pounds sterling per annum.

§ 14.

Time of Recorder appointed Judge to be reckoned at a certain rate.

(8) Provided also, and be it further enacted, that if any person having for any time resided in the East-Indies as recorder of the said Court of Judicature of Prince of Wales' Island, shall have been or shall be appointed to the office of chief justice or puisne judge of either of the said Supreme Courts of Fort William, Madras, or Bombay, the period of residence of such person in the East-Indies as such recorder of the said Court of Judicature of Prince of Wales' Island shall be accounted and taken as and for a residence in India as a puisne judge of such courts respectively, in the proportion of three years' residence as such recorder to two years' residence as such puisne judge; and that if such person shall have resided in the East-Indies partly as such recorder and partly as such chief justice or puisne judge, it shall and may be lawful for his Majesty, his heirs and successors, in manner hereinbefore-mentioned, to direct such allowance to be made to such person as might lawfully be directed in case such person had resided the whole of such time as such recorder, and had resigned the office of such recorder, although such person may not have resided in India for such length of time as to entitle him, under the provisions herein contained, to the allowance of a chief justice or puisne judge.

BISHOPS AND ARCHDEACONS.

Pensions to Bishops and Archdeacons.

1813. 53 Geo. 3, c. 155, § 54.

His Majesty may grant pensions to bishops and archdeacons who have discharged their functions in India for fifteen years.—*Vide* 6 Geo. 4, as to the bishop.

(9) 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, 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 pension 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.

1823. 4 Geo. 4, c. 71, § 3.

Pensions to bishops and archdeacons after ten years.

(10) And be it further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, in manner in the said act mentioned, to grant to any such bishop who shall have exercised in the East-Indies or parts aforesaid for ten years the office of bishop or archdeacon, and to any such archdeacon who shall have exercised in the East-Indies, or parts aforesaid, for ten years, the office of archdeacon, pensions not exceeding such

LAWS.

1823. 4 Geo. 4, c. 71, § 4.

such sums respectively as his Majesty by the said act of the fifty-third year of the reign of his late Majesty is empowered to grant to any such bishop or archdeacons.

Chaplains acting as archdeacons to be entitled to pension, in a certain proportion.—Further provision as to chaplains.

(11) Provided also, and be it further enacted, that if any person residing any time in the East-Indies, or parts aforesaid, as one of the chaplains of the said United Company, shall have been or shall be appointed to the office of such archdeacon as aforesaid, and shall have resided in the East-Indies or parts aforesaid as such archdeacon seven years, the period of residence of such person as chaplain shall be accounted and taken as and for a residence as such archdeacon, in the proportion of three years' residence as such chaplain to two years' residence as such archdeacon: provided also, that nothing herein contained shall extend or be construed to extend, to prejudice the right of any person being or having been a chaplain of the said United Company, to any benefit he may be entitled to as under or by virtue of any regulation now in force, or hereafter to be made by the said United Company, or their Court of Directors, nor to prejudice or affect the right of the said United Company, or their Court of Directors, to make, repeal, vary, or alter any regulation or regulations respecting the chaplains of the said United Company, or the pay or allowances, pensions or retirements of such chaplains, which the said United Company, or their Court of Directors, may now lawfully make, repeal, vary, or alter.

1825. Geo. 4, c. 85, § 15.

Pension to bishop on resignation.—Five years, £750—seven years, £1,000—ten years, £1,500.

(12) And whereas under and by virtue of an act made and passed in the fifty-third year of the reign of his late Majesty King George III, and of another act made and passed in the fourth year of the reign of his present Majesty, provision is made for granting a pension to the Bishop of Calcutta, under the limitations therein contained, and it is expedient to make further provision in respect thereof; be it further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, in manner in the said act of the fifty-third year of the reign of his late Majesty mentioned, to grant to any such bishop, who shall have exercised within the limits of the charter of the said United Company the office of bishop of Calcutta for five years, a pension not exceeding one-half of the sum which his Majesty, by the said act of the fifty-third year of the reign of his late Majesty, is empowered to grant to any such bishop; and also to grant to any such bishop who shall have exercised within the limits aforesaid the said office of bishop of Calcutta for seven years, a pension not exceeding two-thirds of the sum which his Majesty by the said act of the fifty-third of his late Majesty's reign is empowered to grant to any such bishop.

Pensions not to be granted for a less Service than Ten Years, except in cases of illness.

§ 16

Not to be granted for a less service than ten years, except in consequence of illness or infirmity.

(13) Provided also, and be it further enacted, that it shall not be lawful for his Majesty, his heirs or successors, to direct any such allowance to be made to any such chief justice, puisne judge, recorder, or bishop respectively, who before he shall have held and exercised such office, or some or one of such offices, for the space of ten years in the whole, shall resign his said office for any other cause than in consequence of illness or infirmity, to be proved to the satisfaction of his Majesty, his heirs or successors.

LAWS.

1825. 6 Geo. 4, c. 85, § 16.

BY-LAW.

c. 6, § 19.

Resolutions of the Court of Directors respecting new or increased pensions exceeding £200 per annum, to be laid before two general courts, together with the documents upon which such resolutions may have been formed.

It is ordained, that every resolution of the Court of Directors for granting a new pension or an increase of pension, exceeding in the whole two hundred pounds per annum, to any one person, shall be laid before and approved by two general courts specially summoned for that purpose, before the same shall be submitted to the Board of Commissioners for the Affairs of India, in the form of a report, stating the grounds upon which such grant is recommended; which resolution and report shall be signed by such directors as approve the same, and that the documents upon which such resolution may have been formed shall be open to the inspection of the proprietors from the day on which public notice has been given of the proposed grant.

POSTAGE TO AND FROM INDIA.

THE revenue arising from POSTAGE on letters first became the subject of parliamentary enactment in 1660, by the 12th Charles II, cap. 85; that act was repealed in 1710 by the 9th Anne, cap. 10, under which one general post-office was to be erected in some convenient place in the city of London, from whence letters were to be despatched with speed and expedition to all parts of Great Britain, Ireland, North America, and the West-Indies. One general post-master was to direct the whole. Carriers, coachmen, and watermen were prohibited carrying letters; and rates were fixed for letters to and from all parts of the Continent; likewise to and from Spain, Portugal, Sicily, the West-Indies, and America.

In 1765, by the 5th Geo. III, cap. 25, the masters of all ships and vessels bringing letters were required to deliver them to the post-office before the vessel was admitted to entry. The embezzlement of letters, and taking notes or bills out of them, also robbing the mail, were made felonies.

In 1660, the revenue appears to have been about...	£21,500
In 1714, ...	64,000
In 1722, ...	201,804
In 1764, ...	281,535
In 1784, ...	438,000
In 1801, ...	1,144,900
In 1825, ...	2,382,535*

In

* Nett payment into the Exchequer was £1,520,615
Charge of collection 600,500
Other payments 55,414
Balances and bills outstanding 206,006
Total..... £2,382,535

In the year 1735, the privilege of franking had been carried to such an extent, that the average value of letters franked amounted to £170,000. The House of Commons appointed a committee to inquire into the privilege; their report was laid before the House on the 16th April 1735, by which report it appeared that the privilege of franking and receiving letters free, was coeval with the act of Charles II, granting the post-office revenue to his Majesty. In support of this assumption, the committee stated, that having examined the first steps of that act, they found in the paper bill, which remained in the custody of the clerk of the House, a clause, reserving the privilege to the members of the House of Commons; which clause was left out by the Lords, because there was no provision made for their letters passing free, and because as it was a money bill they could not make any addition to it, though they took upon them to leave out part of it; it occasioned some difficulty in the House of Commons about passing the bill: to facilitate which the committee stated, they had reason to believe that the persons who had then the honour to serve the crown and who were members of the House, would give the rest of the members assurances that their letters should pass free, though the House should pass the bill without such clause.

In corroboration of this statement, the following extract of a warrant from the King, dated the 14th May 1661, was issued:—

"Charles R.

"The King, being informed by his Majesty's principal secre-
"tary of state, that the members of Parliament seemed
"unwilling to pay for the postage of their letters during the
"sitting of Parliament, his Majesty was thereupon graciously
"pleased to give directions to the farmers of his post-office,
"that all single letters, but not packets, sent by the post-office
"to or from any member of either House of Parliament, go
"free, without payment of any thing for the postage thereof."

Resolutions were passed declaratory of the right; also that all letters not exceeding two ounces, signed by the proper hand

hand or directed to any member, should pass free, forty days before and forty days after every summons or prorogation.

In 1764, by the 4th Geo. III, cap. 24, members of the Lords and Commons were required to write the whole of the superscription: the forgery of franks was declared liable to transportation.

In 1784, by the 24th Geo. III, section 2, cap. 37, members of Parliament were required not only to write the whole superscription in their own hand, but to add the name of the post town from whence the letter is sent, with the date written in words.

In this year, mail-coaches were first established by Mr. Palmer, the comptroller of the general post-office; in the following year, by the 25th Geo. III, cap. 57, the mail-coaches were exempt from paying toll.

In 1795, by the 35th Geo. III, cap. 53, the frank weight is reduced to one ounce, and no letter is exempt from postage unless the member be within twenty miles of the post-office into which it is put on the day marked on it, or on the preceding day. Members are restricted as to the number of letters to be sent and received free: the former to ten, the latter to fifteen, each day. Non-commissioned officers, seamen, and soldiers actually on service, may send letters, signed on the back by the commanding officer, on payment of one penny.

In 1815, the 55th Geo. III, cap. 153, was passed, first levying postage on letters to and from INDIA, the *Cape of Good Hope*, *Ceylon*, and the *Mauritius*; that act was repealed in 1819, by the 59th Geo. III, cap. 111, the provisions of which will now be given.

LAWS.

1819. 59 Geo. 3, c. 111, § 3.

LAWS.

Rates of Postage to India.

(1) And be it further enacted, that it shall and may be lawful for his Majesty's postmaster-general to demand, have, receive, and take, for every letter or packet which shall be brought into Great Britain by any ship or vessel arriving from Ceylon, the Mauritius, or any port or place within the limits of the charter of the United Company of Merchants of England

The following rates of postage to be paid.

LAWS.

1819. 59 Geo. 3, c. 111, § 3.

land trading to the East-Indies, or from the Cape of Good Hope, the rates following; that is to say,

From India.

Rates for letters from India.

(2) For every such letter or packet, a sea postage of fourpence; provided the same shall not exceed the weight of three ounces, and for every letter or packet exceeding the weight of three ounces, a sea postage of one shilling per ounce, in addition to any inland or internal postage which may arise upon the inland conveyance of such letters and packets.

(3) And for the encouragement of the masters or commanders of such ships or vessels, it shall be lawful for the postmaster-general to allow to every such commander or master the sum of twopence a letter or packet, upon all such letters and packets as he or they respectively, on their arrival from Ceylon, the Mauritius, or any port or place within the limits of the charter of the said United Company, or from the Cape of Good Hope, shall deliver unto the deputy or deputies of the postmaster-general, according to the directions hereinafter contained.

To India, if sent through the Post-Office.

§ 4.

Letters may be forwarded to India.

(4) And be it further enacted, that it shall and may be lawful to and for his Majesty's postmaster-general, and his deputy and deputies by him thereunto authorized, in his and their discretion, to collect and receive letters and packets of letters directed to Ceylon, the Mauritius, or any port or place within the limits of the said United Company's charter, or to the Cape of Good Hope, and to forward the same by any ships or vessels that he in his discretion shall think fit; and also that it shall and may be lawful to and for his Majesty's postmaster-general, and his deputy and deputies by him thereunto authorized, to and for the use of his Majesty, his heirs and successors, to demand, have, receive, and take, for every letter or packet that shall be delivered to him, or to his deputy, for conveyance in manner hereinbefore specified, the rates following; that is to say,

Rates for letters to India.

(5) For every such letter a sea postage of twopence; provided the same shall not exceed the weight of three ounces; and for every letter or packet exceeding in weight three ounces, a sea postage at the rate of one shilling per ounce; any law, statute, usage, or custom to the contrary thereof notwithstanding.

Letters, &c. may be forwarded in any other Manner than through the Post-Office.

§ 6.

(6) And be it further enacted, that nothing herein contained shall be construed to oblige any person or persons to send any letters or packets of letters, or any newspapers, or printed prices-current, or any

LAWS. 1819. 59 Geo. 3, c. 111, § 6.

any other printed papers, to the East-Indies, or to the islands of Ceylon or the Mauritius, or any port or place whatsoever within the limits of the charter of the said United Company, or to the Cape of Good Hope, through his Majesty's post-office, but that it shall be lawful for all persons to send letters and packets of letters, newspapers, printed prices-current, and other printed papers, to those places, in any manner that they may find practicable and convenient.

Commanders bound to the East-Indies required to take Bags.

§ 7.

(7) And be it further enacted, that the commanders of all ships or vessels bound to Ceylon, the Mauritius, or any port or place within the limits of the charter of the said United Company, or to the Cape of Good Hope, are hereby required to receive on board their respective ships any bag or bags of letters and packets, which shall be tendered to them for conveyance as aforesaid by the postmaster-general, or his deputy and deputies, without receiving or being entitled to receive any remuneration for such conveyance.

Penalty on refusing to receive or neglecting to deliver, £200.

§ 8.

(8) And be it further enacted, that in case any such commander shall refuse to receive on board his ship any such bag or bags of letters and packets, which shall be so tendered to him for conveyance as aforesaid, or having received on board any such bag or bags, shall wilfully neglect to deliver the same on his arrival at the port or place of his destination, then and in either of such cases such commander shall forfeit and pay a penalty of two hundred pounds.

By whom Letters may be sent and received free of Postage: Court of Directors and Secret Committee, Secretary or Assistant Secretary.

§ 9.

(9) And be it further enacted, that it shall be lawful for the Court of Directors of the said United Company, or the Secret Committee appointed by the said Court, in pursuance of two acts passed in the thirty-third and fifty-third years of his present Majesty's reign, to receive free from all duty of postage from the several governments in India, or from any agent or other officer of the said Company at any place within the limits of the charter of the said Company, any letter or packet relating entirely to the affairs of the said Company, and in like manner to send any such letters and packets, addressed to such governments, agents, or other officers, free from all duty of postage; provided that all letters so sent be superscribed by the chairman or deputy chairman, or secretary or assistant-secretary of the said Company.

§ 10.

(10) And be it further enacted, that it shall and may be lawful for the said Court of Directors, secret committee, and secretary or assistant-secretary of the said United Company, to receive from any officer or agent of the said Company abroad any letters or packets entirely relating to the affairs of the said Company, by ships in the service of the said Company, in the manner heretofore accustomed, without payment of any postage, and without subjecting any person to any penalty or forfeiture in respect thereof.

And may receive the same from their agents by the Company's ships, free of postage.

LAWS. 1819. 59 Geo. 3, c. 111, § 10.

Commissioners for the Affairs of India, Chairman and Deputy.

§ 11.

(11) And be it further enacted, that it shall be lawful for the Commissioners for the Affairs of India, and for the chairman and deputy chairman of the said East-India Company for the time being, to send and receive letters and packets to and from Ceylon, the Mauritius, or any port or place within the limits of the charter of the said Company, or to and from the Cape of Good Hope, free from all duty of postage; provided that no such letter or packet exceed the weight of three ounces.

Commissioners for the Affairs of India and Chairman of the Company may also send and receive letters and packets free from postage.

Public Officers.

§ 12.

(12) Provided always and be it further enacted, that nothing in this act contained shall extend, or be construed to extend, to prevent such public officers as may now send and receive letters and packets free of postage, from sending and receiving letters and packets free from any postage directed to be paid by this act, in the same manner as they are now authorized by law to send and receive letters and packets free from postage.

Public officers who now send and receive letters free, to have the same privilege.

§ 13.

(13) And be it further enacted, that it shall and may be lawful for the secretary to the Board of Commissioners for the Affairs of India for the time being, to send and receive letters and packets by the post free from the duty of postage, in the same manner and under such regulations and restrictions as the under secretaries to his Majesty's principal secretaries of state are, by an act passed in the forty-second year of his present Majesty's reign, or by any other act, or by this act, authorized to send and receive letters and packets free from postage.

Secretary of the Board of Control to have the same privilege of franking as the under-secretaries.

Letters from Governors of Ceylon, Cape, and Mauritius, not chargeable.

§ 14.

(14) And be it further enacted, that nothing in this or any other act contained shall extend to charge with the duty of postage any letters or packets addressed by the governors of his Majesty's settlements of Ceylon, the Cape of Good Hope, or the Mauritius, or by the secretaries of such governments respectively, to the

Letters from the governor of Ceylon, &c. to the agents of their governments not chargeable.

LAWS. 1819. 59 Geo. 3, c. 111, § 14.

the agents of those respective governments residing in England, or by such agents to such governors or secretaries: provided always, that the contents of such letters and packets relate *bonâ fide* to the public service or concerns of such governments, and such governor, secretary, or agent respectively superscribe the same.

Directors may receive Letters by Ships of the Company, free.

§ 15.

(15) And be it further enacted, that it shall be lawful for the Directors of the said Company for the time being to receive letters and packets free from sea postage, from any port or place within the limits of the charter of the said United Company, by ships in the service of the said Company; provided that the letters and packets brought by any one such ship, to be received by any such director, do not collectively exceed the weight of six ounces; and that such persons as shall have been directors may continue to receive such letters and packets free from postage for one year after they respectively shall have ceased to be directors.

Directors may receive letters free of sea postage from India by the ships of the Company.

Owners and Consignees.

§ 16.

(16) And be it further enacted, that it shall be lawful for the owners, charterers, or consignees of vessels, resident in Great Britain, to receive their letters by their own vessels, from Ceylon, the Mauritius, or any port or place within the limits of the charter of the said United Company, or from the Cape of Good Hope, free from sea postage; provided that such owners, charterers, or consignees, shall be described as such in the address and superscription of such letters, and that such letters brought by any one vessel to any one owner, charterer, or consignee, shall not collectively exceed the weight of twenty ounces.

Owners may receive letters by their own vessels free of sea postage.

§ 17.

(17) And be it further enacted, that it shall be lawful for the owners or consignees of goods on board ships arriving from Ceylon, the Mauritius, or any port or place within the charter of the said United Company, or from the Cape of Good Hope, to receive letters free from the sea postage by such ships, provided that such owners or consignees shall be described as such in the address and superscription thereof, and provided it shall appear by the ship's manifest, that such persons actually have goods on board such ships; and that the letter or letters brought by any one such ship, for any one such owner or consignee, shall not collectively exceed the weight of six ounces.

As also owners or consignees of goods.

§ 19.

(19) And be it further enacted, that such owners, charterers, consignees, and shippers may on the account of such ship obtain such letters as they respectively may be entitled to receive free of sea postage as aforesaid, from the master of such ship, before he shall make his delivery at the post-office in manner hereinafter directed; but nothing in this act shall entitle such owners or consignees to take away any letters whatever not within the limitation of weight and superscription.

Owners and consignees may obtain their letters from the master, before delivery at the post-office.

LAWS. 1819. 59 Geo. 3, c. 111, § 19.

§ 20.

(19) And be it further enacted, that in case any collector, comptroller, or other officer of his Majesty's customs, shall find any letter or letters superscribed as the letters of such owners, charterers, consignees or shippers, exceeding the weight limited by this act, then it shall be lawful for such collector, comptroller, or other officer, to seize so many of the letters as shall reduce the remainder within the proper weight, and he shall take the same to the nearest post-office; and the postmaster of the place shall pay to the officer delivering the same at the rate of sixpence for each letter or packet so seized.

Owners' letters exceeding the weight allowed, may be seized and carried to the post-office.

Masters of Vessels to deliver Letters at the first Post-Office.

§ 21.

(20) And be it further enacted, that on the arrival of any ship or vessel off the coast of Great Britain, the master shall cause all letters on board his ship (except such letters as may be obtained by such owners, charterers, consignees, and shippers as aforesaid, and except letters and packets exceeding the weight of three ounces) to be collected, and enclosed in some bag, box, or other envelope, to be sealed with his seal, and to be addressed to any of his Majesty's deputy-postmasters in Great Britain, to be in readiness to send on shore by his own boat or by the pilot boat, or any other safe and convenient opportunity, in order that the same may be delivered at the first regular post-office which can be communicated with, and be distributed from thence by the earliest inland posts; and shall likewise cause all letters and packets exceeding the weight of three ounces (except such as may be obtained by owners, charterers, consignees, and shippers as aforesaid) to be collected and enclosed in some bag, box, or other envelope, to be sealed and addressed as aforesaid, and shall deliver the same at the regular port or place where the ship or vessel shall report, and shall at such port or place sign a declaration, in the presence of the person authorized by the postmaster-general at such port or place, who shall also sign the same: which declaration shall be in the form or to the effect following; that is to say,

Masters of vessels, on arrival, to collect, enclose, and seal letters, and deliver them at the first post-office, and make the following declaration.

" I, A. B., commander of the [state the name of the ship or " vessel], arrived from [state the place], do, as required by law, " solemnly declare, that I have, to the best of my knowledge and " belief, delivered, or cause to be delivered to the post-office, every " letter, bag, package, or parcel of letters that were on board the " [state

LAWS. 1819. 59 Geo. 3, c. 111, § 21.

"[state the name of the ship], except such letters as are exempted "by law."

And that until such declaration shall be made and produced to the comptroller or principal officer of the customs, he or they shall not permit such ship or vessel to report.

Penalties.

§ 18. (21) And be it further enacted, that if any person whatsoever shall falsely superscribe any letter, as being the owner, charterer, or consignee of the vessel conveying the same, or the owner, shipper or consignee of the goods shipped in the vessel, every such person and persons so offending shall for every such offence forfeit and pay the sum of ten pounds.

Penalty on persons falsely superscribing letters as being ship-owners, &c., £10.

§ 22. (22) And be it further enacted, that if any master of any ship or vessel shall willingly refuse, or neglect to make or produce the said declaration, he shall forfeit and pay for every such offence the sum of fifty pounds.

Penalty on refusing to make declaration, £50.

§ 23. (23) And be it further enacted, that if any collector, comptroller, or principal officer, hereby required to prohibit any ship or vessel reporting until the requisites of this act shall be complied with, shall permit such ship or vessel to report, such collector, comptroller, or officer, for permitting such ship or vessel to report, shall forfeit and pay the sum of fifty pounds.

Penalty on persons permitting vessels to report, until Regulations complied with, £50.

§ 24. (24) And be it further enacted, that if, after the master of any vessel shall have sent his letters to the post-office of any port at which he may touch, prior to his arriving at that port where the ship or vessel is to report, any letter or packet not exempted by this act shall be found on board his vessel, in his possession, or in the possession of any of his crew, or any passenger on board, every such person knowingly having such letter or packet in his possession or in his baggage, shall forfeit and pay for every letter the sum of five pounds.

Penalty on persons having letters on board after delivery at the post-office, £5 for every letter.

§ 26. (25) And be it further enacted, that if any person to whom any letters may be entrusted by the master of any ship or vessel, sealed up in the manner required by this act, shall break the seal, or in any manner open the same, or shall not duly deliver the same without wilful or unavoidable delay, every person so offending shall forfeit and pay for every such offence the sum of twenty pounds.

Penalty on breaking seals of box, bag, or packages of letters, £20.

§ 29. (26) And be it further enacted, that one moiety of the several pecuniary penalties hereby imposed shall be payable to the use of his Majesty, his heirs and successors, and the other moiety to any person who shall inform and sue

Penalties, how to be recovered and applied.

sue for the same, to be recovered with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record in Great Britain, wherein no essoign, protection, or privilege, or wager of law, shall be admitted.

LAWS. 1819. 59 Geo. 3, c. 111, § 29.

Officers to search Packages.

§ 25. (27) And be it further enacted, that it shall be lawful for such collector, comptroller, or other officer, at any port or place whatsoever, who in the due execution of his duty as a revenue officer shall discover any letters or packets on board any vessel, in any port or place whatsoever, contrary to the provisions of this act, to seize and take all such letters and packets, and to forward the same to the postmaster-general, or his deputy, at the port or place; and that the officer seizing and sending the same shall be entitled to one moiety of the penalty which may be recovered for any such offence; and that in all cases of such seizure, the proof that the provisions of this act have been complied with shall lie on the person in whose possession or baggage the letters or packets shall be found.

Commanders of Ships of War.

§ 27. (28) And be it further enacted, that in case any bags, packages, or parcels of letters shall be brought by any ship of war, the commander thereof shall cause the same, and all letters which may be on board (except the public despatches of government), to be immediately sent to the post-office, at the first port where he shall arrive; and such commander shall, for all such letters, be entitled to receive the same allowances as are payable to the masters of other ships and vessels.

Money due to Masters to be paid by Postmaster-General.

§ 28. (29) And be it further enacted, that in case it shall happen from any unforeseen circumstances, that the master of any ship or vessel, or the commander of any ship of war, shall upon delivering his bags, packages, or parcels of letters, be prevented from receiving the money to which he shall be entitled, such master or commander shall nevertheless be paid the same, by the order of the postmaster-general, at such other places as may be most convenient.

In Actions brought for carrying Letters contrary to the Provisions of 9th Anne, cap. 10, or 42d Geo. III, cap. 81. Proof shall lie on the Defendant.

§ 30. (30) And be it further enacted, that in any action or suit against any person or persons, for collecting, carrying, conveying, delivering, or sending letters or packets contrary to the provisions in an act made in the ninth year of the reign of her late Majesty Queen Anne, intituled "An Act for establishing" a General Post-Office for all her "Majesty's Dominions, and for settling a weekly Sum out of the "Revenues thereof for the Service of the War, and other her Ma- "jesty's

LAWS.

1819. 59 Geo. 3, c. 111, § 30.

"jesty's Occasions;" or contrary to the provisions in an act made in the forty-second year of the reign of his present Majesty, intituled "An Act for amending so much of an Act passed in the Seventh "Year of the Reign of His present Majesty, as relates to the secreting, embezzling, or destroying any Letter or Packet sent by the "Post, and for the better Protection of such Letters and Packets, "and for more effectually preventing Letters and Packets being sent, "otherwise than by the Post;" or in either of them, or contrary to the provisions of this act, the proof that the letters or packets were collected, carried, conveyed, delivered or sent, according to the provisions contained in the said last-mentioned acts, or one of them, or according to the provisions contained in this present act (as the case may require), shall lie on the person or persons against whom such action or suit shall be brought for delivering or sending the same.

§ 33.

China.

(31) Provided always, and be it further enacted, that nothing in this act contained shall extend or be construed to extend to any letters or packets to or from China, but that they may be sent and carried as heretofore has been used, any thing to the contrary herein contained in any way notwithstanding.

Act not to extend to letters, &c. to or from China.

1825. 6 Geo. 4, c. 68.

Newspapers.

(32) Votes and other parliamentary proceedings, and newspapers may be sent to the colonies by packet boats, upon payment of three halfpence for every vote, paper, &c.; and newspapers may be sent from the colonies on payment of threepence by the person to whom addressed. All papers to be sent in a cover open at the sides.

PRIZE-MONEY.

LETTERS-PATENT were issued by his Majesty King George II, on the 14th January 1758, granting to the East-India Company all booty and plunder taken in wars, hostilities, or expeditions begun, carried on, and completed by forces raised and paid by the Company alone, or by the ships employed at their sole expense; reserving the right to the Sovereign to distribute the said booty or plunder, in such manner and proportions as might be deemed fit, in all cases where any of his Majesty's forces by land or sea may be appointed and commanded to act in conjunction with the ships or forces of the Company. In the instances where the Company's troops only have been engaged, as in 1778, against Pondicherry, and in 1781, against the Dutch setlements, the Company gave up all booty to the captors.

Of the prize-money arising out of the Mysore campaign in 1792, from Pondicherry in 1793, from the military stores taken at Seringapatam in 1799, from Serampore in 1812, and Rasool Khyma in 1819, the portion granted by his Majesty's warrant to the Company was given up by them to the captors.

The question relative to the "Deccan Prize-Money" having created considerable interest in the public mind, the following brief detail may be calculated to explain the subject, and cause of the delay which has unavoidably occurred in its distribution.

During the progress of the Pindarrie and Mahratta war of 1817-18, questions arose as to the mode in which the booty acquired in the course of the operations should be distributed. Lord Hastings, as commander-in-chief of all the forces in the field, asserted his right, and that of the forces under his immediate authority, to participate in whatever prize might be taken by

by any portion of the troops in the field; whilst Sir Thomas Hislop, as commander-in-chief of that part of the combined forces which was designated "the Army of the Deccan," contended that no right to share could be maintained by any other troops than those belonging to the particular division or sets of divisions by which the capture was effected.

The Court of Directors lost no time in applying to the Lords of the Treasury, praying the grant of the booty in the usual form. Their first memorial to this effect was dated in March 1819; and no grant having been made, a second memorial was addressed in January 1820. In consequence of the delays interposed by the legal advisers of the different parties interested in the result, a decision was not passed until February 1823, when the Lords of the Treasury adopted the following minute, by which the claims of Sir Thomas Hislop were admitted, to the exclusion, generally, of those of Lord Hastings and the Bengal Army.

Treasury Chambers, Wednesday, 5th February 1823,

PRESENT,

The Earl of Liverpool,
The Chancellor of the Exchequer,
The Honourable Berkeley Paget,
Viscount Lowther,
Lord Granville H. Somerset.

My Lords having heard counsel in support of the claims of the Marquis of Hastings and the grand army, and of those of Sir Thomas Hislop and the army of the Deccan, and having maturely and deliberately weighed and considered all the documentary evidence laid before them in behalf of the several parties, and the arguments of the counsel, are of opinion that the most just and equitable principle of distribution will be, to adhere, as nearly as the circumstances of the case will admit, to that of actual capture; and that although they are aware that the principle of constructive capture must under certain circumstances in a degree be admitted, the disposition should be to limit rather than to extend that principle.

They are therefore of opinion, that the mode of distribution originally intended by the Marquis of Hastings would be most equitable and just with respect to the booty taken at Poonah, Mahidpore, and Nagpore, and that the booty taken on each of those occasions respectively should belong to the divisions of the Deccan army engaged in the respective operations in which the same was captured; but that as the division of the Bengal army under Brigadier-General Hardyman appears

appears to have been put in motion for the purpose of co-operating directly in the reduction of Nagpore, and to have been actually engaged with a corps of the enemy antecedent to the surrender of that place, this division appears to my Lords to be justly entitled to share in the booty captured at Nagpore; and that such other booty arising from the operations against the Mahrattas in the year 1817 and 1818, as may now be subject to his Majesty's royal disposition, should be granted to such divisions of the grand army under the command of the Marquis of Hastings, and of the Deccan army under the command of Sir Thomas Hislop, as may respectively have captured the same.

My Lords are also of opinion, that conformably to the letter of the Marquis Hastings to Sir Thomas Hislop of the 12th of January 1818, Sir Thomas Hislop as commander-in-chief of the Deccan army, and all the officers of the general staff of that army, are entitled to participate in the booty which may arise from any capture by any divisions of the army of the Deccan, until the said army of the Deccan was broken up on the 31st March 1818.

My Lords have felt it to be inconsistent with their duty to recommend to his Majesty to give his sanction to any agreement for the common division of booty into which the several divisions of either army may have entered, as it is their decided opinion, that if the principle of actual capture be not adopted in this case as the rule of distribution, no other correct or equitable rule could have been adopted than that of a general distribution amongst the forces of all the presidencies engaged in the combined operations of the campaign.

My Lords do not consider that, under all the circumstances of this case, it will be expedient to recommend to his Majesty to grant any part of this booty to the East-India Company.

And my Lords will submit to his Majesty their recommendation, that he will be graciously pleased to direct that his royal grant of the said booty may be made in conformity with these principles.

And for the purpose of better carrying into effect his Majesty's gracious intentions in this behalf, my Lords will recommend to his Majesty that a grant be made of the said booty to trustees to be appointed by his Majesty, for the purpose of ascertaining and collecting the said booty, and for preparing a scheme for the distribution thereof conformably to the principles above stated, which my Lords will submit for his Majesty's final approbation and sanction, under his royal sign-manual warrant.

And that if any questions or differences should arise thereon, or between the East-India Company and the said trustees, in regard to what may or may not be properly considered as booty, according to the legal acceptation of the term booty, with reference to the principles governing any capture of property from an enemy in Indian warfare and the chartered rights of the East-India Company, and the true

true intent and meaning of his Majesty's grant, or if the governor-general or governor-general in council may have ordered any captured property to be restored, or may have considered any such property as not the proper subject of prize or booty, and the said trustees shall claim the same as such, all questions or differences relating to any such property or booty which may arise between the East-India Company and the said trustees should be submitted to this Board, either for his Majesty's decision thereon, or for such directions as his Majesty may be pleased to give for referring the same for final adjudication, as the case may require.

And my Lords are pleased to direct that a copy of the aforegoing minute be transmitted to the agents of the respective parties for their information, and also to the Chairman and Deputy-Chairman of the East-India Company for the information of the Court of Directors; and that a copy thereof be also transmitted to the King's proctor, with instructions to him to confer with the King's advocate, and under his advice to prepare and submit, for their Lordship's consideration and approbation, a draft of a warrant to be submitted to his Majesty for granting the said booty to trustees, to be appointed by his Majesty, for the purpose of ascertaining and collecting the said booty, and for preparing a scheme for the distribution thereof conformably to the principles above stated.

On the 22d March 1823, his Grace the Duke of Wellington and the Right Honourable Charles Arbuthnot were appointed the trustees.

In carrying into effect the provisions of the minute of the Lords of the Treasury, and of the grant made by his Majesty founded on it, various questions arose as to what property was to be considered as booty within the meaning of the grant. All treasure, grain, military stores, &c. which had been actually captured by the troops, were of course held and admitted to be prize; but claims were set up to large sums, not on the plea that the troops had seized them, but because they had been the property of the enemy, and had come into the possession of the East-India Company in consequence of the war. After much correspondence, these sums were directed by the Lords of the Treasury to be considered as booty. This decision had the effect of re-opening the question, which was understood to have been set at rest by the minute of February 1823: for the sums thus admitted to be prize had not been taken by any particular division of the army, and the principle of sharing by actual capture could not therefore be applied to them. The claims

claims of Lord Hastings were, in consequence, again brought before the Lords of the Treasury, and a determination was adopted, by which the whole of the troops engaged in the war were admitted to share in all property not captured by any particular division, but which was acquired in consequence of the general results of the war. The following is a copy of the second minute of the Lords of the Treasury.

Copy of Treasury Minute of 16th Jan. 1826,

PRESENT,

The Earl of Liverpool,
The Chancellor of the Exchequer,
Mr. Berkeley Paget,
Lord Lowther,
Lord Granville Somerset.

My Lords, assisted by the trustees of the Deccan booty, Lord Bexley, and the law officers of the crown, having heard counsel on behalf of the Marquis of Hastings and the grand army, and also on behalf of Sir Thomas Hislop and the army of the Deccan, upon the subjects of discussion relating to the distribution of the Deccan booty, which have arisen out of the difference between the actual circumstances attending the capture of a large proportion of that booty, as stated by the trustees, and those which were assumed at the hearing before their Lordships in January 1823, and having maturely considered the arguments severally stated by the counsel, and also the whole of the documents upon the subject of this booty now before the Board, are of opinion:

1. That with respect to all that portion of the booty now at the disposal of the crown, which is described as having been "taken in the "daily operations of the troops," the distribution thereof should be made to the actual captors, according to the terms and conditions of the minute of this Board of the 5th of February 1823, and of the warrant of his Majesty of the 22d March following.

2. That with respect to that part of the booty which consists of the produce of arrears of tribute, rent, or money due to the Peishwah, it appears to my Lords to have been acquired by the general result of the war, and not by the operations of any particular army or division; and they are of opinion that it ought, therefore, to be distributed in conformity with the alternative stated in their minute of the 5th of February 1823, as being "the only correct or equitable rule, if the "principle of actual capture cannot be adopted, *viz.* amongst the "forces of all the presidencies engaged in the combined operations "of the campaign."

3. With respect to the property captured at Nassuck, my Lords are of

of opinion, that the booty recovered at that place cannot be distributed upon the principle of actual capture, and ought therefore to be divided amongst the forces of all the presidencies engaged in the combined operations of the campaign.

4. With respect to the booty recovered at Poonah, alleged to have been removed thither from Rai Ghur, my Lords are of opinion, that this booty cannot be distributed upon the principle of actual capture to the forces by which Rai Ghur was taken, under the orders of the government of Bombay, unless it can be proved by the captors of Rai Ghur that the property in question was actually in that fort at the time when it was taken: in default of which proof, my Lords are of opinion that this booty also ought to be distributed among the forces of all the presidencies engaged in the combined operations of the campaign.

5. With respect to that portion of the booty which is stated to consist of money recovered on account of deposits made by the Peishwah, my Lords are of opinion, that any part of the property which can be proved to have been in Poonah at the time when that place was captured, *viz.* on the 17th of November 1817, ought to be distributed to the captors of Poonah, according to the terms of the minute of the 5th of February 1823, upon the principle of actual capture; but that with respect to those parts of the above property as to which such proof cannot be established, such monies or effects must be considered as having been acquired by the general result of the war, and as such ought to be distributed amongst the forces of all the presidencies engaged in the combined operations of the campaign.

6. With respect to the share of the commander-in-chief in the distribution, under the several heads above enumerated, my Lords are of opinion that the Marquis of Hastings ought to share as commander-in-chief in all those cases in which Sir Thomas Hislop is not entitled to share as such, under the terms of the minute of the 5th of February 1823, wherein it is declared, "that Sir Thomas Hislop, as commander-in-chief of the Deccan army, and all the officers of the general "staff of that army, are entitled to participate in the booty which "may arise from any capture by any of the divisions of the army of "the Deccan, until the said army of the Deccan was broken up, on "the 31st of March 1818."

My Lords are further of opinion, that the general rules of division hitherto adopted in distributing booty to the forces in India, among the several classes and ranks of the army, should be adhered to on the present occasion.

The trustees have appointed agents in this country in the following warrant:—

Whereas by a warrant under his Majesty's royal sign-manual, bearing

ing date the 22d day of March in the fourth year of his Majesty's reign, and countersigned "Liverpool," "Lowther," "G. C. H. Somerset," we, the Most Noble Arthur Duke of Wellington, Knight Grand Cross of the military Order of the Bath, and Field Marshal of the army of his Majesty, and the Right Honourable Charles Arbuthnot, are appointed trustees for the purpose of ascertaining, collecting, and receiving all prize or booty taken in certain hostilities begun and carried on in the years 1817 and 1818, by his Majesty's forces in conjunction with the forces of the United Company of Merchants of England trading to the East-Indies, against the Pindarries and certain of the Mahratta states and powers, and to do sundry other matters and things relating thereto, as in and by his Majesty's said warrant are particularly directed: and whereas the said warrant also directs, that the said trustees do regulate their conduct in regard to the performance of the duty of collecting, receiving, and distributing the said booty by the agents entrusted by them for that purpose, and in regard to the notices and notifications thereof, and of accounting for the same according to the provisions of an act passed in the fifty-fourth year of the reign of his late Majesty George III, entitled "An Act for Regu-"lating the Payment of Army Prize Money, and to provide for the "Payment of Unclaimed and Forfeited Shares to Chelsea Hospital;" and according to the rules and customs heretofore used and observed in his Majesty's service in like cases: now know all men, that we the said Arthur Duke of Wellington and Charles Arbuthnot, in pursuance of the power and authority granted to us in and by the said warrant, have ordained, nominated, constituted and appointed, and by these presents do ordain, nominate, constitute and appoint Archibald Campbell, of Regent-street, in the county of Middlesex, Esq., and Charles George James Arbuthnot, a lieutenant-colonel in his Majesty's service, jointly agents, for the purposes aforesaid, and also our true and lawful attornies; and for us and in our names to ask, demand, and collect, get in, recover, and receive of and from the said United Company of Merchants of England trading to the East-Indies, and of and from any of their officers or servants, or other person or persons whomsoever, all sums of money which now are or may hereafter become payable to us, under and by virtue of the said warrant; and on receipt thereof, or any part thereof, for us and in our names to grant good, valid and effectual discharges, and also to pay and distribute the same when and in such manner as payment and distribution thereof shall be ordered and directed agreeably to the terms and provisions of the said warrant, and subject to the provisions of the act of Parliament of the fifty-fourth of his late Majesty George III, and the rules and customs hereinbefore referred to; and generally to act, do and perform all such other matters and things as we might or could do if personally present; we hereby agreeing to allow, ratify and confirm all and whatsoever our said agents or attornies shall lawfully do or cause to be done in the premises by virtue of these

these presents. In witness whereof we have hereunto set our hands and seals, this eighth day of February 1826.

Signed, sealed, and delivered at London, in the presence of } WELLINGTON, (L.S.) } CHARLES ARBUTHNOT (L.S.)

G. CORNEIL, } Office of Woods, &c.,
W. D. WHITE, } Whitehall.

This is a true Copy of the Original Power of Attorney, having been therewith examined, this 9th day of February 1826, by us:

ALEXANDER M'DOUGALL, Parliament Street,
ALEXANDER H. M'DOUGALL, Parliament Street.

The sums adjudicated as booty amount, it is understood, to upwards of sixty lacs of rupees, which the Court of Directors, in February 1825, instructed their Governments in India to pay over to the trustees or their agents, with interest thereon at six per cent. per annum, from the date of the deposit to the date of the receipt of their orders in India.

In June 1821, the 1st and 2d Geo. IV, cap. 61, was passed to regulate the appropriation of unclaimed shares of prize-money belonging to soldiers or sailors in the service of the Company.

LAWS.

LAWS. 1758. H. M. Letters Patent.

(1) George the Second, by the grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. To all to whom these presents shall come, greeting: whereas by virtue of several charters or letters-patents, heretofore granted by divers of our royal predecessors, to different companies of merchants of London and of England trading to the East-Indies, which have formerly been incorporated, such former companies have had power to send ships of war to their settlements in the East-Indies, to raise and keep a military force, and to make peace or war with any princes or people, not Christians, in any places of their trade; and also to right and recompense themselves upon the goods, estate, or people of those parts by whom they should sustain any injury, loss, or damage, or upon any other people that should any way interrupt, wrong, or injure them in their trade, within the limits of their charters.

Recital of the Company's power to send ships of war, and to have a military force, and to make peace or war in India.

(2) And whereas by virtue of a charter, or letters-patents, granted by our royal predecessor King William

Recital of charters of the 5th

September, tenth year of William III, and 8th of January, 26th of Geo. II.

William the Third, of glorious memory, bearing date at Westminster, the fifth day of September, in the tenth year of his reign; and by virtue of our royal charter or letters-patents, under the great seal of Great Britain, bearing date at Westminster, the eighth day of January, in the twenty-sixth year of our reign, the United Company of Merchants of England trading to the East-Indies have power to raise and maintain such a body of standing forces at their several settlements in the East-Indies, and such a number of seamen and ships of defence, as shall be necessary for the safeguard and defence of the same; and to take and surprise all and every person and persons, with their ships, armour, and ammunition and other goods, as shall in an hostile manner invade or attempt the defeating or destruction of the said United Company's settlements, or our subjects inhabiting therein, and, upon just cause, to invade and destroy the enemies of the same.

LAWS. 1758. H. M. Letters Patent.

(3) And whereas many troubles have of late years arisen in the East-Indies, and the said United Company have been obliged, at very great expense, to carry on war in those parts against the French, and likewise against the Nabob of Bengal, and other princes or governments in India, and some of the territories and possessions, goods, merchandizes, treasure and other things belonging to the said United Company in India having been taken from them by the said Nabob of Bengal, have been since retaken by the ships of war and forces maintained, raised and paid by the said United Company, in conjunction with some of our royal ships of war and forces, which we have been graciously pleased to send to the East-Indies for the defence and assistance of the said United Company against their enemies, and other territories or districts, goods, merchandizes and effects have been conquered and taken from some of the said princes or governments in India at variance with the said United Company, by the ships and forces of the said United Company alone.

Booty and plunder taken in war granted to the Company.

(4) And whereas it is expedient for the said United Company, in order to enable them to support the great burden and expense of the war they are now engaged in, and of such wars as they may hereafter have with any of their or of our enemies in India; and the better to enable them from time to time to make peace on terms advantageous to their trade, that we should make them such grant and give them such powers as hereinafter are contained: now know ye, that we, well weighing how highly it imports the honour and welfare of this our realm, and our good subjects thereof, that all fitting assistance and encouragement should be given to the said United Company, and in performance of divers covenants between our royal predecessors and the said Company, for granting them all such further reasonable powers and privileges as may be advisable, for the better support and improvement of their trade, have, of our especial grace, certain knowledge and mere motion, given and

LAWS. 1758. H. M. Letters Patent.

and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said United Company of Merchants of England trading to the East-Indies, their successors and assigns, all such booty or plunder, ships, vessels, goods, merchandizes, treasure, and other things whatsoever which, since our royal letters-patents of the nineteenth day of September last past, have been or shall be taken or seized from any of the enemies of the said Company, or any of our enemies in the East-Indies, by any ships or forces of the said Company, employed by them or on their behalf, within any places or limits of their trade prescribed to them by any of the charters granted by us or any of our royal predecessors: provided always, that the said plunder or booty, as aforesaid, be taken or seized during wars or hostilities begun and carried on, in order to right and recompense the said Company, upon the goods, estate or people of those parts from whom they shall sustain, or shall have just and well-grounded cause to fear any injury, loss, or damage, or upon any their people who shall interrupt, wrong, or injure them in their said trade within the limits of their said charters, or who shall in an hostile manner invade or attempt to weaken or destroy the settlements of the said Company, or to injure our subjects, or others trading or residing within the said settlements, or in any manner, under our protection, within the said places or limits; and further, provided always the booty or plunder, as aforesaid, be taken in wars, hostilities, or expeditions begun, carried on and completed by the forces raised and paid by the said Company alone, or by the ships employed at their sole expense, saving our prerogative royal, to distribute the said plunder or booty in such manner and proportions as we shall think fit, in all cases where any of the forces, by land or sea, of us, our heirs and successors, shall be appointed and commanded to act in conjunction with the ships or forces of the said Company; and excepting always, out of this our grant, all such ships, vessels, goods, merchandizes, treasure, and other things whatsoever, which have been or shall be forcibly taken or detained by the enemy from any of our subjects or others trading or residing within the places or limits aforesaid, under our protection, and which have been or shall be retaken, in consequence of any wars, hostilities or expeditions, as aforesaid, it being agreeable to justice and equity, and to our royal purpose, that the same shall be restored to the original owners respectively, as far as may be, on payment of reasonable salvage.

(5) And further we have, of our like especial grace, certain knowledge and mere motion, given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said United Company of Merchants of England trading to the East-Indies, their successors and assigns, that they the said United Company, their successors and assigns, shall and may, by any treaty or treaties of peace made or to be made between them or any of their officers, servants, or agents employed

Fortresses, &c. acquired by conquest may be disposed of by the Company.

LAWS. 1758. H. M. Letters Patents.

employed on their behalf, and any of the Indian princes or governments, cede, restore, or dispose of any fortresses, districts, or territories acquired by conquest from any of the said Indian princes or governments, during the late troubles between the said Company and the Nabob of Bengal, or which shall be acquired by conquest in time coming: provided always, that the said Company shall not have any power or authority whatsoever to cede, restore, or dispose of any settlements, fortresses districts, or territories conquered from the subjects of any European power, without the especial license and approbation of us, our heirs and successors.

Charter to be taken in the most favourable sense.

(6) And we do, for us, our heirs and successors, grant and declare, that these our letters-patents, or the enrolment thereof, shall be, in and by all things, valid and effectual in the law, according to the true intent and meaning of the same, and shall be taken, construed, and adjudged in the most favourable sense, for the best advantage of the said Company, as well in our courts of record as elsewhere, notwithstanding any non-recital, mis-recital, defect, uncertainty, or imperfection in these our letters-patents.

14th January, thirty-first year of the reign.

(7) In witness whereof, we have caused these our letters to be made patents.—Witness ourself, at Westminster, the fourteenth day of January, in the thirty-first year of our reign.

[*By Writ of Privy Seal.*]

An Act to regulate the Appropriation of unclaimed Shares of Prize-Money.

1821. 1 and 2 Geo. 4, c. 61, § 1.

Prize money belonging to soldiers, remaining in hands of agents and others, to be paid over to the East-India Company.—Application of the money so paid over.

(1) Whereas divers sums of money belonging to officers and soldiers employed in the service of the United Company of Merchants of England trading to the East-Indies, and divers other sums of money belonging to commanders, officers and crews of ships hired by or belonging to the said United Company, which said several sums of money have arisen from or have become distributable in respect of services in war, now remain and are in the hands of prize agents and other persons; and whereas it is expedient that all unclaimed shares of such money should be appropriated as hereinafter is provided; be it therefore enacted by the King's most excellent Majesty, that all and every shares and share of booty, prize-money, head-money, bounty-money, and salvage-money, and of money arisen from or distributable in respect of any capture or other warlike service whatsoever, belonging to officers or soldiers, or to any officer or soldier in, or having been in the service of the said Company, in whatever service the same may have accrued, now remaining in the hands of any prize-agent or agents, or any other person or persons whomsoever, shall be paid over

LAWS. 1821. 1 and 2 Geo. 4, c. 61, § 1.

over to the said United Company in London, or at any of their settlements abroad, according to the residence of the party or parties paying the same, or as the Court of Directors of the said United Company shall direct; and all sums of money, when so paid over, shall be applied to the fund established by the Right Honourable Robert late Lord Clive, for the relief of persons and the widows of persons in the military service of the said United Company, commonly called "Lord Clive's Fund," for the purpose and objects of the said fund, according to the rules and regulations for the time being thereof; subject nevertheless to be refunded without interest to any person or persons entitled to the same, and establishing his, her, or their claim or claims thereto, to the satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the settlement where the same shall have been paid over to the said Company.

§ 2.

Prize money belonging to seamen, in the hands of agents and others, to be paid over to the East-India Company. —Application of such money.

(2) And be it further enacted, that all and every shares and share of booty, prize-money, head-money, bounty-money and salvage-money, and of money arisen from or distributable in respect of any capture or other warlike service whatsoever, belonging to commanders, officers, sailors or other persons, or to any commander, officer, sailor, or other person serving or who may have served on board of any ship or vessel in the service of the said Company, whether hired or belonging to the said Company, in whatsoever service the same may have accrued, now remaining in the hands of any prize-agent or agents, or any other person or persons whomsoever, shall be paid over to the said United Company in London, or at any of their settlements abroad, according to the residence of the party or parties paying the same, or as the Court of Directors of the said United Company shall direct; and all sums of money when so paid over shall be applied to the Hospital Fund established for the relief of persons and widows of persons belonging to ships and vessels in the service of the said United Company, commonly called "Poplar Hospital," for the purposes and objects of the said last-mentioned fund, according to the rules and regulations for the time being thereof, subject nevertheless to be refunded without interest to any person or persons entitled to the same, and establishing his, her, or their claim or claims thereto, to the satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the settlement where the same shall have been paid over to the said Company.

§ 3.

Times within which Payments are to be made.

(3) Provided always, and be it further enacted, that all money hereby directed to be paid over to the said United Company, and which shall be to be paid over in London, shall be paid within six calendar months next after the passing of this act; and all such money

LAWS. 1821. 1 and 2 Geo. 4, c. 61, § 3.

money which shall be to be paid over at any of the settlements abroad of the said United Company, shall be paid within six calendar months next after the governments at the said settlements respectively shall have caused the provisions of this act, in that respect, to be notified in the way in which general orders for the army are usually published at the said settlements respectively.

Agents to deliver Accounts upon Oath.

(4) And be it further enacted, that all and every person and persons whomsoever who are required by this act to pay over any money to the said United Company, shall and they are hereby required, without further requisition or notice, to deliver or cause to be delivered to the secretary of the said United Company in London, or to the several secretaries of the respective governments at the settlements abroad where such money shall be to be paid over to the said United Company respectively, a true and correct account of all the monies remaining in his or their hands, and so to be paid over, with a list or lists of the names, rank, regiment, or other sufficient description of the persons entitled thereto, which account and lists shall be verified by the affidavit on oath of the party or one of the parties required to deliver the same, such oath to be taken before any magistrate or other person authorized by any court of law or equity to administer oaths, and which oath such magistrate or other person is hereby required to administer accordingly.

Court of Directors and Governments abroad to call for Accounts.

§ 5.

Not to require accounts which have been legally closed.

(5) And be it further enacted, that upon the reasonable request and notice of the Court of Directors of the said United Company, and the governments of the settlements of the said Company abroad respectively, all and every person and persons whomsoever who are required by this act to pay over any money to the said United Company, shall make out and deliver, or cause to be made out and delivered to the secretaries of the said Court of Directors, and of the said governments respectively requiring the same, full, true, and particular accounts in writing of all the receipts, payments, dealings and transactions of such person and persons; and if they shall be executors, administrators, agents, or representatives, then full, true and particular accounts, in writing, of their several testators, intestates, and principals, any way relating to any booty, prize-money, or other matter in respect of which such money so to be paid over shall have arisen, with the dates of all and every such receipts, payments, dealings, and transactions, and true and correct lists and descriptions of all grants, deeds, writings, books of account, letters, and papers whatsoever, in the custody or power, or which ever shall have been in the custody or power of the persons respectively required to make out and deliver the same, or of their respective testators, intestates, or principals, any way relating to any such booty, prize-money

LAWS. 1821. 1 and 2 Geo. 4, c. 61, § 5.

money, or other matter; which accounts and lists shall be verified by affidavit on oath, to the best of the knowledge, information, and belief of the person or persons required to make out and deliver the same, such oath to be taken before any magistrate or other person authorized by any court of law or equity to administer oaths, and which oath such magistrate or other person is hereby required to administer accordingly; and all the grants, deeds, writings, books of account, letters, and papers relating to the matters aforesaid, and in the custody or power of the person or persons required to pay over any such money as aforesaid, shall be produced and shewn at all reasonable times at the place or places where such grants, deeds, writings, books of account, letters and papers shall be usually kept and deposited, or in some other reasonable and convenient manner, to such person and persons as the said Court of Directors or the said governments respectively shall direct or authorize to inspect the same; and such person and persons shall have full liberty to inspect, and take, and cause to be taken such copies, extracts, and abstracts thereof, as he or they, or the said Court of Directors, or the said governments respectively, shall see fit: provided always, that this act, or any thing herein contained, or the production, inspection, or examination of the accounts, books, and papers before-mentioned, shall not in any way be deemed or construed to extend to open any account which shall have been conclusively closed and settled by the order, judgment, sentence, or decree of any court of competent jurisdiction, or in any other manner by which the parties interested therein would have been concluded if this act had not been passed, nor to prevent any court of competent jurisdiction to order any such account to be opened, or to give liberty for surcharge or falsification thereof, upon just cause and ground shewn for that purpose.

§ 6.

Persons taking false Oaths guilty of Perjury.

(6) And be it further enacted, that if any person or persons whosoever 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 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 said United Kingdom called England.

§ 7.

Power of Recovery of Monies directed to be paid over.

(7) And be it further enacted, that the said United Company shall have and be entitled to the same rights, powers, Courts of justice invested with the same powers as they now have with respect to Greenwich and Chelsea Hospitals.—Court of Directors, &c. to exercise similar authority to what may be exercised by the treasurers of Greenwich and Chelsea Hospitals.

LAWS. 1821. 1 and 2 Geo. 4, c. 61, § 7.

powers, remedies, and methods of suit at law or in equity, or by any admiralty process, to be commenced and prosecuted in the name of the said United Company in the several courts of justice in the United Kingdom and in the East-Indies, and elsewhere soever, for discovery and recovery of the monies hereby directed to be paid over to the said Company, as the original owners thereof now have or are entitled to use or exercise; and all courts of law and equity, and of admiralty jurisdiction, in the United Kingdom and in the East-Indies, shall have and exercise the same jurisdiction, powers, and authorities, for compelling all and every person and persons to account for and pay over the monies hereby directed to be paid over to the said United Company, as any court of law or equity, or of admiralty jurisdiction, may now lawfully exercise with respect to any unclaimed balances payable to the treasurers of Greenwich Hospital and Chelsea Hospital respectively, by virtue of any act or acts of Parliament, or any law, usage, or custom whatsoever; and that it shall and may be lawful to and for the Court of Directors of the said United Company, and the several governments of the settlements abroad of the said United Company, to exercise the same or the like powers and authorities for the recovery of the monies hereby directed to be paid over to the said United Company, as may now be exercised by virtue of any act or acts of Parliament now in force relating to prize-money by the treasurers of Greenwich Hospital and Chelsea Hospital respectively, so far as such powers and authorities extend to the recovery by them, and the discovery of unclaimed shares of prize-money due and belonging to any officers, soldiers, or seamen in the service of his Majesty, and shall be applicable to the objects of this act.

Not to affect the Interests of Chelsea or Greenwich Hospitals.

§ 8.

(8) And be it further enacted, that nothing in this act contained shall extend or be construed to extend to affect the Royal Hospital for soldiers at Chelsea, nor the Royal Hospital for seamen at Greenwich, nor to take away, repeal, or diminish any claim, right, or interest which, by virtue of any law or laws now in force have been given or are now existing, or may hereafter, by virtue of the said acts, become vested in the said Royal Hospitals, or in the treasurers thereof, for the recovery of any unclaimed and forfeited shares of prize-money for the benefit of the said institutions or for the benefit of the person or persons entitled to any unclaimed and forfeited shares of prize-money, but the same shall continue and remain in the said commissioners and in the said treasurers as if this act had not been made.

§ 9.

Acquitting Persons paying over Prize-Money.

(9) And be it further enacted, that all and every person and persons,

LAWS. 1821. 1 and 2 Geo. 4, c. 61, § 9.

sons, who shall pay over to the said Company, or to any other person or persons, by their order or for their use, any sum or sums of money under the provisions of this act, shall, from and after such payment, be absolutely acquitted and discharged from all claims and demands whatsoever of all and every other person and persons to the same monies which shall be so paid over.

Application of Prize-Monies in Hands of the East-India Company.

§ 10. (10) And be it further enacted, that all unclaimed shares of booty, prize-money, head-money, bounty-money, and salvage-money, and of money arisen from or distributable in respect of any capture or other warlike service whatsoever, belonging to officers and soldiers in the service of the said Company, and to commanders, officers, sailors, and other persons serving on board such ships as aforesaid, in the service of the said United Company, and which now remain in the hands of the said United Company, or in any of their treasuries abroad, shall forthwith be carried over by order of the Court of Directors of the said Company, to the credit of the said respective funds, called "Lord Clive's Fund," and "Poplar Hospital;" to be applied to and for the purposes and objects of the said funds respectively, in like manner as the monies herein-before directed to be paid to them are to be applied; and in case at any time the person or persons originally entitled to the same, or their representatives, shall establish their claims thereto to the satisfaction of the said Court of Directors, or of the Governor and Council of the settlement where the same money shall now remain, then the said Court of Directors shall cause the said money to be refunded accordingly, and the same shall be brought back from the fund to which it shall have been carried, as herein-before is mentioned.

Expenses of carrying this Act into Execution to be defrayed out of the Monies recovered.

§ 11. (11) And be further enacted, that all expenses incurred or to be incurred in executing this act, and the sums paid in remunerating the officers or persons employed on behalf of the said United Company, for their care, pains, and trouble in performing the regulations and directions thereof, shall, so far as the same relate to those officers or persons, be subject to the discretion of the Court of Directors for managing the affairs of the said Company, and shall be paid out of the principal monies to be recovered and discovered as aforesaid, on account of such shares respectively: provided nevertheless, that no person employed by the said United Company in executing the regulations of this act, shall act as an agent for prizes, or be concerned directly or indirectly in the business thereof, under the penalty of five hundred pounds.

Persons employed by the Company not to act as agents. Penalty £500.

Not

Not to prevent Persons trying Rights to Prize-Money.

LAWS. 1821. 1 and 2 Geo. 4, c. 61, § 12.

(12) Provided always, and be it further enacted, that nothing in this act contained shall extend or be construed to extend to prevent any person or persons from resorting to any remedy at law or in equity, against the said Company, for the recovery of the principal, without interest, of any money to which he, she, or they may be entitled, and which shall have been paid to the said United Company, or which shall have been carried over by the said Company to the credit of either of the funds herein-before mentioned, under the directions of this act; provided such person or persons shall have preferred his or their claim thereto to the said Court of Directors, if such money shall have been paid over to the said Company in England, or shall have been carried over from their funds at home, or to the Governor in Council of the presidency where the same shall have been paid or carried over, if paid over to the said Company, or carried over from their funds in India, within six years after the same shall have been so paid or carried over; any thing herein contained to the contrary notwithstanding.

ROYAL NAVY.

THE subject of this head should properly have been inserted under that of "Naval Force in India," but the bill upon which it is founded was not printed until the 26th April. The object of the act is to provide that the charges and expenses of any naval force sent out by his Majesty to the East-Indies on the representation of the Court of Directors, with the approbation of the Board of Commissioners for the Affairs of India, for the purpose of being employed in hostilities against any of the native powers in the East-Indies, shall be borne by the Company as part of their political charges.

It is understood that the charge to the Company shall cease so soon as there shall have been sufficient time for the recall and return of the ships, after due notice that their services are no longer required; such notice to be given by the Court of Directors to the Lords of the Admiralty.

LAWS.

LAWS. 1826. 7 Geo. 4, c. § 1.

(1) Whereas by an act passed in the fifty-third year of the reign of his late Majesty King George III, provision is made for 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 within the limits aforesaid, and of maintaining the forts and garrisons there, and providing warlike and naval stores; Preamble.

(2) And whereas it is expedient that similar provision should be made for payment by the said Company of the expenses of any naval force which now is, or at any time hereafter may be sent to the East-Indies or parts aforesaid, for the purpose of being employed in hostilities with any of the native powers;

(3) 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 Charges and expenses of naval force sent out on representation of

Directors of East-India Company, to be defrayed by the Company.

present parliament assembled, and by the authority of the same, that all the charges and expenses of sending out and employing, in the East-Indies and parts aforesaid, the naval force which hath been lately sent out by his Majesty, upon the representation of the Court of Directors of the said United Company, with the approbation of the Commissioners for the Affairs of India, and also all the charges and expenses of any naval force which may hereafter be sent out by his Majesty, his heirs or successors, upon the representation of the Court of Directors of the said United Company, and with the approbation of the said Commissioners, for the purpose of being employed in hostilities against any of the native powers in the East-Indies or parts aforesaid, shall be borne by the said United Company as part of their political charges, and the amount thereof shall from time to time, as the same shall be ascertained, be paid into the receipt of the Exchequer, in such manner as the Commissioners of his Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall direct.

LAWS. 1826. 7 Geo. 4, c. § 1.

ST. HELENA.

The Island of St. Helena is situated in the sixteenth degree of south latitude, and the sixth degree of west longitude from Greenwich. The nearest continent is Africa, from whence it is distant four hundred leagues. Its extreme length is ten miles and a-half, its breadth six and three-quarters, its circumference about twenty-eight miles, and its surface encloses 30,000 acres.*

The island appears to have been first discovered by John De Nova, the commodore of some Portuguese ships returning from India on the 21st May 1502, the anniversary of Helena, the mother of the Emperor Constantine, from which circumstance the island takes its name.

The English first touched there in 1588. The Dutch, who had succeeded the Portuguese in the possession of the island about the middle of the seventeeth century, abandoned it for the Cape of Good Hope. In June 1658, some homeward-bound ships of the London East-India Company touched at St. Helena, when it was taken possession of in the name of the English, and was confirmed by the charter of his Majesty Charles II. to the Company, 3d April 1661.

In 1671-2, the Dutch surprised and took the island: it was recovered in 1673, when his Majesty was pleased to regrant it to the Company by another charter, bearing date the 16th December in that year, constituting them lords proprietors of St. Helena, reserving to the crown the due faith and allegiance of the Company and inhabitants. The Company's legislative powers extended to taking away life and limb: but they were not to be exercised contrary to the spirit of the laws of England. The Company were also empowered to appoint

* History of the Island, by T. H. Brooke, Esq.

appoint governors and other ministers, and to establish judicial proceedings as used in England. The government of the island is vested in a governor and two members of council, the member next to the governor holding the situation of secretary.

By the 27th of Geo. II, cap. 9, martial-law was extended to St. Helena, and has been confirmed by the 4th of Geo. IV, cap. 81.*

Courts of oyer and terminer and gaol delivery were established in 1762, the governor and council acting as judges and magistrates.

In July 1825, an act was passed to authorize the transportation of offenders from St. Helena; previously to which act, those crimes which subject parties to transportation in this country were punished at St. Helena either by burning in the hand or by whipping. Persons returning to the island, or coming into any of the territories or acquisitions of his Majesty or the Company in the East-Indies, or into any part of Great Britain before the end of the term for which they are transported, are liable to be punished as a person attainted of felony. 6 Geo. 4, c. 85, § 17. § 18.

St. Helena, notwithstanding its limited resources and confined means, has contributed on three several occasions essential aid in support of the public interests abroad. In the month of May 1795, intelligence reached the governor† that Holland had been overrun by the forces of France, and that the Dutch would be compelled to take part in hostilities against England. Col. Brooke, in conjunction with Capt. Essington, of his Majesty's ship Sceptre, formed a plan for an attempt to secure the Cape of Good Hope, before intelligence could reach that settlement; for which purpose, a force altogether of about six hundred men, the military part conducted by Col. Brooke, and the naval part by Capt. Essington, weighed anchor on the 1st June. The following morning they received advices by the Swallow packet from the Cape, that the expedition was anticipated by a force under Admiral Sir George Elphinstone and General Craig. It was however understood, that a valuable homeward-

* Vide *Military Forces*, page 465, Sec. 23.

† Lieut.-Col. Brooke.

homeward-bound fleet was on the eve of departure from the Cape when the Swallow sailed. At the request of Capt. Essington, two of the Company's ships, the Manship and General Goddard, with the Swallow, together with the troops that had been previously embarked on those ships, also a company of artillery on board the Sceptre, were placed under his orders. The squadron weighed anchor and stood to windward on the 3d June, whilst every exertion was made to prepare the Asia, Lord Hawkesbury, Essex, Airly Castle, and Busbridge.* On the 14th June, seven sail of the line were discovered; they displayed Dutch colours, and their commodore fired a gun to leeward. This was repeated by Capt. Essington. The Dutch not heaving-to, a signal was made to the Goddard to bring the chace down to the Sceptre. The Goddard instantaneously appeared under a cloud of canvass, and was laid alongside the Dutch Commodore: who, from her high state of discipline, concluded her to be nothing less than a frigate, and in consequence submitted to Capt. Money's directions to bear down. The Dutch captains having given their crews intoxicating drugs, several shots were fired at the Sceptre, but a few rounds from that ship shewed the inefficacy of resistance. The Asia and Busbridge appearing in sight, the seven Dutch ships were taken possession of, and brought into St. Helena roads on the 17th June: the Sceptre, with her prizes and convoy, sailed for England on the 1st July.

Shortly after these occurrences, intelligence was received at the island from Sir George Elphinstone and General Craig, off the Cape. The latter represented to Governor Brooke that no augmentation could be so inconsiderable as not to be acceptable. Not a moment was lost in putting on board the Company's ship Arniston, Captain Marjoribanks, then at the island, nine pieces of field ordnance, a complete company of artillery, and three companies of infantry, amounting in the whole to three hundred and ninety-three men, all trained to field-piece practice, with £10,000 in money, and a supply of ammunition and salt provisions.

Governor Brooke received the expression of his Majesty's approbation through Mr. Dundas, for his zeal and alacrity, and

* The latter ship effected a junction with the Commodore.

and the Court of Directors signified their satisfaction at his conduct, and conveyed their thanks for his meritorious exertions in forwarding the public service.

In 1805, on the occasion of Sir Home Popham proceeding to South America, after the capture of the Cape of Good Hope, he touched at St. Helena, when that little settlement furnished an additional force of two hundred and sixty men, including a company of artillery and some field ordnance. Of the artillery nine were killed, and many wounded, at the unsuccessful attempt by General Beresford to protract the surrender of Buenos Ayres in August 1806.

It has been observed under the head of "Parliament," that the Island of St. Helena was fixed upon as the place for the detention and custody of General Buonaparte. His Majesty's ship Northumberland, bearing the flag of Rear-Admiral Sir George Cockburn, anchored in the roads on the 15th October 1815, from which ship Napoleon landed on the 17th. Two acts were passed, cap. 22 and 23 of the 56th Geo. III; by the former, Napoleon Buonaparte was to be detained and treated as a prisoner of war; the latter regulated the intercourse with the island. The period of his confinement was about five years and a half: he expired on the 5th May 1821, and was interred on the 9th with the military honours usually paid to the remains of a general of the highest rank.

During the government of Sir Hudson Lowe, a measure was carried into effect for the gradual abolition of slavery.

On the 13th August 1818, a general meeting of the inhabitants was convened, when resolutions were unanimously adopted, by which all children born of a slave woman from and after Christmas-day 1818, were declared to be free, but to be considered as apprentices to the proprietors of the mothers, if males, until the age of eighteen, and if females until the age of sixteen: the masters and mistresses are to enforce the attendance of free-born children at church and at the Sunday schools. The measure received the warm approbation of the Court of Directors, who at the same time expressed their anxious desire for a more general extension of the humane principles which influenced the proprietors, and sent out instructions

instructions for the application of the same regulations to the Company's slaves, likewise empowering the Government to emancipate their adult slaves in all cases where there was any prospect of the parties becoming useful members of society.

LAWS.

Courts-Martial.

LAWS.
1823. 4 Geo. 4, c. 81, § 15.

(1) His Majesty by commission under his sign-manual may authorize the Company to empower their governor and council at St. Helena to appoint courts-martial.—(*Vide* Military Forces, page 465, sec. 15.)

Transportation of Offenders from St. Helena.

1825. 6 Geo. 4, c. 85, § 17.

(2) And whereas it is expedient that the governor and counsel appointed by the said United Company in and for the island of St. Helena, should be empowered, when acting as a court of oyer and terminer and gaol delivery, to order offenders to be transported from the said island to such places as are hereinafter mentioned or referred to; be it therefore enacted, that when any person or persons shall have been convicted before the said governor and council of the said island of St. Helena, sitting and acting as a court of oyer and terminer and gaol delivery, of the crime of grand or petit larceny, or of any other offence for which such person or persons would before the passing of this act have been liable by the laws of this realm to be transported, it shall and may be lawful for the governor and the council of the said island to order and adjudge that such person or persons so convicted as aforesaid shall be transported, for such term of years as such governor and council shall direct, to New South Wales, or any other place to which by virtue of any law now in force he, she, or they might have been transported, or sentenced to be transported, by or by the sentence of any court exercising jurisdiction within the several British presidencies or governments in the East-Indies; and where any person or persons shall hereafter be convicted of any crimes whatever, for which he, she, or they is or are or shall be by the laws of this realm in force within the said island of St. Helena excluded from the benefit of the clergy, it shall and may be lawful to and for the said governor and council, as they shall see fit, instead of awarding sentence of execution against such offender or offenders, to order such offender or offenders to be in like manner transported, either for life, or for such number of years as the said governor and council shall award and order; and the governor and council of the said island are hereby authorized and required to take the necessary mensures for the due performance of such sentences and awards of transportation accordingly.

(3) And

Punishment for persons returning.

LAWS.
1825. 6 Geo. 4, c. 85, § 18.

(3) And be it further enacted, that if any offender so sentenced or ordered to be transported as aforesaid shall return to the said island of St. Helena, or come into any of the territories or acquisitions of his Majesty, or of the said United Company in the East-Indies, or shall come into any part of Great Britain or Ireland, before the end of the term for which he or she shall be so sentenced or ordered to be transported as aforesaid, he or she so returning or coming as aforesaid shall be liable to be punished as a person attainted of felony, without benefit of clergy, and execution shall and may be awarded against such offender accordingly: provided nevertheless, that nothing herein contained shall be construed or taken to prevent his Majesty, his heirs and successors, from extending his or their royal mercy to any such offender or offenders, or from allowing the return of such offender or offenders from such place of transportation.

SALARIES.

THE parliamentary enactments relating to salaries may be stated under the following heads:

1st. Those which fix a specific salary to certain offices.

2dly. Those which limit the amount to be drawn by servants in India.

3dly. Those which authorize the payment of a portion of the salary of a deceased party to the executors or representatives.

4thly. Those regarding the increase of salaries beyond £200 per annum.

There are also certain By-Laws of the Company relating to salaries which will be noticed.

The salaries fixed by Parliament are those of the Governor-General and Members of Council in Bengal, of the Judges of the Supreme Courts of Judicature at Calcutta, Madras, and Bombay, and of the Bishop of Calcutta and the Archdeacons of the three Presidencies. The salary of the Recorder of Prince of Wales' Island is fixed in the letters-patent.

1813. 53 Geo. 3, c. 155, § 89. The salaries of the several officers commence from and after their respectively taking upon them the execution of their offices, and cease on their resignation or departure.

BENGAL.

The salaries of the Governor-General and Members of Council, and of the Judges of the Supreme Court at Calcutta, are fixed by the Regulating Act of 1773.

To the Governor-General.....£25,000 per annum.
Each of the Members of Council.....10,000 do.
The Chief Justice of the Supreme Court ..... 8,000 do.
Each of the Puisne Judges ..... 6,000 do.

MADRAS.

When the Supreme Court was first established at Madras, in 1800, the salaries of the Judges were fixed at £6,000 per annum to the Chief Justice, and £5,000 per annum to each of the Puisne Judges, payable at eight shillings the pagoda.

In 1825, the subject of increasing the salaries of the Judges in Great Britain was brought before Parliament; and, at the same time, it was proposed to fix an even sum in the currency of Madras for the Judges of the Supreme Court there.

To the Chief Justice.....60,000 Madras Rs. per annum.
Each of the Puisne Judges 50,000 do.

The 6th Geo. 4, cap. 85, was accordingly passed.

BOMBAY.

The act authorizing the establishment of a Supreme Court at Bombay passed in July 1823; the salaries to the Judges are fixed by the act of 1825.

To the Chief Justice ..... 60,000 Bombay Rs. per annum.
Each Puisne Judge..... 50,000 do.

Any judge executing the office of Chief Justice is to be entitled to the salary of chief justice for such time as he shall officiate. 6 Geo. 4, c. 85, § 4.

PRINCE OF WALES' ISLAND, SINGAPORE, AND MALACCA.

Recorder.

In the month of March 1805, the East-India Company presented a petition to the King, praying that his Majesty would be graciously pleased to establish a Court of Judicature at Prince of Wales' Island. It became necessary to fix the salary which should be allotted to the Recorder; the Court of Directors, having considered the subject, recommended to the General Court to grant £4,000 per annum for that purpose; and also to authorize the Court to grant a pension, not exceeding £1,000 per annum, to any person who should have resided on the island, in the office of Recorder, for any period not

which have already been made under similar circumstances are confirmed.

Increase of Salaries beyond £200 per Annum.

The limitation as to increase of salaries, &c. beyond £200 per annum, without the consent of the Board of Commissioners, is fixed by the 125th section of the act of 1793. The approbation of the proprietors is required by the By-Law.

LAWS.

GOVERNOR-GENERAL, MEMBERS OF COUNCIL, AND JUDGES.

Bengal.

LAWS. 1773. 13 Geo. 3, c. 63, § 21.

Salaries established to the governor-general, council, chief justice, and judges.

(1) And be it further enacted by the authority aforesaid, that during such time as the territorial acquisitions shall remain in the possession of the said Company, the Court of Directors of the said United Company shall, and they are hereby required to direct, and cause to be paid, certain and established salaries to the governor-general and to each of the council of the said United Company's presidency of Fort-William in Bengal, and to the chief justice and each of the judges of such Supreme Court of Judicature at Fort William, as shall be by the said new charter established; (that is to say) to the governor-general *twenty-five thousand pounds* by the year, and to each of the council of the said United Company's presidency of Fort William in Bengal *ten thousand pounds* by the year; and to the chief justice *eight thousand pounds* by the year; and to each of the judges of the said Supreme Court of Judicature at Fort William, *six thousand pounds* by the year: and that such salaries shall be paid and payable to each and every of them respectively for the time being out of the said territorial acquisitions in the kingdoms of Bengal, Bahar, and Orissa.

(2) And be it further enacted by the authority aforesaid, that the salaries of such governor-general and council, and of such chief justice and judges of such Supreme Court of Judicature as aforesaid, shall take place and commence upon and from the day* *of their respectively taking upon them the execution of these offices*; and that all such salaries to such governor-general and council, and of such chief justice and judges, 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 by such governor-general and council, or by such chief justice and judges, as aforesaid, or any of them, in any manner, or on any account or pretence whatsoever, other than such salaries and allowances as are in and by this act directed to be paid to them respectively.

Madras.

* By the 53 Geo. 3, cap. 155, sec. 89.

Madras.

LAWS. 1825. 6 Geo. 4, c. 85, § 1.

Salaries to judges at Madras.

(3) Be it therefore 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 Court of Directors of the said United Company shall, and they are hereby required to direct and cause to be paid to the chief justices and each of the puisne judges of the said Supreme Court of Judicature at Madras, in lieu and instead of the salaries paid or payable to them respectively under or by virtue of the said recited acts of the thirty-ninth and fortieth years of his late Majesty's reign, in like manner and subject to the same regulations and provisions as the said salaries have been heretofore or are now paid and payable, and not otherwise, the salaries hereinafter mentioned; that is to say, to the chief justice of the said Supreme Court of Judicature at Madras, the sum of fifty-eight thousand Madras rupees by the year (to be computed from the first day of January one thousand eight hundred and eighteen, to the time of the passing of this act), and from thenceforth a salary after the rate of *sixty thousand Madras rupees* by the year: and to each of the puisne judges of the said last-mentioned court a salary after the rate of forty-eight thousand Madras rupees by the year [to be computed from the said first day of January one thousand eight hundred and eighteen to the time of the passing of this act], and from thenceforth a salary after the rate of *fifty thousand Madras rupees* by the year; and that such salaries shall be paid and payable to each and every of them respectively, out of the territorial revenues of the said settlement at Madras.

Bombay.

§ 2.

(4) And be it further enacted, that the Court of Directors of the said United Company shall, and they are hereby required to direct and cause to be paid to the chief justice and each of the puisne judges of the said Supreme Court of Judicature at Bombay, in lieu and instead of the salaries paid or payable to them respectively under or by virtue of the said recited act of the fourth year of his present Majesty, in like manner and subject to the same regulations and provisions as the said salaries have been heretofore or are now paid or payable, and not otherwise, the salaries hereinafter mentioned; that is to say, to the chief justice of the said Supreme Court of Judicature at Bombay a salary after the rate of fifty-eight thousand Bombay rupees by the year, to be computed from the eighth day of May one thousand eight hundred and twenty-four to the time of the passing of this act, and from thenceforth a salary after the rate of sixty thousand Bombay rupees by the year; and to each of the puisne judges of the said last-mentioned court the sum of forty-eight thousand Bombay rupees by the year, to be computed from the said eighth day of May one thou-

sand

LAWS. 1825. 6 Geo. 4, c. 85, § 2.

sand eight hundred and twenty-four to the time of the passing of this act, and from thenceforth a salary after the rate of fifty thousand Bombay rupees by the year; and that such salaries shall be paid and payable to each and every of them respectively out of the territorial revenues of the said settlement of Bombay.

Provision for Payment of Salary to Puisne Judge performing the Duties of Chief Justice.

§ 4.

(5) And be it further enacted, that when and as often as it shall happen that in consequence of the vacancy of the office of chief justice in any of the said Supreme Courts of Judicature at Fort William in Bengal, or at Madras or Bombay respectively, one of the puisne judges of the said courts respectively shall preside for and exercise the office of such chief justice, such puisne judge so acting as chief justice during a vacancy, and until the arrival of the person appointed to succeed to the office of chief justice, shall be entitled to receive in lieu of his proportion of salary as a puisne judge of such court, such a proportion of salary (and no more) as would have become due to such chief justice during the period while the vacancy shall be supplied by such puisne judge as aforesaid, and that the payment of such rate of salary to a puisne judge so acting or having acted as such chief justice in any of the said Supreme Courts respectively, shall commence and take effect from the twenty-second day of January one thousand eight hundred and twenty-two.

Recorder, Prince of Wales' Island, &c.

1807. H. M. Letters Patent.

Recorder's salary appointed.

(6) And we do hereby further direct, ordain, and appoint, that it shall and may be lawful to and for the said recorder of Prince of Wales' Island, to receive from the said United Company a salary equal to the yearly sum of three thousand pounds, money current in that part of our united kingdom called England, to be calculated at the exchange of five shillings of the said lawful money for every dollar current within the said factory.

Bishop and Archdeacons.

1813. 53 Geo. 3, c. 155, § 49.

If a bishop and three archdeacons shall be established in India by his Majesty's royal letters-patent, their salaries to be paid by the Company.

(7) 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 an

and out of the revenues of the presidency of Fort St. George, on the coast of Coromandel, to the archdeacon of the said presidency of Fort St. 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.

LAWS. 1813. 53 Geo. 3 c. 155, § 49.

Salaries to commence on taking office, and to cease when functions cease.

§ 50.

(8) 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 archdeacon 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.

Civil Servants' Salaries abroad, limitation as to Amount.

§ 82.

(9) 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-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 in 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.

LAWS. 1793. 33 Geo. 3, c. 52, § 58.

No Person to hold two Offices the Salaries of which amount to more than the prescribed Sum.

(10) And be it further enacted, that no person shall for the future be capable of taking, in the civil line of the Company's service, two or more officers, places or employments, the joint amount of the salaries, perquisites and emoluments of which shall exceed in the whole the annual salary, perquisites and emoluments respectively hereinbefore in that behalf prescribed, any law or usage to the contrary notwithstanding.

§ 37.

Salaries to cease on Departure or Resignation.

(11) And be it further enacted, that the departure from India of any governor-general, governor, member of council, or commander-in-chief, with intent to return to Europe, shall be deemed in law a resignation and avoidance of his office or employment, and that the arrival in any part of Europe of any such governor-general, governor, member of council, or commander-in-chief, shall be a sufficient indication of such intent; and that no act or declaration of any governor-general, or governor, or member of council, during his continuance in the presidency whereof he was so governor-general, governor, or counsellor, except by some deed or instrument in writing, under hand and seal, delivered to the secretary for the public department of the same presidency, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said office; and that the salary and other allowances of any such governor-general, or other officers respectively, shall cease from the day of such his departure, resignation, or surrender; and that if any such governor-general, or any other officer whatever in the service of the said Company, shall quit or leave the presidency or settlement to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use, and in the event of his not returning back to his station at such presidency or settlement, or of his coming to Europe, of his quitting such presidency or settlement, any law or usage to the contrary notwithstanding.

Departure from India of any governor-general, &c. with intent to return to Europe, to be deemed a resignation of employment, &c.—While at the presidency no resignation of a governor-general, &c. to be valid, except delivered in writing to the secretary.—Regulation respecting salaries.

1825. 6 Geo. 4, c. 85, § 5.

Payment of Salary of Judges and Bishop to Executors and Representatives.

(12) And be it further enacted, that in all cases from and since the said twenty-second day of January one thousand eight hundred and twenty-two, in which it has already

Provision in case any judge or bishop shall die, either during his voyage or within six calendar months after his arrival, and from 1st January 1823, in case of death after the expiration of six months from time of arrival in India.

LAWS. 1825. 6 Geo. 4, c. 85, § 5.

already happened, or when and as often as it shall hereafter happen, that any chief justice or puisne judge of any of the said Supreme Courts of Judicature at Fort William in Bengal, Madras, or Bombay, or the recorder of Prince of Wales' Island, or any bishop of Calcutta, shall have departed or shall hereafter depart this life, either during his voyage to India or within six calendar months next after the day when he shall have arrived in India for the purpose of taking upon him the office of such chief justice or puisne judge, recorder, or bishop, the Court of Directors of the said United Company shall, and they are hereby required to pay, or direct and cause to be paid, out of the territorial revenues from which the salary of such chief justice or puisne judge, recorder, or bishop so dying shall be payable, to the legal personal representatives of such chief justice or puisne judge, recorder, or bishop so dying as aforesaid, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such chief justice or puisne judge, recorder, or bishop, in respect of his salary, make up the full amount of one year's salary of the office to which he shall have been appointed; and that from and since the first day of January one thousand eight hundred and twenty-three, when and as often as it shall have happened, or shall hereafter happen, that any such chief justice or puisne judge, recorder, or bishop hath departed or shall depart this life while in possession of such office, and after the expiration of six calendar months from the time of his arrival in India for the purpose of taking upon him the office of chief justice, puisne judge, recorder, or bishop, then and in all and every of such cases the said Court of Directors shall, and they are hereby required to pay, or direct and cause to be paid, out of the territorial revenues from which the salary of such chief justice, puisne judge, recorder, or bishop so dying shall be payable, to the legal personal representatives of such chief justice, or puisne judge, recorder, or bishop respectively so dying as aforesaid, over and above what may have been due to such chief justice or puisne judge, recorder, or bishop respectively at the time of his death, a sum equal to the amount of six calendar months' salary of the office of such chief justice or puisne judge, recorder, or bishop respectively.

To Representatives of Civil and Military Servants.

1826. 7 Geo. 4.

(13) And whereas by an act passed in the thirty-third year of the reign of his late Majesty King George III, intituled, "An Act 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: for establishing further "Regulations for the Government of the said Territories, and the "better Administration of Justice within the same; for appropriating

Representative of officers dying may receive salaries to which such officers may be entitled.

LAWS.
1826.
7 Geo. 4.

" to certain uses the Revenues and Profits of the said Company, and " for making Provision for the good Order and Government of the " Towns of Calcutta, Madras, and Bombay," it was enacted, that if any governor-general, or any other officer whatever in the service of the said Company should quit or leave the presidency or settlement to which he should belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office should not be paid or payable during his absence to any agent or other person for his use; and in the event of his not returning back to his station at such presidency or settlement, or of his coming to Europe, his salary and allowances should be deemed to have ceased from the day of his quitting such presidency or settlement, any law or usage to the contrary notwithstanding: and whereas it hath happened, that officers, as well civil as military, in the service of the said Company, who have quitted the presidencies or settlements to which they respectively belonged, in consequence of ill health, with the intention of returning to their stations at such presidencies or settlements, without proceeding to Europe, have died, during such temporary absence, within the limits of the said Company's charter, or at the Cape of Good Hope; and whereas it is just and reasonable that the representatives of such officers should be entitled to the salaries and allowances of such officers from the time of quitting their stations; be it therefore enacted, that it shall and may be lawful to and for the said Company to cause payment to be made to the representatives of officers in their service, civil or military, who, having quitted or left their stations, and not having proceeded or intended to proceed to Europe, but intending to return to their stations, have died, or may hereafter happen to die, during their temporary absence, within the limits of the said Company's charter, or at the Cape of Good Hope, of such salaries and allowances, or such portion of salaries or allowances, as the officers so dying would have been entitled to if they had returned to their stations.

Former payments confirmed.

(14) And whereas certain payments have heretofore been made under the circumstances aforesaid; be it further enacted, that all such payments so made, shall be deemed and taken to have been legally made; any thing in the said recited act of Parliament to the contrary notwithstanding: provided always, that nothing herein contained shall extend to authorize the said Company to make any such payment to the representatives of any such officer who shall have quitted or left his station prior to the 2d May 1821.

No New Salary, or Increase of, above £200, to be good, unless confirmed by the Board.

1793.
33 Geo. 3,
c. 52, § 125.

(15) And whereas, for protecting the funds of the said Company during their further term in the said exclusive trade from being burthened with any improper charges, it is expedient that the said Company

pany should be put under reasonable limitations in respect to the granting of pensions or increasing the salaries of their officers and servants, or creating new establishments; be it further enacted, that no grant or resolution of the said Company, or their Court of Directors, to be made after the passing of this act, and during the continuance of their right in the said exclusive trade, whereby the said funds may 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, shall be available in law, unless such grant or resolution shall 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.

LAWS.
1793.
33 Geo. 3,
c. 52,
§ 125.

BY-LAW.

It is ordained, that no additional salary, exceeding in the whole two hundred pounds per annum, shall be annexed to any office, without the approbation of two General Courts to be summoned for that purpose.

c. 6, § 18.

SALES, INCLUDING TEA.

THE sales made at the EAST-INDIA HOUSE of goods, the produce of countries within the Company's exclusive limits, with the exception of the sale of tea, are governed by the Company's regulations framed by the Court of Directors as they deem best calculated to meet the demands of the public.

Of some goods there are a fixed number of sales in each year made at stated periods, *viz.*

Of raw silk, three sales; of piece goods, indigo and drugs, four sales. Under the description of drugs are comprized assortments of gums, camphor, cinnamon, cloves, nutmegs, mace, ginger, rattans, and woods of various sorts, &c. &c.

There are other articles for the sale of which there is no fixed period; such as cotton-wool, sugar, coffee, rice, &c., the declarations of sale being governed by the wishes and convenience of the proprietors or consignees. Goods are permitted to be cleared from the Company's warehouses on valuation; excepting some goods, on which, if cleared for home consumption, the duty is alone ascertained at the Company's sales.

With respect to TEA, the Legislature has provided that there shall be at least four sales in the year, and as near as conveniently may be at equal distances of time, and the Company are required to put up at such sales such quantities of tea as shall be judged sufficient to supply the demand. It is to be put up at prime cost, with the charges of freight and importation, together with lawful interest thereon from the arrival of such tea in Great Britain, and the common premium of insurance as a compensation for the sea risk incurred thereon. The Company are required to keep a stock at least equal to one year's consumption according to the last preceding year; and

and it may be stated, without the fear of contradiction, that during the whole of the late extended war, and under a variety of most trying circumstances, the public were fully and uninterruptedly supplied. At each and every sale, the tea put up is to be sold without reserve to the highest bidder, provided an advance of one penny per pound is bid upon the upset prices. In the sale of some teas, the Company have reduced the advance to one farthing per pound.

The Commissioners of his Majesty's Customs are empowered to appoint officers to attend the public sales of tea, and to report the prices on oath.

In order to prevent parties bidding for tea at the sales who are unable to purchase the same, it is ordained by the 7th section of the 18th Geo. 2, cap. 26, that a deposit of £2 shall be made by the purchaser for every chest or bag of all sorts of tea, with the exception of bohea, on which, under the 13th Geo. III, cap. 44, a deposit of £4 per chest or bag is to be made, which deposits, by the 161st section of the 33d Geo. III, cap. 52, are to be paid on all tea sold on the Monday and Tuesday in each week on the Saturday following, at or before three o'clock in the afternoon; and for all teas sold on the Wednesday, Thursday, Friday and Saturday in each week on the Tuesday following, at or before the same hour; the remainder of the purchase-money being made good at the time specified in the notice of sale. In default of payment of the deposit, such buyer is to forfeit six times the value of the sum to be deposited, and shall be rendered incapable of bidding for, or buying any teas at any of the Company's future sales, and the teas on which such deposits shall not be made are to be resold within fourteen days after the end of the sale at which such teas were sold.*

The buyers of the teas pay all the duties which have been or may be imposed by any act or acts of Parliament; such duties being computed upon the gross prices at which the tea is sold, and are to be paid to the Company at the time appointed for payment of the tea; except in the case of teas intended to be exported to Ireland, as provided by the 41st Geo. III, cap. 75, and except also in the case of teas

* 18 Geo. 2, cap. 26.

teas intended to be exported to the British Plantations or Settlements in America, and of a limited quantity to the Islands of Jersey and Guernsey, to Gibraltar, or the continent of Europe, or to Africa, as provided by the 54th Geo. III, cap. 142; also to Malta and Sicily.

Limited quantities of tea are allowed to be exported, free of duty, to Guernsey, Jersey, and to Gibraltar and other places on the continent of Europe, and to Malta, Sicily, and likewise to Africa.

The buyers are required to pay warehouse rent for all teas which shall remain in the warehouses *six months* after the prompt day, at the following rates per week, until the same shall be taken away, *viz.* for every small chest, box, or bag, one halfpenny; for every half chest, one penny, and for every large chest, two-pence.

The Company make no allowance on account of any damage, rubbish, false package, or unequal goodness found, or pretended to be found, in any package of tea, after it is taken out of the warehouses, as the Company are willing the same shall be examined before it is taken away.

Copies of the terms, conditions, and agreements declared and contained in the general preamble of the sales, are always affixed in the sale rooms.

The duties and regulations respecting tea prior to the year 1819, were under the management of the customs. By the 59th Geo. III, c. 53, sec. 16, the whole was transferred to the Excise. On all teas imported or brought into Great Britain, an excise duty of £96 per cent. on tea sold at or under 2*s.* per pound; and £100 per cent. on all teas sold at or above 2*s.* per pound; the same being computed upon the gross prices at which the tea is sold.

By the 11th Geo. I, c. 30, sec. 8, no tea was to be imported into Great Britain from any place, other than that of its growth, although the same may have been formerly exported from hence.

It is not lawful for any person, with the exception of the East-India 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

or put on board any ship in the East-Indies or other parts within their exclusive limits, or to import into the United Kingdom from any place whatever, any tea.*

In 1824, an act was passed to authorize the Company, or any persons licensed by them, to trade direct from China to the British colonies and plantations in America, and to export tea to those colonies; and by the act of July 1825, regulating the trade of the British possessions abroad, any of his Majesty's subjects, with the license in writing granted by or under the authority of the Company, to lade in and export any goods from China, and to lade in and export from any place within the limits of the Company's charter, any tea, for the purpose of being carried to some of his Majesty's possessions in America.—(*Vide* Trade.)†

Tea appears to have been occasionally imported from the Continent prior to the year 1660, as by the act of the 12th Charles II a duty of eight-pence was charged on every *gallon of tea made* for sale. That the importation was in very small quantities may be inferred from the fact, that the Company, being desirous of procuring some rarities for presents to the King, made a purchase of two pounds and two ounces of tea, all that could be obtained, at a cost of forty shillings per pound; and again, in 1666, twenty-two pounds at fifty shillings the pound.

The increase of smuggling, more particularly in the article of tea, led to the commutation act of 1784, by which the duty on tea was reduced to twelve and a half per cent., and a tax laid on windows in lieu of the former high duty: the consumption of tea rapidly increased. In 1795, the duty was raised to twenty per cent., and it is now ninety-six and one hundred per cent. The annual sale of tea, including what is exported to the continent of Europe, amounts nearly to 30,000,000 of pounds' weight.

It has been justly observed, that through the combined operation of large capital possessed by the Company, their unlimited credit, their extensive dealings, and the entire confidence reposed in them by the merchants of China, they have the inspection and first choice of all the teas annually imported into

* 53 Geo. 3, cap. 155, sec. 8, and 4 Geo. 4, cap. 80, sec. 9.

† 6 Geo. 4, cap. 114, sec. 74.

into Canton. The Company's trade comprizes three-fourths of what is carried on in tea; their object has been to obtain it of the best quality, and at the lowest rate, in order that the consumer in Great Britain may be supplied on the most fair and equitable terms. Notwithstanding the great increase of duty, yielding a revenue to the state of three millions and a half sterling per annum, without any charge for collection, smuggling in tea has been most materially suppressed. The very knowledge of the care with which the Company's teas are selected and brought to this country operates as a check, by leading to a more ready discovery of the spurious or less valuable article.

In 1784 it was computed, that of the eleven millions of pounds then consumed, eight millions were smuggled. On reference to a return* of the denomination and quantity of seizures made by the preventive service in the years 1821, 1822, and 1823, it will appear that the whole quantity of tea smuggled within those years was only 19,804 lbs. weight, whilst in tobacco there was nearly a million of pounds' weight; in brandy, 135,000 gallons; and geneva, 227,443 gallons. The privilege extended to the Company carries with it the performance of most important duties; and when the period shall arrive at which the expediency of continuing the present system may be discussed, it will be shewn that the privilege conferred upon them by Parliament has not been simply for their own benefit or advantage.

LAWS.

Trade in Tea vested in the Company.

LAWS. 1823. 4 Geo. 4, c. 80, § 9.

(1) Provided also, and be it further enacted, that nothing herein contained shall authorize any of his Majesty's subjects, other than the said Company, or persons properly licensed by them, to carry on trade or traffic with the dominions of the Emperor of China, or to export or import from or to any ports or places within or without the limits of the said Company's charter, any tea, or in any manner to trade or traffic in tea.

Act not to permit trade with China, or in tea.

* Parliamentary Return, No. 12, 7th February 1825.

Directions as to Sales, and Company to keep a proper Stock in Warehouses.

LAWS. 1784. 24 Geo. 3, c. 38, § 5.

Directions for the Company relative to their sales of tea.— Restriction at all future sales.— Company to keep a proper stock of tea in their warehouses, &c.

(2) And whereas it is just and reasonable that the said United Company should, in consideration of the great benefit which may result to their commerce from the reduction of duties hereby made, contribute their utmost endeavours for securing to the public the full benefit which will arise from an immediate and permanent reduction of prices; be it further enacted by the authority aforesaid, that the said United Company shall, as soon as may be after the passing of this act, put up and expose to public sale, at the least, five millions of pounds weight of tea; and shall in like manner, at some other time before the thirty-first day of December, one thousand seven hundred and eighty-four, make another sale, at which they shall, in the like manner, put up, at the least, two millions five hundred thousand pounds' weight of tea; and shall thenceforward continue to make, at the least, four sales in every year, and, as near as conveniently may be, at equal distances of time, and shall put up at such sales such quantities of tea as shall be judged sufficient to supply the demand; and that at each and every such sale, the tea so put up shall be sold without reserve to the highest bidder, provided an advance of one penny per pound shall be bid upon the prices at which the same shall be put up: and that it shall not be, at any time hereafter, lawful for the said United Company to put up their tea for sale at any prices which shall, upon the whole of the teas so put up at any one sale, exceed the prime cost thereof, with the freight and charges of importation, together with lawful interest from the time of the arrival of such tea in Great-Britain, and the common premium of insurance, as a compensation for the sea-risk incurred thereon; and that the said United Company shall from time to time send orders for the purchase of such quantities of tea, and provide sufficient ships to import the same, as, being added to the stock in their warehouses, and to the quantities ordered and not arrived, shall amount to a sufficient supply for the keeping a stock at least equal to one year's consumption, according to the sales of the last preceding year, always before-hand; and that the said United Company shall, from time to time, lay before the Lord High Treasurer, or the Commissioners of the Treasury for the time being, copies of the accounts and estimates upon which such orders for importation, or prices for sales, or quantities put up to sale, shall be grounded, whenever such orders shall be sent out, or such sales made, or as often as they shall be called upon for the same, by the said Lord High Treasurer, or any three or more of the said Commissioners of the Treasury for the time being.

Deposits.

1745. 18 Geo. 2, c. 26, § 7.

See further provision, 13 Geo. 3,

(3) And whereas many persons do frequently, at sales for tea by the said United Company, bid for, and

LAWS.
1745.
18 Geo. 3, c. 26, § 7.

and are declared best bidders for large quantities of tea, without intending or being able to pay for the same, unless such teas should, after such sales, rise in price, by means whereof the prices of tea are frequently raised, and the running of tea will be still encouraged; for remedy whereof, be it enacted by the authority aforesaid, that every person who shall at any public sale of tea made by the said United Company, be declared to be the best bidder or bidders for any lot or lots of tea, shall, within three days* after being so declared the best bidder or bidders for the same, deposit with the said United Company, or such clerk or officer as the said Company shall appoint to receive the same, forty shillings for every tub and for every chest of tea; and in case any such person or persons shall refuse or neglect to make such deposit within the time beforelimited, he, she, or they shall forfeit and lose six times the value of such deposit directed to be made as aforesaid, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's Courts of Record at Westminster; wherein no essoign, protection, or wager of law, or more than one imparlance, shall be allowed; one moiety of which forfeiture shall go to his Majesty, his heirs and successors, and the other moiety to such person as shall sue or prosecute for the same: and the sale of all teas, for which such deposit shall be neglected to be made as aforesaid, is hereby declared to be null and void; and all such teas shall be again put up by the said United Company to public sale, within fourteen days after the end of the sale of teas at which such teas were sold; and all and every buyer or buyers, who shall have neglected to make such deposit as aforesaid, shall be, and is, and are hereby rendered incapable of bidding for, or buying any teas at any future public sale of the said United Company.

c. 44, Sec. 2, for increasing the deposit to £4 per tub.—Best bidder to deposit 40s. for every tub and chest of tea in three days, or forfeit six times the value of the said deposit, and the sale be made void.—The teas to be put up again to sale in fourteen days, and the buyers aforesaid incapable of bidding at any public sale of teas.

Deposits on Bohea Tea £4 per Chest.

1773.
13 Geo. 3, c. 44, § 2.

(4) And whereas it is found to be expedient and necessary to increase the deposit to be made by any bidder or bidders for any lot or lots of bohea teas at the public sales of teas to be made by the said United Company; be it enacted by the authority aforesaid, that every person who shall, after the tenth day of May, one thousand seven hundrad and seventy-three, at any public sale of tea to be made by the said United Company of Merchants of England trading to the East-Indies, be declared to be the best bidder or bidders for any lot or lots of bohea tea, shall, within three days after being so declared the

Every person, after May 10, 1773, who shall be declared the highest bidder at any public sale, shall deposit with the Company £4 for every tub or chest of bohea tea.

* Days stated by 33d Geo. 3, cap. 52, *infra*.

LAWS.
1773.
13 Geo. 3, c. 44, § 2.

the best bidder or bidders for the same, deposit with the said United Company, or such clerk or officer as the said United Company shall appoint to receive the same, four pounds of lawful money of Great Britain for every tub and for every chest of bohea tea, under the same terms and conditions, and subject to the same forfeitures, penalties, and regulations, as are mentioned and contained in the said recited act of the eighteenth year of the reign of his said late Majesty.

Deposits when to be made.

Deposits for tea to be made at the times herein specified, instead of those directed by last recited acts.

33 Geo. 3, c. 52, c. 161.

(5) And whereas, by an act made in the eighteenth year of the reign of his late Majesty, King George II, intituled "An Act for repealing the present Inland "Duty of four Shillings per Pound Weight upon all "Tea sold in Great Britain, and for granting to his "Majesty certain other Inland Duties in Lieu there-"of, and for better securing the Duty upon Tea, and other Duties "of Excise, and for pursuing Offenders out of one County into "another;" and by an act made in the thirteenth year of the reign of his present Majesty, intituled "An Act to allow a Drawback of "the Duties of Customs on the Exportation of Tea to any of his "Majesty's Colonies or Plantations in America; to increase the De-"posit on Bohea Tea to be sold at the East-India Company's Sales, "and to empower the Commissioners of the Treasury to grant Li-"censes to the East-India Company to export Tea Duty-free;" every person who should, at any public sale of tea made by the said United Company, be declared to be the best bidder for any lot or lots of tea, is required, within three days after being so declared the best bidder or bidders for the same, to make such deposits with the said United Company, for every tub and for every chest of tea, as in the said respective acts are mentioned, under and subject to such regulations, forfeitures, penalties, and disabilities, as in the same act are mentioned: and whereas it is expedient to vary the time of paying the said deposits; be it further enacted, that, from and after the commencement of this act, the provision made in the said recited acts, with respect to the time of paying the said deposits, shall cease; and that in respect of all tea sold at the said Company's sales, at any time from and after the commencement of this act, the said deposits shall be paid at such times as hereinafter are mentioned; (that is to say), on all tea of which any person shall be declared the best bidder on the Monday and Tuesday of each week in which any sale of tea shall be made, the said deposits shall be paid at or before three of the clock in the afternoon of the Saturday then next following; and on all tea of which any person shall be declared the best bidder on the Wednesday, Thursday, Friday, and Saturday of each week in which any sale of tea shall be made, the said deposits shall be paid on or before three of the clock in the afternoon of the Tuesday then next following, under the same terms and conditions, and subject to the

LAWS.

the same regulations, forfeitures, penalties, and disabilities, as are mentioned and contained in the said act of the eighteenth year of the reign of his said late Majesty.

1745. 18 Geo. 2, c. 26, § 6.

Officers of Revenue to attend Sales.

(6) And for the preventing any disputes that may arise touching the price at which teas shall be sold at the public sales of the United Company of Merchants of England trading to the East-Indies, be it further enacted by the authority aforesaid, that the Commissioners who are or shall be appointed for the Management of the said Inland Duties, or the major part of them for the time being, shall have power to constitute, under their hands and seals, such and so many officers as they shall find needful for attending the said public sales, and take an account of the names of the several buyers, and price at which each and every lot of tea shall be sold, and shall thereof make returns or reports, in writing, upon oath, to the said commissioners; and from such reports or returns the charge of the said duty of twenty-five pounds per centum, upon the gross price of tea imposed by this act shall be settled and ascertained; and for the preventing mistakes, and better regulating such charge, it shall and may be lawful for such officer or officers, at any time or times, upon request made to the Court of Directors of the said Company, to inspect all and every such book or books as shall be appointed and kept for taking an account in behalf of the said Company, of the particular price and prices that tea shall, from time to time, be sold for at their several public sales; which book or books the said Court of Directors is hereby required, from time to time, to produce to such officer or officers so demanding the same.

Means to prevent disputes touching the price at which teas are sold.—Officers appointed by the Commissioners to attend the public sales of tea, and report the price on oath, who may also inspect the Company's books, which the Court of Directors is to produce.

BY-LAWS.

c. 1, § 3.

Item, it is ordained, that an account shall annually be laid before a General Court of Proprietors, shewing the net proceeds of the Company's sales of goods during the year last past, ending the 30th April; the duties and allowances arising to the Company by private-trade, and all other net profits of the Company in Great Britain, and the application and disposition thereof, agreeably to the act of 53d Geo. III, cap. 155.

Accounts of the net proceeds of sales, duties on private-trade, and application of all net profits, to be laid before the general court annually.

c. 6, § 4.

Item, it is ordained, that no director shall give his vote for any lot of goods bought at the Company's sale, or for making any allowance for any goods so bought, wherein he shall be directly or indirectly concerned.

No director to vote on the sale of goods wherein he is concerned.

SERVANTS,

CIVIL AND MILITARY, IN INDIA.

UNDER this head may be comprized not only the whole civil, military, and marine establishments in the service of the East-India Company, but also those officers holding appointments the nomination to which proceeds direct from the SOVEREIGN, *viz.* the Judges of the Supreme Courts of Judicature at Calcutta, Madras, and Bombay; the Recorder of Prince of Wales' Island, Singapore, and Malacca; the Bishop of Calcutta; and the officers of his Majesty's army who are, from time to time, placed on the staff at each presidency.

Of the appointments vested in the East-India Company, those of governor-general, governors, and commanders-in-chief, are subject to approval by the Sovereign.

The nomination of members of council, writers, cadets, assistant-surgeons, chaplains, and volunteers for the Bombay marine, rest entirely with the Court of Directors.

The civil and military servants of the Company proceed to India in the first instance as writers or cadets. It is an honourable testimony to the character of both those branches of the Company's service, that members of them have risen to the highest posts in the Indian Governments, including that of governor-general. At the present moment the distinguished station of Governor of Madras is filled by a military servant,* and that of Governor of Bombay by a civil servant of the Company.†

The importance and magnitude of the duties which the servants of the East-India Company are called upon to discharge

* Major-General Sir Thomas Munro, K.C.B.

† The Honourable Mountstuart Elphinstone.

charge are forcibly described in the minute recorded by the Marquis Wellesley, on the occasion of that distinguished nobleman proposing the establishment of the college at Fort William, in the month of August 1800. His Lordship observed that "the British possessions in India constitute one of the most extensive and populous empires in the world. To dispense justice to millions of people, of various languages, manners, usages, and religions; to administer a vast and complicated system of revenue, throughout districts equal in extent to some of the most considerable kingdoms in Europe; to maintain civil order in one of the most populous and litigious regions of the world, are the duties of the larger proportion of the Company's servants.

"The pleadings in the several courts, and all important judicial transactions, are conducted in the native languages. The law which the Company's judges are bound to administer is not the law of England, but that law to which the natives had long been accustomed under their former sovereigns, tempered and mitigated by the voluminous Regulations of the governor-general or governors in council, as well as by the general spirit of the British constitution. In addition to the ordinary judicial and executive functions of the judges, magistrates, and collectors, the judges, magistrates, and collectors occasionally act in the capacity of governors of their respective districts, employing the military, and exercising other extensive powers; they are likewise required from time to time to propose to the government such amendments of the existing laws, or such new laws, as may appear to them to be necessary to the welfare and good government of their respective districts. In this view, the servants employed in the departments of judicature and revenue, constitute a species of subordinate legislative council to the government, and also a channel by which the government ought to be enabled at all times to ascertain the wants and wishes of the people. These remarks are equally applicable to those branches of the public service which may be described under the general terms of the political and financial departments. The stability of our Indian empire, whose magnitude is the accumulated result of former enterprize, activity, and resolution, must be secured

secured by the durable principles of internal order; by a pure, upright, and uniform administration of justice; by a prudent and temperate system of revenue; by the encouragement and protection of industry, agriculture, manufactures, and commerce; by a careful and judicious management of every branch of financial resource, and by the maintenance of a just, firm, and moderate policy towards the native powers of India."

The laws which relate to the servants of the Company generally are given at length; the number of appointments is governed by the returns received from the several governments abroad.

The civil servants of the Company proceed in the first instance as WRITERS to the several presidencies to which they are nominated. By the act of 1813, it is declared, that no person is to be appointed a writer who shall not have passed four terms at the East-India College; the college, however, being found unequal to supply the demand of the service in India, an act has been passed, at the instance of the Court of Directors, which provides for the appointment by the Directors of any person as a writer to Bengal, Madras, or Bombay, who shall produce such testimonials of his character and conduct, and shall pass such an examination as shall be required by regulations to be established: the same regulations being subject to approval and alteration by the Board of Commissioners for the Affairs of India.

By the act of 1793, no person is capable of being appointed a writer for India who shall be under fifteen years of age or above twenty-two years. The regulations of the college prescribe sixteen as the minimum of age for admission to that institution. The rank of writers is determined by the certificate of the College Council, which is to be granted with reference to the industry, proficiency, and general good behaviour of the students. Other regulations will necessarily arise as to the mode of ranking writers, in consequence of the act permitting the nomination of parties without previously passing through the East-India College.

The salaries and allowances of the civil servants commence on their arrival in India. Four years' residence is requisite to enable them to hold places of more than £1,500 per annum; seven

seven years, of more than £3,000; and ten, of more than £4,000, including council.

By the act of 1793,* the salary and allowances are not to be paid during the absence of any civil servant, to any agent or other person for his use; and in the event of his not returning back to his station, or of his coming to Europe, his salary and allowances shall be deemed to have ceased from the day of his quitting such presidency or settlement. In the act which has already been adverted to, permitting the appointment of parties as writers without going to the college, a clause is introduced to admit of the salaries of servants, who shall die whilst absent on leave from the presidency to which they belong, being paid to their representatives.† Regulations have been passed granting absentee allowance to civil servants when in Europe, for which *vide* APPENDIX.

The military officers in the Company's service proceed to India as CADETS, those for the artillery or engineers having been previously educated at the Company's Military Seminary at Addiscombe. No person can proceed to India as a cadet whose age is under fifteen or above twenty-two, unless he shall have been, for the space of one year at least, a commissioned officer in his Majesty's service, or in the Militia or Fencible men when embodied and called into actual service, or from the company of Cadets in the Royal Regiment of Artillery, and whose age shall not exceed twenty-five years.

On proceeding to India, cadets are ranked according to the seniority of the Director conferring the nomination, from the date of the sailing of the several ships from Gravesend by Lloyd's list, and those who embark at an outport, from the date of the ship sailing from such outport. On reaching India, they are posted to regiments as vacancies occur. After ten years' service in India, military officers are entitled to a furlough for a period of three years, which period is reckoned from the date of their quitting the presidency to which they belong to the time of their return thereto.—*Vide* APPENDIX.

ASSISTANT-

* 33 Geo. 3, cap. 52, sec. 37.

† Vide *Salaries*, p. 613.

ASSISTANT-SURGEONS are not to be under twenty-two years of age. Previous to their appointment they pass an examination by Dr. Chambers, the Company's examining physician.

CHAPLAINS are required to be in priest's orders, and to produce their letters of ordination; also letters testimonial from three beneficed clergymen as to character, &c.

By the act of 1793, no person who has held any civil or military station whatever in India in the Company's service, under the degree of a member of council or commander-in-chief, who shall not return to India within the space of five years from the date of his quitting it, is entitled to any rank or restoration of office; unless, in the case of a civil servant, it shall be proved to the satisfaction of the Court of Directors that such absence has been occasioned by sickness or infirmity, or unless such person be permitted to return by a vote or resolution, passed by way of ballot by three parts in four of the proprietors assembled in General Court specially convened for that purpose; or unless, in the case of any military officer, it shall be proved to the satisfaction of the Court of Directors and Board of Commissioners for the Affairs of India, that such absence was occasioned by sickness or infirmity, or some inevitable accident.

It may here be observed, that instances have occurred in which civil and military servants, when on leave in Europe, have rested under the belief, that if they reach India within the above-mentioned period of five years, they fulfil all that is required of them: whereas in the case of a civil servant, by the new regulations his period of leave, with the advantage of the absentee allowance, is limited to three years from their quitting to their again reaching India, and that of an officer on furlough to the same period. The leave of the Court of Directors is requisite for a servant prolonging his absence from India beyond two years and a half.

Civil servants having been absent from India five years, if permitted to return under the provisions of the act of 1793, are, by the act of 1813, to take rank and precedence only according to the time they shall have passed in the service of the Company at the period of their departure from

 India,

India, and next below those who on their return shall be at the settlement to which they shall belong, and have passed a like length of time in the service.

By the 69th section of the 33d Geo. III, cap. 52, the Company cannot restore any servant who has been removed or dismissed by the sentence of any competent court. An act was accordingly introduced in 1811, enabling the Company to restore military officers removed by sentence of courts-martial, such restoration to be subject to the approbation of the Board of Commissioners. In 1813, the restoration of servants, civil and military, suspended or removed by the governments abroad, is declared not valid without the consent of the Board.

LAWS.

LAWS. 1793. 33 Geo. 3, c. 52, § 59.

Appointments, number to be governed by Returns from India.

Directors not to send out more persons than necessary to supply the complement of the establishment.

(1) And be it further enacted, that it shall not be lawful for the Court of Directors of the said Company to appoint or send out to India a greater number of persons, in the capacity of cadets or writers, or in any other capacity, than will be necessary, in addition to those already in India, to supply the proper complement of officers and servants contained in the said lists of their establishments, according to such returns of vacancies as the respective governments in India shall transmit from thence to the said Court of Directors.

1773. 13 Geo. 3, c. 63, § 33.

Breaches of Trust to be punished by Fine and Imprisonment.

Servants of the Company prosecuted for breaches of trust, on conviction to be fined and imprisoned at the discretion of the Court.

(2) And be it further enacted by the authority aforesaid, that from and after the said first day of August, one thousand seven hundred and seventy-four, if any of his Majesty's subjects in India, employed by, or in the actual service of the said United Company, shall be charged with and prosecuted for any breach of public trust, or for embezzlement of public money or stores, or for defrauding the said United Company, every such offender being convicted thereof in the said Supreme Court of Judicature, or in any court of judicature in any other presidency or settlement in India, may be fined and imprisoned, and adjudged to be for ever after incapable of serving the said United Company, at the discretion of the court before which he shall be tried; and immediately

diately after the sentence of such court shall have been executed and inflicted, shall and may be sent over to England, by such order and in such manner as is hereinbefore mentioned and directed, unless he shall remove himself within twelve months, and in the mean time give sufficient security so to do. LAWS. 1773. 13 Geo. 3, c. 63, § 33.

Collector of Revenue to take an Oath.

British-born subjects appointed to receive rents, &c. to take an oath.

1793. 33 Geo. 3, c. 52, § 61.

(3) And, for preventing the abuses which have formerly prevailed in the collection and receipt of the revenues of the said territories and acquisitions in India, be it further enacted, that every person (being a British-born subject) who is or shall be appointed or authorized to collect, manage, control or receive the rents, duties, or revenues of and belonging, and due and payable to the said Company in India, shall before he enters upon the collection and receipt thereof take and subscribe the following oath, which oath the chief justice, or one of the puisne judges of the Supreme Court of Judicature at Bengal, or the mayor or other magistrate in any of the other presidencies or settlements, or such other person as shall be deputed or authorized by any order in council of any of the said presidencies in that behalf, shall and is hereby authorized and commanded to administer; and such oath so administered shall be recorded in the Supreme Court at Calcutta, or in one of the said provincial or mayor's courts; (that is to say):

The oath.

"I, A. B., do promise and swear, that I will, to the "utmost of my endeavours, well and faithfully execute and discharge "the duties of an officer of revenue, reposed in and committed to me by "the United Company of Merchants of England trading to the East-"Indies; and that I will not demand, take or accept, directly or indi-"rectly, by myself or by any other person, for my use or on my "behalf, of or from any rajah, zemindar, talookdar, polygar, farmer, "renter or ryot, or from any person paying or liable to pay any "tribute, rent or tax, to or for the use of the said United Company, "any sum of money or other valuable thing, by way of gift, present, "or otherwise, over and above or besides and except the actual tri-"bute, rent or tax authorized to be taken by and for the use of the "said United Company; and that I will justly and truly account for, "answer and pay all the rents, duties, and other revenues and sums "of money which shall come to my hands, or to the hands of any "person or persons in trust for or employed by me as an officer of "the revenues of the said Company, unto the said United Company, "So help me God."

Gifts, Donations, and Presents prohibited.

No person holding a civil or military office under the crown,

1773. 13 Geo. 3, c. 63, § 24.

(4) And be it further enacted by the authority aforesaid, that from and after the first day of August, one thousand seven hundred and seventy-four, no person holding

LAWS.

holding or exercising any civil or military office under the crown, or the said United Company, in the East-Indies, shall accept, receive or take, directly or indirectly, by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents (or any of the natives of Asia), any present, gift, donation, gratuity or reward, pecuniary or otherwise, upon any account or on any pretence whatsoever, or any promise or engagement for any present, gift, donation, gratuity or reward; and if any person holding or exercising any such civil or military office shall be guilty of any such offence, and shall be thereof legally convicted in such Supreme Court at Calcutta, or in the mayor's court in any other of the said United Company's settlements where such offence shall have been committed, every such person so convicted shall forfeit double the value of such present, gift, donation, gratuity or reward so taken and received, one moiety of which forfeiture shall be to the said United Company, and the other moiety to him or them who shall inform or prosecute for the same; and also shall and may be sent to England, by the order of the governor and council of the presidency or settlement where the offender shall be convicted, unless such person so convicted shall give sufficient security to remove him or themselves within twelve months after such conviction.

1773. 13 Geo. 3, c. 63, § 24.

&c. shall accept any donation or gratuity.—Repealed in part by 24 Geo. 3, cap. 25, sec. 47.

1784. 24 Geo. 3, c. 25, § 47.

(5) And be it further enacted, that so much of the aforesaid act of the thirteenth year of the King's Majesty's reign as subjects any person receiving or accepting gifts or presents to any penalty or forfeiture for so doing, or as directs that such gifts, presents, penalties or forfeitures shall belong to the said Company, shall be repealed from and after the first day of January, one thousand seven hundred and eighty-five: provided that no prosecutions or other suits already commenced, or to be commenced before the first day of January, one thousand seven hundred and eighty-five, upon the said act, shall be effected by such repeal.

Part of act 13 Geo. 3, cap. 63 repealed.

1793. 33 Geo. 3, c. 52, § 62.

(6) And be it further enacted, that the demanding or receiving any sum of money or other valuable thing as a gift or present, or under colour thereof, whether it be for the use of the party receiving the same, or for or pretended to be for the use of the said Company, or of any other person whatsoever, by any British subject holding or exercising any office or employment under his Majesty or the said United Company in the East-Indies, shall be deemed and taken to be extortion and a misdemeanor at law, and shall be proceeded against and punished as such under and by virtue of this act, and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received, or the full value thereof.

Receiving gifts to be deemed a misdemeanor.

63.

(7) Provided always, and be it further enacted, that the court or jurisdiction before whom any such offence shall

The Court may order gifts to be

restored, and fines to be given to the prosecutor.

shall be tried shall have full power and authority to direct the said present or gift, or any part thereof, to be restored to the party who gave the same, or to order the whole, or any part thereof, or of any fine which the court shall set on the offender, to be paid or given to the prosecutor or informer, as such court in its discretion shall think fit.

LAWS.

1793. 33 Geo. 3, c. 52, § 63.

Counsellors at law, &c. may take fees in their professions.

(8) Provided always, and be it enacted, that nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any person exercising the profession of counsellor at law, physician or surgeon, or any chaplain, from accepting, taking or receiving fees, gratuities or rewards (*bonâ fide*) in the way of his profession only.

§ 64.

Neglect of Orders a Misdemeanor.

Neglect to execute the orders of the Directors, &c. to be deemed a misdemeanor.

(9) And be it further enacted, that the wilful disobeying, or the wilfully omitting, forbearing or neglecting to execute the orders or instructions of the Court of Directors of the said Company, by any governor-general, governor, president, counsellor or commander-in-chief, or by any other of the officers or servants of the said United Company in the East-Indies (unless in cases of necessity, the burthen of the proof of which necessity shall lie on the party so disobeying, or omitting or forbearing to execute such orders and instructions as aforesaid), and every wilful breach of the trust and duty of any office or employment, by any such governor-general, governor, president, counsellor or commander-in-chief, or by any of the officers or servants of the said United Company in the East-Indies, shall be deemed and taken to be a misdemeanor at law, and shall or may be proceeded against and punished as such by virtue of this act.

§ 65.

Office obtained by corrupt Means a Misdemeanor.

As also any corrupt bargain for giving up or obtaining any employment.

(10) And be it further enacted, that the making or entering into, or being a party to any corrupt bargain or contract, for the giving up, or for obtaining, or in any other manner touching or concerning the trust and duty of any office or employment under the crown, or the said United Company, in the East-Indies, by any British subject whomsoever there resident, shall be deemed and taken to be a misdemeanor at law, and shall be proceeded against and prosecuted as such by virtue of this act.

§ 66.

Offences to be tried by a Jury of British Subjects.

1773. 13 Geo. 3, § 34.

Offences to be tried by a jury of British subjects.

(11) And be it further enacted by the authority aforesaid, that all offences and misdemeanors which shall be laid, tried, and inquired of in the said Supreme Court, shall be tried by a jury of British subjects resident in the town of Calcutta, and not otherwise.

Recall

LAWS.

Recall and Removal of Servants.

1793. 33 Geo. 3, c. 52, § 35.

(12) And be it further enacted, that it shall and may be lawful to and for the King's Majesty, his heirs and successors, by any writing or instrument under his or their sign-manual, countersigned by the President of the Board of Commissioners for the Affairs of India, to remove or recall any person or persons holding any office, employment, or commission, civil or military, under the said United Company in India for the time being, and to vacate and make void all or every, or any appointment or appointments, commission or commissions, of any person or persons to any such offices or employments: and that all and every the powers and authorities of the respective persons so removed, recalled, or whose appointment or commission shall be vacated, shall cease or determine at or from such respective time or times as in the said writing or writings shall be expressed and specified in that behalf; provided always, that a duplicate or copy of every such writing or instrument, under his Majesty's sign-manual, attested by the said president for the time being, shall, within eight days after the same shall be signed by his Majesty, his heirs or successors, be transmitted or delivered to the chairman or deputy chairman for the time being of the said Company, to the intent that the Court of Directors of the said Company may be apprized thereof.

His Majesty, by sign manual, countersigned by the president of the Board, may remove any officer or servant of the Company in India.

§ 36.

(13) Provided always, and be it further enacted, that nothing in this act contained shall extend, or be construed to extend, to preclude or take away the power of the Court of Directors of the said Company from removing or recalling any of the officers or servants of the said Company, but that the said Court shall and may at all times have full liberty to remove, recall, or dismiss any of such officers or servants, at their will and pleasure, in the like manner as if this act had not been made, any governor-general, governor, or commander-in-chief, appointed by his Majesty, his heirs or successors, through the default of appointment by the said Court of Directors, always excepted; any thing herein contained to the contrary notwithstanding.

Act not to preclude the directors from recalling their officers or servants.

Restoration of Servants dismissed by Sentence of Court.

1773. 13 Geo. 3, c. 63, § 35.

(14) And be it further enacted, by the authority aforesaid, That after any judgment of the said Supreme Court of Judicature, or of any Court of Judicature at any of the said United Company's settlements, against any of the said United Company's servants, civil or military, for any debt or penalty, due or belonging to the said United Company, shall be made known to the Court of Directors for the time being of the said United Company,

The directors may not compound or discharge sentences of the Supreme or any other court of justice, nor restore persons dismissed, without consent of three parts in four of directors, and the like majority of proprietors in a general court.

LAWS.

Company, it shall not be lawful to release or compound such sentence or judgment, or to release, discharge or put a stop to any prosecution, suit or action, commenced or to be commenced, for carrying on any illicit trade, or for any debt or penalty due to the said United Company, or to restore any servant or servants whatever of the said Company, who shall have been removed or dismissed from his or their office or employment, for or upon account of any misbehaviour, without the consent of three parts in four of the said Court of Directors, to be taken by ballot, and also the consent of three parts in four in number of the proprietors of the said United Company, who shall be present, and give their votes by ballot, to be taken at a general court to be specially called for that purpose, and of which fourteen days' public notice, at the least, shall be given before the holding the same, and of the particular occasion for which such general court shall be called.

1773. 13 Geo. 3, c. 63, § 35.

1793. 33 Geo. 3, c. 52, § 69.

Company not to release sentences, or restore servants dismissed by sentences.

(15) And be it further enacted, that after sentence or judgment of any court having competent jurisdiction, whether in Great-Britain or in India, against any governor-general, governor, president, counsellor or commander-in-chief, or against any of the said United Company's servants, civil or military, for any debts or penalty due or belonging to the said United Company, or for any extortion or other misdemeanor, it shall not be lawful for the said United Company, in any case whatever, to release or compound such sentence or judgment, or to restore any servant or servants of the said Company who shall have been removed or dismissed from his or their office or employment for or on account of misbehaviour, by the sentence of any of the said courts.

Suspended or Removed.

1813. 53 Geo. 3, c. 155, § 83.

Restoration of servants, civil and military, suspended or removed by the governments abroad, not to be valid, without consent of the Board.—51 Geo. 3, c. 75.

(16) And whereas by a certain act made in the fifty-first year of his Majesty's reign, entitled, "An "Act for making further Provision for the Payment of "Salaries, and other Charges in the Office of the Com- "missioners for the Affairs of India; and for enabling "the East-India Company to restore to the Service of "the said Company, Military Officers removed there- "from by Sentences of Courts Martial; and to autho- "rize the said Company, in Cases of unforeseen Emer- "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 anyways valid or effectual, without the approbation and consent of the Board of Commissioners for the Affairs of India, for that purpose had [illegible]ned: And whereas it is expedient

LAWS.
1813. 53 Geo. 3, c. 155, § 83.

dient 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, 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.

Absent beyond Five Years.

1793. 33 Geo. 3, c. 52, § 70.

(17) And be it further enacted, that no person who shall have held any civil or military station whatever in India in the service of the said United Company, being under the rank or degree of a member of council or 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 the space of five years next after such departure, shall be entitled to any rank or restoration of office, or be capable of again serving in India, either in the European or native corps of troops, or in the civil line of the Company's service, unless in the case of any civil servant of the Company it shall be proved to the satisfaction of the Court of Directors, that such absence was occasioned by sickness or infirmity, or unless such person be permitted to return with his rank to India by a vote or resolution passed by way of ballot, by three parts in four of the proprietors assembled in general court, specially convened for that purpose, whereof eight days' previous notice of the time and purpose of such meeting shall be given in the London Gazette, or unless, in the case of any military officer, 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.

No person, under the degree of a member of council or commander-in-chief, who shall not return to India within five years from his leave to depart, shall be entitled to rank, &c., except as herein provided.

1813. 53 Geo. 3, c. 155, § 85.

(18) 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

Restored civil servants to take precedence according to their seniority, at the time of their departure from India.

LAWS.
1813. 53 Geo. 3, c. 155, § 85.

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.

Certain Officers may return, though absent beyond Five Years.

§ 84.

(19) 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 commandant of a regiment, who, having departed from India with such leave as aforesaid shall not have returned to 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.

Certain officers 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.

Salaries and Allowances.

§ 83.

(20) Four years' residence qualifies for places of more than £1,500 a year.

(21) Seven years ditto, £3,000.

(22) Ten years ditto, £4,000, including council.

No

LAWS.

1793. 33 Geo. 3, c. 52, § 58. § 37.

(23) No person is to hold two offices the salaries of which amount to more than the prescribed sum.

(24) The salary and allowances of any governor-general or other officer respectively cease from the day of their departure, resignation or surrender of office; and any officer whatever in the service of the Company who shall quit or leave the presidency other than in the known service of the Company, his salary and allowances appertaining to his office are not payable during his absence; and in the event of his not returning back to his station at such presidency or settlement, or of his coming to Europe, his salary to cease from the day of his quitting such presidency.

1826. 7 Geo. 4.

(25) Salaries to be paid to the representatives of deceased servants under certain circumstances.—(Vide *Salaries.*)

Securities given by Company's Servants to extend to property of Individuals.

1793. 33 Geo. 3, c. 52, § 106.

(26) And be it further enacted, that the deeds of covenant, and other engagements and securities, made, given or entered into by any of the officers and servants of the said Company, entrusted by them with the custody, care or management of goods, wares and merchandizes, whether at sea or on shore, for the due execution of the trust reposed in them, shall be deemed in law to extend to and include as well such goods, wares and merchandize as are the immediate property of the said Company, as such as are the property of individuals; and that all or any of the officers and servants of the said Company, so by them intrusted, and all other persons having at any time the custody or care of any such goods, wares or merchandize, by or through whose means, default, procurement, neglect or want of care, any embezzlement, waste, loss or damage shall or may arise or be sustained, shall be liable at law to answer for the same in damages and costs to the proper owners thereof; and that if such owners shall be desirous of being availed of the benefit of any such deeds of covenant or engagement, and shall give such security or other indemnity to the Court of Directors of the said Company as the said court shall require for securing the said Company, and keeping them indemnified from all costs and damages in that behalf, it shall be lawful for the party or parties aggrieved by any such embezzlement, waste, loss or damage in his property, to sue upon any such deed, engagement or security, in the name of the said Company, and to take the full benefit of any verdict or judgment which shall be obtained or pronounced therein, and to issue or award execution thereupon; any law or usage to the contrary thereof notwithstanding.

Securities given by the servants of the Company to extend to the property of individuals, &c.

Seniority not necessary to qualify for Appointments.

§ 56.

(27) And, for establishing a just principle of promotion amongst the covenanted servants of the said United

Civil servants to have precedency according to their appointments, &c.

United Company in India on their civil establishment, and preventing all undue supercessions, be it further enacted, that all the civil servants of the said United Company in India, under the rank or degree of members of council, shall have and be entitled to precedence in the service of the said Company, at their respective stations, according to their seniority of appointment; and no such civil servant or servants shall be capable of being advanced or promoted to any higher station, rank or degree therein, than he or they shall be respectively entitled to according to the length of his or their service respectively; any law or usage to the contrary notwithstanding.

LAWS.

1793. 33 Geo. 3, c. 52, § 56.

Servants of the Company may be appointed to boards, courts, or other official establishments, though they do not take precedence according to seniority of services.

1813. 53 Geo. 3, c 155, § 86.

(28) 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 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.

Trade.

No Governor-General, &c. to trade.

1793. 33 Geo. 3, c. 52, § 137.

No governor-general, &c. to trade, except on account of the Company.—No

(29) And be it further enacted, that it shall not be lawful for any governor-general, or governor, or any member of council of the said presidencies in India, to be concerned in any trade or traffic whatever, except on

LAWS. 1793. 33 Geo. 3, c. 52, § 137.

on account of the said Company, nor for any collector, supervisor, or other person employed or concerned in the collection of the revenues or the administration of justice, in the provinces of Bengal, Bahar and Orissa, or either of them, or their agents or servants, or any person or persons in trust for them or any of them, to carry on or be concerned in or to have any dealings or transactions, by way of traffic or trade, at any place within any of the provinces in India, or other parts, or to buy any goods and sell the same again, or any part thereof, at the place where he or they bought the same, or at any other place within the same province, or any other such province or country respectively, except on account of the said Company; nor shall it be lawful for any of the judges of the Supreme Court of Judicature to be concerned in any trade or traffic whatever; nor shall it be lawful for any of his Majesty's subjects in the said provinces to engage, intermeddle or be in anywise concerned, directly or indirectly, in the inland trade in salt, beetle nut, tobacco or rice, except on the account of the said Company, or with their permission, on pain of forfeiting all such goods or commodities which they or any of them shall so buy and sell again, by way of traffic, or in which any of them shall so trade, and also treble the value thereof, one moiety to the said United Company, and the other moiety to him or them who will sue for the same.

Judge to be concerned in any trade.—No person whatever to be concerned in the inland trade in salt, &c., except with the Company's permission.

Civil Servants may act as Consignees.

§ 95. (30) And be it further enacted, that it shall and may be lawful for any persons residing in India, in the civil service of the said Company, or by their leave or license, not being restricted by their covenants with the said Company, or otherwise specially prohibited by them or their governments in India from so doing, and not being in any judicial or military capacity, to act as commercial agents, managers or consignees, on the behalf of such persons as shall think fit to employ them, as well in the disposal of any export goods, not hereby prohibited from being exported by individuals, as in providing such other kinds of goods as may by law be imported by individuals into Great Britain on their private account, without incurring any penalty or forfeiture in respect thereof, any law or statute to the contrary notwithstanding.

Civil servants of the Company, or licensed persons in India, may act as consignees, &c.

WRITERS AND CADETS

To be of certain Ages.

§ 60. (31) And be it further enacted, that no person shall be capable of acting, or being appointed or sent to India in the capacity of writer or cadet, whose age shall be under fifteen years, or shall exceed twenty-two years, nor until the person proposed or intended to be so appointed shall have delivered to the said Court of Directors a certificate of his age, under the

Writers and cadets to be of certain ages, &c.

LAWS. 1793. 33 Geo. 3, c. 52, § 60.

the hand of the minister of the parish in which he was baptized, or keeper of the registry of baptism of such parish; and if no such registry can be found, an affidavit of that circumstance shall be made by the party himself, with his information and belief that his age is not under fifteen years and doth not exceed twenty-two years; provided, nevertheless, that the said restriction shall not extend to prevent the said Court of Directors from appointing any person to be a cadet who shall have been, for the space of one year at least, a commissioned officer in his Majesty's service, or in the militia or fencible men when embodied, and hath been called into actual service, or from the company of cadets in the royal regiment of artillery, and whose age shall not exceed twenty-five years.

Writers to keep four Terms at College.

1813. 53 Geo. 3, c. 155, § 46.

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 the rules.

(32) 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 St. 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 a member of and duly conformed himself to the rules and regulations of the said college.

May be appointed without going to the College.

1826. 7 Geo. 4, c. , § 1.

Preamble.

(33) Whereas by an act passed in the fifty-third year of the reign of his late Majesty King George III, it was among other things enacted, that it should not be lawful for the Court of Directors of the United Company of Merchants of England trading to the East-Indies, to nominate, appoint, or send to the presidencies of Fort William, Fort St. George, or Bombay, any person in the capacity of a writer, unless such person should have been duly entered at the college of the said Company in England, and have resided there four terms according to the rules and regulations thereof, and should 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 a member of and duly conformed himself to the rules and regulations of the said college:

§ 2.

Persons may be sent to India as writers, on producing testimonials of character and conduct.

(34) And whereas there is not a sufficient number of persons qualified, according to the provisions of the said act, to be appointed writers to fill the vacancies which exist, and which are likely to occur in the civil establishments of the said presidencies in the East-Indies; be it therefore enacted by the King's most excellent Majesty,

LAWS. 1826. 7 Geo. 4, c. § 2.

jesty, 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 at any time within three years from the passing of this act, it shall and may be lawful for the Court of Directors of the said United Company to nominate and appoint, and to send to the presidencies of Fort William, Fort St. George or Bombay, in the capacity of a writer, any person who shall produce such testimonials of his character and conduct, and pass such an examination as, by rules and regulations, to be framed and established as hereinafter is mentioned, shall be required.

§ 3.

(35) And be it further enacted, that the said Court of Directors shall, and they are hereby required, with all convenient speed, by and with the consent and approbation of the Board of Commissioners for the Affairs of India, to frame and establish proper rules and regulations respecting the due and necessary qualifications of writers; and that it shall and may be lawful for the said Court of Directors, with the consent and approbation of the said Board of Commissioners, to alter and vary such rules and regulations from time to time as circumstances may appear to require, and that the rules and regulations so altered and varied shall be of the same force and effect as the original rules and regulations.

Directors may, with approbation of Board of Control, establish rules and regulations.

SETTLEMENT OF ACCOUNT

BETWEEN

THE PUBLIC AND THE COMPANY.

It has already been observed under the head of "Parliament," that in the year 1805 a committee of the House of Commons was appointed to take into consideration the account between the public and the Company, arising out of various expeditions undertaken against the French Islands, the Cape of Good Hope, and the Danish settlements in India, &c. The committee reported that £2,200,000 was owing to the Company, and recommended that £1,000,000 should be provided in the supplies of the year, to be voted to the Company. In the following year another £1,000,000 was voted.

In 1808, the further sum of £1,500,000 was voted to the Company on account of expenses incurred by them in the public service.

In 1810, a loan of £1,500,000 was advanced by Parliament to the Company, to be repaid on or before January 1812. In the month of February in that year an act was passed, authorizing all sums allowed by the Lords of the Treasury on account of expenses incurred by the Company for the public to be carried to the credit of the Company in repayment of the loan of 1810.

In 1812, Parliament granted a loan of £2,500,000 to the Company.

In 1821, the final adjustment of the account between the public and the Company became matter of discussion between the First Lord of the Treasury and the Chancellor of the Exchequer, and the Court of Directors of the East-India Company. In the month of July, Viscount Lowther, Sir George

George Clerk and S. R. Lushington, Esq. were appointed on the part of his Majesty's Government to meet Jacob Bosanquet, Esq. and George Abercrombie Robinson, Esq., appointed on the part of the Company. The amount of demand on the part of the Company extended to £11,277,828; the credit claimed by Government to £9,291,940: leaving a balance of £1,985,888 in favour of the Company.

On the 4th May 1822, it was proposed on the part of his Majesty's Government, that the public should pay to the Company £1,300,000, which sum was to close the accounts between Government and the Company to the 30th April 1822: the said sum of £1,300,000 to be applied in part discharge of the loan of 1812. This proposition was acceded to by the East-India Company, the right of Government to any stores or other public property remaining in the island of St. Helena being relinquished by Government: the Company also retaining their right to any sums due from the Navy Board for stores supplied, or on account of interest due thereon, and the amount of bills of exchange drawn or to be drawn from India in the Company's favour on the Government officers for the current services of the public in India prior to the 30th April 1822; and on the other hand, that the spices belonging to the crown and in possession of the Company, together with the proceeds of such as may have been sold or unaccounted for by the Company, shall not be included in the arrangement.

These terms were finally agreed to in the month of June 1822.

The sum of £557,322, in addition to the £1,300,000, being necessary to redeem the portion of the loan of £2,500,000 made by the public to the Company in 1812, and remaining unpaid, the same was made good by the Company; and an act was accordingly passed, finally discharging them of all claims anywise relating to the loan of 1812, which was henceforth to be charged on the Consolidated Fund; also closing the account between the public and the Company to the 30th April 1822.

Final balance stated, and payment to be made by the Company.

(1) And be it enacted, that the said sum of one million three hundred thousand pounds shall be deemed and considered to be the final balance of all accounts to the thirtieth day of April now last past, between his Majesty, his heirs and successors, and the said United Company, save and except in respect of the said loan under the said act of the fifty-second year of the reign of his said late Majesty, and as hereinafter is mentioned; and that the same shall be applied and considered to be applied, as far as it will extend, in satisfaction of the said loan, and shall be deemed to have been received by the said United Company on the territorial and political account; and that it shall be lawful for the said United Company to pay or cause to be paid into the receipt of his Majesty's Exchequer at Westminster, on or before the tenth day of October now next ensuing, the further sum of five hundred and eight thousand six hundred and seventeen pounds, making, together with the said sum of one million three hundred thousand pounds and the said sum of forty-eight thousand seven hundred and five pounds, which has been paid by the said Company to the Commissioners for the Reduction of the National Debt, the said sum of one million eight hundred and fifty-seven thousand three hundred and twenty-two pounds, in full satisfaction and discharge of the said loan; and the separate account of the redemption of the said loan, required to be kept by the said recited act of the fifty-second year of the reign of his late Majesty hereinbefore mentioned, shall, from and after the fifth day of July one thousand eight hundred and twenty-two, cease and determine.

East-India Company, on payment of the money, to be finally discharged of all claims.—Public property in St. Helena to become the property of the Company.

(2) And be it further enacted, that from and after such payment by the said United Company into his Majesty's Exchequer, as hereinbefore is mentioned, the said United Company shall be, and they are hereby acquitted, exonerated, and absolutely and for ever discharged of and from all further payments whatsoever in respect of the interest, sinking fund, charges of management, or otherwise howsoever, under or by virtue of the said act of the fifty-second year of the reign of his said late Majesty, or in anywise relating to or by reason of the loan or advance of two millions five hundred thousand pounds therein and hereinbefore mentioned; and that the said United Company shall be, and they are hereby acquitted, exonerated, and absolutely and for ever discharged of and from all sums of money due and owing by them for and on account of his Majesty's troops serving in India, computed to the said thirtieth day of April one thousand eight hundred and twenty-two, and from all claims and demands of his Majesty, his heirs and successors, in respect thereof, or on any account whatsoever

LAWS. 1822. 3 Geo. 4, c. 93, § 3.

soever in relation to the matters aforesaid, up to the said thirtieth day of April one thousand eight hundred and twenty-one, save and except as hereinafter is mentioned; and that all accounts between the paymasters-general of his Majesty's forces and the said Company shall be held to have been closed on the thirtieth day of April one thousand eight hundred and twenty-two; and that his Majesty, his heirs and successors, shall be acquitted, released, and discharged of and from all claims and demands whatsoever of the said Company, in respect of any sums of money advanced or paid by them for the service of his Majesty in the East-Indies, or in relation to the island of Saint Helena, or otherwise on any account whatsoever in relation to the matters aforesaid, to the said thirtieth day of April now last past, save and except as hereinafter is mentioned; and that all the stores and public property which may now remain in the island of Saint Helena shall be and become the property of the said United Company, for their own use.

§ 4. His Majesty's claims, in certain respects, not to be affected.

(3) Provided always, and be it further enacted, that nothing herein contained shall in anywise prejudice the right of his Majesty, his heirs or successors, to any spices belonging to his Majesty, and now in the possession of the said United Company, nor to the proceeds of any such spices as may have been sold by the said United Company on account of his Majesty and now unaccounted for, but his Majesty, his heirs and successors, shall have the same right thereto, and the same remedies in respect thereof, as if this act had not been passed; and in like manner, nothing herein contained shall in anywise prejudice the right of the said United Company to all such sum and sums of money as on the said thirtieth day of April now last past was or were due, and owing or payable, by the Commissioners of his Majesty's Navy, for or on account of hemp brought home for and supplied to his Majesty, nor to interest on any such sum or sums of money, nor to any bill or bills of exchange drawn or to be drawn in the East-Indies, on any public office or offices of his Majesty's government, in respect of current public services in India, prior to the said thirtieth day of April one thousand eight hundred and twenty-two; but the said United Company and their successors shall have the same rights thereto, and remedies in respect thereof, as if this act had not been passed.

§ 5 Sum paid to be a charge on territorial revenues.

(4) And be it further enacted, that the several sums hereinbefore mentioned to have been and to be applied in discharge of the balance remaining of the said loan of two millions five hundred thousand pounds, shall be and be deemed and considered to be a charge upon the revenues of the territorial acquisitions in the East-Indies, in like manner as the several sums of money which would have been payable, or to be paid, by the said United Company, for interest and sinking fund and charges of management on the said loan advanced to the said Company, under and by virtue of the said act of the fifty-second year of the reign of his late Majesty,

LAWS. 1822. 3 Geo. 4, c. 93, § 6.

Majesty, would have been chargeable upon such revenues, if this act had not been passed; any law, usage, or statute to the contrary thereof in any wise notwithstanding.

Interest, &c. to be charged on consolidated fund, and set apart at Exchequer.

(5) And be it further enacted, that from and after the fifth day of July one thousand eight hundred and twenty-two, the interest or annuities payable in respect of the sum of one million nine hundred and eighty-four thousand eight hundred and sixty-one pounds reduced three pounds per centum annuities, and three hundred and eighty thousand seven hundred and ninety-four pounds consolidated three pounds per centum annuities, remaining to be redeemed of the said respective sums of three millions reduced three pounds per centum annuities, and one million four hundred thousand pounds consolidated three pounds per centum annuities, created by the said loan of two millions five hundred thousand pounds, together with the charges of management payable in respect thereof, shall be charged, and the same are hereby made chargeable upon the consolidated fund of the United Kingdom of Great Britain and Ireland; and so much money shall be set apart and issued at the receipt of the exchequer in England, from time to time, out of the said consolidated fund of the United Kingdom of Great Britain and Ireland, to the cashier or cashiers of the Governor and Company of the Bank of England, as shall be sufficient to satisfy and pay the same.

§ 7. Commissioners to certify to the Bank the amount of the stock redeemed to July 5, 1822, on account of the loan of £2,500,000 to the East-India Company; and on production of the certificate, the stock so redeemed shall be cancelled.

(6) And be it further enacted, that the Commissioners for the Reduction of the National Debt, or their secretary, shall certify to the Governor and Company of the Bank of England the amount of the reduced three pounds per centum annuities, and the amount of consolidated three pounds per centum annuities, which shall have been redeemed by the said commissioners up to the fifth day of July one thousand eight hundred and twenty-two, on account of the said loan of two millions five hundred thousand pounds of the said United Company; and upon the receipt of the said certificate at the Bank of England, the said Governor and Company of the said Bank shall thereupon cause the amount of the reduced three pounds per centum annuities and the amount of the consolidated three pounds per centum annuities specified in such certificate to be cancelled and wrote off the account of the said commissioners in the books of the said Governor and Company, and the interest or dividends which would have been payable thereon shall cease on and from the fifth day of July one thousand eight hundred and twenty-two.

SHIPPING AND NAVIGATION.

THERE is no branch of the East-India Company's affairs which has occasioned more discussion, and created a greater difference of opinion, than the settlement of a system under which their shipping concerns should be conducted.

At the union of the two Companies in 1709, the practice of freighting ships appears to have existed. The Owners and the Company, unfettered by any legislative or other provision, were left to adjust the points of freight, &c. amongst themselves; and as some of the Directors were part-owners of the vessels tendered to the Company, the rate to be given was generally acquiesced in without much dispute. Shortly after the union something of a reform was introduced, and a by-law was ordained prohibiting Directors from being concerned in ships hired for the Company, which ships were to be taken up and their respective voyages agreed to in a Court of Directors, by the ballot, and not otherwise. No tenders were to be accepted but such as were made by the commanders and two of the owners. Another by-law was also instituted to prevent the sale of the command, or of any other office or place in any ship engaged by the Company. The system which grew up, and the enormous freights which the Company were required to pay, have been justly attributed to the following causes.

In every other considerable line of commerce the rate of freight found its own level, the freighters and the owners of ships being numerous, unconnected, and free. In the East-India trade there was but one freighter; and in the early stage of that commerce, when the foundations of its practice were laid, few ships were wanted. Those circumstances, together with the length and difficulty of the navigation,

gation, naturally led to a continuance of the commanders who had once served with approbation; hence was soon established a principle of preference—preference not of a set of commanders only, but of the ships they commanded, and in process of time of a particular set of owners, with whom bottoms in ships became at length perpetuated, without any previous stipulation for the rate of freight at which they were to be employed. Thus an opulent, highly respectable, but, as regarded the East-India Company, a very powerful body was created, under the denomination of the India shipping interest.

A by-law was established in July 1773, by which ships were not to be engaged for a service of more than four voyages at a certain rate of freight, which was calculated on an estimate, or rough abstract, of the building and expense of fitting out a vessel with provisions and stores for a certain number of months.

In 1780 and 1781, differences of opinion arose between the owners and the Court of Directors as to the rate of freight demanded; the former claiming a considerable increase in consequence of hostilities with the Dutch, by which the rates of insurance, as well as expense of outfit, were stated by them to have occasioned an additional charge of £10. 14s. per ton. The Committee of Shipping intimated to the owners that the distress of the Company for tonnage was such, that the Court must be forced to submit to any terms the owners should think fit to insist upon, however disadvantageous to the Company, as there was no other channel through which the Company could get a supply of shipping.

In August 1783, the Court came to a resolution, fixing the rate of freight (which they deemed to be fair and equitable towards the owners), at £32 per ton for a ship of 750 tons. The owners declined to agree to a less rate than £35; upon which the Court resolved to advertise for tenders, and an advertisement was issued accordingly: when twenty-eight ships were tendered. The report of the Company's inspecting-officer on the ships tendered was generally unfavourable, many of them being of a foreign build, others of a slight and weak structure, and some nearly worn-out. In the interim the old

owners

owners had tendered their ships at £33 per ton. The amount of tonnage required was 10,000 tons. That quantity, if taken from the old owner at £33 per ton, amounted to £330,000; the same quantity of the new ships to £311,586. As the difference was only £18,414 the Court determined, with reference to the strength and abilities of the regular ships, which had been built under the direction of the Company's officers, and to the safety with which valuable cargoes might be laden on them, to reject the new tender, and to agree with the owners of the regular ships. At the same time it was resolved, that the Committee of Shipping should prepare an estimate of the expense of building, outfit, and other charges of an East-India ship, fit for sea, to be laid before the Court the 1st of May in each year.

In October 1784, the number of ships abroad and at home in the Company's service was sixty-six; the Court resolved that not less than seventy was necessary: leave was accordingly given for six ships to be built forthwith. The conditions were, that the keel should be laid within six months after leave had been obtained to build the ships, which were to be ready to be launched within twelve months from the date of the keel being laid.

In order to ascertain whether any mode could be adopted for altering the construction of the Company's ships so as to make their freight to India and China cheaper, it was proposed that leave should be given for three ships being built of 1,000 to 1,200 tons, always to be stationed for China, but nothing was finally determined.

In November 1785, it was deemed expedient to have three sets of shipping, at about thirty ships each set; leave was accordingly given for building eight new ships.

In December 1785, a tender was made by Mr. Anthony Brough to build eighty ships for the Company's service at a freight to China of £22 per ton; to Madras and China £23, and to all other parts, £24 for the first and second voyage, and for the third and fourth, £20, £21, and £22; by which he calculated a saving in freight would be effected of £150,000 per annum.

Mr. Brough having been furnished with every information as to the size and dimensions of the vessels which the Company

Company required, attended the Court on the 8th February 1786, and having withdrawn, it was unanimously resolved, that it appeared from the conversation with Mr. Brough, that he could not furnish ships agreeably to the dimensions transmitted to him.

The Court having advertised for ships in the month of January, the old owners addressed the Court under a persuasion that the advertisement was immediately directed against their interests, repelling the assertions which had gone forth as to the exorbitant freights which they had exacted, setting forth the claim which they had upon the Company for the engagement of their ships, and the immense property embarked in the shipping built expressly for the Company's service. They were informed in reply, that the Court had ever been attentive to their interests, and trusted, upon reflection, that the owners would send in their tenders, otherwise the Court would feel themselves under the necessity of proceeding upon such tenders as might be offered.

The owners accordingly tendered their ships at the same rate as the preceding season, £26 to China direct, Coast and China £27, Bombay £28, Coast and Bay £29.

On the 16th March, the Court resolved to offer the old owners to take up their ships already built at £23 per ton, including kintledge, and for those building or to be built £22 per ton.

Tenders to build, as well as to let ships on freight to the Company from various parties, were accepted by the Court, the former at £22 to China, £23 to Coast and China, and £24 to other parts of India for the first and second voyages, and at £2 per ton less for the third and fourth voyages: the party to have no claim to build in case of loss, or after the ship should have performed her fourth voyage.

Conferences were held with the old owners, but they did not lead to any satisfactory termination.

On the 25th May, the House of Commons called for an account of the freights paid by the Company for the preceding two years. On the 30th May, Robert Preston, Esq., the chairman of the Committee of Managing Owners, waited on the Chairman and Deputy-Chairman, and intimated the readiness of

of the managing owners to accept of £24 per ton to China, which was the lowest that could be taken.

On the same day tenders were made and accepted to build ships of seven hundred and fifty tons, at £22 per ton to China. The Court of Directors, on the 31st, rejected the offer of the managing owners to let their ships at £24 per ton: a member of the Court dissented from such resolution, being of opinion that the owners had an equitable claim that their ships should be engaged at that rate. On the 9th of June, a letter was read from a gentleman, whose tender to build a ship for the Company of a thousand tons, at £22 per ton for the first two voyages and at £20 for the third and fourth, had been accepted by the Court, representing that the builders with whom he had contracted having pledged themselves jointly with several others who had been in the habit of building East-Indiamen, not to build a ship for any person who should engage to let ships at a reduced freight, he should be unable to fulfil his contract. The Court immediately ordered the opinion of counsel to be taken as to the measures proper to be adopted.

Counsel was of opinion that a combination between the ships'-husbands and the ship-builders was highly reprehensible, and might turn out to be criminal in such a degree as to subject them to an information; and suggested that evidence should be obtained, to lay before the Court of King's Bench.

A requisition having been sent in from nine proprietors, calling a General Court on the subject of the Company's shipping, the same was held on the 22d June: when a motion was made, recommending to the Court of Directors to reconsider their resolutions, rejecting the offer by the managing owners to accept £24 per ton; on which a ballot was demanded by ten members of the Court of Directors. The ballot took place on the 28th June 1786: the number of votes for the question was 362, and 94 against it. The Court of Directors, in consequence of such determination, resolved on the 5th July to offer for freights to China direct £24; to St. Helena and China, Bencoolen and China, and Coast and China £25; Bombay £26; Coast and Bay £27; which freights were agreed to.

The

The size of the ships hitherto built for the Company's service was from 750 to 800 tons. In 1789 it was resolved by the Court that leave be given to build five ships from 1,100 to 1,200 tons. Mr. Nathaniel Smith, the chairman of the Court, dissented from that determination, on the ground that security and cheapness were best attained by adhering to the old scale.

It has already been remarked, that the by-law of 1773 restricted the employment of ships for more than four voyages. In May 1790, the Court resolved that from past experience ships would run three voyages without stripping off their sheathing; and if the practice should become general, ships which make the outfit of the fourth voyage the repairing voyage, might with great safety perform six voyages. The by-law was accordingly suspended, and agreements were entered into with the owners for their ships performing six instead of four voyages.

A gentleman who had tendered to build a ship for the Company, considering himself aggrieved by the Court not having accepted his offer, moved, at a general court in March 1791, that copies of all proposals for building or letting ships for hire to the Company, from 1st January 1780, be laid before the Proprietors, which motion was agreed to on the 31st of that month.

On the 21st March 1792, further papers were ordered; and on the 9th May 1792, the General Court met to consider them, when it was moved, "that it is the opinion of this Court that by "the mode of conducting the shipping concerns of the Com-"pany higher prices than was necessary had been paid for "freight." A ballot was demanded, which took place on the 15th May, when the numbers were 353 for, and 561 against the motion.

On the day following, the General Court resolved that the commerce of the Company could not be properly conducted, and effectually protected under all circumstances, without a regular establishment of an efficient fleet of shipping under the inspection of surveyors.

In the early part of the year 1793, the negociation was opened for a renewal of the Company's exclusive privileges. Although

Although the subject of the Company's shipping concerns did not form a separate point for consideration, Mr. Dundas, in 1793, addressed a letter to the Court of Directors, in which he suggested that the freight respecting the ships then in the employ of the Company should be settled once for all on a fair and equitable footing. The General Court on the 13th April passed a resolution unanimously agreeing in opinion with Mr. Dundas.

On the 10th October 1793, the Court resolved that sixteen ships of from 700 to 800 tons, and one of 1,200, were necessary for the annual imports from India of the regular commerce, and that fifteen large ships of 1,200 tons were necessary for the imports from China; that two sets and a quarter, or thirty-six of the large, and two and a half or forty of the smaller, should be the established number.

On the 19th March 1794, the General Court, adverting to their resolution of the 3d April 1793, resolved that it was essential to the interests of the Company and the country, that a certain number of ships should be constantly in the service of the Company, upon which they might safely depend; and also that it was impossible to lay down with precision any permanent and fixed rate* at which the ships could be freighted in future.

On the 7th November 1794, the two proprietors† who moved and seconded the resolution of the General Court of the 3d April 1793, addressed a letter to the Court of Directors, adverting to that resolution, and stating that they stood pledged to the proprietors and to the public never to abandon that great question until a system should be brought forward and fairly decided upon agreeably to the General Court's resolution, and intimating that unless the Court were prepared to submit their opinion to the proprietors, that they should take their sense upon a measure so deeply affecting the interests and funds of the Company.

On the 8th November, Mr. Dundas addressed a letter to the Chairman, remarking upon a dissent by a member of the

* Vide *Shipping Proceedings*, p. 734.

† Thomas Henchman and Randle Jackson, Esquires.

the Court, which appeared to imply that an influence existed somewhere which rendered the concession of the rate of freight settled for that season unavoidable; that it was impossible for him, in justice to the public, to shut his eyes to such a statement, and that Parliament would naturally look to him for an explanation of so irregular a circumstance.

In reply the Chairman admitted, that if the Court under the by-laws could have obtained ships of an equal size, and at a lower rate than those tendered, the terms of the tender accepted would not have been agreed to; at the same time, disclaiming every idea of influence operating on the conduct of the majority of the Court on the occasion.

On the 18th of November, two of the Directors addressed letters to the Court, animadverting upon the terms of Mr. Dundas's communication, which they considered an improper interference with the Directors, and disclaiming, in pointed terms, any imputation on the conduct of the majority of the Court on the occasion in question. The Court on the same day resolved, with reference to the resolution of the General Court of the 3d April 1793, that when a ship is worn out by age, accident, or inability, an advertisement be published, describing the size of the ship wanted; requiring tenders to be offered, specifying the rate of freight to be paid in peace for six voyages: the ship to be commanded by the captain of the ship whose bottom was worn out, provided he intended to proceed to sea again.

In December 1794 the Court resolved, that the ships of about 1,400 tons were the most proper for the China trade, and that they should be tendered at 1,200 only; that the regular ships for bringing home rich cargoes from Bengal and Madras should not exceed 820 tons, to be chartered at 799 tons; and that ships of from 480 to 520 were the most proper to bring home gruff goods.

On the 5th February 1795, the General Court resolved by ballot* that they disagreed with the resolution of the Court of Directors of the 18th November 1794, and recommended them to digest

* 554 for the question, and 416 against it.

digest and bring forward a plan for continuing to the Company the valuable capital then employed in its shipping service, and for preserving so efficient a fleet of ships at a regulated scale of freight, upon a fair and equitable footing, with a view to the peace establishment, accompanied with regulations for adjusting any differences of opinion which may happen to arise respecting extra expenses occasioned by the contingencies of war.

A special General Court, at the requisition of nine proprietors, was held on the 25th March, at which it was resolved, that it was indispensably necessary for the welfare of the Company a plan should be immediately settled for the management of their shipping concerns, and therefore earnestly recommended to the Court of Directors to bring forward a plan which they might deem most conducive to the interests of the Company.

On the 18th April, Edward Baber, Esq. transmitted to the Court various resolutions adopted at a meeting of Proprietors of East-India stock, held at the Free-Masons' Tavern on Thursday the 16th of April, expressing their determination to support the Court of Directors in every economical regulation regarding the shipping affairs of the Company; and that the meeting would steadily persevere in their endeavours to establish such a system for furnishing the East-India Company with shipping, as should be just and equitable to the owners, liberal and encouraging to the maritime officers, fair and reasonable towards the public, and most beneficial to the Company, whether politically or commercially considered.

On the 5th February 1796, the Court of Directors agreed upon a report to the General Court, in consequence of their resolution of the 25th March 1795. By that report it appeared, that for the current season the Court of Directors had effected a reduction in freight equal to £183,316; that they had, likewise, fixed a permanent peace freight, and engaged according to such rate all the existing regular ships for the remaining term of their duration: thus effecting the two main objects of continuing the existing ships, and preserving an efficient fleet of ships at a regulated scale of freight, and upon a fair and equitable footing. Propositions were submitted for remunerating

rating the commanders for the abolition of hereditary b ttoms in ships. From a calculation submitted by the Court, the amount of remuneration, at £4,000 to each commander, from 1795 to 1808, when the whole of the old ships would be worn out, was £348,000. Deducting that sum from the saving to be effected in the rate of freight, which was calculated at £783,552, a total saving was gained to the Company of £435,552.

The reports were laid before the General Court on the 17th February, when it was moved to agree with the Court of Directors in the sentiments expressed by them in the reports then read; upon which an amendment was moved to postpone a decision, on the ground that all the necessary papers to enable the Proprietors to decide on the subject were not before the Court.

The original question was lost on a division; and the amendment being carried, and becoming the main question, a ballot was demanded, which was accordingly fixed for the 24th.

The Court of Directors issued, on the 18th February, a printed declaration, signed by nineteen members, calling upon the Proprietors to support the Executive Body by voting against the question, in order that there might be no further delay in coming to a decided opinion, whether the system brought forward in the reports from the Court should or should not be carried into immediate execution.

The ballot took place on the 24th February; when the votes for the question were 366, and against it 762.

On the 26th February, a dissent to the proceedings of the Court of Directors was delivered in by two Directors, which dissent was read to the General Court on the 2d March; and a motion made to agree with the Court of Directors in the sentiments expressed by them in their first report respecting the shipping concerns of the Company; on which an amendment was moved, "that it would not be consistent with sound policy "to adopt a system entirely new, and which might ultimately "affect the security of our foreign possessions and commerce." The original motion was lost on a division; and the amendment having been carried and become the main question, a ballot thereon was demanded by eleven members of the Court of Directors. It was fixed for the 8th.

On the 4th, the Court of Directors published a declaration, and circulated it to the Proprietors, stating that the question to be decided by ballot on the 8th was an amended one, brought forward on behalf of the owners of shipping, and that it directly tended to preserve the old system, and entirely to do away the reports of the Court of Directors upon that important business, the amendment being brought forward and supported in the General Court by persons immediately interested in the question, and they therefore called on the Proprietors to vote against the question.

It was decided on the 8th, when the question was negatived by 718 votes to 343.

On the 10th March, the General Court passed a resolution, agreeing with the Court of Directors in their report on the proposed new system.

Thanks were at the same time voted to the Chairman, Deputy Chairman, and Court of Directors, for the zeal, ability, and industry manifested by them, in forming and bringing forward the important plan for the management of the Company's shipping concerns; and to J. Fiott, Thos. Henchman, and Randle Jackson, Esqrs., for their active zeal and strenuous perseverance in promoting the plan which tended to advance the true interests of the Company.

Thus terminated one of the most protracted and complicated questions connected with the affairs of the East-India Company, which has been agitated by the General Court.

All parties concurred in the importance of securing to the Company an efficient fleet, always at command, the vessels being constructed upon the best principles, inspected during building by the Company's surveyors, found in the most ample manner, and commanded by officers of acknowledged character, talents, and experience; the difference of opinion was as to the mode by which such essential ends were to be attained. After an unexampled struggle between powerful and conflicting interests, the resolution of the General Court of the 10th March 1796 decided the question in favour of open competition; and subsequent experience has fully justified the course then adopted. Various by-laws were framed and passed to regulate the shipping affairs of the Company under the new system;

system; the sale of commands was prohibited; the situation of the commanders whose interests were affected by the change was fully considered by a special committee of the Court of Directors, and remuneration awarded. Amongst the various questions of detail decided upon, was one which occasioned considerable discussion, *viz.* the principle upon which the war extraordinaries were to be calculated; or, in other words, an allowance besides the freight established for peace, equal to the extraordinaries of war.

On the 28th June 1799, a bill was brought into the House of Commons by Mr. Dundas, for regulating the manner in which the Company should in future take up ships for their regular service. The act 39 Geo. III, cap. 89, received the royal assent on the 12th July: by that act the Court were restricted from employing in their service any ships but those contracted for six voyages to and from India or China. When the Company had occasion to build ships, the Court of Directors were required to give public notice by advertisement, fixing a time (at least four weeks from the publication) for receiving tenders for building and freighting; the proposals were to specify the lowest rate of freight, or, if the Court should require it, of freight and demorage, in time of peace for such ships, which were liable to be employed in trade or warfare; and the lowest proposals of peace freight, or peace freight and demorage, were to be accepted. Agreements for additional allowance in time of war, either for the whole term or from voyage to voyage, were to be made between the Company and the owners. At the same time the Court were authorized, if they should see fit, to enter into agreements for ships to be built for the service of the Company for six voyages, at permanent rates of freight and demorage for time of peace, and also at established additional rates of freight and demorage during the then existing war; in that case the Court were at liberty to accept those proposals which upon the whole might be lowest, and most for the advantage of the Company, without favour or partiality. The Court were not obliged to accept any of the proposals should they deem them unreasonable. If a regular ship was lost or captured before the completion of her fifth voyage, the Court were authorized to permit another to be built, provided

provided eighteen Directors, at a court specially summoned, and three-parts in four of the Proprietors, agreed by ballot in acquitting all parties from blame as to the loss or capture of the lost ship. In case of exigency, the Court and the authorities abroad were authorized to hire shipping for any particular service, fourteen days' public notice being given by advertisement of the tonnage wanted and the service required.

As the foregoing act made no provision for building in the event of the loss of a ship before the completion of her fifth voyage where all on board might unfortunately perish, an act was passed in June 1803, empowering the Court of Directors, provided the impossibility of inquiry into the loss of a ship from all on board having perished, should be first decided upon by eighteen Directors at the least, at a court specially summoned, and by three-parts in four of the Proprietors, by ballot, to agree with the owners to rebuild. It having been found that ships might be repaired and fitted to perform more than six voyages with advantage to the Company, and at the same time be the means of lessening the consumption of ship-timber, the Court were authorized to engage ships for two additional voyages, making in the whole eight to be performed by one ship.*

In August of the same year,† an act was passed to authorize the Company to make additional allowances to the owners of certain ships on account of the extraordinary expense attending their outfit during the period intervening between the conclusion of the war and the delivery of his Majesty's message to Parliament, on the 8th March 1803, acquainting the House of Commons, "that as very considerable military preparations "were carrying on in the ports of France and Holland, he "had judged it expedient to adopt additional measures of "precaution for the security of his dominions."

In 1806, the provisions of the act of the 39th were continued until 1813.

In 1810, an act‡ was passed, authorizing the Company to engage ships beyond eight voyages, if on repair they shall be found fit

* 43 Geo. 3, cap. 68.

† 43 Geo. 3, cap. 137.

‡ 50 Geo. 3, cap. 86.

fit for service; also, to take up by private contract ships employed in carrying convicts or stores to New South Wales, to bring home cargoes from China or India.

In 1811, the Company and their Governments abroad were authorized, in cases of unforeseen and pressing exigency, to hire by private contract, without advertising, any ships whatsoever for any particular purpose for one voyage; the reasons for taking up the same to be stated on the minutes of the Court of Directors, and reported to the next General Court.

In 1816, the owners of thirty-four ships, which had been engaged by the Company under the provisions of the act of 1799, for six voyages on a settled peace freight, represented to the Court of Directors the inadequacy of the freight so settled to enable them to meet the increased charge of outfit and repairs. The subject having been considered by the Court, was brought before the General Court in March 1816, when the mode suggested by the Court for the relief of the owners, similar in its nature to that adopted in 1803, already adverted to, was agreed to by the General Court, though not without considerable opposition. As a legislative provision was necessary to authorize the measure, a petition from the Company was presented to the House of Commons on the 14th February, setting forth the grounds on which they prayed leave to bring in a bill for that purpose. Those grounds were, that the cost and outfit of the ships, since the treaty of Paris of the 20th November 1815, had been much greater than could have been expected in time of peace, insomuch that the owners demanded to be acquitted from the obligation of their contracts, or to be granted an allowance of freight higher than contracted for; that since the peace, tenders to build had been accepted at a freight of £26. 6*s.* 8*d.*, whereas the ships alluded to were entitled at the highest rate to £20. 17*s.* per ton only; and also, in consideration that it would be a greater inconvenience to the Company to forego the use of the ships, than could be compensated by any pecuniary forfeiture or damage which the Company could recover.

On the 21st February the subject was referred to a committee of the House of Commons, together with a petition from some

some Proprietors of East-India, stock which had been presented to the House against the proposed measure.

On the 22d May, the report from the committee was laid before the House. The report stated that contracts for building since the peace had exceeded £26 per ton, and that the medium rate of peace freight at which the ships enumerated in the petition were engaged was £18, including kintledge, being about £8 below the existing rate. Out of the thirty-four ships, six had been made on contracts, that if the prices in peace or war should exceed the scale specified in the Company's terms on which the tenders were made, the owners should receive the excess; and on the other hand, if the price of outfit should fall below that scale, then the owners were to account to the Company: four other ships did not come immediately within the committee's report. The committee were decidedly of opinion, with reference to the twenty-four remaining ships, that it was expedient that the principle of open competition and fixed tender for six voyages, long sanctioned by the Legislature, should be maintained unimpaired; and therefore that it was not desirable to resort, even though at distant periods, to measures producing a temporary relaxation of those principles. On the other hand, the committee admitted that the long duration of war, and the extraordinary price of articles of equipment continuing after the conclusion of peace, constituted a state of things under which there might be great hardship in compelling the owners of the twenty-four ships to a literal execution of their contracts. After some further observations as to the expediency of maintaining contracts, and the difficulty of suggesting a course free from objection, they submitted that the owners should be permitted to pay the penalty of £5,000 attached to the non-performance of the contract, and to receive some improved rate of freight for the remainder of their voyages, such increase to be in no case greater than £8 per ton. The committee, however, did not venture to recommend even that qualified departure from the established principle of fixed peace freight, without suggesting the expediency of consolidating the shipping laws relating to the East-India Company; and likewise, that the proceedings of the Court of Directors, under the measure in question, should

should be reported from time to time to Parliament. An act* was passed accordingly, on the 11th July 1817; and on the 21st May 1818, a copy of the proceedings of the Court of Directors was laid before the House of Commons.

In the following year an act was introduced to amend and reduce into one act the several laws relating to the manner in which the East-India Company are required to hire ships. The provisions of the act are given at length immediately following the introduction under this head.

India-built Shipping.

The introduction of ships built in India formed matter of discussion shortly after a renewal of the Company's exclusive privileges in 1793. The act of the 33d Geo. III, cap. 52, required the Company to furnish at least 3,000 tons of shipping for private-trade. In August 1794, Messrs. Prinsep and Saunders, agents for several persons in India, addressed a memorial to the Board of Commissioners for the Affairs of India, representing the great advantages that might be expected to result to the commercial interests of the country, were the governments abroad empowered at any time to take up such India-built ships as might be necessary to complete the annual export to Great Britain of all the merchandize tendered in the season.

The Eleventh Report of the Committee of the House of Commons, appointed to inquire into the state and condition of the woods and forests and land revenues of the crown, on the 11th May 1794, contained, amongst others, the following remarks as to India shipping:—

"Tenders have already been made to the Supreme Govern-
"ment of India-built ships. The acceptance of any similar
"tenders on a future occasion for the spare freight which
"may be laying ready for Europe, would afford a fair experi-
"ment, absorb great quantities of merchandize which would
"otherwise be forced into the European markets on foreign
"bottoms, and lastly, pave the way for removing the great
"impending evil of a scarcity of oak timber for his Majesty's
" service,

* 57 Geo. 3, cap. 120.

"service, by diverting the Company's demand for large timber "to its own inexhaustible forests in Asia."

The Court sent out instructions in 1795 to their Governments,* authorizing them to take up such proper ships as they could procure to bring home goods from within the Company's limits. An act was passed in June of that year, authorizing during the then war, and for eighteen months after its conclusion, ships from India, though not British-built or registered, if built within the territories of the Company, to enter their goods and to export goods to India; by subsequent acts this provision has been extended.

In 1823, an act† was passed for registering vessels built in India: that act was repealed by the General Registry Act of 1825, 6 Geo. IV, cap. 110, which contains provisions for registry in India by servants of the Company. By the 4th Geo. IV, cap. 80, lascars and natives of India are not to be deemed or taken to be British sailors, seamen, or mariners, within the meaning of the 34th Geo. III, cap. 68: they may, nevertheless, be employed in the navigation of any vessel, provided such vessel duly registered has four British seamen as part of her crew for every one hundred tons, and so in proportion for any part of a hundred tons. In cases, however, where in India a sufficient number of British seamen cannot be obtained, governors may license the ship to sail with a less proportion. Various provisions are likewise made for the registering lascars when shipped, for their conviction in this country as vagrants, their return to India, and rendering the owners liable for expenses.

At the time of the great scarcity in 1795, twenty-seven country-built ships were despatched from India, in pursuance of orders from the Court of Directors, with rice, for consumption in Great Britain.

The class of ships, and the system under which they have been maintained for the service of the East-India Company, has presented a resource in times of emergency which has proved of most essential importance to the national welfare. In the early part of 1795, Mr. Dundas addressed a letter to the

* 35 Geo. 3, cap. 115.

† 4 Geo. 4, cap. 41.

the Court of Directors, signifying that, in the then exigency of affairs, a great and immediate addition to the naval strength of the kingdom was of infinite importance; that such consideration led his Majesty's servants to turn their attention to the large ships in the service of the East-India Company, which from their size and construction could be speedily converted into very useful ships of war; also enclosing the copy of a resolution of the ship-owners (to whom Mr. Dundas had addressed a letter), stating that they could not treat with Government, but through the Court of Directors, as the ships actually belonged to the Company.

The Court of Directors immediately resolved to exonerate the owners from their engagements, at the same time giving leave for other ships of the same dimensions to be built on the bottoms of those taken by Government, thus keeping up the size and class of such ships. Six of the large ships then afloat were surveyed and accepted. Sir Andrew S. Hammond, the Comptroller of the Navy, intimated to the Court, that as no alteration was intended in the masts and yards of those ships, they would be soon ready for the service of the state. Eight other ships, which were then building for the Company, were also assigned over to Government, making an addition to the naval force of the country of fourteen large ships. To render the same effective with the least burthen to the state, the General Court, on the 13th March, unanimously resolved to authorize and empower the Court of Directors to raise three thousand men for the service of his Majesty's navy, at the cost and charge of the Company. The expenditure on that account was £57,000. Again, in the month of July in the same year, Mr. Dundas represented to the Court of Directors that a very considerable quantity of tonnage would be wanted by Government early in September, for a special service, to the execution of which the Indiamen were peculiarly well adapted, and that it would therefore be of the utmost consequence to his Majesty's service to know whether the Company's ships could be made available to carry troops from Great Britain, Ireland, and from Gibraltar, to the West-Indies. The Court made arrangements the same day, whereby fourteen ships were made applicable to the service in question. In

In September 1803, the East-India Company unanimously resolved, in order to contribute towards the aid of the state, to authorize the Court of Directors to engage for six months, and to charter for the use of Government, 10,000 tons of shipping: the expense incurred by the Company on that account was £67,000.

The expediency of maintaining vessels of the size, and found in the manner of those employed by the East-India Company, has been supported on the grounds that it is essential that the Company should at all times have a fleet of ships at their command, that on their outward voyage they are employed in the transport of troops and stores to a very large extent, and are peculiarly fitted to bring home, at the least expense, the valuable return cargoes from China. When it is considered that the Company's ships partake of a political as well as a commercial character; that on sudden emergencies, both in India and Europe, they have been found of the most important aid in promoting the welfare of the state; that in time of war, although greatly distressed by the impress of men by his Majesty's navy in India (repeated representations having proved ineffectual to check that practice), and that at periods when the naval force of the country could ill afford convoy for such valuable fleets, Indiamen sailing in company, and commanded by officers of known character and qualifications, have defeated the attempts of the enemy to surprise and capture them (in one memorable instance* beating off a first-rate French ship of eighty guns under Admiral Linois, accompanied by two heavy frigates, a corvette, and a brig) it may be prudent to pause before the annihilation of a system is resolved upon, which, though possibly involving some additional expense, combines advantages which would in vain be looked for under any other mode that might be devised for conducting the Company's maritime affairs.

* In 1804, the Company's China fleet under Sir N. Dance, near Malacca.

LAWS.

LAWS. 1818. 58 Geo. 3, c. 83, § 1.

Acts repealed and Laws consolidated.

59 Geo. 3, c. 39, and 50 Geo. 3, c. 86, and so much of 51 Geo. 3, c. 75 as relates to the hiring of ships, repealed.

(1) Whereas it is expedient that the laws relative to the manner of hiring ships for the said United Company's service should be amended and reduced into one act; and whereas the fluctuation of prices of naval stores, and of other articles incident to the equipment of ships in times immediately following the termination of war, has been such as to render the calculations upon which the contracts for peace freight have from time to time been made greatly erroneous and insufficient, and the performance of such contracts has in consequence thereof been found so injurious to the contracting parties, that the Court of Directors of the said United Company of Merchants of England trading to the East-Indies have in two instances, *videlicet*, after the termination of war in one thousand eight hundred and two, and after the termination of war in one thousand eight hundred and fifteen, presented petitions to the House of Commons, praying that Parliament would authorize and empower the said Company to make allowances to the owners of several ships hired by them under the provisions of the said acts, over and above the prices to which the said owners were entitled by their contracts, and Parliament has in the said instances complied with the prayer of the said petitions; and whereas it is highly inexpedient that the revision and alteration of contracts by authority of Parliament, on whatever plea or pretext, should grow into precedent: be it therefore 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 whole of the said acts made and passed in the thirty-ninth and fiftieth years of the reign of his said present Majesty, and so much of the said act made and passed in the fifty-first year of the reign of his said present Majesty as relates to the hiring of ships by the said United Company, shall be and the same are hereby repealed: provided always, that the repeal of the said acts shall in no wise be construed to affect any contract or agreement made or entered into, under or in pursuance of any of the said acts, but all such contracts or agreements shall be carried into execution in the same manner as if this act had not been made and passed.

Regulations for hiring Ships built for the Company.

§ 2.

(2) And be it further enacted, that from and after the passing of this act, the said United Company or their Court of Directors shall not hire or take up on freight, for the service of the said Company, any ship or ships other than such as shall be contracted for or hired in manner hereinafter mentioned; that is to say, that from time to time,

LAWS. 1818. 58 Geo. 3, c. 83, § 2.

time, whenever the said United Company shall have occasion to contract for the hire of any ship or ships to be built for their service, the Court of Directors of the said United Company shall give notice thereof by public advertisement, and therein state the burthen of the ship or ships wanted, the dimensions or scantlings of timbers and planks, number of guns, manner of building, providing, furnishing, and storing such ships, the time to be allowed for building (which shall be as long as reasonably may be), and other particulars necessary to enable persons to judge of the expense thereof, and the proper rate of freight for such ships respectively, or shall refer to printed terms and conditions to be delivered by their proper officer; and the said advertisement shall fix a time, not less than four weeks from the publication thereof, for receiving proposals in writing, sealed up, for building and freighting the same to the said Company, such proposals to specify the lowest rates of freight for each and every voyage in time of peace required for such ships, for such number of voyages, not less than six, as the said Court of Directors shall see fit from time to time to fix, to and from India or China, or elsewhere within the limits of the charter of the said United Company, to be employed in trade and in warfare or otherwise, as shall be thought proper by the said Company, if the said ships respectively shall so long be fit for the Company's service; and that all the tenders or proposals which shall be made in pursuance of such notices shall be put into a box locked and sealed, which shall not be opened except publicly in a Court of Directors, and the contents of such proposals respectively shall be entered in a book, and the proposals offering the lowest peace freight shall be accepted without favour or partiality, subject to the several provisions in this act contained; and in case more ships than shall be wanted at the time of considering such proposals shall be tendered to be built at the same low freight, then the Court of Directors shall determine by lot which of the said proposals shall be accepted, and the same shall be accepted accordingly, subject to the several provisions in this act contained.

Ships may be engaged after the Expiration of their Contracts.

§ 3.

(3) And whereas it may happen that ships which may have been built for the service of the said United Company, and which have performed or completed, or hereafter may perform or complete, the number of voyages for which they have been or hereafter may be contracted to serve the said Company, may be in sound and proper condition to perform a further voyage or further voyages in the service of the said United Company; be it therefore further enacted, that it shall and may be lawful to and for the Court of Directors of the said United Company, if they shall see fit, in the manner and according to the provisions herein contained, as to hiring ships to be built for the service of the said Company, to advertise for proposals for any such ships which have performed and completed, or hereafter shall

LAWS. 1818. 58 Geo. 3, c. 83, § 3.

shall have performed and completed the contracts by which they were built for the said United Company, again to be tendered for the service of the said United Company; and that it shall and may be lawful to and for the said Court of Directors again to hire and take up any such ship or ships so tendered for the service of the said United Company, for an additional voyage, or for such number of additional voyages to and from India or China, or elsewhere within the limits of the charter of the said United Company, as the said Court of Directors shall see fit, beyond and after the performance of the voyages for which any such ship or ships respectively have been or shall be engaged by any prior contract or contracts to serve the said Company, provided that all such ships shall be fit or shall be capable of being repaired and made fit to serve the said Company for such additional voyage or voyages: provided always, that the peace freight and additional allowance to be paid for any such ship or ships to be taken up for any additional voyage or voyages shall not exceed the rate of peace freight paid for such ships respectively under the last contracts respectively by which they have been engaged in the service of the said United Company, together with such additional allowance as she might eventually be entitled to under this act, in respect of any voyage for which she might be afloat to proceed upon in time of peace.

War Allowances.

§ 4.

Besides the peace-freight, an allowance may be made in respect of charges arising to owners in time of war.

(4) And be it further enacted, that over and besides the peace freight for ships built or to be built and hired or to be hired for the service of the said United Company, the Court of Directors of the said Company shall be at liberty to make such allowances to the owners of the said ships, from voyage to voyage, in respect of the additional charges, if any, arising to the said owners in time of war or hostilities, or of preparations for war or hostilities, as the said Court of Directors shall think right and just.

Tables of Prices of Building and Outfit to be prepared annually.

§ 5.

Tables of the average current prices of building and outfit for ships, and of the probable expense for several voyages for which any ship shall have contracted, which tables shall be hung up in the India-House.

(5) And be it further enacted, that the Court of Directors of the said United Company shall, and they are hereby required to cause to be prepared, once in every year, by the master-attendant or other proper officer or officers of the said United Company, tables of the average current prices for the time being of the articles of building and outfit for ships to be engaged in the service of the said United Company, and tables of the probable total cost and expense of such building and outfit for the several voyages for which any ship or ships shall have been contracted for or hired, distinguishing he probable expense of each voyage of ships of the different sizes actually engaged or which may be engaged in the service of the said Company;

LAWS. 1818. 58 Geo. 3, c. 83, § 5.

Company; which tables, when signed by the master-attendant or other proper officer or officers of the said United Company, and when approved and allowed by their Court of Directors, shall be fairly transcribed and signed by the secretary or assistant-secretary of the said Company, by order of the said Court of Directors, and shall be left or hung up in some public office in the East-India House, for the perusal and inspection, at seasonable times and in a reasonable manner, of all persons whom it may concern, with liberty for them, at such times and in such manner as aforesaid, to make and take copies and extracts thereof; and the first of such tables or sets of tables shall be made and completed within four months next after the passing of this act, and afterwards such tables or such sets of tables shall from time to time be made and completed between the first day of June and the first day of October in every year.

After War, Tables of Current Prices of Outfit.

§ 6. (6) And be it further enacted, that from and after the conclusion of any war or hostilities which may hereafter take place, when any ship which now is or hereafter shall be in the service of the said United Company, under or by virtue of any contract made or entered into since the twentieth day of November one thousand eight hundred and fifteen, or hereafter to be made or entered into, shall come afloat, to proceed upon any voyage in execution of any such contract in time of peace, then the Court of Directors shall cause, as to all ships now in the service of the said United Company, the tables or sets of tables first to be completed, approved, and allowed after the passing of this act, as hereinbefore mentioned; and as to all ships which shall hereafter be contracted for in time of peace, the tables or sets of tables which shall have been completed, approved, and allowed next immediately before such ships shall have been respectively contracted for; and as to all ships which hereafter shall be contracted for in time of war or hostilities, or of preparations for war or hostilities, the tables or sets of tables which shall have been completed, approved, and allowed next immediately before the commencement of such war or hostilities, or of such preparations for war or hostilities, to be compared with the tables or sets of tables which shall have been completed, approved, and allowed, next before such ships shall come afloat in time of peace to proceed on such voyage; and if it shall appear on such comparison that the probable cost of the outfit of such ship for the voyage on which such ship shall be about to proceed, shall exceed the amount estimated by the tables or sets of tables with which such comparison shall be made, as the probable cost of outfit of a ship of the same or as nearly as may be of the same size for a similar voyage, by one-tenth part of such last-mentioned amount, then the owners of such ship shall be entitled for that voyage to an additional allowance,

After conclusion of war, ships coming afloat to proceed on voyage shall have tables of current prices of outfit. —In what case abatement to be made, and in what cases abatements are not to be made.

LAWS. 1818. 58 Geo. 3, c. 83, § 6.

allowance, at a rate which, calculated upon the chartered tonnage of such ship, shall be equal to such probable excess, to be determined finally and conclusively by order of the said Court of Directors: provided always, that the owner or owners of such ship shall have entered into an agreement with the said Court of Directors, that if upon such comparison as aforesaid the probable cost of the outfit of such ship for such voyage as aforesaid shall be found to fall below the amount estimated by the tables or sets of tables aforesaid by one-tenth part of such last-mentioned amount as aforesaid, then the said Court of Directors shall be at liberty to make an abatement from the freight to which such ship would be entitled under its contract, at a rate which, calculated upon the chartered tonnage of such ship, shall be equal to such probable diminution of cost of outfit; the said abatement to be in like manner determined finally and conclusively by the said Court of Directors: provided always, that the owners of the several ships which are already in the service of the said United Company, under contracts made since the twentieth day of November one thousand eight hundred and fifteen, shall not be entitled to any such additional allowance, nor subject to any such abatement, until after a war or hostilities shall have taken place and have been concluded: provided also, that the owners of ships hereafter to be contracted for in time of peace to enter into the service of the said United Company shall not be entitled to any such allowance, nor subject to any such abatement, in respect of any voyage to be performed during the continuance of the peace in which the several contracts for such ships shall have been entered into: provided also, that such owners of ships hereafter to be contracted for in time of war or hostilities to enter into the service of the said United Company, as shall have entered into such agreement as before-mentioned, shall be entitled to a comparison of the costs of their outfits respectively, and to any eventual additional allowance which may become due to them thereupon in respect of every voyage which the said ships shall respectively come afloat to proceed upon in time of peace: provided always, that no additional allowance shall be payable in time of peace to the owners of any ship, under or by virtue of this act, for any voyage in respect of which the owners of such ship shall be entitled, under or by virtue of this or any former act, to any payment in respect of any additional charges arising in time of war or hostilities, or of preparations for war or hostilities: provided also, that any time when owners of ships shall not be so entitled to any payment in respect of any additional charges arising in time of war or hostilities, or of preparations for war or hostilities, shall be deemed and considered a time of peace within the meaning of this act: provided always, that the additional charges (if any) which may be incurred by reason of any ship being built during a time of war or hostilities, or of preparations for war or hostilities, shall and may be paid to the owners of such ship, although she may come afloat to proceed on her first voyage in time of peace.

Court

LAWS. 1818. 58 Geo. 3, c. 83, § 7.

Court of Directors may take up ready-built Ships for their Service, in case of unforeseen Exigency.

(7) And be it further enacted, that in case of unforeseen exigency, which cannot be answered conveniently by any ship or a sufficient number of ships in the service of the said Company, and which will not admit of delay, it shall and may be lawful to and for the said Court of Directors, or for any one of their several Governments abroad, to hire any ship or ships which can be procured to answer such exigency, provided that public notice shall be given by advertisement of the ships and tonnage wanted and the service required, fourteen days at least previous to the time appointed for taking up the same; and the proposals to be made in pursuance of such advertisement shall be put into a box locked and sealed, which shall not be opened except publicly in a Court of Directors, or by the Governor and Council or chief agents of the said Company, at any place within the limits of the charter of the said Company where it shall be necessary to hire any such ship or ships; and then the lowest tender or tenders shall be accepted, without favour or partiality, if it or they shall be deemed reasonable, and if upon a due examination and survey the ship or ships tendered shall appear in all respects fit for the service required: provided always, that the engagement or employment of such ships shall not extend beyond the duration of the particular service for which they shall have been specifically hired.

§ 8.

Ships may be taken up for One Voyage by private Contract.

(8) Provided also, and be it further enacted, that it shall and may be lawful to and for the Court of Directors of the said United Company, or their said Governments abroad, in cases of unforeseen and pressing exigency, to hire and take up by private contract, with or without advertising, any ship or ships whatsoever for any particular purpose; provided that no such ship shall be hired or taken up for more than one voyage, and that the reasons for taking up any such ship or ships at home in less time than fourteen days as aforesaid after the publication of an advertisement, be stated in the minutes of the said Court of Directors, and reported to the Court of Proprietors that shall next be holden after such hiring and taking up; and that the reasons for taking up any such ship or ships abroad in less time than fourteen days after the publication of an advertisement as aforesaid, be stated in the minutes of the proceedings of the government by which such ship or ships shall be taken up, and be communicated to the Court of Directors as soon as conveniently may be afterwards.

§ 9.

Court may hire, by private Contract, Ships going out in the Transport or other public Service.

(9) Provided always, and be it further enacted, that it shall and may be lawful to and for the said Court of Directors of the said United Company to hire and take up by private contract, without advertising,

LAWS. 1818. 58 Geo. 3, c. 83, § 9.

advertising, any ship or ships engaged or to be engaged in his Majesty's transport or other service to carry convicts or stores to New South Wales, the Cape of Good Hope, or Ceylon, or elsewhere within the limits of the charter of the said United Company, for the purpose of bringing cargoes from China or India, at such rate of freight and demorage as they shall judge to be reasonable, so as no such ship shall be hired or taken up for more than one voyage.

§ 10.

Court may take up Ships, whether built for the Service or not, for a Voyage out or home to any Place except China.

(10) Provided always, and be it further enacted, that it shall and may be lawful to and for the Court of Directors of the said United Company, if they shall see fit, in the manner and according to the provisions herein contained as to hiring ships to be built for the service of the said Company, to advertise for hire, and take up for trade and warfare and any other service, or for trade only, or any specific service, as the said Court of Directors shall see fit, any ship or ships, whether built expressly for the service of the said United Company or any other service, and whether new ship or ships which shall have been then before employed in any service whatsoever, so as the registered measurement of such ships shall not be more than eight hundred tons, for one voyage, or for a voyage out or a voyage home, as the said Court shall think proper, to and from, or to or from any ports or places port or place whatsoever within the limits of the said Company's charter, except the dominions of the Emperor of China.

§ 11.

But not to authorize the Employment of any Ship under the Measurement prescribed by 53 *Geo. III, c.* 155.

(11) Provided also, and be it further enacted, that nothing in this act contained shall authorize the employment by the said Company of any vessel, the registered measurement of which vessel shall be under the burthen prescribed by an act of the fifty-third year of the reign of his present Majesty, 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 Privi- "leges; 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;" or which may be prescribed by an act hereafter to be passed for vessels carrying on trade between the United Kingdom and the places within the limits of the East-India Company's charter.

§ 12

Provision for building a Ship in room of one lost.

Command to be given to the captain of the lost ship, &c.

(12) Provided also, and be it further enacted, that in case any ship which now is, or which since the twentieth day of November one thousand eight hundred and fifteen

LAWS. 1818. 58 Geo. 3, c. 83, § 12.

fifteen hath been, or which hereafter shall be engaged in the service of the said United Company, under a contract to serve the said Company for six voyages, hath been or shall be lost or captured before the completion of her fifth voyage, if upon a full investigation of the circumstances of such loss by the said Court of Directors, or some committee thereof, the commander and owners of such ship shall be fully acquitted from all imputation of neglect or misconduct in respect of such loss, in the opinion of eighteen directors at least, at a court specially assembled for the purpose of taking the said commander's and the owners' conduct into consideration: provided always, that such vote or resolution of the Court of Directors shall be reported to a General Court of Proprietors, and after such report such vote or resolution of the said Court of Directors shall be confirmed, by way of ballot, by three parts in four of the proprietors assembled in general court specially convened for that purpose, whereof eight days' previous notice of the time and purpose of such meeting shall be given in the London Gazette: then if such commander shall be then living, or if he shall be dead, then if the chief officer of the said ship shall be living (having already performed one voyage at least as chief or second officer), and should have exerted himself honourably for the defence and safety of the lost ship, either in fight or distress at sea, and shall be acquitted in manner hereinbefore mentioned from all imputation of neglect or misconduct in respect of such loss, and such acquittal shall also be confirmed in manner hereinbefore mentioned, from all imputation of neglect or misconduct in respect of such loss, and such acquittal shall also be confirmed in manner hereinbefore mentioned, then it shall and may be lawful for the said Court of Directors, on behalf of the said United Company, to enter into an agreement with the owners of such ship so lost, or their representatives; or if such owners or their representatives should omit or decline for the space of three calendar months after the said vote of acquittal to enter into such agreement, then it shall be lawful for the said Court of Directors, on behalf of the said United Company, to enter into an agreement with any person or persons of sufficient responsibility, and able to give reasonable security, who shall be nominated in writing under the hand of the commander of such lost ship, if such commander shall be living and able to serve, and if not, then with any person or persons of sufficient responsibility, and able to give reasonable security, who shall be nominated in writing under the hand of the chief officer of such lost ship, if he shall be living and able to serve, to build another ship of such size as the said United Company shall have occasion for, to be employed by them for six or more voyages, as shall be agreed by the said Court of Directors, at the lowest rate of peace freight, with the benefit or such other allowances as are provided or permitted by this act to be paid, which shall be payable in respect of the ship of a similar size, or as near as may be of a similar size to the ship about to be built, which shall have been contracted

LAWS. 1818. 58 Geo. 3, c. 83, § 12.

contracted for for six voyages at least, last before the contract for the ship instead of such lost ship shall be entered into: provided always, that such ship so to be built instead of such lost ship shall be commanded in the first instance by the captain of the lost ship, if he shall be living and able to serve, and failing of him, by the said chief officer of the lost ship, if he shall be living and able to serve; and unless either the commander or chief officer of the lost ship shall be living and able to serve, when the contract for building a ship instead of the lost ship shall be entered into, it shall not be lawful for the said United Company or their Court of Directors to enter into any agreement for building a ship instead of such lost ship, otherwise than by public competition as hereinbefore mentioned.

Court shall not be obliged to enter into any unreasonable Contract, &c.

§ 13.

(13) Provided also, and be it further enacted, that nothing herein contained shall extend or be construed to extend to oblige the said Court of Directors, or any of the Governments of the said Company abroad, upon any occasion to accept any tender or tenders, proposal or proposals, which they shall deem to be unreasonable, and for the performance of which reasonable security shall not be given; or to enter into any agreement on any such proposal, although such tender or tenders, proposal or proposals, may be the lowest and most advantageous which may be offered; nor shall this act, or any thing herein contained, extend or be construed to extend to vest in the owner or owners of any ship or ships, or any person or persons making or offering any tender or tenders, proposal or proposals, any right or pretension which such owner or owners, person or persons, would not have had if the several provisions hereby repealed or this act had not been passed.

Act not to extend to Vessels belonging to War Marine Establishments in India.

§ 14.

(14) Provided also, that nothing herein contained shall extend or be construed to extend in anywise to relate to any of the ships or vessels belonging to or employed in the marine war establishment of the said United Company in the East-Indies; but it shall and may be lawful to and for the said United Company, and their Court of Directors and servants abroad, to hire, take up, and employ vessels for those purposes only in such manner as they shall see fit; nor shall this act extend or be any ways deemed in any way to prevent the said United Company, or their Court of Directors, or any of their officers or servants, from causing any goods to be loaded and carried on their account on board any private ship or vessel, though not chartered to or in the service of the said United Company.

Company's By-Laws, where not inconsistent with this Act, to remain in force.

LAWS. 1818. 58 Geo. 4, c. 83, § 15.

(15) Provided also, and be it further enacted, that all and every and so much and such parts of the by-laws, rules, and regulations of the said United Company and of their Court of Directors, now in force, and hereafter to be made, any way relating to shipping concerns of the said Company, and to the commanders and officers in their service, which are not or shall not be inconsistent with or repugnant to the provisions hereby enacted, shall remain and be of the same validity, force, and effect, and shall be observed in like manner, to all intents and purposes, as the same by-law, rules, and regulations, or such parts thereof as aforesaid, would have been in force, and ought to have been observed, if this act had not been made, or to restrain the said Company from repealing or making any by-laws, so as they shall not be inconsistent with the provisions herein contained; this act or any thing herein contained to the contrary thereof in any wise notwithstanding.

Court empowered to make Allowances to certain Ships.

§ 16.

(16) And whereas an act was passed in the last session of Parliament, intituled "An Act to authorize 57 Geo. 3, c. 120. "the Court of Directors of the East-India Company to make extra- "ordinary Allowances in certain Cases to the Owners of certain "Ships in the Service of the said Company:" and whereas certain ships now in the service of the said United Company, called the Herefordshire, Atlas, Bridgewater, General Harris, Vansittart, and General Kyd, were excluded from the benefit of the said act, because the losses to which the owners of the said ships had been subjected did not arise out of contracts framed in strict conformity to the said act of the thirty-ninth of George III: and whereas the said contracts, so far as they differed from contracts framed in strict conformity with the said act of the thirty-ninth year of his Majesty's reign, were framed on principles nearly approximating to those which are laid down in the present act for the government of all future contracts for hiring ships by the East-India Company; and it is fair and reasonable that some additional allowances should now be made to the owners of the said six ships, in respect of the voyages performed by them under the said contracts since the termination of the war, or still remaining to be so performed; be it therefore enacted, that after the passing of this act it shall and may be lawful for the said Court of Directors to make such allowances to the owner or owners of each of the said ships, in respect of any voyages performed since the twentieth of November one thousand eight hundred and fifteen, or remaining to be performed under their aforesaid contracts, as the said Court of Directors would have been empowered to make to the owner or owners of such ship, if the name of such ship had been included in the said act of the last session of Parliament.

LAWS.

Lascars and Natives of India not to be British Mariners within the Meaning of 34 *Geo. III, c.* 68.

1823. 4 Geo. 4, c. 80, § 20.

(17) Provided always, and be it further enacted, that no Asiatic sailors, lascars, or natives of any of the territories, countries, islands, or places within the limits of the charter of the East-India Company, although born in territories, countries, islands, or places under the government of his Majesty or of the East-India Company, shall at any time be deemed or taken to be British sailors, seamen, or mariners, within the intent and meaning of an act passed in the thirty-fourth year of the reign of his late Majesty, intituled "An "Act for the further Encouragement of British Mariners, and for other "Purposes therein mentioned," or of any other act or acts of Parliament relating to the navigation of British ships by subjects of his Majesty, for the purpose of entitling any ship or vessel to be deemed to be a British ship navigated according to law, and to have the privileges and advantages of British ships having the master and three-fourth of the mariners British subjects, any thing in the said recited act of the thirty-fourth year aforesaid, or in any other act or acts of Parliament, or law or laws, to the contrary notwithstanding: provided also, that it shall be lawful for his Majesty, by his royal proclamation, upon or after the commencement of any hostilities, to permit all merchant ships or any other trading vessels, and all privateers, to be manned wholly, or in any such proportions as shall be specified in any such proclamation, with such Asiatic sailors, lascars, or natives aforesaid, for and during such periods as shall be specified in any such proclamation as aforesaid.

A Proportion of British Seamen to the Tonnage of any Ship sufficient.

§ 21.

(18) And whereas lascars and other natives of the east are not deemed to be equal in strength and use to European or other seamen, and the requiring the proportion of three-fourths of British seamen in ships having as part of the crew lascars and natives of the east, would compel such ships to carry a larger number of British seamen than other ships, or to employ a smaller number of lascars and natives of the east than would be sufficient to make a proper crew; be it therefore enacted, that any ship or vessel duly registered, manned in part with lascars or natives of India, which shall be commanded by a British master, and navigated by four British seamen, as part of the crew, for every hundred tons of her registered burthen, and so in proportion for any part of a hundred tons, shall be deemed, construed, and taken to be navigated according to law as to the crew of any such ship or vessel, although the number of such British seamen shall not be equal to the proportion of three-fourths of the whole crew

LAWS. 1823. 4 Geo. 4, c. 80,

crew of such ship or vessel; any thing in any act or acts of Parliament, or law or laws, to the contrary notwithstanding.

Where Number of British Seamen cannot be obtained, Governors may license the Ship to sail.

§ 22. (19) And whereas it may not always be possible to procure the due proportion of British seamen at ports in India for vessels sailing from India; be it therefore enacted, that it shall be lawful for any of the Governments of the East-India Company in India, or for any governor or lieutenant-governor of any colony, territory, or island belonging to his Majesty, within the limits of the said charter, and they and he are hereby required, on application made by the owner or commander of any ship or vessel, and after having ascertained by due inquiry that a sufficient number of British seamen cannot be procured for the crew of any ship or vessel sailing from India, within ten days from such application, to certify the same, and license such ship or vessel to sail and carry on her voyage with a less proportion of British seamen than required by law; and every such ship, having on board such license and the proportion of British seamen therein specified, shall be deemed to be navigated according to law, notwithstanding such deficiency of British seamen.

British Seamen not required on board Vessels employed between Port and Port.

§ 23. (20) Provided always, and be it further enacted, that nothing in this act, or in any other act or acts of Parliament contained, shall extend or be construed to extend to require any number of British seamen to be on board as part of the crew or mariners of any ship or vessel employed in trade only between ports and places within the limits of the charter of the said Company, including the Cape of Good Hope.

Repeals, &c.

Repeal of the 54th Geo. III, cap. 134, so far as relates to Asiatic Sailors, &c.

§ 24. (21) And be it further enacted, that from and after the first day of June one thousand eight hundred and twenty-four, all the provisions contained in an act passed in the fifty-fourth year of the reign of his late Majesty King George III, intituled "An Act to continue "until the first day of January one thousand eight hundred and "sixteen, and to amend several Acts for altering Importations from "and Exportations to the Places within the Limits of the Charter of "the East-India Company, in Ships not of British-built, and for the "better Maintenance and Care of Lascars and other Asiatic Seamen "arriving in this Kingdom," relative to Asiatic sailors, lascars, or natives of any territories, countries, or places within the limits of the charter of the said United Company, shall be and are hereby repealed; save and except as to the recovery of any sum or sums of money which have become or may become due on any bond or bonds which may

LAWS. 1823. 4 Geo. 4, c. 80, § 24.

may have been or ought to have been entered into before the said first day of June one thousand eight hundred and twenty-four, or of any sum or sums of money which have otherwise become or may become due by virtue of the said act, before the said first day of June one thousand eight hundred and twenty-four, all which sums of money shall and may be recovered in the same manner as if this act had not been passed; any thing herein contained to the contrary notwithstanding.

Governor of Fort William to make Rules, &c. with respect to Masters, &c. of Vessels trading under this Act.

§ 25. (22) And be it further enacted, that it shall and may be lawful to and for the Governor-General of Fort-William in Bengal, in council, and he is hereby required, as soon as may be, to make, ordain, and publish, and from time to time, as occasion may require, to repeal and alter, and newly to make, ordain, and publish, such rules and regulations, to be observed by masters, officers, and owners of ships and vessels trading under the authority of this act, the crews of which ships or vessels shall be wholly or in part composed of Asiatic sailors, lascars, or natives of any of the territories, countries, islands, or places within the limits of the charter of the said United Company, for the due supply of provisions, clothing, and other necessary accommodation of such Asiatic sailors, lascars, and natives aforesaid, whilst they shall be on board such ships or vessels, and whilst absent from the countries or places to which they shall respectively belong, and until they shall be carried back to the places to which they may belong, or from whence they may have been brought, and for the conveyance back of such Asiatic sailors, lascars, or natives as aforesaid, within a reasonable time to be fixed by such rules or regulations.

Such Rules and Regulations to be observed as if Part of this Act.

§ 26. (23) And be it further enacted, that all such rules and regulations, until they shall be repealed or altered, shall be observed and performed according to the true intent and meaning thereof, in like manner as if they had been herein inserted and had formed part of this act; and a copy of all and every such rules and regulations, signed and authenticated as such by the secretary for the time being of the Government of Bengal, or by the secretary for the time being of the United Company, shall be deemed and received and taken, in and by all courts, justices, and other persons, as full, sufficient, and conclusive evidence of such rules and regulations.

Masters to make out Lists of every Lascar, &c. on board, before such Ship admitted to Entry.

§ 27. (24) And be it further enacted, that the master or other person having the command of every ship or vessel trading under the authority

LAWS. 1823. 4 Geo. 4, c. 80, § 27.

rity of this act, which from and after the passing of this act shall arrive at any port in the United Kingdom of Great Britain or Ireland, and which shall have on board, or which during any part of her voyage shall have had on board, either as part of her crew or in any other character, or for any other reason, any Asiatic sailor, lascar, or native of any of the territories, countries, islands, or places within the limits of the charter of the said United Company, before such ship or vessel shall be admitted to entry, shall make out and exhibit to the principal officers of the customs, or other person thereunto lawfully authorized, a true and perfect list and description of every such Asiatic sailor, lascar, or native aforesaid, which shall then be, or who during any part of her voyage shall have been on board such ship or vessel, with a true account and statement what shall have become of every such Asiatic sailor, lascar, and native aforesaid, who may have been and shall not then be on board.

Penalty for Breach of Regulations relative to Lascars, &c.

§ 28. (25) And be it further enacted, that for every breach or non-observance of any rule or regulation to be made in pursuance of this act, in relation to Asiatic sailors, lascars, or natives aforesaid, which shall have happened or taken place, and for every omission to make out and exhibit such list, description, account, or statement of and respecting all such Asiatic sailors, lascars, or natives aforesaid as herein is required, the master or commander, and all and every the owners and owner of the ship or vessel on board which any such Asiatic sailor, lascar, or native aforesaid shall be or shall have been, shall forfeit the sum of ten pounds for every Asiatic sailor, lascar, or native aforesaid, in respect of whom such breach, non-observance, omission or defect shall have happened or taken place, to be recovered against the master, commander, and owners jointly or severally, by bill, plaint, information, or action, in any of his Majesty's Courts of Record in the United Kingdom of Great Britain and Ireland, or in the East-Indies or elsewhere, to be commenced in the county or presidency or place where any such offender may happen to be, or by conviction in a summary way before two justices of the peace in the United Kingdom, or in the East-Indies, of the county or presidency where any such offender may happen to be; and of which sum and sums so to be forfeited, one-third part thereof shall go, belong, and be paid to the person or persons who shall inform or sue for the same, and the other two-third parts thereof shall be paid to such person or persons as the court or justices before whom the same shall be recovered shall award, to be applied in payment or reimbursement of any expense which may have been incurred by or for the use of the Asiatic sailor, lascar, or native aforesaid, or the respective Asiatic sailors, lascars, or natives aforesaid, in respect of whom such forfeiture or forfeitures shall have been recovered, or in such other manner, for his or their maintenance, return home, or benefit, as the court

court or justices before whom the same shall be recovered shall direct. LAWS. 1823. 4 Geo. 4, c. 80,

Convictions to be drawn up in the following Form. § 29.

(26) And for the more easy and speedy conviction of the offenders under this act, be it further enacted, that the justices of the peace before whom any person or persons shall be convicted of any offence under this act, shall and may cause the conviction to be drawn up in the following form of words, or in any other form of words to the like effect, as the case may happen; *videlicet*,

Form of conviction.

"Be it remembered, that on the _____ day
"of _____, in the year of our Lord _____
"_____ A. B. [the offender or offenders] is
"[or are] convicted before us, two of his Majesty's justices of the
"peace for [the county or presidency, as the case may be], by virtue
"of an act made in the fourth year of the reign of his Majesty King
"George the Fourth, intituled [setting forth the title of this act] of
"having [here state the offence or offences] which offence [or offences
"as the case may be] has, by confession of the offender [or offenders,
"or the oath of one or more credible witness or witnesses, as the case
"may be]; for which said offence [or offences, as the case may be]
"we do adjudge that the said offender [or offenders] hath [or have]
"forfeited and do pay the sum of [the amount forfeited]; one-third
"part whereof we do order and direct to be paid to [the informer]
"and the other two-thirds thereof to C. D. and E. F. [such persons
"as the said justices shall direct], to be applied [in such manner as
"the case may require] pursuant to the provisions of the said act.
"Given under our hands and seals the day and year first above
"written."

Recovery of Penalties. § 30.

(27) And be it further enacted, that all sums of money of which any person shall be so convicted as aforesaid, shall and may be levied by distress and sale of the goods and chattels of the offender; and that for want of sufficient distress every such offender may be committed to prison in the common gaol or house of correction, for the space of three calendar months.

Lascars, &c. convicted of Vagrancy. § 31.

(28) And whereas it may happen that Asiatic sailors, lascars, and natives aforesaid, may refuse to accept the maintenance to be provided for them under the rules and regulations before referred to, or to return home in the ships or vessels which may be engaged for that purpose; be it therefore enacted, that if any such Asiatic sailor, lascar, or native aforesaid, shall at any time be convicted of an act of vagrancy under any of the laws in force in the United Kingdom respecting vagrants, it shall and may be lawful to and for the justice or

LAWS. 1823. 4 Geo. 4, c. 80, § 31.

or justices or magistrates before whom such conviction shall take place, to order and direct that he shall be shipped on board any ship or vessel bound to the place, or as near as may be to the place to which he shall belong, or from which he shall have been brought, and the commander of which shall be willing to take charge of him in order to his being returned thereto, at the expense of the person or persons liable under any rule or regulation to be made as before-mentioned, or of any other person being otherwise willing to defray the same; and it shall and may be lawful for the commander of any such ship or vessel having taken charge of such vagrant, and he is hereby required to keep and detain him on board his ship for the voyage for which he shall be shipped.

Proceedings not to be quashed for Want of Form.

§ 32. (29) Provided also, and be it further enacted, that no conviction, order, or proceeding to be made or had by or before any justices of the peace, or other magistrate, by virtue of this act, shall be quashed or vacated for want of form, and that the order of such justices or other magistrates shall be final, and that no proceedings of any such justices or other magistrates in pursuance of this act shall be removable by certiorari or otherwise.

Actions to be commenced within Three Months.

§ 33. (30) And be it further enacted, that if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, then and in every such case such action or suit shall be commenced or prosecuted within three months after the fact committed, and not afterwards; and the same and every such action or suit shall be brought in the county or place where the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in every such action or suit shall and may plead the general issue, and at the trial thereof give this act and the special matter in evidence; and if the matter or thing complained of shall appear to have been done under the authority and in execution of this act, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other county or place than as afore-mentioned, then the jury shall find for the defendant or defendants; and if the plaintiff shall become nonsuit; or discontinue his or her action after the defendant shall have appeared, or have a verdict against him or her, or if, upon demurrer, judgment shall be given against the plaintiff, the defendant shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any cases of law.

Company to supply all Necessaries for distressed Lascars, &c., and may recover Expense from Owners.

§ 34. (31) And be it further enacted, that if any Asiatic sailor, lascar, or native of any of the territories, countries, islands, or places within the limits

limits of the charter of the said United Company, having been brought to the United Kingdom on board any ship or vessel not being a ship of war in the service of his Majesty, shall from and after the passing of this act be found within the United Kingdom in distress for want of food, clothing, or other necessaries, it shall be lawful for the said United Company to supply necessary and reasonable relief to such persons, and to maintain them until they shall be sent on board some ship bound for some place within the limits aforesaid; and also to pay, defray, and advance the money necessary to procure such persons proper and sufficient passage to their homes or places from which they were brought; and all such sums as the said Company shall pay for or on account of such relief or maintenance, or passage home, shall constitute and become a joint and several debt due to the said Company from the commander, owner or owners of such ship, on board whereof such person or persons shall have been brought into the said United Kingdom, and shall be recoverable as so much money paid to and for the use of such owner or owners in any of the courts of the said United Kingdom, or in the East-Indies, if the owner shall reside there, in which actions or suits for the recovery of debts may be sued or prosecuted; and in all such actions and suits where the said Company shall recover, they shall be entitled to receive full costs of suit.

LAWS. 1823. 4 Geo. 4, c. 80, § 34.

Manifest to be produced before clearing Colonies.

1825. 6 Geo. 4, c. 107, § 4.

To be produced to officers in colonies, &c.

(32) And be it further enacted, that before any ship shall be cleared out or depart from any place in any of the British possessions abroad, or from any place in China, with any goods for the United Kingdom or for the Isle of Man, the master of such ship shall produce the manifest to the collector or comptroller of the customs, or other proper officer, who shall certify upon the same the date of the production thereof to him: provided always, that in all places within the territorial possessions of the East-India Company, the servant of the said Company by whom the last despatches of such ship shall be delivered, shall be the proper officer to authenticate the manifest as aforesaid, and in all places in China the chief supercargo of the said Company shall be the proper officer for such purpose.

Registry of Ships.

1825. 6 Geo. 4, c. 110, § 2.

No vessel to enjoy privileges until registered.

(33) And be it further enacted, that no ship or vessel shall be entitled to any of the privileges or advantages of a British registered ship, until the person or persons claiming property therein shall have caused the same to be registered in manner hereinafter mentioned, and shall have obtained a certificate of such registry from the person or persons authorized to make such registry, and grant such certificate as hereinafter directed.

(34) And

LAWS.
1826.
6 Geo. 4, c. 110, § 3.

(34) And be it further enacted, that the persons authorized and required to make such registry and grant such certificates, shall be the collector and comptroller of his Majesty's customs in any port in the United Kingdom of Great Britain and Ireland, and in the Isle of Man respectively, in respect of ships or vessels to be there registered; and the principal officers of his Majesty's customs in the islands of Guernsey or Jersey, together with the governor, lieutenant-governor, or commander-in-chief of those islands respectively, in respect of ships or vessels to be there registered; and the collector and comptroller of his Majesty's customs of any port in the colonies, plantations, islands, and territories to his Majesty belonging in Asia, Africa, and America, together with the governor, lieutenant-governor, or commander-in-chief of such colonies, plantations, islands, and territories respectively, in respect of ships or vessels to be there registered; *and the collector of duties at any port in the territories under the government of the East-India Company, and other territories belonging to his Majesty within the limits of the charter of the said Company, payable to the said Company, or any other person of the rank in the said Company's service of senior merchant, or of six years' standing in the said service, being respectively appointed to act in the execution of this act by any of the governments of the said Company in India, in any ports in which there shall be no collector and comptroller of his Majesty's customs, in respect of ships or vessels to be there registered;* and the governor, lieutenant-governor, or commander-in-chief of Malta, Gibraltar, Heligoland, and Cape of Good Hope respectively, in respect of ships or vessels to be there registered: provided always, that no ship or vessel shall be registered at Malta, Gibraltar, or Heligoland, except such as are wholly of the built of those places respectively, and such ships or vessels shall not be registered elsewhere; and that such ships or vessels so registered shall not be entitled to the privileges and advantages of British ships, in any trade between the said United Kingdom and any of the colonies, plantations, islands or territories in America to his Majesty belonging: provided also, that wherever in and by this act it is directed or provided that any act, matter, or thing, shall and may be done or performed by, to, or with any collector and comptroller of his Majesty's customs, the same shall or may be done or performed by, to, or with the principal officers of customs in the islands of Guernsey or Jersey, togother with the governor, lieutenant-governor, or commander-in-chief of those islands respectively, and also by, to, or with such collector or other person in India in the service of the East-India Company, as aforesaid, and also by, to, or with the governor, lieutenant-governor, or commander-in-chief of

Persons authorized to make registry and grant certificates.—Provision as to vessels registered at Malta, Gibraltar, or Heligoland.—Certain powers of collectors and comptrollers, by whom to be exercised in certain cases.—Acts may be done by two commissioners of customs in England, Ireland, and Scotland, and by governors, &c., where vessels may be registered.

LAWS.
1826.
6 Geo. 4, c. 110, § 3.

of Malta, Gibraltar, Heligoland, or Cape of Good Hope, and according as the same act, matter, or thing is to be done or performed at the said several and respective places, and within the jurisdiction of the said several persons respectively: provided also, that wherever in and by this act it is directed or provided that any act, matter, or thing shall or may be done or performed by, to, or with the commissioners of his Majesty's customs, the same shall or may be done or performed by, to, or with the said commissioners, or any two or more of them, in England, Ireland, or Scotland respectively, and also by, to, or with the governor, lieutenant-governor, or commander-in-chief of any place where any ship or vessel may be registered under the authority of this act, so far as such act, matter, or thing can be applicable to the registering of any ship or vessel at such place.

§ 5.

What ships are entitled to be registered.

(35) And be it further enacted, that no ship or vessel shall be registered, or having been registered, shall be deemed to be duly registered by virtue of this act, except such as are wholly of the built of the said United Kingdom or of the Isle of Man, or of the islands of Guernsey or Jersey, or of some of the colonies, plantations, islands, *or territories in Asia*, Africa or America, or of Malta, Gibraltar, or Heligoland, which belong to his Majesty, his heirs or successors, at the time of the building of such ships or vessels, or such ships or vessels as shall have been condemned in any court of admiralty as prize of war, or such ships or vessels as shall have been condemned in any competent court as forfeited for the breach of the laws made for the prevention of the slave trade, and which shall wholly belong and continue wholly to belong to his Majesty's subjects, duly entitled to be owners of ships or vessels registered by virtue of this act.

BY-LAWS.

Company's Money only, to be invested in Shipping for the Company. c. 13, § 1.

It is ordained, that the Court of Directors shall not invest any of the Company's money in shipping, excepting for the service of the Company.

Act consolidating Shipping Laws to be By-Laws. § 2.

That all the provisions regulating the mode of building, hiring, and contracting for ships for the service of the Company, which are contained in the act of the 58th Geo. III, cap. 83, intituled "An Act "to amend and reduce into one Act the several Laws relating to "the Manner in which the East-India Company are required to hire "Ships," shall be and be considered as by-laws of this Company.

Directors not to be concerned in Shipping. § 3.

That no Director of this Company shall, directly or indirectly, tender to the Court of Directors any ship or vessel of which he shall be

By-Laws. c. 13, § 3.

be an owner or part-owner; and that in case any ships or shares of ships in the service of the said Company shall come to a Director by bequest or marriage, or as next of kin of any person who shall die intestate, such Director shall give notice in writing to the Court of Directors of his being so interested, and shall sell and dispose of his interest in such shipping within twelve months next after the same shall have accrued, or in default thereof shall be liable to be removed from the office of a Director.

Tenders to express Owners' Names.

§ 4. That the Court of Directors shall not accept the tender of any ship but such as shall be first made by one or more of the owners in writing, wherein shall be expressed the names of all the other owners.

Ships to be employed in Rotation.

§ 5. That all the ships from time to time in the Company's service, according to their respective sizes and the places they shall be most proper to be sent to, shall be employed in rotation according to the times of their return from any voyage, as often as the affairs of the Company shall require their services; and the owners shall from time to time enter into charter-parties for each voyage, giving the like powers and authorities to the Company and their Court of Directors, committee, agents, and servants, respecting the said ships, and the owners, commanders, and officers thereof, as have been accustomed, with power of making such variations in and additions thereto, from time to time, as circumstances in the judgment and according to the discretion of the said Court may require.

List of Commanders and Officers to be kept.

§ 6. That the Court of Directors shall, as soon as reasonably may be, from time to time, preserve and keep a list or register of all existing commanders and sworn officers which have been or shall be employed in the Company's European marine service, except commanders and officers who have been or shall be dismissed or removed for misbehaviour, or shall have resigned and quitted the service; and all the commanders and sworn officers of ships already built, now building, or hereafter to be built for the service of this Company, or taken up as regular ships, shall be selected from such list or register, but with liberty to admit new officers to the lowest stations of sworn officers as the service may require, with the approbation of the Court of Directors, so as always to keep up a sufficient number of commanders and officers regularly bred in the service.

Commanders and Officers not to be sworn till duly qualified.

§ 7. That no commander or officer shall be sworn, or allowed to be employed as a commander or officer of any ship or ships as aforesaid, until he shall have been examined in the manner which hath been usual,

usual, and shall be found and certified to be duly qualified for the station he is to be employed in, according to the standing rules and regulations of the Court of Directors respecting officers and commanders now existing, or such others as they shall from time to time make in this behalf; which rules and regulations shall and may from time to time be varied and altered, as circumstances in the judgment of the said Court of Directors may require.

By-Laws. c. 13, § 7.

Court of Directors to frame Rules as to the Pay and Privilege of Commanders and Officers.

§ 8. That the said Court of Directors shall from time to time make such standing rules and regulations as shall appear to them to be just and proper, to ascertain the pay and privilege of the commanders and officers to be employed in the Company's ships as aforesaid, and the same shall be complied with by the owners of the ships, and the owners shall be restrained from removing any commander, or diminishing any pay or privilege assigned to any commander or officer after he or they shall have been regularly appointed and confirmed, without the permission of the Court of Directors.

No Office in Ships to be sold.

§ 9. That no commander, owner, or part-owner of any ship freighted by the Court of Directors, shall sell any office of mate, purser, gunner, boatswain, or any inferior office, or take any fee or reward whatsoever, directly or indirectly, for any of the said offices or employments on board any ships so freighted, and that upon proof made thereof to the Court of Directors, such commander, mate, purser, gunner, boatswain, or other inferior officer shall be discharged the service of this Company; and that any owner, part-owner, or commander of any ship freighted as aforesaid who shall sell any such office as aforesaid, upon proof made thereof to the said Court of Directors, shall forfeit to the Company, for every such offence, double the sum for which any such office shall be sold, to be deducted out of the freight and demorage to grow due for the said ship.

Charter-Parties to provide for effecting the By-Laws.

§ 10. That in all the charter-parties and agreements relating to shipping, proper clauses shall be inserted for the carrying into effect all these by-laws relating to shipping, and to the commanders and officers of ships.

No Part-Owner to sell any Post on board Ship.

§ 11. That hereafter no owner or part-owner of any ship, or any commander or other person shall, directly or indirectly, sell or take any gratuity or consideration, nor shall any person or persons buy, pay, or give any gratuity or consideration for the command of any ship or ships to be freighted to the Company; and in case any such contract, payment, or gift shall be made, the commander or intended commander

By-Laws. c. 13, § 11.

mander concerned therein shall from thenceforth be incapable of being employed or of serving the Company in any capacity whatsoever; and it shall be lawful for the Court of Directors to discharge the ship from the Company's service, if they shall think fit: and moreover, the respective parties to such contract receiving, paying, or giving, or contracting to pay, receive, or give, shall severally pay damages to the Company at the rate of double the sum received, or to be received, paid, or given, and all the parties shall be obliged to discover such transactions as aforesaid, and all the circumstances relating thereto, by answer, upon oath, to a bill in equity, and shall not plead or demur thereto; and for that purpose proper clauses shall be inserted in all shipping agreements.

SLAVE-TRADE.

Mr. Fox, on moving the resolutions adopted by Parliament in 1806, by which the slave-trade is described to be "contrary to the principles of justice, humanity, and sound policy," declared, that so fully was he impressed with the vast importance and necessity of attaining what would be the object of his motion that night, that if, during the almost forty years that he had had the honour of a seat in Parliament, he had been so fortunate as to accomplish that, and that only, he should think he had done enough, and could retire from public life with comfort, and conscious satisfaction that he had done his duty.

It pleased Providence to deprive the country of the services of that eminent statesman, at the close of the year in which he made the above declaration; but it has been permitted to Mr. Wilberforce to witness, in the honourable retirement which he has chosen, the success attendant upon his unceasing efforts in the cause of suffering humanity.

In very briefly adverting to a few of the details connected with the measures which have been adopted for the abolition of the slave-trade, there is not the slightest desire to add to the excitement which the discussion of the subject has invariably occasioned. The determination of the Legislature to pursue "a course of temperate but authoritative admonition," founded upon the resolutions adopted in May 1823, and the disposition manifested by his Majesty's Government to afford every facility to the discovery and suppression of the illicit traffic, is calculated to encourage the most sanguine expectations that the total abolition will be gradually, but securely effected.

The

The English are stated to have been engaged in the traffic in slaves in 1562, when three ships were fitted out from this country for the coast of Guinea: from whence they sailed with negroes for Hispaniola, where they were sold as slaves, and a return cargo of hides, sugar, and ginger, shipped for England.

From 1752 to 1762, 71,115 negroes were imported into Jamaica, at an average price of £30 each slave. The returns in the latter year rated the number of slaves at 146,464. General O'Hara, the governor of Senegambia, reported in 1766 that the number of negroes annually shipped from Africa amounted to 70,000!

The Legislature of Jamaica, in 1774, levied a duty of £5 on every slave imported, not so much on account of the revenue as a measure of self-preservation, intended to check the excessive importation of negroes: which had become an object of much apprehension, the number on the island being nearly 220,000, of whom 50,000 were fencible men, whilst the white population, of every description, did not exceed 16,000.

In April 1774, the House of Commons resolved to institute an inquiry into the state of the African trade, and the application of the sum annually voted by Parliament, amounting in the aggregate for the preceding sixteen years to nearly £400,000. It clearly appeared that the governors of the forts on the coast had engrossed more than one-half of the whole British trade, and having the pre-emption of the best slaves, they engaged very largely in that traffic.

In 1788, Mr. Wilberforce gave notice of his intention to bring in a bill respecting the slave-trade. Mr. Fox also signified that he proposed to bring the subject before Parliament. On the 11th February in that year, the King in council directed the Committee of Council for Trade to inquire into the state of that part of Africa where the slaves were bought, the manner of obtaining them, the mode of their transportation and sale, and the effects of the slave trade upon the colonies and general commerce of the kingdom. The report was favourable to the state of Africa for commerce; it described the negroes as generally mild and inoffensive, but stated "that the slave-trade had "a natural tendency to make both the natives and the people "employed

"employed in it ferocious." It was asserted that slaves were bred up for sale as cattle in other countries; many were also made slaves for debt; and when the demand was great, the King's chiefs and black traders made no scruple of seizing and carrying off the inhabitants of whole villages. The mode of their being brought down to the coast, of their shipment, and of the treatment of them during the voyage, are described in terms calculated to excite feelings of horror and astonishment, that human beings were found capable of embarking in such an abominable traffic. The lamentable effects of the slave-trade upon the seamen engaged in it were likewise apparent: the whole of the habitable part of the vessel being filled with the living cargo, the seamen had no place to lodge in during the voyage from Africa to the West-Indies, usually termed the middle-passage; they were consequently obliged to sleep upon the booms, under the booms in the boats, in the tops, or wherever they could find any spare room above deck, where, if they had not an awning, they were exposed to the scorching heat of the sun, and frequently to torrents of rain. There were repeated complaints of bad and scanty provisions and water, and of cruel treatment, for the purpose, as was alleged, of provoking the seamen to desert from their vessels in the West-Indies, that their wages might be forfeited to the owners: this was exemplified by the return rolls of seamen embarked in eighty-eight vessels in 1786 and 1787; the number shipped being 3,170; of that number, 642 died, or were lost; 1,100 were discharged or deserted, leaving only 1,428 who returned to England! It was calculated that three times as many seamen were lost in the slave-trade as in all other branches of trade put together.

In 1778 an act was passed to regulate the shipping and carrying slaves in British vessels from the coast of Africa; commissioners were at the same time appointed to investigate the claims which might be preferred on account of losses suffered by the operation of that act. In 1789, the act was renewed, and some additions were made to prevent the turning off of the seamen in the West-Indies, or treating them barbarously and starving them, in order to force them to desert their vessels and forfeit

forfeit their wages: the wages due to deserters were no longer to sink into the pockets of the owners, but to be paid to Greenwich Hospital. In 1791, the Sierra Leone Company was established by Act of Parliament. The gentlemen who originated it believed that the trade in slaves was an insuperable obstacle to the civilization and cultivation of Africa, and that if those objects were duly attended to and encouraged, Africa might soon become a source of raw material, and the mart of an extensive trade for British manufactures.

This opinion appears to receive confirmation from the work just published by Major Denham and Capt. Clapperton on their discoveries in Southern and Central Africa, in 1825. Speaking of the province of Bornou, which, with one exception, is the most important power in Central Africa, the natives are described as being desirous of exchanging whatever their country produces for the manufactures of the more enlightened nations of the north. Unfortunately, the principal return which Moorish merchants obtain for their goods consists in slaves. These unhappy victims are handed over to the Tripoli and Fezzan traders, who are waiting with their northern produce to tempt the cupidity of the slave merchants of Soudan, Bornou being only a place of rendezvous. Neither the Sheikh himself nor the Bornou people carry on this traffic without feelings of disgust, which even habit cannot conquer. Of the existence of a foreign slave trade, or one which consigns the unfortunate creatures to Christian masters, they are not generally aware at Bornou.

"The eagerness," Major Denham observes, "with which all classes listened to our proposals for establishing a frequent communication by means of European merchants, and the protection promised by the Sheikh to such as shall arrive within the sphere of his influence, particularly if they were English, excites an anxious hope that some measures will be adopted for directing the labours of a population of millions to something more congenial to humanity and philanthropy than the practice of a system of predatory warfare, which has chiefly for its object the procuring of slaves as the readiest and most valuable property to trade with on every appearance of the merchants from the north at their markets."

In

In 1792, five hundred and nineteen petitions were presented to Parliament, praying an abolition of the slave-trade.

In 1794, a bill passed the House of Commons for abolishing that branch of the slave-trade which supplied foreign colonies with slaves, but it was thrown out in the Lords.

In 1797, the 37th Geo. III, cap. 119, was passed, declaring that negroes were no longer liable to be seized and sold for the debts of their proprietors.

In 1799, the 39th Geo. III, cap. 80, was passed, under which no ship could enter or clear out for the purpose of shipping or carrying slaves from Africa, except at the ports of London, Liverpool, and Bristol. That act contained a provision against the recovery, under a policy of insurance, for loss on account of *throwing slaves overboard!*

It has already been observed, that in 1806, Mr. Fox brought forward a motion for the abolition of the slave-trade. The resolution adopted was in the following terms: "That this "House, conceiving the African slave-trade to be contrary to "the principles of justice, humanity, and sound policy, will, "with all practicable expedition, proceed to take effectual "measures for abolishing the said trade, in such manner and "at such period as may be deemed advisable." A conference was desired with the Lords upon a matter in which the reputation of the country for humanity, justice, and sound policy was deeply interested. An address was voted to his Majesty, beseeching his Majesty to take measures for establishing, by negociation with foreign powers, a concert and agreement for abolishing the African slave-trade. On the 25th March 1807, the 47th Geo. III, cap. 36, was passed for the abolition of the trade from the 1st May 1807.

On the 15th June 1810, the House of Commons resolved *nemine contradicente*, "that an humble address be presented to his "Majesty, expressive of their deep regret that the efforts used "to induce foreign nations to concur in relinquishing the dis"graceful commerce of the African slave-trade has been at"tended with so little success;" also, the surprise and indignation which the House felt at learning that persons in this country had not scrupled to continue, in a clandestine and fraudulent manner, the detestable traffic in slaves, and that early in the ensuing

ensuing session the House determined to take into consideration such measures as would tend effectually to prevent such daring violation of the law. An act was accordingly passed in May 1811, for rendering more effectual the provisions contained in the act of 1807, declaring that any subject or persons residing in the United Kingdom, or in any of the dominions belonging to his Majesty, or under the government of the *East-India Company*, carrying on the slave trade, should be declared felons.

In May 1823, Mr. Fowell Buxton, a zealous advocate for the total abolition of the slave-trade, brought forward a motion, "that the state of slavery is repugnant to the principles of the "British constitution and of the Christian religion, and that "it ought to be abolished gradually throughout the British "colonies, with as much expedition as may be found consistent "with a due regard to the well-being of the parties concerned."

Mr. Canning, whilst he concurred in many points urged by Mr. Buxton, stated that there were others which required more mature consideration, and concluded by submitting three resolutions to the adoption of the House, which were agreed to without a division, *viz.*

"That it is expedient to adopt effectual and decisive mea-"sures for ameliorating the condition of the slave population "of his Majesty's colonies.

"That through a determined and vigorous, but at the same "time judicious and temperate, enforcement of such measures, "this House looks forward to a progressive improvement in "the character of the slave population, such as may prepare "them for a participation in those civil rights and privileges "which are enjoyed by other classes of his Majesty's subjects.

"That this House is anxious for the accomplishment of "these purposes at the earliest period that may be, consis-"tently with the welfare of the slaves themselves, the well-"being of the colonies, and a fair and equitable consideration "of the state of property therein."

These resolutions were communicated in a circular letter from Earl Bathurst, dated the 24th May, addressed to the functionaries of the different islands, recommending the adoption

tion of measures for the amelioration of the condition of the slave population. They embraced provisions for religious instruction of slaves: the consequent abolition of Sunday markets, the abolition of the practice of flogging female slaves, the regulation of the punishment of male slaves, the prevention of the separation of husband and wife, and infant children from the mother, on the sale of slaves, the giving security to the property of slaves by establishing savings-banks of deposit, the establishment of facilities for the manumission of slaves, and, finally, the allowing the evidence of slaves to be received, under certain regulations, in courts of justice. Considerable indisposition was manifested in Dominica, Tobago, Barbadoes, and Jamaica, to meet the wishes and recommendation of the mother country: it was consequently determined to try the proposed plan of improvement in one of the conquered colonies wholly governed by the crown, without the intervention of legislative assemblies. Trinidad was selected for the experiment. An order in council, dated the 10th of March, was accordingly issued, containing a system of regulations for the slaves in that island. An abstract of the provisions contained in these regulations, too interesting to be omitted, is inserted as a note.* Ministers further manifested

* By this order, the Procurator Syndic of the Cabildo of the town of Port of Spain was confirmed in his ancient office of protector and guardian of slaves, with new honours, and under new regulations; the commandants of the several quarters of the island were declared assistant-protectors and guardians of slaves; and notice of all suits and actions against slaves was required to be given to the guardian, who was obliged to attend the trial of the cause. All markets were to be discontinued on Sunday, and the employment of any slave in labour, between sunset on Saturday and sunrise on Monday, was strictly prohibited. It was declared unlawful to carry the whip as an emblem of authority.

The practice of flogging females was abolished; and in cases formerly punished by flogging, it was proposed to substitute imprisonment, or confinement in the stocks, for females. The governor was, besides, authorized to substitute any other punishment which might not be inconsistent with the general spirit of the regulations.

With respect to the punishment of the male part of the slave population, the order in council provided that no slave should be punished for any offence until twenty-four hours after its commission should have elapsed; that in no instance should more than twenty-five lashes be given in one day; that no second punishment should take

fested the sincerity of their intentions by introducing an act* consolidating and amending the laws relating to the abolition

take place, until the person of the slave was free from any lacerations which might have been occasioned by the first flogging; and that no punishment whatever should take place, unless one person of free condition were present, in addition to him by whom or by whose authority the punishment was inflicted. A record-book was to be kept on every plantation or estate throughout the island, in which the owner or manager was required to record the punishments inflicted on slaves, particularizing the number of lashes inflicted, if the stripes exceeded three, the reasons for the punishment, and the names of the persons attending it. Copies of these records were to be returned, at a fixed period, to the commandant of the quarter in which the estate or plantation where the infliction took place was situated.

To encourage marriages among the slaves, it was ordered that, if the two slaves obtained the consent of their master, and produced this consent to the guardian and protector, he should give directions that the marriage should be solemnized, according to the rites of the Church of England, the Roman Catholic ritual, or the Presbyterian forms, as should be most agreeable to the parties. The marriage thus authorized and solemnized was to be recorded in a book or register kept by the guardian. Should the master of the slaves refuse his consent, they might inform the guardian of this refusal, and apply to him for instruction how to proceed. On this application, the guardian was authorized to call the master or overseer before him, to hear his motive for resisting the proposed marriage; and if that motive appeared unreasonable, or if his conduct was evidently arbitrary, he might, notwithstanding such refusal, authorize the union of the parties. As a consequence of this provision for promoting the marriage union, an enactment was naturally called for, to prevent the separation of those who had been united in marriage. It was therefore provided, that in the sale or transfer of married slaves, husband and wife should not be separated, but should be sold in one lot, and transferred to one master; and that their children, if they had any from the marriage, should go along with the parents.

The next provision went to secure to slaves their property, by a positive law, and to enable them to dispose of it by bequest; which they could not do before, except by the consent of their masters. By this order, they were enabled to sue in their own names, to make an advantageous use of their property by laying out their funds at interest, and to dispose of it, with its accumulations, by bequest. The money of any slave being deposited in a bank, and duly recorded, his disposal of it, at all times, would be valid. Other regulations provided facilities for the manumission of slaves. It was enacted that the price of registration of manumitted slaves should be paid not by the slave but by the state. The slave was to have a right to purchase, not only his own freedom, but that of his wife, of his child, his sister, or his brother. If any difficulty arose respecting the price, it was to be transferred to the guardian or protector, who was to arbitrate between the parties. The order further provided, that a slave should be received as a witness, and be allowed to give his evidence on oath, provided he could procure a certificate from the minister of the Established Church, or from any other clergyman whose ministrations he attended, that, upon examination, that minister or clergyman was satisfied that the slave was so far

* 5th Geo. IV. cap. 113.

tion of the slave-trade, and declaring all persons dealing in slaves on the high seas guilty of piracy, felony, and robbery.

As regards India, the Marquis Cornwallis, when governor-general, so far back as July 1789, issued a proclamation, adverting to information which had been received by the Government, that many natives and some Europeans had been engaged in collecting and purchasing slaves of both sexes, children as well as adults; and to prevent such practice in future, and to deter by the most exemplary punishment parties from being concerned "in such inhuman and detestable traffic," Government had resolved to prosecute, at the expense of the Company, all persons who might thereafter be concerned in such trade, and laying down sundry regulations for the discovery of offenders and prevention of the trade.

On the 30th of that month Captain Horeborrow, of the ship Friendship, was indicted on the prosecution of the Company, for assaulting and carrying away forcibly to the island of Ceylon, and there selling as slaves, natives of India, procured through a French resident at Chandernagore; they consisted of males and females to the number of 130, and were originally intended for the Mauritius. The trial lasted till nine at night, when the jury brought in their verdict guilty. On the 5th of August the defendant was brought up and sentenced to be imprisoned for three months, to pay a fine of 500 rupees, and to give security for his future good behaviour for three years, himself in a bond of 10,000 rupees, and two sureties in 5,000 rupees each.

The only clause of the act of 1824 which is given in the work, is the 19th section, declaring the dealing in slaves to be piracy. Certain provisions are contained in that act, by which persons may purchase slaves lawfully, being within any island, colony, &c., provided such slaves are to be employed in that island; such slaves may also be removed coastwise, or by land, to

far instructed in religious knowledge, as to be sensible of the obligation of an oath. A register was to be kept by the guardian of slaves, in which the qualifications were to be recorded. Subject to this regulation, the testimony of slaves was to be received in all civil cases, except where the interests of their masters were concerned; and in all criminal cases, except where the life of a white person was at stake.

to any other part of the same island, or, by permission of the governor, to any island forming part of the same colonial government. His Majesty in council may authorize, until the 31st July 1827, the removal of slaves from any British island in the West-Indies to another there, in case it shall appear that such removal is essential for the welfare of the slaves. Convict slaves may be transported from a British island to a foreign settlement. Domestic slaves may accompany their master under certain regulations. Certain treaties with foreign powers for the prevention of traffic in slaves are recited in the act. With Portugal in 1815 and 1817; with Spain in 1817 and 1822; and with the Netherlands in 1818 and 1822.

On the 19th May 1826 Mr. Brougham submitted the following motion to the House of Commons, with reference to the Resolutions of the House, of May 1823:

"That this House has observed with the deepest regret, "that nothing effectual has been done in the Legislative "Assemblies of the colonies in the West Indies, in com- "pliance with the declared wishes of Government, and of the "resolution of this House passed on the 15th May 1823, "touching the condition of the slaves; and this House, there- "fore, pledges itself, early in the next session, to take into "its most serious consideration such measures as may be neces- "sary to give effect to the said resolution."

The motion was negatived by 100 to 38.

LAWS.

LAWS. 1811. 51 Geo. 3, c. 23, § 1.

Declared Felony.

(1) 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 if any subject or subjects of his Majesty, or if any person or persons residing or being within this United Kingdom, or in any of the islands, colonies, dominions, forts, settlements, factories or territories now or hereafter belonging thereto, or being in his Majesty's occupation or possession, or under the government of the United Company of Merchants trading to the East-Indies, shall, from and after the first day of June next, by him or themselves, or by his or their factors or agents, or otherwise howsoever, carry away or remove, or aid or assist in the carrying away or removing, as a slave or slaves, or for the purpose of being sold, transferred, used or dealt with as a slave or slaves, any person or persons whatsoever from any part of Africa, or from any other country, territory or place whatsoever, either immediately or by transhipment at sea or otherwise, directly or indirectly; or shall import or bring, or aid or assist in the importing or bringing into any island, colony, country, territory or place whatsoever, any such person or persons as aforesaid for the purpose aforesaid; or shall knowingly and wilfully ship, embark, receive, detain or conceal on board any ship, vessel, or boat any such person or persons as aforesaid, for the purpose of his, her, or their being so carried away or removed, imported, or brought as aforesaid, or of being sold, transferred, used, or dealt with as a slave or slaves; or shall knowingly and wilfully use or employ, or permit to be used or employed, or let or take to freight or on hire any ship or vessel to be used or employed in carrying away or removing, importing, or bringing, or for the purpose of carrying away or removing, importing, or bringing as aforesaid, any such person or persons as a slave or slaves, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a slave or slaves; or shall fit out or cause to be fitted out, or shall take the charge or command of, or navigate, or enter and embark on board any such ship or vessel as master or captain, mate, supercargo or surgeon, knowing that such ship or vessel is actually employed, or is, in the same voyage for which he or they shall so enter or embark on board, intended to be employed in carrying or removing, importing or bringing as aforesaid any such person or persons as, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a slave or slaves; then and in every such case the person or persons so offending, and their counsellors, aiders, and abettors, shall be and are hereby declared to be felons, and shall be transported beyond the seas for a term not exceeding fourteen years, or shall be confined and kept to hard labour for a term not exceeding five years, nor less than three years, at the discretion of the court before whom such offender or offenders shall be tried and convicted.

Subjects or persons residing in the United Kingdom, or any of the dominions belonging to his Majesty, carrying on the slave trade, or any way engaged therein, shall be declared felons.

LAWS. 1811. 53 Geo. 3, c. 23, § 1.

Declared Piracy.

1824. 5 Geo. 4, c. 113, § 19.

Dealing in slaves on the high seas, &c. to be deemed piracy.

(2) And be it further enacted, that if any subject or subjects of his Majesty, or any person or persons residing or being within any of the dominions, forts, settlements, factories, or territories, now or hereafter belonging to his Majesty, or being in his Majesty's occupation or possession, or under the Government of the United Company of Merchants of England trading to the East-Indies, shall, except in such cases as are in and by this act permitted, after the first day of January one thousand eight hundred and twenty-five, upon the high seas, or in any haven, river,

LAWS.

1824. 5 Geo. 4, c. 113, § 19.

river, creek, or place where the admiral has jurisdiction, knowingly and wilfully carry away, convey, or remove, or aid or assist in carrying away, conveying or removing, any person or persons as a slave or slaves, or for the purpose of his, her, or their being imported or brought as a slave or slaves into any island, colony, country, territory, or place whatsoever, or for the purpose of his, her, or their being sold, transferred, used or dealt with as a slave or slaves, or shall after the said first day of January one thousand eight hundred and twenty-five, except in such cases as are in and by this act permitted, upon the high seas, or within the jurisdiction aforesaid, knowingly and wilfully ship, embark, receive, detain, or confine, or assist in shipping, embarking, receiving, detaining or confining on board any ship, vessel, or boat, any person or persons for the purpose of his, her, or their being carried away, conveyed, or removed as a slave or slaves, or for the purpose of his, her, or their being imported or brought as a slave or slaves into any island, colony, country, territory or place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a slave or slaves, then and in every such case the person or persons so offending shall be deemed and adjudged guilty of piracy, felony, and robbery, and being convicted thereof shall suffer death, without benefit of clergy, and loss of lands, goods, and chattels, as pirates, felons, and robbers upon the seas ought to suffer.

THE SOVEREIGN.

The East-India Company owe their original establishment, and the privileges then conferred upon them, to her Majesty Queen Elizabeth, who incorporated them by royal charter bearing date the 31st March 1600. His Majesty James I, at the commencement of his reign, permitted licenses to be issued to private merchants. The King, however, in the year 1609, admitted the infraction to be unwise and impolitic, and made the exclusive privileges of the Company permanent. The jealousy of the Dutch at the rising trade of the English in the Eastern seas led to the massacre at Amboyna in 1622. The King interposed to obtain redress, but died before any reparation was made either to the nation or the Company. King Charles I renewed the attempt to effect redress from the States-General to the Company, and proceeded to retaliation on the homeward-bound ships of the Dutch. The rising factions in England lessened the authorities of the crown. The civil wars that succeeded, from 1642 to 1649, together with the establishment of the Commonwealth in 1651, and the Protectorate in 1653, were greatly to the prejudice of the Company's interest. At the restoration of King Charles II, in 1660, they obtained a confirmation of the charter and of their exclusive privileges; their interests were uniformly protected by the crown; they received recommendations of the King to the sovereigns in whose dominion the seats of their trade were situated; the islands of Bombay and St. Helena were conferred upon the Company; the power of making war or peace with the native princes was vested in them; also the right to coin money current in the countries in which they traded. At the solicitation of the Company, his Majesty King James II, in 1687, was pleased to erect Madras, then the principal seat of government in India, into

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into a corporation. A question arose whether such charter should proceed from the King under the great seal of England, or from the Company under its broad seal. On the 12th December 1687, the result was communicated to Madras in the following terms:—

"The Governor and Deputy were commanded last night, "being Sunday, to attend his Majestie at the Cabinet Council, "when our intended charter for incorporating Fort St. George "into a body politique, consisting of mayor, aldermen, and "burgesses, was largely debated before his Majestie. One "of the council (being a lawyer) seemed to be of opinion, "that it was best the charter should pass immediately by the "King, under the great seal. His Majestie asked the Gover- "nor his opinion, who replied, that what his Majestie thought "best the Company would alwaye think so; but if his Ma- "jestie expected the Governor's private opinion, he had ever "been of opinion that no person in India should be employed "by immediate commission from his Majesty, because, if they "were, they would be prejudiciall to our service by their "arrogancy and prejudiciall to themselves, because the wind "of extraordinary honour in their heads would, probably, "make them so haughty and overbearing that we should be "forced to remove them. In conclusion, his Majestie did so "apprehend it as to think it best that the charter should go "under our own seal."

The support which the Company received from their Majesties King Charles and James II, induced them to adopt measures to establish themselves as an Indian power at Bombay, Madras, and in Bengal. The events, however, consequent upon the *Revolution*, and the accession of his Majesty King William III, materially checked the progress of their affairs. Not only were the interlopers attempting, in the form of associations, to attack and undermine the Company's exclusive interests, but the validity of their rights; and the legal exercise of them under a grant from the crown simply, rather than as proceeding from a grant founded on the act of Parliament, were questioned. The Company and the private-traders having been heard before a committee of the House of Commons, that committee, on the 16th January 1689, declared it to be their opinion,

opinion, that the best way to manage the East-India trade was to have a new Company, to be established by act of Parliament.

The renewal of the Company's privileges by a new charter, in October 1693, and the incorporation of the English Company in 1698, under the charter which forms the foundation of the United Company's present constitution, were issued under authority of acts of Parliament. The union of the two Companies had been recommended by his Majesty. The same was notified to the London Company; who on the 23d December 1700, at a General Court, resolved, that as they had always been, so were they still ready to embrace every opportunity by which they might manifest their duty to his Majesty and zeal for the public good; and that they were desirous to contribute their utmost endeavours for the preservation of the East-India trade to this kingdom; "and that they were willing to agree with the new Company upon reasonable terms."

King William died in March 1702, and was succeeded by Queen Anne on the 8th of that month. In order to effect the union which had been delayed by various differences that had arisen in the course of the negotiation, an act was passed in the sixth year of her Majesty's reign, referring it to Lord Godolphin to settle the matter between the London and English Companies, which was completed by the award of the 29th September 1708.

The Parliamentary enactments regarding the exercise of the royal authority in the government by the East-India Company, or the administration of the affairs in India, may be dated from the regulating act of 1773, when the King was authorized to issue letters-patent to establish a Supreme Court of Judicature at Calcutta. The consent of his Majesty was necessary to the appointment, by the Court of Directors, of a successor to the Bengal Council, in the event of one of the four members succeeding as Governor-general. Appeals were likewise authorized to his Majesty from the supreme Courts. Appeals were also presented to his Majesty in Council for framing any rules and regulations established by the Governor General in Council.

The existing provisions respecting the exercise of the royal authority may be classed as follows:

Appointments

Appointments which are made directly from the Sovereign, *viz.* the Judges, the Recorder, and Bishop.—(*Vide* Courts of Judiature, p. 240, sec. 1; Ecclesiastical Establishments, p. 336, sec. 2.)

Appointments which are not valid until the approbation of the Sovereign is obtained thereto, *viz.* Governors-General, Governors, and Commanders-in-chief.—(*Vide* Government in p. 394, sec 28.)

Appointments which the Sovereign may make in failure of the Court of Directors nominating.—(*Vide* Court of Directors, p., 221, sec. 58.)

The right of the Sovereign to recall, vacate, or make void any appointments or commissions in India.—(*Vide* Servants Civil and Military, p. 634, sec. 12.)

The right of the Sovereign to grant pensions chargeable on the revenues of India.—(*Vide* Pensions, p. 560.)

SUPERANNUATIONS.

In the year 1810 an act was passed to regulate and control the payment of pensions and superannuations in the various public departments and offices under Government. 50 Geo. 3, c. 117,

A similar provision was introduced into the act of 1813, when the Company's exclusive privileges were renewed, by which his Majesty is empowered to grant superannuations to the officers of the Board of Commissioners for the Affairs of India, under the conditions of the act above adverted to. If any officer or servant of the Board has been in the service of the Company, the time of such service under the Company is to be taken into account in computing the number of years' service under the Board. By the ninety-third section of the act of 1813, the Court of Directors are empowered to grant superannuations to the Company's servants in England. 53 Geo. 3, c. 155, § 91 to 94.

LAWS.

To Officers and Servants of the Board.

LAWS. 1813. 53 Geo. 3, c. 155, § 91.

His Majesty empowered to grant superannuations to the officers of the Board of Control.

(1) 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

LAWS. 1813. 53 Geo. 3, c. 155, § 91.

annuations 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 control 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.

§ 92.

(2) 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.

Previous service to be taken into account for officers of the Board.

To Officers and Servants of the Company in England.

§ 93

(3) 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

Court of Directors empowered to grant superannuations to Company's servants in England.

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.

LAWS. 1813. 53 Geo. 3, c. 155, § 93.

Accounts of Superannuation to be laid before Parliament.

§ 94.

(4) Provided always, and be it further enacted, that an account of all allowances, compensations, remunerations and superannuations which shall be 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 meeting thereof.

Account of superannuations to be laid before Parliament.

BY-LAW.

c. 61, § 19.

(5) Such allowances in the nature of superannuations, as the Court of Directors are empowered to grant to their officers and servants of England by 53d Geo. III, cap. 155, sec. 93, shall be laid before the next General Court.

Allowances for superannuation to officers and servants in England to be laid before next General Court.

TANJORE COMMISSIONERS.

THE Commission for investigating the claims on the Rajah of Tanjore takes its name from a district which extends along the sea-coast of the Southern Carnatic, principally between the tenth and eleventh degrees of north latitude. The Rajah of Tanjore paid peshcush or tribute to the Nabob of the Carnatic. Under the treaty of 1762, entered into between those princes, the Rajah was to pay twenty-two lacs of rupees for arrears of peshcush; also two lacs of rupees annually to the Nabob as tribute to the Mogul, and the further sum of two lacs as a present to the Nabob. At that period Pretaupa Sing was Rajah of Tanjore; he died in 1763, and was succeeded by Tuljajee.

The provisions of this treaty involved the Rajah in repeated controversies with the Nabob. Arrears of peshcush accumulated; and additional motives were not wanting to induce the Nabob, on the plea of recovering what he considered to be his right, to invade the possessions of the Rajah; urging, at the same time, the Government of Fort St. George to co-operate with him in chastising what he termed the refractory spirit of the Rajah. The presidency complied: the English troops, under General Smith, encamped before Tanjore on the 23d September 1771. On the 27th October, the day on which it was reported that the breach would be practicable the following morning, the Nabob signed a peace with the Rajah.

In 1773 the Nabob represented to the Madras Government that a large arrear of tribute was due; and, moreover, that the Rajah had applied to the Mahrattas and to Hyder, with the view of ravaging part of the Carnatic territory.

The Madras Government resolved on aiding the Nabob in the conquest of Tanjore. The English force marched from Trichinopoly

Trichinopoly on the 3d of August, and on the 16th of September the troops entered the fort of Tanjore, where the Rajah and his family were taken prisoners. These proceedings were disapproved by the authorities at home. The Court of Directors issued instructions for the restoration of the Rajah to all his rights, without infringing those of the Nabob of the Carnatic. A British force was directed to be maintained in Tanjore. An assignment of revenue was made by the Rajah sufficient to maintain such force, and care was taken to ensure the regular payment of the peshcush to the Nabob of the Carnatic, as agreed upon in the treaty of 1762.

In 1787 Tuljajee died, and was succeeded by his brother, Ameer Sing. Doubts were at that time entertained whether Serfojee, the adopted son of the late Rajah, was not the lawful heir. A treaty was, however, entered into with Ameer Sing, by which he was to pay to the Company four lacs of pagodas per annum towards the military peace establishment.

In 1792 another treaty was entered into, by which, in the event of war, the Company was to possess full authority over the country of Tanjore, and collect the revenues; the Rajah to be allowed one lac of pagodas per annum, that sum being the fifth of the nett revenues. The payment on account of the fusly expenses was reduced from four to three-and-a-half lac of pagodas. The right of the Nabob of the Carnatic to peshcush from the Rajah had been absolutely transferred, by the arrangements with the Nabob, to the Company.

It has already been observed, that doubts were entertained in 1787 as to Serfojee's right to the musnud. About the period of the foregoing arrangements, under the treaty of 1792, those doubts were revived; and the matter having been referred to the pundits of the highest authority, the question was decided in favour of Serfojee, who was consequently placed on the musnud. A treaty was entered into with that prince in 1799, by which the whole of the revenue of Tanjore was to be collected and accounted for by the Company, they engaging to pay one lac of pagodas per annum to the Rajah, and to Ameer Sing 25,000 pagodas per annum; the residue of the revenue was to be at the disposal of the Company.

So far back as 1787, provision had been made for liquidating

ing the claims of the private creditors of the Rajah, which amounted in 1781 to six lacs of pagodas; and the debts for which payment was so provided were called registered debts. When the treaty of 1799 was entered into, a small part only of the registered debt remained, but upon that interest was accruing at twelve per cent. By that treaty the Company charged themselves with the payment of that part of the registered private debts not already transferred to their account; and in 1802 Company's bonds were granted in exchange for such part of the registered debt of Tanjore as had not been liquidated prior to 1799.

The debts for the investigation of which the present commission is appointed are those of the private creditors of the late Ameer Sing, whose claims are, for the most part, stated to have arisen at a time when Ameer Sing's right to the musnud were disputed by Seefojee; such debts not being recognized in any way by the treaty of 1799. The Company have, nevertheless, consented to the investigation of the claims. The act authorizing commissioners to carry the agreement into effect received the royal assent on the 17th June 1824.

The claims of the private creditors are to be investigated by commissioners; three to sit in England and three to sit at Madras. The final adjudication to rest with the commissioners in England, except as respects claims, of which the principal amount shall not exceed 1,000 rupees each; which claims the commissioners at Madras are authorized finally to determine.

The claims, when admitted, to be made up, with interest at the rate of four per cent. per annum, computed from the time when the claims arose to the 30th April 1823, and bonds to be granted for the consolidated amount, to bear interest at four per cent. per annum from the 30th April 1823, payable half-yearly.

On the 30th of October and the 30th of April in each year, so long as the revenues of Tanjore shall continue to be in possession of the Company, such interest to be paid at Madras in money; or in case of the creditors or holders of such bonds or certificates *bonâ fide* resident in Europe, then at their option in money at Madras, or by bills of exchange on the Court of Directors,

Directors, at twelve months' date, at an exchange equivalent to two shillings and one penny for the sicca rupee; the principal being payable at Madras only at the pleasure of the Company, fifteen months' notice thereof being duly published at Madras.

The claims to be charged on the Tanjore revenues, and five per cent. upon the aggregate amount of the claims to be set apart from these revenues annually, to form a sinking fund for their eventual redemption, upon the balances of which the Company to allow an interest of four per cent. per annum.

The Second Report from the Tanjore Commissioners was laid before the House of Commons the 22d February 1826: the following extract from the Report will shew the progress which has been made in the investigation:—

	Star Pags.	F.	C.
"The aggregate amount of the claims, specified in the list formerly presented to this Honourable House, and in continuation of it, is - - - -	22,74,354	34	53.

"In our last report to this Honourable House, under date "21st February 1825, we had the honour to state that, upon "receiving from the Court of Directors of the East-India "Company a letter dated the 15th of July 1824, communicating our appointment as commissioners under the deed "of agreement of the 11th of February 1824 between the "said Company and the private creditors of his late Highness "Ameer Sing, formerly Rajah of Tanjore, and enclosing the "said deed, and a copy of the act of Parliament passed on "the 17th of June 1824, 'for enabling us the better to carry "the same into effect;' we immediately gave notice thereof in "the Gazette of the 20th of July 1824, and therein called "upon the parties to the said deed to deliver in schedules of "their respective claims; and that we soon afterwards despatched such general instructions to the commissioners "appointed or to be appointed in India for investigating the "debts of the said late Ameer Sing, as we deemed necessary "for their guidance, in commencing and prosecuting the investigation of the claims of all persons resident in India.

"We had the honour further to state in our said last report, "that

" that we had subsequently completed the examination, upon " oath, of almost all the parties resident in this country by " whom claims had been preferred; and had very nearly col- " lected, so far as it could be obtained here, the evidence re- " lating to each claim separately, by the examination of wit- " nesses, and by requiring the production of papers; and had " since been occupied in reviewing the whole of the evidence, " and in preparing detailed instructions in each case for the " Commissioners at Madras, in order to enable them to pro- " secute the further inquiry, and to collect the remaining " evidence which appeared to us to be necessary.

" We have now the honour to inform this Honourable " House, that since the said 21st of February 1825, the date " of our last report, we have obtained all the evidence reco- " verable in this country in regard to the claims preferred to " us, whether before or after that time; and have, in each " case, transmitted detailed instructions to the Commissioners " in India appointed under the said deed of agreement of the " 11th February 1824, with directions to lose no time in com- " pleting the investigation of the said several claims (as well " as of those which have been originally preferred to them by " parties resident in India), and in forwarding to us their re- " ports thereon respectively.

" Benjamin Hobhouse,
" Thomas Cockburn,
" Robert Harry Inglis."

" Office of the Tanjore Commissioners, Manchester-Buildings, Westminster, 22d February 1826."

The resolution proposed by the Court of Directors, for granting to the Carnatic Commissioners £300 per annum each for the duty of investigating the Tanjore claims, in addition to the allowance of £1,500 per annum, and drawn by them under the Carnatic deed, was carried by ballot in the General Court on the 2d July; the number for the question being 167, and against it 60.

TERRITORIAL ACQUISITIONS.

In the year 1767 a claim was made on the part of the public to the beneficial interest in the territorial acquisitions and revenues which had been lately obtained there. An agreement was ultimately arranged between the public and the Company, that in consideration of the latter paying the annual sum of £400,000, by half-yearly instalments of £200,000 each, the territorial acquisitions and revenues should remain in possession of the Company and their successors during the term of two years, to be computed from the 1st of February 1767. The act of the 7th Geo. III. cap. 57, was accordingly passed to carry the said agreement into effect. The same was renewed for five years from the 1st February 1769. In 1773, by the 13th Geo. III, cap. 64, the public agreed to forego all participation in the profits arising from the territorial acquisitions, until the loan of £1,400,000 should be repaid. In 1779 the territorial acquisitions and revenues were continued in the possession of the Company till 5th April 1780; and in an act passed for that purpose, of the 19th Geo. III, cap. 61, a provision was first inserted, that nothing in that act should be construed to extend to affect the regiments of the " Crown or of the " Company after its expiration." The law was repeated in the act of the following year. In 1781, by the 21st Geo. III, cap. 65, the Company's exclusive privileges of trade were to cease at any time upon three years' notice, to be given by Parliament, after the 1st March 1761; and the territorial acquisitions were to remain in the possession of the Company for the same period. It was at the same time enacted, that nothing in the act should be construed to affect the rights or claims of the public or the Company, respecting the said territorial acquisitions and revenues. In 1793 the same privileges were extended to the Company

pany until 1813, with the same reservation. In 1813 the territorial acquisitions were continued in the possession and under the government of the Company, together with the exclusive trade with China, and in tea, from the 10th April 1814, until three years' notice by Parliament after 10th April 1831: the rights of the Company, as a corporate body, are fully reserved to them. It was at the same time declared, by the 95th section, that nothing should be construed to affect the undoubted sovereignty of the Crown in and over the territorial acquisitions, nor to preclude the Company, after the determination of the term before-mentioned, from the enjoyment of or claim to any rights, franchises, or immunities which they now have, or to which they may be hereafter entitled. The rights and immunities possessed by the Company, in virtue of royal charters admitted and confirmed by Parliament, are most important and extensive, and were brought before the Legislature, in the Company's petition for a renewal of their exclusive privileges, in February 1813, with reference to which the reservation contained in the 95th clause of the 53d Geo. III. was inserted.

LAWS.

LAWS. 1813. 53 Geo. 3, c. 155. § 1.

Territorial Acquisitions continued in the Government of the Company

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.

(1) 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 control 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

LAWS. 1813. 53 Geo. 3, c. 155, § 1.

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 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 control 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.

The King's Sovereignty nor Company's Rights to be affected.

§ 95.

Act not to prejudice the King's sovereignty or affect rights of the Company.

(2) 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.

TRADE WITH INDIA.

A COMMERCIAL intercourse may be traced to have existed, at a very remote period, between the nations bordering on the south-west coasts of Arabia and India; it was not, however, until the eleventh century, when the Crusades had ceased, that the more western European countries began to participate in that trade. The ports of Egypt, Syria, and Constantinople, then became the marts for such traffic; the states of Genoa and Venice enjoyed unrivalled the beneficial commerce. The discovery of a route to India by the Cape of Good Hope, in 1500, led to the importation by the fleets of Portugal of valuable cargoes from that distant country, which accordingly lowered the price of such commodities in the Italian markets; the comparatively limited trade of the Republics became consequently depressed, and was gradually drawn from the Mediterranean (which had long been the emporium of Eastern commerce) to the shores of the Tagus.

The Portuguese exclusively possessed this trade until the union of Spain and Portugal, under Philip II, in 1580, which event led to its decline, and ultimately caused its ruin. Philip, bigotted to the Roman Catholic faith, attempted to establish an uniformity of religion throughout his extensive dominions. The persecutions and enormities to which the measure gave rise occasioned the revolt of his Netherland subjects, where the seeds of the Reformation had been already sown. Philip, aware that the commercial resources of the Dutch would enable them to oppose his designs, prohibited them from all intercourse with Lisbon, from whence they had been long accustomed to obtain the products of India. In the room of effecting the object which the Spanish monarch contemplated, it only excited the more strenuous efforts of the Dutch to extend

extend their commerce, and to seek at the fountain head, what they were debarred from obtaining nearer home. Accordingly in 1795 four ships appear to have been despatched from the Texel and to have reached Java.

Portugal threw off the Spanish yoke in 1640, the Duke of Braganza being declared King of Portugal by the name of John IV. He paid more attention than his Spanish predecessors to the India trade: but the Dutch had so firmly established themselves in various islands in the East, and had supplanted the Portuguese in so many of their settlements, that all endeavour to regain possession of them, or of successfully opposing the progress of the Dutch, proved fruitless. Thus of the widely extended dominions which the Portuguese once possessed in India, they at present only retain Dieu, and some inferior ports in the Gulph of Cambay, besides Goa, which is now, as formerly, their capital in India. In China they have the settlement of Macao, which they obtained in 1586: their island of Madeira is supplied with India produce by Great Britain. Such is the revolution in the commercial affairs of a nation, which engrossed for nearly a century this important trade.

The spirit of enterprize which had brought wealth to the Portuguese and to the Dutch, diffused a new principle in the rising commerce of England, associations being formed for extending on joint credit the trade of the realm.

In 1554 Edward VI. countenanced the establishment of the Russia Company: that monarch died previous to the grant of a charter, which was obtained from Philip and Mary.

The Levant Company was established by Elizabeth in 1581.

The English Merchants, in 1589, turned their thoughts to the advantages which might be derived from engaging in a trade with India. A memorial appears to have been presented to the Lords of the Council in that year, adverting to the several countries bordering on the Indian and China seas, stating that such a trade would by degrees add to the naval force of the country, and requesting the Queen's license for three ships to be equipped for, and protected in such trade.

The memorial was favourably received, and in 1591 Captain Raymond, with three ships, was sent on the expedition. A subsequent

subsequent adventure was made in 1596, and the result brought forward an association of merchant adventurers; to whom, on the 31st December 1600, a charter was granted by the Queen, as the London Company, being the first establishment of an English East-India Company.

The trade appears to have been directed to Acheen, and from thence through the Straits of Malacca, to Bantam and to the Spice Islands. Factories were established at Bantam and the Moluccas. The Company's servants resident at those settlements having represented that the cloths and calicoes imported from Cambaya, on the western side of India, were much esteemed by the natives in the eastern Archipelego, an establishment was formed in 1612 at Surat, under a phirmaun from the Mogul, who then resided at Agra. The Portuguese, jealous of the English, endeavoured to obstruct their trade by attacking their fleet, but were repulsed; and Mr. Edwards, who was sent as ambassador to the Mogul with presents, obtained a perpetual phirmaun for the trade of the English in his dominions. In 1615 Sir Thomas Roe was sent as ambassador from James the First to the Mogul, and amongst the presents was a coach; but Sir Thomas suggested that four or five handsome cases of red wine should be sent as presents to the King and Prince, "as "never were men more enamoured of that drinke as these two: "they would more highly esteem them than all the jewels in "Chepeside." A perpetual league of friendship between the Mogul and the King of England being agreed upon, British subjects were permitted to settle factories in any parts of the Mogul empire, specifying Bengal, Sundy, and Surat. Such was the commencement of the intercourse between India and Great Britain.

During the first century of its existence the Company had to contend against foreign enemies in the Spaniards, Portuguese, and Dutch. The aggressions of the latter power were so repeated, that the Company felt themselves constrained to appeal to Parliament for redress. They likewise had to meet formidable opponents at home in the private traders, who from time to time entrenched upon their privileges; and their attempts were promoted by the grant from James I. of the privilege of trade to an association of merchants, at the head of which was Sir William Courten; who

who were afterwards called the Assada Merchants, from a settlement of that name which they obtained on the island of Madagascar. The embarrassments occasioned by such conflicting interests were heightened by the important events which occurred between the years 1640 and 1688, *viz.* the Civil Wars, the Commonwealth, the Restoration, and the Revolution. Nevertheless, the judicious policy pursued by the Company during those critical periods enabled them to surmount the difficulties which they had to encounter, and to preserve the trade of India to Great Britain.

On the accession of William III. to the throne of Great Britain, various attempts were made to prejudice the public mind against the Company; and in January 1693, when the King had evinced a desire to protect the Company by granting them another Charter, the House of Commons resolved, "that "all the subjects of England have equal right to trade to the "East-Indies, unless prohibited by Act of Parliament."

The effects of ten years' war occasioned by the Revolution, and concluded by the treaty of Ryswick in 1697, had placed the commerce of the country in a very distressing situation. The effects were severely felt by the London Company; and the circumstance of their having been prevented from making any dividends, by the losses experienced during the war, operated greatly to their prejudice.

In 1698 the Company, in order to relieve the finances of the country (burthened by the charges incidental to a protracted war), and to secure for a further term their exclusive privileges, offered to advance to the public the sum of £700,000, at an interest of four per cent., provided the India trade was secured to them. Other merchants desirous to embark in such trade offered to raise £2,000,000 for the service of the state, at the rate of eight per cent., provided the trade was vested in them. Both parties were heard before the House of Commons. The wants of the state appear to have been the paramount consideration; and, notwithstanding the strenuous arguments urged by the London Company in support of their charter, the act of the 10th of William III passed, for raising the sum of two millions at eight per cent., double the rate of interest offered by the London Company,

the

the subscribers being incorporated by charter under the name of the "English Company trading to the East-Indies." The London Company had subscribed, in the name of their treasurer, £315,000 into the new stock. Their privileges not ceasing till 1701, they memorialized Parliament to be continued a joint stock, for the purpose of managing the various interests involved in that sum. Leave was given to the Governor and other Directors who were members of Parliament to prepare and bring in a bill for that purpose, which passed the Houses of Parliament. Agreeably to the custom of the time, the parties prayed permission to attend the King, to request that his Majesty would be graciously pleased to give it his royal assent.

On the 8th March 1700, the Governor and Committees with one hundred Proprietors, accompanied by the Lord Mayor, Sheriffs, and ten of the Aldermen of London, obtained an audience of his Majesty at Kensington; at which the King was pleased to assure them of his favour and protection, recommending at the same time an union of the two Companies to their serious consideration, as it was his opinion "that it would be most for the interest of the India trade."

The London Company were accordingly continued a corporation by the 12th William the IIId, until the sum of £2,000,000 should be redeemed. Being possessed of the forts and factories in India, instead of relaxing in the trade they prosecuted it with greater zeal, and sent out orders to their servants well calculated to defeat the expectations of the English Company. In 1701 the contest between the two Companies was carried on with such warmth, and the contention was so severe, that Mr. Vernon, by order of the King, desired to know what progress had been made in effecting a union, which measure had been recommended by the King in the preceding year. A meeting consequently took place. Seven persons from each of the two Companies were appointed to treat on the subject of the union. The terms were agreed upon in the month of January 1702. Twelve managers from each Company were appointed a Court of Managers, for the purpose of considering all matters relating to trade and settlement for the term of seven years; when the arrangement was finally effected under the award of the Lord High Treasurer,

in

in pursuance of the 6th of Anne, from which period until 1793 the trade with India was exclusively vested in the Company.*

As that period approached, the merchants of Liverpool (anticipating the abolition of the Slave Trade) made strenuous efforts to shew that the monopoly in the hands of the Company was injurious to commerce. Their arguments were met in the reports drawn up by a Select Committee of the Court of Directors, dated in September and December 1791 and January 1792. In 1793 the Act of the 33d Geo. III, cap. 52, was passed, continuing in the East-India Company the possession of the British territories in India, together with the exclusive trade, under certain limitations, for the further term of twenty years, until 1813. By that act British subjects were first permitted to export to India, in Company's ships, goods and manufactures of Great Britain and Ireland (with the exception of military stores), and to import goods from India: the Company were required to set apart 3,000 tons annually for that purpose. It was also provided, that should the Company fail to export annually 1,500 tons of copper, the proprietors of copper might export that quantity, or the deficiency, in the Company's ships. In failure of the Company importing a sufficient supply of calicoes, the Board of Commissioners were empowered to permit individuals to import them in Company's ships; the rate of freight for goods exported from Great Britain £5, and on imported £15.

By the Navigation Act, 12 Charles II, cap. 18, the trade of the British settlements in Asia, Africa, and America was reserved to vessels belonging to England, Ireland, Wales, and Berwick-upon-Tweed.

In 1797, by the Act of 37 Geo. III, cap. 117, vessels of countries in amity with his Majesty were permitted to trade to and from India, under certain conditions.

In the year 1802 the means of trading to and from India was considerably

* The Regulating Act of 1773, under which the Directors are elected for four years, and a governor-general and council first established, together with the Supreme Court of Judicature at Calcutta, as also the institution of the Board of Commissioners for the Affairs of India in 1784, and the subsequent legislative provisions as to the military forces in India, are noticed under the respective heads in this work.

considerably extended to the private traders: much interesting matter connected with the measures then adopted will be found in the papers printed for the Proprietors at that period. It was not, however, until the year 1813, that the important change took place in the principles upon which the trade with India had been conducted for upwards of two centuries. The negociation for a renewal of the Company's exclusive privileges commenced in the year 1808. The arguments advanced by the Executive Body in support of the system which had so long prevailed, are to be found in the voluminous and valuable correspondence which was carried on between his Majesty's Ministers and the Court of Directors, up to the time when the Act of the 53d Geo. III, cap. 155, was passed, opening to the public the trade with India, under certain restrictions as to the size of the ships, which were not to be of less burthen than 350 tons; to be furnished with a license, and, in the first instance, to touch in the outward voyage at a principal settlement, unless a special license had been obtained to proceed direct to a minor port; with various other regulations. By that Act the China Trade is reserved to the Company until three years' notice given by Parliament, any time after the 10th April 1831, and upon the discharge of the debt due to the Company: the Company, however, continuing an incorporated body, and enjoying the right of trading, as granted to them by the 9th and 10th of William, 33d Geo. III, and by the 53d Geo. III, c. 155.

In the 20th clause of the latter Act, a power was reserved to the Legislature for authorizing further extension of private trade during the further term granted to the Company.

Under this reservation an act was introduced in the next session (1814)* termed the Circuitous Trade Act, which permitted trade in ships navigated according to law, to and at any intermediate ports, or places, or countries, between the United Kingdom and the limits of the Company's Charter, situate in North and South America (except his Majesty's colonies and possessions), and to and at Madeira, the Canaries, the Cape de Verd Islands, St. Helena, and the Cape of Good Hope. No alteration

* 54 Geo. 3, cap. 34.

TRADE WITH INDIA.

alteration was made as to the size of the vessels, licenses, or otherwise.

In June 1817 a further extension was granted, by admitting a trade direct from Malta and Gibraltar to and from the places within the Company's limits, under the 57th Geo. III, c. 36; and likewise with the places described in the 54th Geo. III, c. 34, all restrictions as to the size of ships employed in such trade were removed; at the same time no vessels carrying on that trade of less than 350 tons could be admitted to entry or clear out in the United Kingdom. The governments of Malta and Gibraltar were to issue licenses, but not to grant special licenses: ships were not to sail until the master or commander had delivered a list of passengers and arms on board, which lists were to be forwarded to the Court of Directors.

By the 57th Geo. III, cap. 95, the trade within the Company's limits was exempt from the operation of the navigation laws; and by the 59th Geo. III, cap. 54 (1819), American vessels are allowed to clear out from the United Kingdom for India.

In June 1821, by the 1st and 2d Geo. IV, cap. 65, the Company and others were allowed to trade to and from any intermediate places between Great Britain and the limits of the Company's charter, and to discharge the whole or any part of their cargoes, and to take on board other goods, &c.; a trade was likewise permitted, directly and circuitously, between all places within the Company's limits and countries in amity with his Majesty, the trade in tea alone excepted. The size of the ships, &c. &c. to remain unaltered.

In the year 1822 the subject of a repeal of the size of ships engaging in the Indian trade, with various other points, came under the consideration of the Company; who consented to the repeal of the restriction as to the size of the ships, provided that an equalization of duty on East-India and West-India sugar took place, and India-built ships were admitted to the full privilege of British registry. In consequence of the lateness of the period at which these points were brought forward, the matter was dropped for that session.

The subject was revived in the following year. The endeavour to obtain an equalization of duty on sugars failed, the motion for a com-

a committee in the House of Commons being lost. A bill for consolidating the several laws as to the trade with India was brought forward, and passed into a law on the 18th July 1823 (the 4th Geo. IV, cap. 80), repealing so much of the act of 53d Geo. IV, cap. 155, as authorizes the trade to and from the ports and places within the limits of the Company's charter (excepting China), and as respects the disposition in the United Kingdom of all articles manufactured of silk, hair, and cotton-wool, or any mixture thereof; and likewise the whole of the 54th Geo. III, cap. 34, commonly called the Circuitous Trade Act; of the 55th Geo. III, cap. 116, as to the registry of India ships; of the 57th Geo. III, cap. 36, as to the trade to and from India and the Mediterranean; and of the 59th Geo. III, as to the size of ships engaging in the trade between the United Kingdom and New South Wales; and the 1st and 2d Geo. IV, cap. 65, as to the trade to and from places within the limits of the Company's charter, and ports or places beyond the limits belonging to any state or country in amity with his Majesty.

The act of 4th Geo. IV, cap. 80, admits vessels into the trade with India without any limitation in respect of the amount of tonnage, and declares a license unnecessary for ships proceeding in the first instance to one of the principal settlements, whether from the United Kingdom or from the Mediterranean. The employment of lascars and other Asiatic sailors is subjected to special limitation and provision, under regulations to be framed by the Supreme Government in India, which regulations are to have the effect of a law. A penalty is imposed on commanders who shall take out unlicensed persons to India, and the restrictions as to the resort of persons to India remain in full force. In July 1825, the 6th Geo. IV, cap. 110, was passed, under which ships or vessels wholly of the built of some of the colonies in Asia are entitled to registry.—(*Vide* Shipping and Navigation.)

In 1824 an act was also passed to enable the East-India Company to trade direct from China to America.

LAWS.

1823. 4 Geo. 4, c. 80, § 2.

Trade may be carried on in British vessels with all places, except China, within East-India Company's charter.

(1) And be it further enacted, that it shall be lawful for any of his Majesty's subjects, in ships or vessels registered and navigated according to law, to carry on trade and traffic in any goods, wares, or merchandize, except tea, as well directly as circuitously, between all ports and places belonging either to his Majesty, or to any prince, state, or country at amity with his Majesty, and all ports and places whatsoever situate within the limits of the charter of the Company, except the dominions of the Emperor of China, and also from port to port and from place to place within the same limits, except the said dominions of the Emperor of China, under such rules and restrictions as are hereinafter mentioned; any thing in any act or acts of parliament, or in any charter of the said Company, to the contrary notwithstanding.

§ 3.

Company may carry on any trade which his Majesty's other subjects may carry on.

(2) And be it further enacted, that it shall and may be lawful for the said United Company to carry on any trade and traffic which his Majesty's other subjects may carry on under the authority of this act; any thing in any charter of the said Company, or in any act or acts of parliament to the contrary notwithstanding.

§ 4.

Act not to permit trade without the limits of the Company's charter, which cannot now legally be carried on.

(3) Provided always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to permit the importation into the United Kingdom, or into any colony or possession of his Majesty without the limits of the charter of the East-India Company, of any goods, wares, and merchandize, the produce of countries without such limits, which cannot now be legally imported from such countries respectively into the United Kingdom, or into such colonies or possessions of his Majesty, nor to permit the exportation from the United Kingdom, or from such colonies or possessions to any countries without such limits, of any goods, wares, or merchandize, which cannot now be legally carried from the United Kingdom, or from such colonies or possessions to such countries.

§ 5.

§ 6.

(4) Military stores not to be carried out by any person or persons except the Company, without a special license. (*Vide* Military Stores, page 506.)

Vessels not to proceed to any port between the Indus and Malacca, until admitted to entry at one of the principal settlements in India.

(5) Provided also, and be it further enacted, that it shall not be lawful for any ship or vessel, other than a ship or vessel of the said Company, to proceed from any port or place without the limits of the said Company's charter to any port or place on the continent of Asia, between the river Indus and the town of Malacca inclusive, other than the said Company's principal

LAWS. 1823. 4 Geo. 4, c. 80, § 6.

pal settlements of Fort William, Fort St. George, Bombay, and Prince of Wales' Island, until after such ship or vessel shall have been admitted to entry at some one of the said four principal settlements, without a special license in writing from the Court of Directors of the said United Company, any thing herein before contained to the contrary notwithstanding.

§ 7. (6) Provided also, and be it further enacted, that when and as often as any application shall be made to the said Court of Directors for a license, specially authorizing any 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, other than the said four principal settlements, 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 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 such license, the said Court of Directors shall, and they are hereby required forthwith to issue the same, upon such terms and conditions as 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 license, which they shall have declined to issue without such direction, the special circumstances inducing them to give such directions shall be recorded in the books of the said Board.

If Court of Directors do not comply with application for leave to go to minor ports, the same shall be referred to Commissioners for Affairs of India.

§ 8. (7) Provided always, and be it further enacted, that it shall be lawful for the said Court of Directors of the East-India Company, with the consent and approbation of the Commissioners for the Affairs of India, to declare that any other port or place, or ports or places on the continent of India, between the Indus and the town of Malacca, or in any island in the East-Indian seas, under the government of the said Company, or of his Majesty, shall be considered for the purposes of this act only as one of the principal settlements of the said Company, and such port or place, or ports or places, shall be so considered accordingly.

Additional ports or places between the Indus and town of Malacca, &c., may be considered as principal settlements of the said Company for this act.

§ 9. (8) Act not to permit trade with China, or in tea.—(*Vide* China, page 152.)

§ 10. (9) Provided also, and be it enacted, that it shall not be lawful to import any goods, wares or merchandize from any port or place within the limits aforesaid, into any port of the United Kingdom, except only such as shall be provided with warehouses, together with wet docks or basins, or such other securities as shall, in the judgment of the said commissioners

Goods only to be imported into ports having warehouses or docks.

LAWS. 1823. 4 Geo. 4, c. 80, § 10.

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 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.

List of persons and arms on board to be delivered to the collector, &c.

§ 11. (10) Provided also, and be it further enacted, that it shall not be lawful for any ship or vessel engaged in trade under the authority of this act, other than the ships of the said United Company, to clear out from any port or place belonging to his Majesty, or to any prince, state or country in amity with his Majesty, where any consul or vice-consul of his Majesty shall be resident, for any port or place 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 collector of the customs, or other person duly appointed, or to his Majesty's consul or vice-consul resident at such port or place of clearance (as the case may be), a true and perfect list, in such form as has been settled in virtue of former acts, or shall from time to time be settled by the Court of Directors of the said Company, with the approbation of the Board of Commissioners for the affairs of India, 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; and when and as soon as any such vessel shall have been admitted to entry at any such port or place within the limits aforesaid, the master and other person having the command of such ship or vessel shall in like manner make out and exhibit to the principal officer of the customs, or other person 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 of all arms on board, or which shall during that 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 such ship or vessel, or such of the said arms as may have been disposed of, have been disposed of.

§ 12. Ships engaged in southern

(11) And be it further enacted, that so much of the said act of the fifty-third year of his said late Majesty's reign,

LAWS. 1823. 4 Geo. 4, c. 80, § 12.

reign, and so much of an act passed in the thirty-eighth year of his said late Majesty's reign, intituled, "An "Act for the further encouraging the Southern Whale "Fisheries;" and an Act passed in the forty-second year of his said late Majesty's reign, intituled, "An "Act for continuing the Premiums allowed to Ships "employed in and for enlarging the limits of the Southern Whale "Fishery;" and an act passed in the forty-third year of his said late Majesty's reign, intituled, "An Act for enlarging the Limits of the "Southern Whale Fishery;" and an act passed in the fifty-first year of his said late Majesty's reign, intituled, "An Act for continuing the "Premiums allowed to Ships employed in the Southern Whale "Fishery," or any other act or acts as regulates the limits within which ships or vessels fitting and clearing out conformably to the said act of the thirty-fifth year of his said late Majesty's reign, for encouraging and regulating the southern whale fisheries, may sail and pass, shall be and the same are hereby repealed; but ships and vessels clearing out conformably to the said act of the thirty-fifth year of his said late Majesty's reign, shall be subject to such and the same restrictions as the ships and vessels of his Majesty's subjects generally engaged in trade, under the authority of this act, are hereby made subject to.

Whale fisheries to be subject to restrictions of this act.—38 Geo. 3, c. 57.—42 Geo. 3, c. 18.—43 Geo. 3, c. 90.—51 Geo. 3, c. 34.

§ 13. (12) And be it further enacted, that all goods and commodities imported under the authority of this act into the island of Malta or its dependencies, or into the port of Gibraltar, from any ports or places within the limits of the said Company's charter, may be re-exported from the said island, port, or places to the United Kingdom, and imported into any of the ports where such goods and commodities may be lawfully imported, in like manner, and subject to all such regulations and provisions as if such goods and commodities were imported directly from the place of their growth, production, or manufacture; any thing in an act passed in the third year of the reign of his present Majesty, intituled "An Act for the encouragement of Navigation and Com- "merce, by regulating the Importation of Goods and Merchandize, "so far as relates to the Countries or Places from whence and the "Ships in which such Importation shall be made," or in any other act to the contrary notwithstanding.

Goods imported into Malta or Gibraltar may be re-exported.—3 Geo. 4, c. 43.

§ 14. (13) Duties payable on goods the produce of countries within the Company's limits, and imported into his Majesty's possessions in America and the West-Indies, to be the same as are payable on the importation into such possessions of similar goods from the United Kingdom.

§ 15. (14) Provided always, and be it further enacted, that nothing in this act contained shall in any wise affect the power vested in his Majesty in Council, by an act passed

Not to affect powers vested in his Majesty, with regard to the

LAWS. 1823. 4 Geo. 4, c. 80, § 15.

Cape of Good Hope and the Mauritius.—1 Geo. 4, c. 11.—Not to affect certain acts.—54 Geo. 3, c. 36.

passed in the first year of the reign of his present Majesty, intituled "An Act to continue, until the fifth "day of July, one thousand eight hundred and twenty- "five, an Act of the fifty-seventh year of his late Ma- "jesty, for regulating the Trade and Commerce to and "from the Cape of Good Hope, and for regulating the "Trade of the Island of Mauritius:" And that nothing hereinbefore contained shall extend, or be construed to extend to affect the regulations, restrictions, and provisions contained in an act passed in the fifty-fourth year of his said late Majesty's reign, intituled "An Act to "alter the periods of making up and presenting certain Accounts of "the said Company to Parliament."

§ 16. Not to repeal provisions of 53 Geo. 3, as to resort of persons to India.

(15) Provided always, and be it further enacted, that nothing in this act contained shall extend or be construed to extend to repeal any of the provisions of the said first recited act of the fifty-third year of his said late Majesty's reign, concerning the resort of persons to the East-Indies, or other place within the limits of the Company's charter, or to permit any persons engaged in trade under the authority of this act, to reside at any place on the continent of Asia, between the river Indus and the town of Malacca, or at the said Company's factory of Bencoolen, or its dependencies, without permission duly obtained, in conformity to the provisions of the said act, of the said Company.

§ 17. 33 Geo. 3, c. 52.—33 Geo. 3, (I).

(16) Provided always, and be it further enacted and declared, that nothing in this act contained shall extend, or be construed to extend, to repeal or affect any of the powers, provisions, clauses, matters, or things, contained in an act of the said parliament of Great-Britain, passed in the thirty-third year of his said late Majesty's reign, intituled "An Act for "continuing in the East-India Company for a further term the pos- "session of the English 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 good Order and Government of "the Towns of Calcutta, Madras, and Bombay;" or in an act of the parliament of Ireland passed in the said twenty-third year of his said late Majesty's reign, intituled, "An Act for regulating the "Trade of Ireland to and from the East-Indies, under certain con- "ditions and provisions, for a Time therein mentioned;" for the purpose of restraining clandestine and illicit trade into and from the East-Indies and parts within the limits of the said Company's charter; or in the said act of the fifty-third year of his said late Majesty's reign relative to such clandestine and illicit trade; but that the same shall be deemed to be and continue in force, and to apply to all ships and

LAWS. 1823. 4 Geo. 4, c. 80, § 17.

and vessels of his Majesty's subjects, other than the ships of the said Company, sailing or being found within the limits of the said Company's charter, and not having complied with the directions of this act, and to all and every persons and person who shall be found on board the same, or shall have been conveyed on board the same into any place within the said limits, and also to all and every person and persons who shall be found at any place on the continent of Asia between the river Indus and the town of Malacca, or at the said Company's factory of Bencoolen or its dependencies, or at any place within the dominions of the Emperor of China, contrary to the true intent and meaning of the said act of the fifty-third year of his said late Majesty's reign, or of this act.

§ 18.

Punishing commanders of vessels unlawfully taking persons on board, or giving false lists of passengers.

(17) And be it further enacted, that if any commander or other officer of any ship or vessel engaged in trade under the authority of this act, shall knowingly and wilfully take on board, or connive at the taking on board any person or persons, or exhibit any false or incomplete list of the persons embarked, or intended to be embarked on board of his vessel, contrary to the true intent and meaning of the said act of the fifty-third year of his said late Majesty's reign, or of this act, every such commander or officer who shall offend therein shall incur and forfeit for every offence one hundred pounds, to be recovered in such and the same manner as the penalties imposed by the said acts of the fifty-third year of his said late Majesty's reign, or either of them, are thereby made recoverable; one-half part of which penalty shall belong to such person or persons as shall inform or sue for the same, and the other half-part to the said United Company; and if the said United Company shall inform or sue for the same, then the whole of the said penalty shall belong to the said Company.

§ 20. (18) Lascars and natives of India not to be British mariners within the meaning of the 34th Geo. III, cap. 68.

§ 21. (19) Four British seamen to every 100 tons of registered burthen sufficient.

§ 22. (20) In cases where in India a sufficient number of British seamen cannot be obtained, governors may license the ship to sail.

§ 23. (21) British seamen not required on board vessels employed in port to port trade in India.

§ 24. (22) 54th Geo. III, c. 134, repealed so far as relates to Asiatic sailors, &c. except as to the recovery of money due on bonds.

§ 25 & 26. (23) Governor-general of Fort William in Bengal to make rules and regulations to be observed by owners, masters, and officers, as to crews wholly or in part natives, for their return to India; which rules and regulations, until repealed or altered, to be observed in like manner as if they had formed part of this act.

(24) Masters

LAWS. 1823. 4 Geo. 4, c. 80, § 27.

(24) Masters of vessels to make out lists of every lascar, &c. on board, before such ship shall be admitted to entry.

(25) Penalty of ten pounds for non-observance of regulations for every lascar or Asiatic sailor on board.

§ 28 & 29. (26) Form of conviction stated.

§ 30. (27) Penalty how to be levied.

§ 31. (28) Lascars convicted of vagrancy to be shipped on board of vessels bound to the place from whence brought.

(For laws from Section 20 to 31, *vide* Shipping.)

Trade between China and America.

East-India Company, or persons licensed by them, may trade direct between China and British colonies in West-Indies.

1824. 5 Geo. 4, c. 88.

(29) Whereas it is expedient that the United Company of Merchants of England trading to the East-Indies on their own account, or by persons to be licensed by them should be authorized by law to export direct from China to the British colonies and plantations in America, tea and other merchandize: be it enacted, that from and after the passing of this act it shall and may be lawful for the said United Company, and also for any other of his Majesty's subjects, with the special leave and license of the said United Company in writing, or a special leave and license in writing under their authority for that purpose, to export in ships navigated according to law, from any port or ports, within the dominion of the Emperor of China, any tea, or other goods, wares or merchandize, the produce or manufacture of any country within the limits of the said Company's charter, and to carry and import the same direct into any of the British colonies or plantations in America, any law, statute, charter, or usage, to the contrary notwithstanding.

VOLUNTEER REGIMENT.

In the month of March 1820 the General Court, at the unanimous recommendation of the Court of Directors, authorized the Court to offer to his Majesty to raise and maintain, at the expense of the East-India Company, a corps of volunteer infantry, not exceeding 800 rank and file, from amongst the persons in the Company's employ, to be officered and arranged upon the plan of the regiments maintained by the Company during the late war. On the 25th March the Court were informed by a letter from Lord Viscount Sidmouth that his Majesty had been graciously pleased to accept of the offer. A bill was accordingly introduced into Parliament to enable the Company to raise and maintain such a corps, the charge and expenses thereof to be deemed commercial charges. The royal assent was given to the bill on the 24th July 1820. The same marks of royal favour have been extended to the existing regiment as were bestowed upon the three regiments raised and maintained during the late war. The Regiment is designated The Royal East-India Volunteers. The King has been graciously pleased to permit them to wear the same uniform as was fixed upon by his late Majesty; and the officers enjoy the peculiar privilege of holding their commissions immediately from their sovereign. The field officers are chosen from the Directors;* the captains and subalterns from the officers and clerks; and the non-commissioned officers and privates from the warehouse establishment. The regiment being regularly trained and exercised a certain number of days in each year, its state of discipline is excellent.

Under

* William Astell, Esq., M.P. .....Colonel.
William Wigram, Esq., M.P. ...LieutenantColonel.
Charles Mills, Esq. .....Major.

Under the foregoing system it may readily be imagined that it is peculiarly efficient and valuable as a local force, applicable to any emergency in the metropolis, as well as to the protection of the valuable property deposited in the extensive warehouses of the Company.

LAWS.

LAWS.
1820.
1 Geo. 4. c. 99.

East-India Company to defray the expense of a corps of volunteers.

§ 1. (1) 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 it shall and may be lawful to and for the said United Company, from time to time, to defray all and every the charges and expenses of raising, training, clothing, arming, paying and maintaining the said corps, as long as the services thereof shall be accepted by his Majesty, his heirs or successors, the said act of the fifty-third year of the reign of his late Majesty, or any appropriation, matter, clause, or thing therein contained, to the contrary thereof in anywise notwithstanding.

Expense to be deemed part of the commercial charges.

§ 2. (2) And be it further enacted, that all the charges and expenses of the said corps shall be defrayed out of the commercial funds of the said Company.

Employment of the corps.

§ 3. (3) And be it further enacted, that such corps of volunteers, so raised and maintained by the said United Company, shall and may be employed upon such service and for such purposes, upon and for which other volunteer corps, lawfully embodied, may be lawfully called and employed.

Public act.

§ 4. (4) And be it further enacted, that this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

WAREHOUSES OF THE COMPANY.

VARIOUS acts have been passed from time to time to regulate buildings and party walls, and for more effectually preventing mischiefs by fire within the cities of London and Westminster, &c. In 1774 the then existing provisions being found insufficient to answer the intended purposes, an Act was passed (the 14th Geo. III, c. 78) for the further regulation of building, by which act buildings are divided into seven rates or classes, and the thickness of the external walls of the several rates, and of the party walls laid down, with various other regulations. The warehouses which had been built by the East-India Company far exceeded the dimensions specified in the foregoing Act, and it became necessary to build other warehouses of a similar magnitude. An Act was passed in 1787, to free the Company from the regulations of the Building Act.

LAWS.

1787. 27 Geo. 3, c. 48, § 1.

LAWS.

(1) Whereas, by an act of Parliament made and passed in the fourteenth year of the reign of his present Majesty, intituled "An Act for the further and better Regulation of Buildings and Party Walls;" it was amongst other things enacted, that no stack of warehouses, to be erected after the twenty-fourth day of June, one thousand seven hundred and seventy-four, should contain more than thirty-five squares of building on the ground plan thereof, including all the external and internal walls, and so much of the party walls, if any, as belonged to such stack of warehouses; and that no enlargement should be at any time thereafter made to any stack of warehouses already built or begun, so as to increase the same beyond the said thirty-five

Preamble.—The East-India Company possessed of and building warehouses exceeding thirty-five squares.—Expedient that the said Company should be allowed to continue their present warehouses, and build others, freed from the regulations of the said act.—That the warehouses of the said Company shall be freed from the regulations of the said act.

LAWS.

1787. 27 Geo. 3, c. 48, § 1.

five squares on the ground plan, including such walls as aforesaid, except such stack of warehouse should be separated and divided by one or more party wall or party walls, built in every respect according to the directions therein before contained concerning party walls, into divisions of not more than thirty-five squares each, including such walls as aforesaid, on the ground plan of such warehouses; and that no stack of warehouses should communicate with any other warehouse or building through a party wall, unless the door case and sill of every such communication should be of stone, and unless there should be to every such communication a door of wrought iron, of the thickness of a quarter of an inch at least, in the pannels thereof; and that no timber bond or lintel should be laid into the brick work of any wall in any such stack of warehouses nearer than eighteen inches to the opening of such communication: and whereas the United Company of Merchants of England trading to the East Indies are possessed and in the use of warehouses heretofore erected, which, on the ground plan thereof, exceed thirty-five squares, without any division; and they are now building, and may hereafter build other warehouses, for the purpose of carrying on their trade, which are necessary to be built of dimensions exceeding thirty-five squares, without being divided by a party wall or party walls, as in the said act are expressed: and whereas it is expedient that the said United Company should be allowed to continue their present warehouses, and to build new warehouses, of dimensions convenient to their trade, freed from the regulations and directions of the said recited act: 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 warehouses of the said United Company already erected, and the warehouses now erecting and hereafter to be erected for the use of the said United Company, and every of them, shall be freed from, and shall not be subject unto all or any the regulations and directions contained in the said recited act, in respect to the dimensions thereof, without a division or divisions by a party wall or party walls; but it shall and may be lawful for the said United Company to continue their warehouses already built or building, and hereafter to build new warehouses for their own use, of dimensions exceeding thirty-five squares, without dividing the same by a party wall or party walls, and freed and discharged from the other regulations and directions mentioned and contained in the said recited act, respecting buildings in the cities of London and Westminster, and other places in the said act mentioned; any thing in the said recited act contained to the contrary in anywise notwithstanding.

(2) And

LAWS.
1787.
27 Geo. 3, c. 48, § 2.

(2) And be it further enacted, that this act shall be and be deemed and taken to be a public act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same. Public Act.

APPENDIX.

PRESIDENTS OF THE BOARD OF COMMISSIONERS FOR THE AFFAIRS OF INDIA,

From 1784, *the Date of its Institution.*

Date of their Appointment.	
	Right Hon. Henry Dundas (late Lord Melville).
25th April 1801	Viscount Lewisham (late Earl of Dartmouth).
6th July 1802	Viscount Castlereagh.
11th Feb. 1806	Lord Minto.
15th July —	Right Hon. Thomas Grenville.
30th Sept. —	Right Hon. George Tierney.
4th April 1807	Right Hon. Robert Dundas.
11th July 1809	Earl of Harrowby.
7th Nov. —	Right. Hon. Robert Dundas (now Lord Melville).
4th April 1812	Earl of Buckinghamshire.
4th June 1816	Right Hon. George Canning.
12th Jan. 1821	Right Hon. Charles Bathurst.
4th Feb. 1822	Right Hon. Charles W. Williams Wynn.

CHAIRMAN AND DEPUTY-CHAIRMAN,

Since the Regulating Act of 1773.

1773:	*Chairman*	Henry Crabb Boulton, Esq.
	Deputy	Edward Wheler, Esq.

On the death of Mr. Boulton the Court, on the 12th October, appointed

Edward Wheler, Esq. ..... *Chairman.*
John Harrison, Esq. ..... *Deputy.*

1774:	*Chairman*	Edward Wheler, Esq.
	Deputy	John Harrison, Esq.
1775:	*Chairman*	John Harrison, Esq.
	Deputy	John Roberts, Esq.
1776:	*Chairman*	John Roberts, Esq.
	Deputy	William James, Esq.
1777:	*Chairman*	George Wombwell, Esq.
	Deputy	William Devaynes, Esq.

1778:

1778: *Chairman*.... George Wombwell, Esq.
Deputy..... William James, Esq.
Afterwards..... Sir George Wombwell, Bart.
Sir W. James, Bart.

1779: *Chairman*.... Sir William James, Bart.
Deputy..... William Devaynes, Esq.

1780: *Chairman*.... William Devaynes, Esq.
Deputy..... Laurence Sulivan, Esq.

1781: *Chairman*.... Laurence Sulivan, Esq.
Deputy..... Sir William James, Bart.

1782: *Chairman*.... Robert Gregory, Esq.
Deputy..... Henry Fletcher, Esq.
Afterwards..... Sir H. Fletcher, Bart.

31st July 1782.—Mr. Gregory disqualified, and the Court appointed
Sir H. Fletcher, Bart..... *Chairman*; and
1st Aug. 1782, the Court appointed
Nathaniel, Smith, Esq..... *Deputy*.

1783: *Chairman*.... Sir H. Fletcher, Bart.
Deputy..... Nathaniel Smith, Esq.

26th Nov. 1783.—Sir H. Fletcher disqualified, and the Court appointed
N. Smith, Esq..... *Chairman*.
27th Nov. 1783.— William Devaynes, Esq..... *Deputy*.

1784: *Chairman*.... Nathaniel Smith, Esq.
Deputy..... William Devaynes, Esq.

1785: *Chairman*.... William Devaynes, Esq.
Deputy..... Nathaniel Smith, Esq.

1786: *Chairman*.... John Michie, Esq.
Deputy..... John Motteux, Esq.

1787: *Chairman*.... John Motteux, Esq.
Deputy..... Nathaniel Smith, Esq.

1788: *Chairman*.... Nathaniel Smith, Esq.
Deputy..... John Michie, Esq.

2d Dec. 1788.—Wm. Devaynes, Esq. appointed Deputy Chairman in the room
of John Michie, Esq., deceased.

1789: *Chairman*.... William Devaynes, Esq.
Deputy..... Stephen Lushington, Esq.

1790: *Chairman*.... Stephen Lushington, Esq.
Afterwards..... Sir S. Lushington, Bart.
Deputy..... William Devaynes, Esq.

1791: *Chairman*.... John Smith Burges, Esq.
Deputy..... Francis Baring, Esq.

1792: *Chairman*.... Francis Baring, Esq.
Deputy..... John Smith Burges, Esq.

1793: *Chairman*.... William Devaynes, Esq.
Deputy..... Thomas Cheap, Esq.

1794: *Chairman*.... William Devaynes, Esq.
Deputy..... John Hunter, Esq.

1795: *Chairman*.... Sir S. Lushington, Bart.
Deputy..... David Scott, Esq.

1796: *Chairman*.... David Scott, Esq.
Deputy..... Hugh Inglis, Esq.

1797: *Chairman*.... Hugh Inglis, Esq.
Deputy..... Jacob Bosanquet, Esq.

1798: *Chairman*.... Jacob Bosanquet, Esq.
Deputy..... Sir S. Lushington, Bart.

1799: *Chairman*.... Sir S. Lushington, Bart.
Deputy..... Hugh Inglis, Esq.

1800: *Chairman*.... Hugh Inglis, Esq.
Deputy..... David Scott, Esq.

1801: *Chairman*.... David Scott, Esq.
Deputy..... Charles Mills, Esq.

2d Sept. 1801.—Mr. Scott resigned the chair, and the Court appointed
Charles Mills, Esq..... *Chairman*.
John Roberts, Esq..... *Deputy*.

1802: *Chairman*.... John Roberts, Esq.
Deputy..... Jacob Bosanquet, Esq.

1803: *Chairman*.... Jacob Bosanquet, Esq.
Deputy..... John Roberts, Esq.

1804: *Chairman*.... Hon. W. F. Elphinstone.
Deputy..... Charles Grant, Esq.

1805: *Chairman*.... Charles Grant, Esq.
Deputy..... George Smith, Esq.

1806: *Chairman*.... Hon. W. F. Elphinstone.
Deputy..... Edward Parry, Esq.

1807: *Chairman*.... Edward Parry, Esq.
Deputy..... Charles Grant, Esq.

1808: *Chairman*.... Edward Parry, Esq.
Deputy..... Charles Grant, Esq.

1809: *Chairman*.... Charles Grant, Esq.
Deputy..... William Astell, Esq.
1810: *Chairman* ... William Astell, Esq.
Deputy..... Jacob Bosanquet, Esq.
1811: *Chairman*.... Jacob Bosanquet, Esq.
Deputy..... Sir Hugh Inglis, Bart.
1812: *Chairman*.... Sir Hugh Inglis, Bart.
Deputy..... Robert Thornton, Esq.
1813: *Chairman*.... Robert Thornton, Esq.
Deputy..... Hon. W. F. Elphinstone.
1814: *Chairman*.... Hon. W. F. Elphinstone.
Deputy..... John Inglis, Esq.
1815: *Chairman*.... Charles Grant, Esq.
Deputy..... Thomas Reid, Esq.
1816: *Chairman*.... Thomas Reid, Esq.
Deputy..... John Bebb, Esq.
1817: *Chairman*.... John Bebb, Esq.
Deputy..... James Pattison, Esq.
1818: *Chairman*.... James Pattison, Esq.
Deputy..... Campbell Marjoribanks, Esq.
1819: *Chairman*.... Campbell Marjoribanks, Esq.
Deputy..... G. A. Robinson, Esq.
1820: *Chairman*.... G. A. Robinson, Esq.
Deputy..... Thomas Reid, Esq.
1821: *Chairman*.... Thomas Reid, Esq.
Deputy..... James Pattison, Esq.
1822: *Chairman* ... James Pattison, Esq.
Deputy..... William Wigram, Esq.
1823: *Chairman*... William Wigram, Esq.
Deputy..... William Astell, Esq.
1824: *Chairman*.... William Astell, Esq.
Deputy..... Campbell Marjoribanks, Esq.
1825: *Chairman*.... Campbell Marjoribanks, Esq.
Deputy..... Sir G. A. Robinson, Bart.
1826: *Chairman*.... Sir G. A. Robinson, Bart.
Deputy..... Hon. Hugh Lindsay.

GOVERNORS GENERAL,

Since the Regulating Act of 1773.

Appointed.		Assumed Government.	Quitted Government.
Named in Act of....1773.	Warren Hastings, Esq.	20 Oct. 1774 First council held.	1 Feb. 1785.
	Sir John Macpherson	1 Feb. 1785.	12 Sept.1786.
17 Feb. 1785.	Lord Macartney. [His Lordship declined the appointment.]		
24 Feb. 1786.	Earl Cornwallis.....	12 Sept. 1786.	28 Oct. 1793.
19 Sept. 1792.	Sir John Shore..... [Afterwards Lord Teignmouth.]	28 Oct. 1793.	6 Mar. 1798.
	Sir Alured Clarke.....	6 Mar. 1798.	18 May 1798.
1 Feb. 1797.	Marquis Cornwallis. [2d August 1797, Marquis Cornwallis resigned the appointment.]		
4 Oct. 1797.	Lord Mornington..... [Afterwards Marquis Wellesley.]	18 May 1798.	30 July 1805.
9 Jan. 1805.	Marquis Cornwallis	30 July 1805.	5 Oct. 1805, [Died.]
	Sir Geo. H. Barlow, Bart. [Paragraph 3 of Public Letter from Bengal, dated 1st September 1805, advises the appointment of Sir George Barlow as President and Acting-Governor during Lord Cornwallis's absence; assumed government, on death of Marquis Cornwallis, 10th October 1805; appointed by Court 19th February 1806; appointment revoked by his Majesty 29th May 1806; succeeded by Lord Minto 31st July 1807.]		
9 July 1806.	Lord Minto	31 July 1807.	4 Oct. 1813.
18 Nov. 1812.	Lord Moira ..... [Afterwards Marquis of Hastings.]	4 Oct. 1813.	9 Jan. 1823.
	John Adam, Esq., succeeded [As Senior Counsellor.]	9 Jan. 1823.	1 Aug. 1823.
27 Mar. 1822.	The Right Hon. Geo. Canning. [18th September 1822, Mr. Canning resigned the appointment, in consequence of having been appointed his Majesty's Secretary of State for Foreign Affairs.]		
23 Oct. 1822.	Lord Amherst	1 Aug. 1823.	

GOVERNORS OF MADRAS,

Since 24 *Geo. III, cap.* 25, 1784, *first instituting a Governor and Council at Madras.*

Appointed.		Assumed Government.	Quitted Government.
2 Sept. 1784.	Lord Macartney.....	12 Feb. 1785.	4 June 1785.
	Alexander Davidson, Esq. .... (Counsellor.)	4 June 1785.	6 April 1786.

Appointed.		Assumed Government.	Quitted Government.
9 Mar. 1785.	Sir A. Campbell	6 Apr. 1786.	7 Feb. 1789.
6 Oct. 1784. Apptd. provisionally.	John Hollond, Esq..... (Counsellor.)	7 Feb. 1789.	13 Feb. 1790.
	E. I. Hollond, Esq..... (Counsellor.)	13 Feb. 1790.	20 Feb. 1790.
7 July 1789.	Major General W. Medows....	20 Feb. 1790.	1 Aug. 1792.
28 April 1790.	Sir Charles Oakeley..... (Who had previously held the office of Governor in the absence of General Medows, from 15th October 1790 to 21st December 1791.)	1 Aug. 1792.	7 Sept. 1794.
23 Oct. 1793.	Lord Hobart.....	7 Sept. 1794.	21 Feb. 1798.
4 Oct. 1797.	Major General Harris	21 Feb. 1798.	2 Jan. 1799.
13 Dec. 1797.	Lord Clive..... [The Governor-General, Lord Mornington, having held the office from 2d January preceding.]	5 Sept. 1799.	30 Aug. 1803.
17 Nov. 1802.	Lord William Bentinck ..... [Recalled by the Court 7th April 1807.]	30 Aug. 1803.	11 Sept. 1807.
	William Petrie, Esq. ..... (Counsellor.)	11 Sept. 1807.	24 Dec. 1807.
13 May 1807.	Sir George H. Barlow	24 Dec. 1807.	21 May 1813.
20 Nov. 1812.	Lieut.-General the Hon. John Abercromby.....	21 May 1813.	16 Sept. 1814.
3 Dec. 1813.	The Right Hon. Hugh Elliott..	16 Sept. 1814.	10 June 1820.
11 Aug. 1819.	Maj.-Gen. Sir T. Munro, K.C.B.	10 June 1820.	

GOVERNORS OF BOMBAY,

Since the Act of 24th Geo. III, cap. 25, 1784, instituting a Governor and Council.

Appointed.		Assumed Government.	Quitted Government.
3 Sept. 1784.	Rawson H. Boddam, Esq.	6 Jan. 1785.	9 Jan. 1788.
10 Sept. 1784.	Andrew Ramsay, Esq.....	9 Jan. 1788.	6 Sept. 1788.
5 Sept. 1787.	Major-General W. Medows....	6 Sept. 1788.	21 Jan. 1790.
5 Aug. 1789.	Colonel Robert Abercromby... [26th November 1792, quitted Presidency, having been appointed Commander-in-chief in India.]	21 Jan. 1790.	
	George Dick, Esq..... (Counsellor.)	26 Nov. 1792.	9 Nov. 1795.
	John Griffith, Esq. ..... (Counsellor.)	9 Nov. 1795.	27 Dec. 1795.

Appointed.		Assumed Government.	Quitted Government.
12 Nov. 1794.	Jonathan Duncan, Esq.....	27 Dec. 1795.	11 Aug. 1811. (Died.)
	George Brown, Esq..... (Counsellor.)	11 Aug. 1811.	12 Aug. 1812.
7 Jan. 1812.	Sir Evan Nepean	12 Aug. 1812.	1 Nov. 1819.
7 Oct. 1818.	Hon. M. Elphinstone	1 Nov. 1819.	

GOVERNORS OF PRINCE OF WALES' ISLAND.

Appointed.		Took his Seat.	Quitted.
5 Dec. 1804.	Philip Dundas, Esq.....	19 Sept. 1805.	8 Apr. 1807. (Died.)
2 Mar. 1808.	Colonel Macalister	16 Oct. 1807.	Sept. 1818. (Died.)
29 Jan. 1812.	William Petrie, Esq.....	28 Sept. 1812.	27 Oct. 1816. (Died.)
18 Mar. 1817.	John Alex. Bannerman, Esq...	24 Nov 1817.	8 Aug. 1819. (Died.)
1 Mar. 1820.	William Edw. Phillips, Esq....	11 Aug. 1819.	Aug. 1824.
4 Feb. 1824.	Robert Fullerton, Esq.....	20 Aug. 1824.	

[By the 24 Geo. III, c. 25, the Council was reduced to three Members.]

Appointed.	NAME.	Took his Seat.	In whose Room.	Quitted.	Succeeded by.
13 Geo. 3, c. 63, sec. 10	Lt.-General J. Clavering (Commander-in-chief) [Died 30th August 1777.]	20 Oct. 1774	(Named in the Act of Parliament)	30 Aug. 1777	Sir Eyre Coote.
Ditto	Hon. Colonel George Monson ..... [Died 25th September 1776.]	Ditto	Ditto.....	25 Sept. 1776	Edward Wheler, Esq.
Ditto	Richard Barwell, Esq.....	Ditto	Ditto.....	3 Mar. 1780	Sir John Macpherson.
Ditto	Philip Francis, Esq	Ditto	Ditto.....	30 Apr. 1781	John Stables, Esq.
23 Nov. 1776	Edward Wheler, Esq..... [Appointed to succeed Mr. Hastings in council; but Mr. Hastings having subsequently disavowed his intention to resign, Mr. Wheler succeeded Colonel Monson, who died before Mr. Wheler arrived in Bengal.—10th October 1784 Mr. Wheler died.]	11 Dec. 1777	Hon. Colonel Monson	10 Oct. 1784	
17 Apr. 1777	Lt.-Gen. Sir Eyre Coote, K.B. (Commander-in-chief)..... [Signed first letter 2d April 1779; died 27 April 1783.]	2 Apr. 1779	Lt.-Gen. Clavering ..	27 Apr. 1783	General Sloper.
3 Jan. 1781	Sir John Macpherson ..... [12th Feb. 1785 succeeded Mr. Hastings as Governor-general; 12th Sept. 1786 resigned the governor-generalship to Earl Cornwallis, and resumed seat as a counsellor; 17th Jan. 1787 quitted, per Berrington, for Madras and to the Cape or Bombay for health; and was succeeded by Peter Speke, Esq.]	30 Sept. 1781	Richard Barwell, Esq.	12 Feb. 1785	Hon. Charles Stuart, [Called to council.]
15 Aug. 1781	John Stables, Esq.....	11 Nov. 1782	Philip Francis, Esq..	10 Jan. 1787	Sir John Shore, [Called to council.]
26 Feb. 1785	Hon. Charles Stuart ..... [Called to a seat in Council on the 26th February 1785, under the 27th clause of the Act of Parliament.]	26 Feb. 1785	Sir John Macpherson	21 Jan. 1793	Thomas Graham, Esq.
27 Oct. 1784	General Robert Sloper (Commander-in-chief) [11th September 1786, signed last letter.]	21 July 1785	Lt.-Gen. Sir E. Coote	11 Sept. 1786	Earl Cornwallis.
11 Apr. 1786	Sir John Shore (afterwards Lord Teignmouth) [Appointed to succeed to the first vacancy, but declined the appointment; 10th January 1787 called to a seat in council; 7th December 1789 signed last letter.]	10 Jan. 1787	John Stables, Esq...	7 Dec. 1789	William Cowper, Esq.
11 Mar. 1789	Peter Speke, Esq.....	17 Sept. 1789	Sir John Macpherson	2 Oct. 1801	Sir Geo. H. Barlow.
21 May 1790	William Cowper, Esq..... [Succeeded by Thomas Graham, Esq.; Mr. Udny, who was appointed to succeed, not having arrived.]	6 Nov. 1790	Sir John Shore.....	31 July 1801	Thomas Graham, Esq.
12 June 1791	Thomas Graham, Esq. ..... [28th October 1793 gave up his seat to Sir Robert Abercromby, who was appointed commander-in-chief; resumed his seat on the 31st July 1801, in the room of William Cowper Esqr (George Udny, Esq., who was appointed to succeed Mr. Cowper, not having arrived); quitted 2d October 1801, and was succeeded by George Udny, Esq.]	21 Jan. 1793	Hon. Charles Stuart..	28 Oct. 1793	Major-General Sir R. Abercromby.
21 Sept. 1792	Major-Gen. Sir R. Abercromby (Commander-in-chief).....	28 Oct. 1793	Thomas Graham, Esq.	30 Apr. 1797	Sir Alured Clarke

Appointed.	*NAME.*	*Took his Seat.*	*In whose Room.*	*Quitted.*	*Succeeded by.*
6 Apr. 1796	*Lt.-Gen. Sir A. Clarke (Commander in-chief)* [17th March 1798 succeeded Sir John Shore as Governor-general; 18th May 1798 resumed his seat in council, on the arrival of Lord Mornington; quitted 31st July 1801, and was succeeded by Lieut.-general Lord Lake.]	30 Apr. 1797	Gen. Sir R. Abercromby	17 Mar. 1798	Lt.-Gen. Lord Lake.
28 Aug. 1800	*Lt.-Gen. G. Lord Lake (Commander-in-chief)*	31 July 1801	Lt.-Gen. Sir A. Clarke	17 Oct. 1807	Lieut.-Gen. Hewitt.
1 Apr. 1801	*Sir George H. Barlow, Bart.* [10th October 1805 succeeded as Governor-general, on death of Lord Cornwallis; 23d July 1806 appointed third in council under Lord Minto's government; took his seat 31st July 1807; quitted 21st December 1807, and proceeded to take the government of Madras; and was succeeded by H. Colebrooke, Esq.]	2 Oct. 1801	Peter Speke, Esq.	10 Oct. 1805	John Lumsden, Esq. [Called to a seat in council.]
1 Apr. 1801	George Udny, Esq. [Mr. Udny was to succeed Mr. Cowper; but as he vacated his seat before Mr. Udny arrived, Mr. Graham took possession of it.]	2 Oct. 1801	Thomas Graham, Esq.	31 July 1807	John Lumsden, Esq.
16 Oct. 1805	John Lumsden, Esq. [10th October 1805 called to council on the succession of Sir George Barlow to Government-general; 23d July 1806 appointed fourth in council under Lord Minto; took his seat 31st July 1807, in the room of George Udny, Esq.; quitted 30th October 1812; and was succeeded by N. B. Edmonstone, Esq.]	10 Oct. 1805	Sir George H. Barlow	30 Oct. 1812	N. B. Edmonstone, Esq.

23 Dec. 1806	Lt.-Gen. Geo. Hewitt (Commander-in-chief)	17 Oct. 1807	Lieut.-Gen. Lord Lake	14 Jan. 1812	Lt.-Gen. Sir G. Nugent
30 July 1806	Henry T. Colebrooke, Esq.	21 Dec 1807	Sir Geo. H. Barlow	20 Dec. 1812	Archibald Seton, Esq.
13 Mar. 1811	Lt.-Gen. Sir G. Nugent, (Commander-in-chief)	14 Jan. 1812	Lt.-Gen. G. Hewitt	28 Dec. 1814	Geo. Dowdeswell, Esq.
7 Apr. 1812	Neil B. Edmonstone, Esq.	30 Oct. 1812	John Lumsden, Esq.	30 Oct. 1817	James Stuart, Esq.
7 Apr. 1812	Archibald Seton, Esq. [5th July 1817 signed last letter.]	20 Dec. 1812	Hen. Colebrooke, Esq.	5 July 1817	C. M. Ricketts, Esq.
Letter from Secretary Tucker, 28 Dec. 1814	George Dowdeswell, Esq. [Appointed by Court on 1st February 1815.]	28 Dec. 1814	Lt.-Gen. Sir G. Nugent	21 Jan. 1820	Sir J. E. Colebrooke, Bt. [Called to council.]
12 Feb. 1817	James Stuart, Esq.	30 Oct. 1817	N. B. Edmonstone, Esq.	25 Feb. 1822	W. B. Bayley, Esq.
12 Feb. 1817	C. M. Ricketts, Esq.	12 Dec. 1817	Archibald Seton, Esq.	29 Jan. 1819	John Adam, Esq.
12 Feb. 1817 Provisionally.	John Adam, Esq. [9th January 1823 succeeded as Governor-general; appointed, 15th January 1823, to remain in council until further orders; took his seat 1st August 1823; quitted 15th April 1825; and was succeeded by John H. Harington, Esq.]	29 Jan. 1819	C. M. Ricketts, Esq.	9 Jan. 1823	J. H. Harington, Esq.
5 Jan. 1820 Provisionally.	John Fendall, Esq. [Appointed, 5th July 1820, to succeed Mr. Dowdeswell.]	20 May 1820	G. Dowdeswell, Esq.	11 Nov. 1825	W. B. Bayley, Esq.
31 Jan. 1820	Sir James E. Colebrooke, Bart. [21st January 1820 called to a seat, in the room of George Dowdeswell, Esq. (Mr. Fendall, who was appointed to succeed, not having arrived); quitted 20th May 1820, on the arrival of John Fendall, Esq.; and, 5th July 1820, appointed a provisional counsellor.]	21 Jan. 1820	G. Dowdeswell, Esq.	20 May 1820	John Fendall, Esq.

MEMBERS of the BENGAL COUNCIL since 1773.—(Continued.)

Appointed.	NAME.	Took his eat.	In whose Room.	Quitted.	Succeeded by.
15 Aug. 1821	John Herbert Harington, Esq. ..... [21st December 1822 took his seat, in the room of W. B. Bayley, Esq. (who was called to council on the resignation of Mr. Stuart); appointed, 15th January 1823, to succeed Mr. Fendall, or on first vacancy; quitted, 1st August 1823, on the arrival of Lord Amherst; and took his seat in council 22d April 1825, in room of John Adam, Esq.]	21 Dec. 1822	W. B. Bayley, Esq.	1 Aug. 1823	Lord Amherst.
		22 Apr. 1825	John Adam, Esq.....		
1 Apr. 1822	William B. Bayley, Esq..... [Appointed, by Public Letter from Bengal, 1st April 1822, to council till Court's pleasure be known; 15th February 1825 appointed a provisional counsellor; took his seat 11th November 1825, in room of John Fendall, Esq.; and 11th April 1826 appointed to council.]	25 Feb. 1822	James Stuart, Esq...	21 Dec. 1822	John H. Harington, Esq.
		11 Nov. 1825	John Fendall, Esq..		
5 Jan. 1822	Lieut.-Gen. Sir E. Paget (Commander-in-chief)	9 Jan. 1823	Marquis of Hastings..	7 Oct. 1825	Gen. Lord Combermere.
15 Feb. 1825	Lieut.-Gen. Lord Combermere (Commander-in-chief)	7 Oct. 1825	Lt.-Gen. Sir E. Paget		
11 Apr. 1826	Sir C. T. Metcalfe, Bt. (Provisional Counsellor)				

18 Aug. 1819 12 July 1820	William Thackeray, Esq..... [11th January 1823, died at sea]	10 June 1820	J. H. D. Ogilvie, Esq.	11 Jan. 1823.	H. S. Græme, Esq.
12 July 1820 17 Dec. 1823	Henry Sullivan Græme, Esq.....	10 June 1820	Wm. Thackeray, Esq.		
6 Dec. 1820	Lieut.-Gen. Sir Alexander Campbell, Bart., and K.C.B. (Commander-in-chief) ..... [Died 11th December 1824.]	15 June 1821	Lt.-Gen. Sir T. Hislop	11 Dec. 1824	Lieut.-Gen. Sir G.T. Walker, G.C.B.
[By Government] 6 Jan. 1824	James Cochrane, Esq.....	6 Jan. 1824	George Stratton, Esq.	13 July 1824	J. H. D. Ogilvie, Esq.
[By Government], Dec. 1824	.....	Dec. 1824	Lt.-Gen. Sir A. Campbell, Bart and K.C.B.	16 Sept. 1825	J. Taylor, Esq.
6 Apr. 1825	James Taylor, Esq.....	16 Sept. 1825	James Cochrane, Esq.		
11 May 1825	Lieut.-Gen. Sir G. T. Walker, G.C.B. (Commander-in-chief).....	(Not yet advised)	Lieut.-Gen. Sir A. Campbell, Bart. and K.C.B.		

APPENDIX. 1748

MEMBERS *of the* BOMBAY COUNCIL *since* 1784. (Act 24 Geo. III, cap. 25.)

Appointed.	NAME.	Took his Seat.	In whose Room.	Quitted.	Succeeded by.
31 Mar. 1785	Brigadier-Gen. Nilson, Commander-in-chief (then in India) ..... [Appointment confirmed by Court 31st March 1785.]	6 Jan. 1785	.....	20 Dec. 1786	R. H. Boddam, Esq. the Governor.
3 Sept. 1784	Robert Sparks, Esq.	6 Jan. 1785	.....	8 Jan. 1789	Daniel Crokatt, Esq.
3 Sept. 1784	Richard Church, Esq. ..... [24th February 1787 signed last letter.]	26 Mar. 1785	.....	24 Feb. 1787	Andrew Ramsay, Esq.
	Andrew Ramsay, Esq. ..... [9th January 1793 assumed government.]	9 Apr. 1787	Richard Church, Esq.	9 Jan. 1783	John Beaumont, Esq.
24 Oct. 1787	David Carnegie, Esq	16 Feb. 1788	John Beaumont, Esq.	17 Feb. 1792	William Lewis, Esq.
24 Oct. 1787	George Green, Esq. ..... [Took his seat 6th September 1788, on the resignation of government by A. Ramsay, Esq.; died 26th February 1790.]	6 Sept. 1788	A. Ramsay, Esq.	26 Feb. 1790	George Dick, Esq.
[By Government] 9 Aug. 1788	John Beaumont, Esq. ..... [Took his seat 9th January 1788, on assumption of government by Andrew Ramsay, Esq ; died 16th February 1788.]	9 Jan. 1788	A. Ramsay, Esq.	16 Feb. 1788	D. Carnegie, Esq.
28 Oct. 1789	George Dick, Esq.	26 Feb. 1790	George Green, Esq. .	9 Nov. 1795	G. Griffiths, Esq.
13 Apr. 1791	Daniel Crokatt, Esq.	18 Nov. 1791	Robert Sparks, Esq. .	9 Nov. 1795	Major-Gen. J. Stuart
13 July 1791	William Lewis, Esq.	17 Feb. 1792	D. Carnegie, Esq.	15 Jan. 1795	D. Seton, Esq.

15 Jan. 1795 [By Government]	D. Seton, Esq. ..... [Quitted, 19th January 1796, on the arrival of Mr. Duncan.]	15 Jan. 1795	William Lewis, Esq. .	19 Jan. 1796	Jonathan Duncan, Esq.
20 May 1795	John Griffiths, Esq.	9 Nov. 1795	George Dick, Esq. ..	19 Jan. 1796	Wm. Whitehill, Esq.
20 May 1795 [By Government]	John Hutchison, Esq. ..... [Never succeeded, having declined the situation on the ground of ill health.]				
29 Feb. 1796	William Whitehill, Esq.	29 Feb. 1796	John Griffiths, Esq. .	26 Mar. 1797	Sir C. W. Malet, Bt.
6 Apr. 1796	Major-Gen. Jas. Stuart (Commander-in-chief)	Jan. 1797	.....	22 Jan. 1800	
4 May 1796	Major-Gen. James Hartley ..... [4th October 1799 died without succeeding.]				
31 Mar. 1796	John Spencer, Esq. ..... [Took his seat 31st March 1796, in the room of John Hutchison, Esq., who declined.]	31 Mar. 1796	John Hutchison, Esq.	26 Mar. 1797	William Page, Esq.
4 May 1796	Sir C. W. Malet, Bart.	9 Apr. 1797	Wm. Whitehill, Esq.	9 Jan. 1798	Ditto.
4 May 1796	James Rivett, Esq (afterwards Carnac). ..... [Died 17th July 1802.]	23 May 1797	William Page, Esq. .	17 July 1802	Thos. Lechmere, Esq.
June 1796	Thomas Williamson, Esq. ..... [Declined the appointment 31 July 1797.]				
June 1796	William Page, Esq.	9 Apr. 1797	John Spencer, Esq...	23 May 1797	James Rivett, Esq. (afterwards Carnac).
	Ditto	9 Jan. 1798	Sir C. W. Malet, Bt.	22 Dec. 1801	John H. Cherry, Esq.
[By Government] Apr. 1802	John H. Cherry, Esq. ..... [16th April 1802 signed first letter]	16 Apr. 1802	William Page, Esq. .	10 June 1803	G. Parry, Esq.

Members *of the* Bombay Council *since* 1784.—*(Continued.)*

Appointed.	NAME.	Took his Seat.	In whose Room.	Quitted.	Succeeded by.
13 Aug. 1802.	Thomas Lechmere, Esq. [Public Letter from Bengal, 15th August 1802, advised appointment.]	17 July 1802	Jas Rivett, Esq. (afterwards Carnac)	23 July 1811	G. Brown, Esq.
May 1803	Major-Gen. O. Nicholls (Commander-in-chief)	9 Mar. 1804	.....	Feb. 1807	
[By Government] 13 Nov. 1803	George Parry, Esq.	13 Nov. 1803	John H. Cherry, Esq.	10 Dec. 1803	Robert Holford, Esq.
[By Government] 10 Dec. 1803	Robert Holford, Esq.	10 Dec. 1803	George Parry, Esq.	18 Sept. 1804	Lewis Corkran, Esq.
21 Mar. 1804	Lewis Corkran, Esq. [20th February 1808 signed last letter]	18 Sept. 1804	Robert Holford, Esq.	20 Feb. 1808	R. Rickards, Esq.
10 Dec. 1806	Robert Rickards, Esq. [10th July 1808 signed first letter.]	10 July 1808	Lewis Corkran, Esq.	23 July 1811	J. Elphinstone, Esq.
2 May 1809	Lieut.-Gen. the Hon. John Abercromby (Commander-in-chief) [10th October 1812 signed last letter]	25 Nov. 1809	.....	10 Oct. 1812	Alexander Bell, Esq.
18 Jan. 1811	George Brown, Esq.	23 July 1811	Thos. Lechmere, Esq.	7 Sept. 1817	Ditto.
Ditto	John Elphinstone, Esq.	Ditto	Robt. Rickards, Esq.	29 Sept. 1817	G. L. Prendergast, Esq.
28 Feb. 1812	Major-Gen. Sir T. Hislop (Commander-in-chief) [Never succeeded; was captured on the passage outwards, and, on his being exchanged, was appointed to the chief command at Madras.]				

Members *of the* MADRAS COUNCIL *since* 1784. (24 Geo. III, cap. 25.)

Appointed.	NAME.	Took his Seat.	In whose Room.	Quitted.	Succeeded by.
2 Sept. 1784	Alexander Davidson, Esq. [Quitted 4th June 1785, and succeeded to government; resumed his seat in council, on arrival of Sir Archibald Campbell, 6th April 1786; quitted 18th June 1787; and was succeeded by Wm. Petrie, Esq.]	12 Feb. 1785	.....	4 June 1785	William Petrie, Esq.
2 Sept. —	James Daniell, Esq.	12 Feb. 1785	.....	12 Jan. 1786	Charles Floyer, Esq.
7 Oct. 1784	Lieut.-Gen. Sloper (Commander-in-chief) .. [21st July 1785 took the command in Bengal.]	11 June 1785	.....	21 July 1785	Lieut.-Gen. Sir John Dalling.
7 Dec. 1784	Lieut.-Gen. Sir John Dalling (Commander-in-chief) [Quitted, 6th April 1786, on the arrival of Sir A. Campbell, governor and commander-in-chief.]	11 June 1785	Lieut.-Gen. Sloper ..	6 Apr. 1786	Sir A. Campbell.
[By Government.] 12 Jan. 1786	Charles Floyer, Esq.	12 Jan. 1786	James Daniell, Esq.	Ditto	J. H. Casamaijor, Esq.
3 Aug. 1785 / 11 Apr. 1786	James H. Casamaijor [Appointed provisionally 30th July 1806; took his seat 11th September 1807, on the recall of Lord William Bentinck; quitted 13th December 1813; and was succeeded by Robert Alexander, Esq.]	6 Apr. 1786	.....	12 Feb. 1790	James Taylor, Esq.
[By Government.] 18 June 1787	William Petrie, Esq.	18 June 1787	Alex. Davidson, Esq.	31 July 1787	John Hollond, Esq.
12 May 1790	Ditto.	19 June 1791	Morgan Williams, Esq.	25 May 1792	

MEMBERS *of the* MADRAS COUNCIL *since* 1784.—*(Continued.)*

Appointed.	NAME.	Took his Seat.	In whose Room.	Quitted.	Succeeded by.
28 Feb. 1798	William Petrie, Esq. ..... [11th September 1807 took charge of government on recall of Lord W. Bentinck; resumed his seat on the arrival of Sir G. Barlow, 24th December 1807, and quitted 31st August 1810.] * His name omitted in the commission of Government issued on the 10th April in that year.	2 Jan. 1799	Edw. Saunders, Esq..	11 Sep. 1807	
21 Feb. 1787	John Hollond, Esq..... [7th February 1789, assumed government.]	31 July 1787	William Petrie, Esq...	7 Feb. 1789	M. Williams, Esq.
Ditto [By Government] 6 Apr. 1789	R. Maunsell, Esq.	31 July 1787	.....	6 Apr. 1789	E. J. Hollond, Esq.
	E. J. Hollond, Esq..... [13th February 1790 took charge of government; resumed seat on the arrival of General Medows, 20th February 1790; quitted 21st April 1790, and was succeeded by John Turing, Esq.]	6 Apr. 1789	R. Maunsell, Esq....	13 Feb. 1790	John Turing, Esq.
[By Government] 12 Feb. 1790	James Taylor, Esq..... [Took his seat 12th February 1790, on the assumption of the government by Mr. E. J. Hollond.]	12 Feb. 1790	.....	21 Apr. 1790	E. Saunders, Esq.
28 Oct. 1789	Morgan Williams, Esq.....	14 June 1790	John Hollond, Esq..	— Jan. 1791	William Petrie, Esq.
28 Apr. 1790	Sir Charles Oakley (President and Governor) [Took his seat 15th October 1790, during the absence of General Medows, the governor, from the Presidency; and, 1st August 1792, assumed government on the departure of General Medows.]	15 Oct. 1790	.. ..	1 Aug. 1792	

18 Sept. 1790	John Turing, Esq.	21 Apr. 1790	E. J. Hollond, Esq..	Jan. 1791	
Ditto	Edward Saunders, Esq.	Ditto	James Taylor, Esq...	15 Oct. 1790	John Hudleston, Esq.
22 Jan. 1794	Ditto.....	12 Sept. 1794	Geo. Westcott, Esq.	2 Jan. 1799	William Petrie, Psq.
17 May 1790	John Hudleston, Esq.....	15 Oct. 1790	Edw. Saunders, Esq.	15 Mar. 1792	E. W. Fallofield, Esq.
11 Apr. 1792	E. W. Fallofield, Esq ..... [Appointed by Government 11th April 1792; appointment confirmed 29th January 1794.]	11 Apr. 1792	John Hudleston, Esq.	2 Nov. 1801	M. Dick, Esq.
[By Government] 21 Feb. 1794	George Westcott, Esq.	21 Feb. 1794	.....	12 Sept. 1794	Edw. Saunders, Esq.
28 Apr. 1795	Major-Gen. Sir A. Clarke (Commander-in-chief)	15 Jan. 1796	.....	6 Mar. 1797	Major-gen. Geo. Harris.
6 Apr. 1798	Maj-Gen. Geo. Harris (Commander-in-chief) [21st February 1798 succeeded as governor; resumed his seat in council on the arrival at Madras of the governor-general, Lord Mornington, 2d January 1799; quitted 22d January 1800; and was succeeded by Lieutenant-general J. Stuart.]	6 Mar. 1797	Maj.-gen. Sir A. Clarke	21 Feb. 1798	Lieut.-Gen. J. Stuart
10 Dec. 1800	Lieut.-Gen. John Stuart (Commander-in-chief)	1 Aug. 1801	Major-Gen. G. Harris	17 Oct. 1804	Maj.-Gen. Sir J. F. Craddock.
20 May 1801	Mungo Dick, Esq.	2 Nov. 1801	E. W. Fallofield, Esq.	4 May 1803	John Chamier, Esq.
Ditto	John Chamier, Esq.....	4 May 1803	Mungo Dick, Esq...	8 Mar. 1805	James Strange, Esq.
21 Dec. 1803	Major-Gen. Sir J. F. Craddock (Commander-in-chief)	8 Mar. 1805	Lieut.-Gen. Stuart ..	17 Sept. 1807	Lieut.-Gen. G. Hewitt.
[By Government] 8 Mar. 1805	James Strange, Esq.....	8 Mar. 1805	John Chamier, Esq..	8 Sept. 1806	Thomas Oakes, Esq.
5 Mar. 1813 [By Government]	Ditto.....	5 Mar. 1813	Thomas Oakes, Esq..	25 May 1814	Lt.-Gen. Sir T. Hislop.
12 Mar. 1806	Thomas Oakes, Esq.	8 Sept. 1806	James Strange, Esq..	5 Mar. 1813	James Strange, Esq.

MEMBERS *of the* MADRAS COUNCIL *since* 1784.—*(Continued.)*

Appointed.	NAME.	Took his Seat.	In whose Room.	Quitted.	Succeeded by.
	Lieut.-Gen. George Hewitt	10 Apr. 1810	Major-Gen. Sir J. Craddock	27 Sept. 1810	Maj.-Gen. Sir J. Auchmuty.
14 Feb. 1810	Major-Gen. Sir J. Auchmuty (Commander-in-chief)	17 Sept. 1810	Lieut.-Gen. G. Hewitt	21 May 1813	Lieut.-Gen. the Hon. J. Abercromby (Governor and Commander-in-chief).
7 May 1813 / 6 May 1818	Robert Fullerton, Esq.	30 Nov. 1813	Sir George Barlow ..	10 June 1820	George Stratton, Esq.
7 May 1813 / 6 May 1818	R. Alexander, Esq.	13 Dec. 1813	J. H. Casamaijor, Esq.	1 Jan. 1819	John Hodgson, Esq.
3 Dec. 1813	Lieut.-Gen. Sir T. Hislop (Commander-in-chief)	25 May 1814	Lt.-Gen. the Hon. J. Abercromby (Governor and Commander-in-chief)	15 June 1821	Lieut.-Gen. Sir Alex. Campbell, Bart. and K.C.B.
12 Feb. 1817 / 11 Aug. 1819	John Hodgson, Esq.	1 Jan. 1819	Robt. Alexander, Esq.	1 Jan. 1820	John H. D. Ogilvie, Esq.
3 Jan. 1820	John H. D. Ogilvie, Esq.	3 Jan. 1820	John Hodgson, Esq. .	10 June 1820	W. Thackeray, Esq.
23 Dec. 1823	..... [Took his seat 13th July 1824, in the room of James Cochrane, Esq., who had been appointed by Government on the resignation of Mr. Stratton.]	31 July 1824	James Cochrane, Esq.		
18 Aug. 1819	George Stratton, Esq.	10 June 1820	Robt. Fullerton, Esq.	6 Jan. 1824	J. Cochrane, Esq.

ARCHDEACONS OF BENGAL.

Appointed.		Quitted.
— May 1814.	Rev. Henry Lloyd Loring ..... [Died September 1822.]	— Sept. 1822.
24 Oct. 1823.	Rev. Daniel Corrie.	

ARCHDEACONS OF MADRAS.

Appointed.		Quitted.
— April 1814.	Rev. John Mousley ..... [Died 31st August 1814.]	31 Aug. 1819.
6 May 1820.	Rev. J. E. Vaughan.	

ARCHDEACONS OF BOMBAY.

Appointed.		Quitted.
— May 1814.	Rev. George Barnes ..... [Retired December 1825.]	— Dec. 1825.
— Dec. 1825.	Rev. John Hawtayne.	

COMMANDERS-IN-CHIEF IN INDIA.

Appointed.		Assumed Command.	Quitted Command.
7 Feb. 1774.	Lieut.-Gen. John Clavering ... [Died 30th August 1777.—On the death of General Clavering, the duties of Commander-in-chief were carried on by the Military Board; but on the 16th October 1777, Brig.-Gen. Giles Stibbert, who was appointed provincial Commander-in-chief, assumed the command of the army, which he held till the arrival of Sir Eyre Coote.	27 Oct. 1774.	30 Aug. 1777.
17 April 1777.	Lt.-Gen. Sir Eyre Coote, K.B. [Died 30 April 1777.—Brig.-Gen. Stibbert again assumed the chief command, and held the same until Lieut.-Gen. Sloper arrived.]	25 Mar. 1779.	27 April 1783.
27 Oct. 1786.	Lieut.-General Robert Sloper.	21 July 1785.	12 Sept. 1786.
11 Apr. 1786.	Lord Cornwallis (Governor-General) ..... [Colonel Mackenzie and Colonel Ahmuty were appointed to the chief command during the absence of Lord Cornwallis in the years 1790 and 1793.]	12 Sept. 1786.	28 Oct. 1793.
19 Sept. 1792.	Maj.-Gen. Sir R. Abercromby... [Maj.-Gen. Morgan held the chief command during General Abercromby's absence.]	28 Oct. 1793.	30 Apr. 1797.

Appointed.		Assumed Command.	Quitted Command.
4 Oct. 1797.	Lt.-Gen. Sir A. Clarke, K.B.	17 May 1798.	31 July 1801.
	[Having held the provincial command from the 30th April 1797.]		
13 Aug. 1800.	Lieut.-Gen. Gerard Lake	31 July 1801.	30 July 1805.
	[Afterwards Lord Lake.]		
20 Mar. 1805.	Marquis Cornwallis (Gov.Gen.)	30 July 1805.	5 Oct. 1805.
	[Died 5 Oct. 1805.—Lord Lake held the provincial command during the absence of Lord Cornwallis.]		
19 Feb. 1806.	Lieut.-General Lord Lake	10 Oct. 1805.	17 Oct. 1807.
	[Lord Lake had held the command from the death of Lord Cornwallis in his capacity of provincial Commander-in-chief.]		
23 Dec. 1806.	Lieut.-Gen. Sir Geo. Hewitt	17 Oct. 1807.	18 Dec. 1811.
13 Mar. 1811.	Lieut.-Gen. Sir Geo. Nugent	14 Jan. 1812.	4 Oct. 1813.
	[On the arrival of Lord Moira, Sir George Nugent assumed the provincial command, agreeably to the Court's Resolution of the 16th November 1812.]		
18. Nov. 1812.	General the Earl of Moira	4 Oct. 1813.	— Jan. 1813.
	[Afterwards Marquis of Hastings, Governor-General.]		
2 Jan. 1822.	Lieut.-Gen. the Hon. Sir Edward Paget, G.C.B.	13 Jan. 1823.	7 Oct. 1825.
9 Feb. 1825.	General Lord Combermere	7 Oct. 1825	

COMMANDERS-IN-CHIEF IN BENGAL.

Appointed.		Assumed Command.	Quitted Command.
26 Sept. 1777.	Lieut.-Gen. Giles Stibbert	16 Oct. 1777.	25 Mar. 1779.
		6 Oct. 1780.	25 July 1785.
	[General Stibbert held the provincial command during the absence of Sir Eyre Coote at Madras, and continued to hold the command after Sir Eyre Coote's death till the arrival of General Sloper.]		
6 Dec. 1790.	Colonel McKenzie	6 Dec. 1790.	1 Aug. 1792.
	[During absence of Lord Cornwallis.]		
15 Aug. 1793.	Colonel Ahmuty	15 Aug. 1793.	5 Oct. 1793.
	[During absence of Lord Cornwallis.]		
19 Sept. 1792.	Major-Gen. Sir R. Abercromby	5 Oct. 1793.	28 Oct. 1793.
	[28th October 1793 assumed chief command in India.]		
17 Jan. 1797.	Major-Gen. Morgan	17 Jan. 1797.	30 Apr. 1797.
	[During absence of General Abercromby.]		
6 Apr. 1796.	Lieut.-Gen. Sir A. Clarke, K.B.	30 Apr. 1797.	17 May 1798.
	[17th May 1798 assumed chief command in India.]		

Appointed.		Assumed Command.	Quitted Command.
11 April 1825.	Lieut.-Gen. Gerard Lord Lake,	30 July 1805.	5 Oct. 1805.
	[5th October 1805 assumed chief command in India.]		
18 Nov. 1812.	Lieut.-Gen. Sir George Nugent	9 Oct. 1813.	28 Dec. 1814.

COMMANDERS-IN-CHIEF AT MADRAS.

Appointed.		Assumed Command.	Quitted Command.
7 Oct. 1784.	Lieut.-Gen. Robert Sloper	June 1785.	21 July 1785.
	[21 July 1785 assumed chief command in India.]		
7 Dec. 1784.	Lieut.-Gen. Sir J. Dalling	21 July 1785.	6 Apr. 1786.
11 Apr. 1786.	Lieut.-Gen. Sir Arch. Campbell	6 Apr. 1786.	7 Feb. 1789.
	[Governor.]		
7 July 1789.	Major-Gen. Sir W. Medows	20 Feb. 1790.	1 Aug; 1792.
	[Governor.—The command was held by the senior officer until the arrival of General Medows.]		
28 Apr. 1795.	Major-Gen. Sir Alured Clarke	15 Jan. 1796.	6 Mar. 1797.
	[6th March 1797 proceeded to assume command in Bengal.—The command was held by the senior officer until the arrival of Sir Alured Clarke.]		
	Major-Gen. George Harris	27 Mar. 1797.	22 Jan. 1800.
10 Dec. 1800.	Lieut.-Gen. John Stuart	1 Aug. 1801.	17 Oct. 1804.
21 Dec. 1803.	Major-Gen. Sir J. F. Cradock	17 Oct. 1804.	17 Sept. 1807.
29 May 1797.	Lieut.-Gen. H. McDowall	17 Sept. 1807.	10 Apr. 1810.
	Lieut.-Gen. George Hewitt	10 Apr. 1810.	27 Sept. 1810.
14 Feb. 1810.	Major-Gen. Sir S. Auchmuty	27 Sept. 1810.	21 May 1813.
12 Feb. 1812.	Lieut.-Gen. Hon. I. Abercromby	21 May 1813.	25 May 1814.
	[Governor.]		
3 Dec. 1813.	Lieut.-Gen. Sir Thos. Hislop	25 May 1814.	15 June 1821.
6 Dec. 1820.	Lieut.-Gen. Sir A. Campbell, Bart. and K.C.B.	15 June 1821.	11 Dec. 1824.
	[Died 11th December 1824.—Gen. Bowser the senior officer then held the command.]		
11 May 1825.	Lt.-Gen. Sir G.T. Walker, G.C.B.		

COMMANDERS-IN-CHIEF at BOMBAY.

Appointed.		Assumed Command.	Quitted Command.
31 Mar. 1785.	Brig.-Gen. Lawrence Nilson . . .	6 Jan. 1785.	20 Dec. 1786.
5 Sept. 1787.	Major-Gen. William Medows (Governor)	6 Sept. 1788.	21 Jan. 1790.
	[Previously to the arrival of General Medows, M. Boddam, the governor, was invested with the command of the army.]		
5 Aug. 1789.	Col. Abercromby (Governor) . .	21 Jan. 1790.	26 Nov. 1792.
6 Apr. 1796.	Maj.General James Stuart.	— Jan. 1797.	22 Jan. 1800.
	[22d Jan. 1800, proceeded to take command at Madras.—Previously to the arrival of General Stuart the command was held by the senior officer.]		
	Maj.-Gen. Oliver Nicolls.	22 Jan. 1800.	— Feb. 1807.
2 May 1809.	Major-Gen. the Hon. John Abercromby	28 Nov. 1809.	10 Oct. 1812.
	[10th Oct. 1812, proceeded to take command at Madras.—Previously to the arrival of General Abercromby the command was held by the senior officer.]		
28 Feb. 1812.	Maj.-Gen. Sir Thomas Hislop.		
	[Was captured on the voyage outwards, and upon his exchange was appointed to the chief command at Madras.]		
10 Jan. 1815.	Lt.-Gen. Sir Miles Nightingall. .	24 Feb. 1816.	11 Jan. 1819.
4 Nov. 1818.	Lieut.-General the Hon. Sir Charles Colville.	9 Oct. 1819.	23 Nov. 1825.
20 July 1825.	Lt.-Gen. Sir Thomas Bradford, K.C.B.		

7 Apr. 1812	Alexander Bell, Esq. . . . . [Took his seat 14th October 1813, on the departure of Lieutenant-General the Honourable J. Abercromby; and quitted 24th February 1816, on the arrival of Lieut.-General Sir Miles Nightingall.]	14 Oct. 1813	{ Lt.-Gen. the Hon. J. Abercromby . . }	24 Feb. 1816	{ Lieut.-Gen. Sir M. Nightingall . . . . .
12 Feb. 1817	Ditto.	7 Sept. 1817	George Brown, Esq.	7 Sept. 1822	Francis Warden, Esq.
10 Jan. 1815	{ Lieut.-Gen. Sir Miles Nightingall (Commander-in-chief) . . . . . }	24 Feb. 1816	{ Lt.-Gen. the Hon. J. Abercromby }	11 Jan. 1819	Ditto.
19 Feb. 1817	G. L. Prendergast, Esq.	12 Oct. 1817	J. Elphinstone, Esq. .	8 July 1823	R. T. Goodwin, Esq.
Ditto [Provisionally]	Francis Warden, Esq. . . . . [Took his seat 11th January 1819, on the departure of Lieutenant-General Sir Miles Nightingall; and quitted 9th October 1819, on the arrival of Lieutenant-General Sir Charles Colville.]	11 Jan. 1819	Lt.-Gen. Sir M. Nightingall.	9 Oct 1819	Lieut.-Gen. Sir Charles Colville.
24 July 1822	Ditto.	7 Sept. 1822	Alexander Bell, Esq.		
4 Nov. 1818	{ Major-Gen. the Hon. Sir Chas. Colville, G.C.B. (Commander-in-chief) . . . . . }	9 Oct. 1819	{ Lt.-Gen. Sir M. Nightingall . . . }	23 Nov. 1825	Jas. Jos. Sparrow, Esq.
24 July 1822	Henry Shank, Esq. . . . . [27th November 1822 relinquished the appointment on account of ill health.]	13 Oct. 1822			
22 Jan. 1823	Richard Thomas Goodwin, Esq.	8 July 1823	G. L. Prendergast		
Ditto [Provisionally]	James Jos. Sparrow, Esq. . . . . [Took his seat 23d November 1825, on the resignation of Major-General the Hon. Sir Charles Colville, G.C.B.; and quitted on the arrival of Lieut.-Gen. Sir Thomas Bradford, K.C.B.]	23 Nov. 1825	{ Major-General the Hon. Sir C. Colville, G.C.B. . . . . }	(Not advised.)	{ Lieut.-Gen. Sir T. Bradford, K.C.B.
20 July 1825	{ Lieut.-Gen. Sir Thos. Bradford, K.C.B. (Commander-in-chief) . . . . . }	(Not advised)	Ditto.		

CHIEF JUSTICES IN BENGAL.

Appointed.		Quitted.
Charter of Justice. 26 March 1774.	Sir Elijah Impey	1 Aug. 1799.
1791.	Sir Robert Chambers	22 Feb. 1806.
1798.	Sir John Anstruther, Bart	9 Nov. 1813.
1807.	Sir Henry Russell	July 1822.
1813.	Sir Edward H. East	1 Feb. 1823.
1821.	Sir Robert H. Blossett [Died 1st February 1823.]	26 May 1824.
1823.	Sir Christopher Puller [Died 26th May 1824.]	
1825.	Sir Charles Grey.	

PUISNE JUDGES IN BENGAL.

Appointed.		Quitted.
Charter of Justice. 26 March 1774.	Sir Robert Chambers. [Appointed Chief Justice 1791.]	1791.
—	S. C. Le Maistre, Esq.	—
—	John Hyde, Esq.	—
1783.	Sir William Jones	—
1791.	Sir William Dunkin	1 Aug. 1799.
1796.	Sir James Watson	—
1797.	Sir John Royds	26 Sept. 1816.
1798.	Sir Henry Russell [Appointed Chief Justice 1807.]	— 1807.
1805.	Sir William Burroughs	20 Dec. 1815.
1815.	Sir Francis Macnaghten	2 March 1825.
1816.	Sir Anthony Buller.	
1824.	Sir Charles Grey [Appointed Chief Justice 2d February 1825.]	2 Feb. 1825.
1825.	Sir John Franks.	

CHIEF JUSTICES AT MADRAS.

Appointed.		Quitted.
Charter of Justice. 26 Dec. 1800.	Sir Thomas A. Strange	4 June 1817.
6 Sept. 1815.	Sir John H. Newbolt	31 Aug. 1820.
17 May 1820.	Sir Edmond Stanley	28 Jan. 1825.
28 Jan. 1825.	Sir Ralph Palmer.	

PUISNE JUDGES AT MADRAS.

Appointed.		Quitted.
Charter of Justice. 26 Dec. 1800.	Sir Henry Gwillim	28 Oct. 1808.
Ditto.	Sir Benjamin Sullivan	— May 1809.
— May 1809.	Sir Francis Macnaghten [Removed to Bengal 3 July 1815.]	3 July 1815.
30 May 1810.	Sir John H. Newbolt [Appointed chief justice 6 Sept. 1815.]	6 Sept. 1815.
3 July 1815.	Sir Edmund Stanley. [Appointed chief justice 17 May 1820.]	17 May 1820.
6 Sept. 1815.	Sir Anthony Buller. [Removed to Bengal 10 April 1816.]	10 April 1816.
15 April 1817.	Sir Andrew George Cooper. [Died 30 Aug. 1821.]	30 Aug. 1821.
17 May 1820.	Sir Charles E. Grey. [Removed to Bengal 18 Aug. 1824.]	18 Aug. 1824.
— April 1822.	Sir Willingham Franklin [Died May 1824.]	— May 1824.
18 Aug. 1824.	Sir Ralph Palmer. [Appointed chief justice 2 Feb. 1825.]	2 Feb. 1825.
28 Jan. 1825.	Sir Robert B. Comyn.	
7 March 1825.	Sir George W. Ricketts.	

RECORDERS AT BOMBAY.

Appointed.		Quitted.
Charter of Justice. 20 Feb. 1798.	Sir William Syer [Died 7 Oct. 1802.]	7 Oct. 1802.
— June 1803.	Sir James Mackintosh	5 Nov. 1811.

APPENDIX.

Appointed.		Quitted.
	Sir Alexander Anstruther ..... [Died 16 July 1819.]	16 July 1819.
17 May 1820.	Sir David Evans, ... [Died 5 Dec. 1821.	5 Dec. 1821.
28 Aug. 1822.	Sir Edward West. ..... [Appointed chief justice of the New Supreme Court, 8 Dec. 1823.]	8 Dec. 1823.

CHIEF JUSTICE AT BOMBAY.

Appointed.	
Charter of Justice. 8 Dec. 1823.	Sir Edward West.

PUISNE JUDGES AT BOMBAY.

Appointed.	
Charter of Justice. 8 Dec. 1823.	Sir Ralph Rice
Ditto.	Sir Charles H. Chambers

RECORDERS OF PRINCE OF WALES' ISLAND.

Appointed.		Quitted.
Charter of Justice. 25 Mar. 1807.	Sir Edmond Stanley..... [3d July 1815 appointed to Madras.]	3 July 1815.
6 Sept. 1815.	Sir Andrew George Cooper..... [15th April 1817 appointed to Madras.]	15 Apr. 1817.
15 April 1817.	Sir Ralph Rice ..... [3d December 1823 appointed to Bombay.]	3 Dec. 1823.
3 Dec. 1823.	Sir Francis S. Bayley ..... [Died 20th Oct. 1824.]	20 Oct. 1824.
3 Oct. 1825.	Sir John Thomas Claridge.	

BISHOPS OF CALCUTTA.

Appointed.		Quitted.
18 Feb. 1814.	The Rev. Thos. Fanshawe Middleton, D.D.. [Died 8th July 1822.]	8 July 1822.
14 May 1823.	The Rev. Reginald Heber, D.D.	

VOTES OF THANKS

BY THE

EAST-INDIA COMPANY.

ADMIRALS POCOCK and WATSON, and LORD CLIVE.

At a General Court held on Wednesday the 21st December 1757.

Resolved, That the thanks of this General Court be given to Vice-Admiral Watson and to Vice-Admiral Pocock, for their eminent and signal services to this Company. — Admirals Watson and Pocock.

Resolved, That the thanks of this General Court be given to Lieutenant Colonel Robert Clive for his eminent and signal services to this Company. — Lord Clive.

ADMIRAL POCOCK, LORD CLIVE, and COLONEL LAWRENCE.

At a General Court held on Wednesday the 24th September 1760.

Resolved unanimously, That the thanks of this Court be given to Vice-Admiral Pocock, Colonel Robert Clive, and Colonel Stringer Lawrence, for their many eminent and signal services to this Company. — Admiral Pocock, Lord Clive, and Colonel Lawrence.

RIGHT HON. WARREN HASTINGS.

At a General Court held on Friday the 7th November 1783.

Resolved, That it is the opinion of this Court, that Warren Hastings, Esq. Governor-general of Bengal, and the other Members of the Supreme Council, have displayed uncommon zeal, ability, and exertion in the management of the affairs of the East-India Company during the late hostilities in India, particularly in finding resources for supporting the war in the Carnatic under so many pressing difficulties, when — Mr. Hastings.

when that country was in danger of being lost through the successful irruption of Hyder Ally Cawn aided by the powerful assistance of the French, and also in concluding the late treaty of peace with the Mahrattas, at a period so critical, and on terms so honourable and advantageous to the permanent interest of the Company.

and Council. Resolved therefore, That the thanks of this Court be given to Warren Hastings Esq., Governor-general, and the other Members of the Supreme Council, for the above specified great and distinguished services; and further, that this Court doth request the said Warren Hastings, Esq. Governor-general, not to resign the station he now holds, until the tranquillity of our possessions in India shall be restored, and the arrangements necessary upon the re-establishment of peace shall have taken place.

MARQUIS CORNWALLIS, SIR WILLIAM MEDOWS, and SIR ROBERT ABERCROMBIE.

At a General Court held on Wednesday the 23d January 1793.

Marquis Cornwallis. Resolved unanimously, That it is the opinion of this Court, that the Most Noble Marquis Cornwallis, Knight of the most noble Order of the Garter, has displayed uncommon zeal and ability in the management of the affairs of the East-India Company during the time he has been Governor-general and Commander-in-chief in India, and particularly in conducting the late war with Tippoo Sultaun, and also in concluding the late treaty of peace with Tippoo, on terms so honourable and advantageous to the interests of the Company and their allies; and

That the thanks of this Court be given to Marquis Cornwallis for the very gallant and important services he has thus rendered to the East-India Company; also

That his statue be placed in this Court-room, that his great services may be ever had in remembrance.

Sir W. Medows. Resolved unanimously, That the thanks of this Court be given to Major-General Sir William Medows, Knight of the Most Honourable Order of the Bath, for his gallant and meritorious services during the late war in India.

Sir Robert Abercrombie. Resolved unanimously, That the thanks of this Court be given to Major-General Sir Robert Abercrombie, Knight of the Most Noble Order of the Bath, for his gallant and meritorious services during the late war in India.

Resolved

Officers of the Army. Resolved unanimously, That the thanks of this Court be given to all the Officers of the Army, European and Native, under the Marquis Cornwallis, for their gallant conduct during the late war in India; also

Non-commissioned Officers and Privates. That this Court doth highly approve and acknowledge the services of the Non-commissioned Officers and Private Soldiers, both European and Native, serving under the Marquis Cornwallis during the late war in India, and that the same be signified to them by the officers of the several Corps, who are desired to thank them for their gallant behaviour.

Members of Council. Resolved unanimously, That the thanks of this Court be given to the Members of the Supreme Council of Bengal, of the Council at Fort St. George, and of the Council at Bombay, for the zealous assistance and support which they have uniformly afforded to the Marquis Cornwallis and to the army during the late war in India.

LORD HOBART.

At a General Court held on Thursday the 6th December 1798.

Lord Hobart. Resolved unanimously, That the thanks of this Court be given to the Right Honourable Lord Hobart, for his able and meritorious conduct in the administration of the Company's affairs in the Government of Madras.

EARL of MORNINGTON, LORD CLIVE, JONATHAN DUNCAN, Esq., GENERAL HARRIS and GENERAL STUART.

At a General Court held on Wednesday the 13th November 1799.

Earl of Mornington. Resolved unanimously, That the thanks of this Court be given to the Earl of Mornington, for the wisdom, energy, and decision displayed by him in the discharge of the arduous duty of Governor-general, from the period of his arrival in India until the glorious and happy termination of the late war in that country, by which the power of the Sultan of Mysore and influence of the French in India have been crushed; events which promise to establish on a firm basis the tranquillity and security of the British dominions in India.

Lord Clive. Resolved unanimously, That the thanks of this Court be given to the Right Honourable Lord Clive, Governor of Madras, for his zealous co-operations with the Earl of Mornington in the measures proposed by

by his Lordship; and particularly in the exertions which he made for equipping the Madras Army for those operations which have redounded so much to its honour and to the interests of this Company.

Mr. Duncan. Resolved unanimously, That the thanks of this Court be given to Jonathan Duncan, Esq, Governor of Bombay, for the zeal and promptitude of his conduct in preparing the army of that Presidency for the field, whereby it was enabled to take a conspicuous share in the glorious achievements of the late campaign against the Mysore dominions.

General Harris. Resolved unanimously, That the thanks of this Court be given to Lieutenant-General George Harris, Commander-in-chief of the King's and Company's Forces employed at the siege of Seringapatam, for the very able and judicious manner in which the attack of that fortress was planned.

The Army. Resolved unanimously, That the thanks of this Court be given to the Officers of the King's and Company's Forces employed in the assault of Seringapatam on the 4th May 1799, for the rapidity, animation, and skill which they manifested in the execution of this important service; and to the Non-commissioned Officers and Privates, for the courage and intrepidity of their conduct upon that brilliant occasion; and especially for the exemplary humanity displayed by the assaulting party, under circumstances which reflect equal honour on their discipline, valour, and exalted generosity.

General Stuart and Army. Resolved unanimously, That the thanks of this Court be given to Lieutenant-General Stuart, for his able conduct in the command of the Bombay army previous to its junction; and to the Officers and Men of that army, who were engaged in the action of the 6th March, with a chosen body of the troops of Tippoo Sultaun, for their able and spirited conduct upon that occasion.

General Harris and Army. Resolved unanimously, That the thanks of this Court be given to Lieutenant-General Harris and the Officers and Men of the King's and Company's Forces under his command, for the great and important services rendered to the East-India Company throughout the whole of the late glorious campaign, which has terminated to the advantage of the Company and the Nation, by affording a well-grounded hope that the peace of India will be secured on a solid and lasting foundation.

Court of Directors. Resolved unanimously, That the thanks of this Court be given to the late Chairman, Jacob Bosanquet, Esq., Deputy Chairman, Sir Stephen Lushington, Bart., and the Court of Directors, for their watchful

watchful and unremitting attention to every possible danger that might threaten our possessions in India; more especially for the manly and decisive aid which they afforded their Governors abroad, by transmitting to them, in bullion and stores, the substantial means of defence against the formidable and dangerous attack which then threatened them.

MARQUIS WELLESLEY, and GENERALS LAKE, ST. JOHN, and WELLESLEY.

At a GENERAL COURT held on Tuesday the 22d May 1804.

Marquis Wellesley. Resolved unanimously, That this Court taking into consideration the despatches relative to the late brilliant successes in the East-Indies, in the war with the Mahratta chieftains, Dowlut Row Scindia and the Rajah of Berar, without entering at present into the origin and policy of that war, the documents respecting which are not yet before the Court, the thanks of this Court be given to the Most Noble the Marquis Wellesley, Governor-general, for the zeal, vigour, activity, and ability which he displayed in preparing the armies at the several presidencies to take the field, and to which may be attributed, in a great measure, the rapid and brilliant successes of the military operations which have crowned the British arms in the East-Indies.

General Lake. Resolved unanimously, That the thanks of this Court be given to General Gerard Lake, Commander-in-chief of his Majesty's and of the Company's Forces in India, for the great and eminent services, and the invincible intrepidity and spirit manifested by him in the command of the army serving in Hindostan, by which he has maintained the honour of the British nation, and reflected such additional lustre on the reputation of the British arms.

Generals St. John and Wellesley. Resolved unanimously, That the thanks of this Court be given to Major General the Honourable Frederick St. John, for his courage and steadiness in seconding the efforts of the Commander-in-chief in Hindostan; and also to Major-General the Honourable Arthur Wellesley, for the important and brilliant services performed by him in the command of the separate army within the Deckan; and also

The Officers, to the several Officers of the Army, both European and Native, for their gallant conduct and meritorious exertions during the arduous, honourable, and successful campaign in the East-Indies.

and Privates. Resolved unanimously, That this Court doth highly approve and acknowledge the zeal, discipline, and bravery, uniformly displayed by the Non-commissioned Officers and Private Soldiers, both European and

and Native, employed against the enemy in the East-Indies, and that the same be signified to them by the Commanders of the several Corps, who are desired to thank them for their exemplary and gallant behaviour.

MARQUIS OF HASTINGS AND SIR DAVID OCHTERLONY.

At a GENERAL COURT held on Wednesday the 11th December 1816.

Marquis of Hastings.

Resolved unanimously, That the thanks of this Court be given to the Most Noble Marquis of Hastings, Knight of the Most Noble Order of the Garter, Governor-general and Commander-in-chief, for the prudence, energy, and ability, combined with a judicious application of the resources of the Company, displayed by his Lordship in planning and directing the operations of the late war against the Nepaulese, undertaken in consequence of a persevering system of encroachment and insult on their part; and also for his wisdom and moderation, in availing himself of the successes obtained by the army for concluding a peace with the Ghorka Power, on terms both honourable and advantageous.

Sir D. Ochterlony.

Resolved unanimously, That the thanks of this Court be given to Major-General Sir David Ochterlony, Bart. and G.C.B., for the vigour, judgment, and effect with which he personally conducted the operations of the force under his command on all occasions, and particularly in the last campaign, the management of which and of the subsequent negociation was with great propriety entrusted to him, in testimony of the confidence due to his experienced merits and well-acquired distinction.

The Officers,

Resolved unanimously, That the thanks of this Court be given to all the Officers, both European and Native, belonging to the army which served in the Nepaul war, for their gallant and meritorious service during the late war.

and Privates.

Resolved unanimously, That this Court doth highly approve and acknowledge the services of the Non-commissioned Officers and Private Soldiers, both European and Native, who were employed in the late war, and that the thanks of the Court be signified to them by the Officers of their respective corps, as well for their patience under unusual fatigues, and their cheerful endurance of privations, as for their valour and intrepidity in presence of the enemy.

MARQUIS OF HASTINGS.

At a GENERAL COURT held on Wednesday the 3d February 1819.

Marquis Hastings.

Resolved unanimously, That the thanks of this Court be presented to the Most Noble the Marquis of Hastings, K. G. &c. &c. &c., for the wisdom, skill, and energy so eminently displayed by his Lordship, in planning and conducting the late military operations against the Pindarries, of which the happy result has been the extinction of a predatory power which had established itself in the heart of Hindostan, and whose existence experience had shewn to be alike incompatible with the security of the Company's possessions and the general tranquillity of India.

Also, That this Court, whilst it deeply regrets the occurrence of any circumstances leading to an extension of the Company's territories, duly appreciates the foresight, promptitude, and vigour, with which the Marquis of Hastings, by a combination of military with political talents, anticipated and encountered the proceedings of an hostile confederacy among the Mahratta States, defeated their armies, reduced them to submission, and materially lessened their means of future aggression.

SIR THOMAS HISLOP AND THE ARMY.

At a GENERAL COURT held on Thursday the 4th February 1819.

Sir T. Hislop.

Resolved unanimously, That the thanks of this Court be given to Lieutenant General Sir Thomas Hislop, Bart., G. C. B., for his distinguished and successful services during the late campaign in India, and particularly in the action which was fought at Mahidpore on the 21st December 1817, by the force under his immediate command, against the army of Mulhar Row Holkar, and which terminated in a decisive and important victory: but that this Court wishes to be understood as not giving any opinion relative to the circumstances attendant upon the capture of Talnair, until fuller information respecting it than is afforded by the papers now before the Court shall be furnished.

The Officers,

Resolved unanimously, That the thanks of this Court be given to the General, Field, and other Officers, both of His Majesty's and the Company's Forces, for their gallant and meritorious conduct in the field during the late campaign in India.

and Privates.

Resolved unanimously, That this Court doth acknowledge and highly approve the zeal, discipline, and bravery displayed by the Non-commissioned Officers and Privates, both European and Native, employed

ployed against the enemy during the late campaign in India, and that the thanks of the Court be signified to them by the Commanders of the several Corps for their exemplary and gallant behaviour.

MARQUIS OF HASTINGS.

At a General Court held on Wednesday the 29th May 1822.

Marquis of Hastings.

Resolved unanimously, That that this Court most cordially concur with the Court of Directors in their estimation of the unremitting zeal and eminent ability with which the Most Noble the Marquis of Hastings has, during a period of nearly nine years, administered the government of British India, with such high credit to himself and advantage to the interests of the East-India Company.

That this Court referring to the sentiments expressed by themselves and the Court of Directors in December 1816, on returning thanks to Lord Hastings for his skilful and successful operations in the war against the Nepaulese; to their resolution of the 3d February 1819, recognizing the wisdom and energy of those measures which extinguished a great predatory power that had established itself in the heart of Hindostan, whose existence experience had shewn to be alike incompatible with the security of the Company's possessions and the general tranquillity of India; applauding, at the same time, the foresight, promptitude, and vigour with which his Lordship, by a combination of military with political talents, had anticipated and encountered the proceedings of an hostile confederacy among the Mahratta States, defeated their armies, reduced them to submission, and materially lessened their means of future aggression; referring, also, to the Resolution of the Court of Directors of the 10th March 1819, in which they appeal, at the close of two glorious and successful wars, to the Records of the East-India Company, for the great services which his Lordship's unwearied assiduity and comprehensive knowledge of the Company's affairs had enabled him to render to its most important interests; this Court cannot but with the highest satisfaction witness their Executive Authority again coming forward, at the termination of a career so useful and brilliant, to express and promulgate their sense of his Lordship's exalted merit, and their deep regret that domestic circumstances should withdraw him from the government of their Asiatic Territories. That this Court strongly participate in that regret, and request the Court of Directors to convey to the Marquis Hastings, Governor-general and Commander-in-chief, those expressions of their unfeigned admiration, gratitude, and applause.

VOTES OF PENSIONS AND MONEY

BY THE

EAST-INDIA COMPANY.

LORD CLIVE.

At a General Court held on Wednesday the 23d September 1767.

Lord Clive.

Resolved, nemine contradicente, That this General Court, in consideration of the important services rendered to this Company by Lord Clive, do recommend it to, and empower the Court of Directors to make a grant, under the Company's Seal, to Lord Clive and his personal Representatives, of an additional term of ten years in his Lordship's Jaghire, commencing from the determination of his Lordship's present right therein, provided the Company shall be in the possession of the lands out of which the Jaghire issues during such additional term of ten years.

LORD MACARTNEY.

At a Court of Directors held on Wednesday the 12th April 1786.

Lord Macartney.

Resolved by the Ballot, That it is the opinion of this Court that the Right Honourable George Lord Macartney, whilst he was Governor of Madras, upon all occasions manifested the greatest zeal in support of the interests of this Company, and that he faithfully discharged his duty as such, more especially by adhering strictly to his covenants and engagements with the Company, in declining to accept any presents from the Country Powers, or from any person whatever in India. That the example set by his Lordship in giving in, upon oath, a state of his property gained in the Company's service, was highly meritorious, inasmuch as such conduct was afterwards sanctioned by an Act of the Legislature, and by which statement it appears that his Lordship's fortune had been very moderately increased during his residence in India, and that the same arose solely from the savings he made from his salary and allowances authorized by this Court.

Resolved by the Ballot, That it is incumbent upon this Court to shew their fullest approbation of such upright and disinterested conduct,

duct, in the hope that so laudable an example will be followed by their servants in India; and moreover, that it is fitting that some compensation should be made to his Lordship, and that it will be a proper reward for such distinguished services and strict integrity, to grant his Lordship an annuity of £1,500 during the term of his natural life.

MARQUIS CORNWALLIS.

At a General Court held on Wednesday the 26th June 1793.

Marquis Cornwallis.

Resolved unanimously, That this Court taking into consideration the zeal, ability, and disinterestedness manifested by the Most Noble Marquis Cornwallis in the conduct of the East-India Company's affairs, during the whole of the period for which he has presided over the British interests in India, are of opinion that, as a mark of the high sense entertained by this Court of his Lordship's merits and services, the Marquis Cornwallis be requested to accept an annuity of £5,000, to issue out of the territorial revenues in India, for the term of twenty years, to commence from the day of his departure from India, and that the same be paid to his Lordship, his heirs, executors, administrators, or assigns, for the term aforesaid.

LORD HOBART.

At a General Court held on Thursday the 6th December 1798.

Lord Hobart.

Resolved, That this Court doth approve and confirm the Resolution of the Court of Directors of the 8th day of August last, whereby a pension of £1,500 per annum is granted to the Right Honourable Lord Hobart, payable out of the territorial revenues in India, for the period of this Company's exclusive trade, if he shall so long live, and to commence from the time of his quitting the Government of Madras.

MARQUIS WELLESLEY.

At a Court of Directors held on Wednesday the 10th Dec. 1800.

Marquis Wellesley.

The Court taking into consideration the important services rendered to the East-India Company by their present Governor-general, the Most Noble the Marquis Wellesley; the political wisdom and foresight which distinguished his conduct in negociating and concluding a treaty with the Soubah of the Deccan, whereby a body of 14,000 men, commanded by 124 French officers, was completely disbanded and the officers made prisoners, thereby removing the cause of great political apprehension, and leaving the army of His Highness at full liberty to act in conjunction with his British allies in the subsequent conquest of Mysore; the zeal and alacrity shewn by his Lordship in proceeding to the Coast of Coromandel to forward the equipment of the army which afterwards effected that glorious achievement, which not only terminated in the destruction of a most implacable enemy, but by which the Company also acquired a very large addition of territorial revenue; the great ability, energy, firmness, and decision displayed by him during the whole of the negociation with the late Tippoo Sultaun, and the able manner in which the subsidiary treaty with the Rajah of Mysore was concluded;

Resolved unanimously, That in reward for such eminent services his Lordship be requested to accept an annuity of £5,000, to issue out of the territorial revenues in India, for the term of twenty years, provided the Company's exclusive trade shall so long continue and the territorial revenue shall so long remain in possession of the Company; to commence from the 1st September 1798, being the day on which the before-mentioned treaty with the Soubah of the Deccan was concluded, and that the same be paid to his Lordship, his executors, administrators, or assigns, for the term aforesaid.

Resolved, That the above Resolution be laid before a General Court to be specially called for the purpose, for their approbation, agreeably to the 19th sec. of the 6th chap. of the Company's By-Laws.

At a General Court held on Thursday the 15th January 1801.

Resolved, That the Court entirely coincide with the sentiments of the Court of Directors, as expressed in their Resolution now under consideration, bearing date the 10th ultimo, and agree to the proposition therein contained, as a proper testimony of the high sense they entertain of the extraordinary merits and most eminent services rendered by the Most Noble the Marquis Wellesley to this Company.

MARQUIS CORNWALLIS.

At a General Court held on Friday the 14th March 1806.

Marquis Cornwallis.

Resolved, That this Court having heard read the papers communicated by the Court of Directors concerning the late Marquis Cornwallis, together with their resolution upon the same, this Court concurs with the Honourable Court of Directors in the sentiments which they have so feelingly expressed respecting that great and illustrious

illustrious character. That, taught by the splendid services of his life to measure the calamity of his death, this Court most deeply deplores the loss which the East-India Company and the public have sustained, in being deprived of the aid of so much wisdom and so much virtue, at a crisis of their affairs peculiarly calling for the exercise of those qualities. That even under these sorrowful impressions, this Court cannot but partake of the satisfaction expressed by the Court of Directors, that the purpose for which his Lordship may be truly said to have offered up his life to his country, is likely to be fully answered by the scheme of general pacification which he had distinctly marked out, by the progress already made in negociation under his orders, and by the determination of Sir George Barlow, the present Governor-general, to adhere to the principles laid down by his predecessor, as founded upon the declared will of the Legislature and the unequivocal orders of the Court of Directors. That this Court feeling equally anxious with the Directors to evince its grateful respect for the memory of so eminent a person, doth cordially agree with their recommendation to present to the late Lord Broome, now Marquis Cornwallis, the sum of £40,000, as a mark of the very high sense which it entertains of the services and sacrifices of his illustrious father.

SIR JOHN MACPHERSON.

At a General Court held on Wednesday the 21st June 1809.

Sir J. Macpherson.

The Chairman acquainted the Court, that on the 16th May last the Court of Directors came to a Resolution, granting an annuity of £1,000 to Sir John Macpherson, Bart., formerly Governor-general of Bengal, for his life; subject, nevertheless, to the condition that he do assign over to the Company his demand on the Nabobs of Arcot, in order to the repayment to the Company of £10,000 advanced him on loan in 1805, with interest at the rate of 4 per cent. from that time to the time of payment; and that so soon as the above deed is completed, the securities on his freehold farm in Sussex and on his lease-hold house at Brompton for the said debt of £10,000 be returned to Sir John Macpherson.

Resolved, nemine contradicente, That this Court approve the resolution of the Court of Directors of the 16th May last, granting an annuity to Sir John Macpherson, subject to the condition thereinmentioned.

RIGHT

RIGHT HON. WARREN HASTINGS.

At a General Court held on Wednesday the 25th May 1814.

Mr. Hastings.

Resolved unanimously, That this Court taking into consideration all the circumstances of the case of Warren Hastings, Esq., formerly Governor-general, and the important services rendered by him to the Company, is of opinion that the annuity granted to the said Warren Hastings, for the term of twenty-eight years and a half from the 24th June 1795, of £4,000,* which expired on the 25th December 1813, be continued to him from that period during the term of his natural life, to issue out of the territorial revenues of India, and be payable in England.

MARQUIS WELLESLEY.

At a General Court held on Wednesday the 25th May 1814.

Marquis Wellesley.

Resolved, That the annuity of £5,000 granted on the 15th January 1801 to Marquis Wellesley for the term of twenty years from 1st September 1798, provided the Company's exclusive trade should so long continue and the territoral revenues should so long remain in possession of the Company, in consideration of the eminent services rendered by him to the East-India Company, and of which period four years and a half will remain unexpired at the commencement of the new Charter, be continued to his Lordship for the term of his natural life, to issue out of the territorial revenues of India, and be payable in England.

The Chairman then stated to the Court, that the Court of Directors were of opinion, that if the decease of Marquis Wellesley should occur previous to the determination of the unexpired term of the pension above-mentioned, the same should be paid to his Lordship's executors or assigns during the whole of that period, *viz.* for four years and a-half from the commencement of the new Charter:

And

* The General Court originally voted £5,000 per annum to Mr. Hastings, on the 3d June 1795: this was not confirmed by the Board of Commissioners, and on the 26th February 1796 an annuity of £4,000 was granted and confirmed by the Board. In June 1795 the General Court resolved to pay Mr. Hastings's law expenses, amounting to £71,080. In March 1796 the Company advanced Mr. Hastings £50,000, the same to be repaid by instalments of £2,000 a-year, with interest. In July 1804 Mr. Hastings was admitted to the full receipt of his annuity of £4,000 from 30th June 1803.

And the Court, after deliberating thereon, concurred in the said opinion of the Court of Directors.

SIR DAVID OCHTERLONY.

Sir D. Ochterlony.

At a GENERAL COURT held on Wednesday the 20th December 1815.

The Chairman acquainted the Court, that it was made special for the purpose of laying before them a resolution of the Court of Directors of the 6th instant in favour of Major-General Sir David Ochterlony, Bart. and K.C.B., which resolution was then read, being as follows, viz.

"At a GENERAL COURT of DIRECTORS held on Wednesday 6th "December 1815:

"A Report from the Committee of Correspondence, dated this day, "being read,

"Resolved unanimously, That in consideration of the eminent and "most beneficial services rendered to the Company by Major-General "Sir David Ochterlony, Bart. and K.C.B., in the war against the state "of Nepaul, by which the honour of the British arms was upheld, and "the enemy, after the capture of extensive provinces important to them, "were induced to sue for peace, on terms understood to be advan-"tageous to the Company, a pension of £1,000 per annum be granted "to the said Sir David Ochterlony, to commence from the date of the "victory obtained by him over the Nepaulese on the 16th day of April "1815, the said grant to be subject to the approbation of the General "Court of Proprietors."

It was then

Resolved unanimously, That this Court approve and confirm the said Resolution of the Court of Directors, granting a pension of £1,000 per annum to Major-General Sir David Ochterlony, Bart. and K.C.B.

MARQUIS OF HASTINGS.

Marquis of Hastings.

At a GENERAL COURT held on Thursday the 10th June 1819.

Resolved by the Ballot, That this Court concur in the recommendation of the Court of Directors, as contained in their resolution of the 20th ultimo, and that the sum of £60,000 be accordingly granted, to be applied to the benefit of the Marquis of Hastings in the mode pointed out in that resolution, subject to the confirmation of another General Court.

Confirmed unanimously on the 23d June 1819.

SIR

SIR G. H. BARLOW, Bart.

Sir G. H. Barlow.

At a GENERAL COURT held on Wednesday the 22d December 1819.

Resolved, That this Court approve the Resolution of the Court of Directors of the 10th ultimo, granting to Sir George Hilaro Barlow, Bart. G.C.B., a pension of £1,500 per annum, to commence from 21st May 1818, subject to the confirmation of another General Court.

Confirmed 22d March 1820.

SIR JOHN MALCOLM.

Sir J. Malcolm.

At a COURT OF DIRECTORS held on Wednesday the 5th January 1825.

Resolved by the Ballot, That in consideration of the distinguished merits and services of Major-General Sir John Malcolm, G.C.B., during a very lengthened period in high military and civil stations, in which he has displayed great skill and gallantry as a soldier, and evinced no less talent in difficult and distant diplomatic missions, by which the interests of the East-India Company have been greatly promoted, and the character of the Company's service upheld, he be granted a pension of £1,000 per annum, to commence from Christmas last, subject to the approbation of the General Court of Proprietors, and to the confirmation of the Board of Commissioners for the Affairs of India.

At a GENERAL COURT held on Wednesday the 23d March 1825.

Resolved, nemine contradicente, That this Court approve the resolution of the Court of Directors of the 5th January last, granting to Major-General Sir John Malcolm, G.C.B., a pension of £1,000 per annum, upon the grounds therein stated, subject to the confirmation of another General Court.

This resolution was confirmed on the 27th April 1825.

VOTES OF STATUES

BY THE

EAST-INDIA COMPANY.

At a General Court, the 24th September 1760.

Admiral Pocock, and Colonels Clive and Lawrence.

Resolved unanimously, That the Chairman and Deputy Chairman, when they wait upon Vice-Admiral Pocock, Colonel Clive, and Colonel Lawrence, will desire those gentlemen to give their consent that their Portraits or Statues be taken, in order to be placed in some conspicuous parts of this House, that their eminent and signal services to this Company may be ever had in remembrance.

At a General Court, the 28th April 1784.

Sir E. Coote.

Unanimously resolved, That this Court do recommend it to the Court of Directors to erect a statue to the memory of Sir Eyre Coote, in the General Court-room.

At a General Court, held the 23d January 1793.

Marquis Cornwallis.

Resolved unanimously, That the statue of the Most Noble Marquis Cornwallis, Knight of the Most Noble Order of the Garter, be placed in the Court-room, that his great services may be ever had in remembrance.

At a General Court held on Wednesday the 12th January 1820.

Mr. Hastings.

Resolved, That as the last testimony of approbation of the long, zealous, and successful services of the late Right Honourable Warren Hastings, in maintaining without diminution the British possessions in India against the combined efforts of European, Mahomedan, and Mahratta enemies, the Statue of that distinguished servant of the East-India Company be placed among the statesmen and heroes who have contributed in their several stations to the recovery, preservation, and security of the British power and authority in India.

APPENDIX.

REGULATIONS

FOR

GRANTING ABSENTEE ALLOWANCES TO CIVIL SERVANTS IN EUROPE.

Civil Servants, after an actual residence of ten years in India in the civil service, to be entitled to come once to Europe, on leave, for three years, and to receive for that period an allowance of £500 per annum. No greater number of servants to come home under this regulation annually than seventeen from Bengal, nine from Madras, and six from Bombay, and no larger number in the whole to be absent under this regulation at one time than fifty-one from Bengal, twenty-seven from Madras, and eighteen from Bombay. The preference to be given first to those producing medical certificates, on oath, that a visit to Europe is indispensably necessary for the restoration of their health, and then to servants according to seniority of rank.

Civil servants compelled by illness, certified on oath, to come to Europe previous to their completion of the period of residence in India above prescribed, to be presented with 2,000 sicca rupees as passage-money, and to be entitled, for a period not exceeding three years, to an allowance of £250 per annum. Servants having received this indulgence shall not, in the event of their again coming to Europe after having completed a residence of ten years or upwards, be entitled to any allowance under the first regulation, unless their return be again occasioned by illness, and then only to the difference between what they have before drawn as absentee allowance (exclusive of passage-money) and £500 per annum for three years.

Servants going in the first instance to the Cape for their health, and being compelled from the same cause to come thence to Europe, to be entitled to the benefit of the foregoing regulations.

In all cases, the said allowances to commence from the date of leaving India, and terminate at the end of three years from that date, or at the time of arrival in India, whichever may first happen.

The allowances in question to be paid half-yearly in Europe, and on no account to be extended beyond three years.

No servant drawing an absentee allowance from a civil fund to receive, during the same period of absence, the allowances prescribed by these regulations, beyond such amount as may bring the total of his receipts from both sources to the sum hereby limited.

FURLOUGH REGULATIONS.

OFFICERS (of whatever rank) must be ten years in India before they can be entitled (except in case of certified sickness, and as hereafter specified) to their rotation to be absent on furlough, and the same rule is applicable to assistant military surgeons. The furlough to be granted by the Commander-in-chief at each Presidency, with the approbation of the respective Governments.

Officers who have not served ten years in India, but whose presence in England is required by urgent private affairs, may be allowed a furlough for one year without pay.

A chaplain after seven years' residence in India is allowed to come home on furlough and receive the pay of major. Should he come home from sickness prior to this period of service, he is allowed the pay of captain only.

A conductor of stores is allowed furlough pay, only in case of coming home from sickness.

Officers coming to England on furlough, are required immediately to report their arrival by letter to the secretary, stating the name of the ship in which they came, and their address, forwarding at the same time the certificates they received in India.

The period of furlough is three years, reckoning from its date to the day of the return of the officer to his Presidency.

Officers are required to join the establishment to which they belong at the expiration of the three years' furlough, unless they shall have obtained an extension of leave from the Court, six months before the expiration of that period. No furlough will be extended except in cases of sickness, certified in the manner hereafter mentioned; or in cases in which it shall be proved to the Court that a further residence in Europe is indispensably necessary.

All officers finding it necessary to solicit a further leave of absence on account of sickness, must, if resident in London or its vicinity, appear before the Company's examining physician, Dr. W. F. Chambers, of Upper Brook-street, Grosvenor-square, who will report to the Court of Directors his opinion on the state of such officer's health. And if resident in the country, in any part of the United Kingdom, they must transmit, with their letter of application for such leave, a certificate according to the following form, signed by at least two gentlemen eminent in the medical profession, *viz.*

" I

" I hereby certify that I have carefully examined [state the nature
" of the case, as well as the name of the party], and I declare upon my
" honour, that according to the best of my judgment and belief,
" ..... is at present unfit for military duty, and that it is
" absolutely necessary, for the recovery of his health, that he should
" remain at least ..... longer in this country."

Also, previously to such extension of furlough being granted, such further proof shall be adduced by personal examination, or by such other evidence as shall be deemed satisfactory.

Officers abroad in any part of Europe, applying to remain a further time from their duty on account of sickness, are to furnish a certificate of two eminent physicians, *in the above form*, with the attestation of a magistrate that the persons who signed the certificate are physicians.

Officers having obtained an extension of furlough to a given period, must at its expiration apply for permission, either to return to their duty, or to reside a further time in England.

No officer who has failed to obtain an extension of furlough will be considered eligible to return to the service after five years' absence, under the Act 33 Geo. III. cap. 52, sect. 70.

Every officer upon leaving India will receive a printed copy of the General Order on this subject, published agreeably to the Court's instruction, and the plea of ignorance of the regulations will not be admitted as any justification of the breach of them; officers, therefore, who shall come home on furlough and who shall not in due time apply, so as to effect their return to the presidency to which they belong within the period of three years from the commencement of their furlough, will subject themselves to the loss of the service, unless they shall be permitted by the Court to remain a further time in Europe.

No officer on furlough can receive pay for more than two years and a half from the period of his quitting India, excepting colonels of regiments, and those of the rank of lieutenant-colonel regimentally, when promoted to that of major-general; the latter are then allowed to draw the payment of their brevet rank beyond the above period.

APPENDIX.

REGULATIONS

RESPECTING

MILITARY AND OTHER OFFICERS RETIRING FROM THE COMPANY'S SERVICE.

Every officer after twenty-five years' service in India, three years for one furlough being included, is allowed to retire with the pay of the rank to which he has attained within twelve months of his arrival in Europe; but such pay is to be the same only as that allowed to officers of infantry.

A member of the Medical Board, who has been in that station not less than two years, and not less than twenty years in India, including three years for one furlough, is permitted to retire from the service, and allowed £500 per annum.

A surgeon of a general hospital, or superintending surgeon, who has been in that station not less than two years, and whose period of service has been not less than twenty years, including three years for one furlough, as above, is permitted to retire from the service, and allowed £300 per annum.

All other surgeons and assistant-surgeons attached to the military, are permitted to retire from the service on the pay of their rank after having served in India not less than twenty years, including three years for one furlough.

A superintending surgeon on the Prince of Wales' Island establishment, who has been in that station not less than two years, and not less than twenty years in the service, including three years for one furlough, is allowed a pension of £300 per annum. In the case of his not having held that office for two years, his retiring allowance is limited to ten shillings a-day.

The senior assistant surgeon, after the said period of service, is allowed to retire on ten shillings a-day.

All other assistant surgeons, after the said period of service, are allowed to retire on five shillings a-day.

In the event of any of the Prince of Wales' Island medical servants being compelled by ill health (duly certified) to retire previous to their having served twenty years, they are granted, in the case of the superintending surgeon and senior assistant surgeon, a retiring allowance of five shillings a-day; and in all other cases, a retiring allowance of two shillings and sixpence a-day. If intermediately between

tween the completion of six and ten years, they are granted a retiring allowance of two shillings a-day.

A surgeon having served twenty years on the Company's establishment in China, including three years for one furlough, is allowed to retire on a pension of £200 per annum.

An assistant surgeon, after the said period of service, who shall not have attained the station of head surgeon, is allowed to retire on a pension of £150 per annum.

A chaplain, after eighteen years' service in India (ten of which at a military station), including three years for one furlough, is allowed to retire with the pay of major.

A chaplain, after eighteen years' service on the Company's establishment in China, including three years' absence on furlough, is allowed to retire on a pension of £200 per annum,

A chaplain, having served ten years in India or China, whose constitution will not admit of his continuing in the service, may retire on the half-pay of major; after seven years, on the half-pay of captain.

A commissary or deputy commissary of ordnance, not being a commissioned officer, is allowed to retire on full pay if he has served twenty-seven years in India, of which twelve must have been in the ordnance department; twenty-five years, fourteen of which in that department; or twenty-two years, seventeen years of which in the ordnance department.

A conductor of stores is allowed to retire on £60 per annum after twenty five years' actual service in India.

Every lieutenant-colonel, major, or captain, is allowed to retire with the *half-pay* of the rank to which he has attained, in case his health shall not permit him to serve in India; but he can only be allowed the pay of the rank he held at the expiration of twelve months from his arrival in Europe.

A lieutenant having served thirteen, or an ensign nine years in India, including three years for a furlough, may retire on the *half-pay* of his rank, in case his health shall not permit him to serve in India.

A subaltern officer, or military assistant surgeon, having served six years in India, is permitted to retire on the *half-pay of ensign*, if his constitution should be so impaired as to prevent the possibility of his continuing in India.

Every officer returning on furlough, and wishing to retire from the service, must make a declaration to that effect, within twelve months after his arrival in England; and in case of his neglecting so to do, he must,

must, at the expiration of his furlough, either return to India, or be held to have relinquished the service, and not be entitled to retire on pay, unless he has continued to serve in India, from his first arrival, for the space of *twenty-two years*, without having a furlough; in that case, he is allowed *two* years before he shall be called upon to signify his intention of retiring; but he can only be allowed the pay of the rank he held at the expiration of twelve months from his arrival in Europe.

Officers retiring from the service, will be considered to have retired from the date of their application for leave to retire; or from the expiration of two years from the date of their landing in England, whichever shall happen first.

BOMBAY MARINE.

REGULATIONS RESPECTING RETIREMENT AND FURLOUGH.

RETIREMENT.

Every officer of the marine who has actually served twenty-two years or upwards in India, is permitted to retire from the service with the following pay.

The master-attendant and the commodore, after having served five years in either of those capacities.....	£450
A captain of the first class.....	360
A captain of the second class.....	270
A first lieutenant.....	180

Every officer retiring from ill health after ten years' service, and before they have completed that of twenty-two years, is granted one-half of the retiring allowance of his rank, as specified above.

FURLOUGH.

A certain proportion of the marine officers (to be determined by the government, with a due regard to the exigencies of the service) are allowed to come home on furlough for three years, with the pay only of their rank.

No officer under the rank of captain who has not actually served ten years in the marine, can be permitted to come home on furlough, unless in cases of ill health, under the like certificates as required from military officers.

If

If the commodore is permitted to come home on furlough, he is to be allowed the pay of a captain only. Half the remainder of his allowance to be drawn by the senior captain in the service, who is to act as commodore during his absence, in addition to the pay of his rank as senior captain.

The regulations for drawing pay on furlough and retirement by the marine officers are, as far as circumstances will admit, the same as those for the military officers.

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