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(11)

9th By-Law.

Item, It is Ordained, That No Ship to be
from and after *Michaelmas*, taken up
which shall be in the Year of wherein a
our Lord, 1709, no Ship or Director is
Vessel shall be hired or freight- Owner.
ed by the Court of Directors,
wherein any Director is, di-
rectly or indirectly, concerned,
or interested as an Owner, or a
Part Owner: And all Ships to All Ships to
be hired by this Company be taken up
shall be Taken up, and their and Voyages
respective Voyages Agreed in agreed to by
a Court of Directors, by the the Ballot.
Ballot, and not otherwise: And
the Court of Directors shall not
accept the Tender of any Ship,
but what shall be first made by
the Commander, and Two of
the Owners in Writing, where-
in

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in shall be expressed the Names
of all the Owners.

10th By-Law.

All Goods
licensed, to be
view'd by the
Committee of
Shipping and
registered.

Item, It is Ordained, That
all Goods and Merchandizes
whatsoever, that shall hereafter
be Licensed to be sent in any
of the Company's Ships to the
East-Indies, by the Court of Di-
rectors for the Time being, or
by any Committee empowered
by them, shall be brought for
that Purpose to or near the
East-India-House, and be there
viewed by the Committee of
Shipping, in order to the Ton-
naging and Registering of such
Goods.

All Bullion to
be brought to
the Treasury.

That all Bullion, which
shall be so Licensed, shall be
brought to the *Treasury-Office*,
and

and there viewed, weighed, and packed up.

That before any Warrant, or Order, shall be given for Shipping such Goods, Merchandizes or Bullion, the Freight, and other Duties chargeable thereon, shall be first paid to the Company's Treasurer, or Cashier, for the Time being; for which he shall give a Receipt, therein mentioning the Sum, and for what paid, which Receipt shall be produced to the Committee, or Officers who sign the said Warrant or Order.

That the Company's Mark shall be put upon all such Goods, Merchandizes, and Bullion, either by burning or deep cutting in, if the Package will bear it, or else by stamping, before the same are removed from

The Company's Mark
to be put on
all Goods.

And from the Place of View; with such further additional Marks or Numbers, as the Parties concerned, and the Committee of Shipping, or of the Treasury, shall direct.

A Register
kept thereof.

That a due Register shall be kept, in Books for that Purpose, of all the Goods, Merchandizes, and Bullion to be Licensed as aforesaid, together with the Quantity and Tonnage of the same; and that the Husband at the Water-side, or his Assistant, do, from Time to Time, within Fourteen Days, after any Ship or Ships belonging to this Company are sailed from the *Downs*, transmit to the Court of Directors, an Account of all Goods and Merchandizes shipped on such Ship or Ships respectively, together with the Marks and Numbers, and Quantity

Quantity of the Tonnage of
the same.

That all Goods, Merchandizes and Bullion, which shall be found on board any of the Company's Outward-bound Ships, not Licensed and Marked, or Stamped with the Company's Mark, shall be forfeited, according to the Directions of the Act of Parliament; except only in such Cases, where the Court of Directors for the Time being shall think fit, on the Necessity of the Case, to dispense with the examining and marking of such Goods, and declare the same under the Hands of Thirteen or more of them.

That Notice in Writing be given to the Commanders of all Ships, to be employed in the Company's Service, of this By-Law,

Unlicensed
Goods to be
forfeited.

Notice there-
of to be given
to the Com-
manders.

By-Law, at the Time of Entertaining their Ships, to the End, they may forbid any Goods being taken on board their respective Ships, that are not Licensed and Marked, or have not a particular Order under the Hands of Thirteen or more of the Court of Directors, for the Time being, for their being shipped as aforesaid.

11th By-Law.

Item, It is Ordained, That
 All Goods brought home in all Charter-Parties for the
 not registered future, there be inserted a Clause,
 to be forfeited. whereby the Commander and
 Owners shall Lose and Forfeit
 to the Use of the Company,
 all their Goods brought Home
 in Private Trade, which shall
 not be duly Registered in *India*,
 at

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: (17)

at the Factory where such Goods shall be taken on board, and in case any of their Goods shall be taken on board, where the Company have no Factors, then to be Registered in the Supra-cargoes Book; and where there is no Supra-cargo, then to be Registered in the Commander's Book, and Witnessed by the next Superior Officer aboard: And that there be a proper Instrument prepared for the same Purpose, for the Officers and Ship's Company to sign to, at the Time of receiving their Imprest-Money: And that a Return of all such Registers be constantly made by the Factors, Supra-cargoes or Commander on each Ship, under their Hands respectively, and Duplicates thereof transmitted

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mitted to the Company by
some other Ship.

All Goods in
Private Trade
to be lodged
in the Com-
pany's Ware-
houses.

And that all Goods in Private
Trade (prohibited Goods ex-
cepted) be immediately, after
Landing, brought up from the
Water-side, and lodged in a
particular Warehouse, to be
provided by the Court of Di-
rectors for that Purpose, and
not housed in any Warehouse
at the Water-side, on any Pre-
tence whatsoever, unless other-
wise Ordered by the Court of
Directors.

12th By-Law.

If a Director
dies or goes
beyond Sea,
another to be
chosen.

Item, It is Ordained, That
when any Director goes to re-
side beyond Sea, it shall make
a Vacancy of his Directorship,
and that whenever there shall
be a Vacancy of the Place of a
Director,

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: (19)

Director, by Death, Resignation, Incapacity, or otherwise, another shall be chosen in his Room, within a convenient Time after every such Vacancy, and that Ten Days publick Notice shall be given of the Day upon which such Choice shall be made.

13th By-Law.

Item, It is hereby Ordained, No Commander shall
That no Commander, Owner, or Part-Owner, of any Ship freighted by the Court of Directors, shall sell any Office of Mate, Purser, Gunner, Boat-swain, 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 Ship so Freighted: And that upon
Proof

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 this 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: And that a proper Clause be inserted in all Charter-Parties for this Purpose.

14th By-Law.

IMPER

14th By-Law.

Item, It is Ordained, That it shall and may be lawful for the Court of Directors, to make such Allowance for Prompt Payment of Money called in for Trade, as they shall think fit; so as at least ten Days publick Notice be given, What, and When any such Allowance is to be made.

Allowance to be made for Prompt Payment for Money called in for Trade.

15th By-Law.

Item, It is Ordained, That the Books containing the general Accounts of this Company in *England*, shall be ballanced to the 30th Day of June, which shall be in the Year of our Lord, 1735, and so yearly, to every 30th Day of June following,

Books to be ballanced yearly the 30th of June.

Indian Books
to be bal-
lanced yearly
and sent
home.

following, and the Ballance drawn out within Three Calendar Months after every 30th Day of *June*; and likewise the Books of this Company's Affairs in *India* shall once every Year be ballanced in every of the said Company's Factories, and Transcripts or Copies thereof, signed by the Chief and Council of each Factory, sent to *England*, by the first Conveyance following, under the Penalty of the Persons being dismissed from the Service of the Company, who shall refuse or neglect so to do.

16th By-Law.

All Receipts
and Payments
to be made in
course.

Item, It is Ordained, That all Receipts and Payments, ordered by the Court of Directors, shall be made in course, without

without any undue Preference:
And every Officer acting other-
wise shall be dismissed the Ser-
vice of the Company.

17th By-Law.

Item, It is Ordained, That Concerning
upon every Annual Election of Notice of
Directors, at least seven Months Elections, and
publick Notice shall be given
thereof, and that two Printed
Lists of the Names of the Mem- Delivering
bers, who appear qualified to Lists of Mem-
Vote, be ready to be delivered, bers.
the first at least five Months,
and the second at least fourteen
Days before the Day of Election.

18th By-Law.

Item, It is Ordained, That No Note to
no Note drawn by any Director, be taken in
or other Person, or under his any Payments
or

or their Hands, shall be taken in any Payment whatsoever to the Company.

19th By-Law.

No Member *Item,* It is Ordained, That
 to Trade with- every Person that is a Member
 in the Com- of this Company, and shall di-
 pany's Limits. rectly or indirectly, under any
 Colour or Pretence whatsoever,
 Trade within the Limits of the
 Company's Charter, otherwise
 than in the Joint-Stock of the
 said Company, shall Forfeit
 and Lose to the Use of the said
 Company, the Value of such
 Money, Goods and Merchan-
 dizes, so traded for, over and
 above all other Penalties and
 Forfeitures appointed by Act
 of Parliament; and the Person
 offending herein shall be inca-
 pable of serving this Company,
 in

in any Office, or Place whatsoever.

20th By-Law.

Item, It is Ordained, That All Orders to no Orders shall be sent by the Directors to, or obey'd by any of the Agents or Factors of this Company in *India*, or any other Parts, at or 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 for Signals and Places of Rendezvous of Ships.

21st By-Law.

Item, In Order to avoid Mistakes or Confusions in Elections, It is Ordained,

First, If it shall happen
D upon

upon making the Scrutiny for Directors, any two or more Persons qualified shall have an equal Number of Votes, the Election, in such case, shall be determined in the General Court, in which such Scrutiny shall be reported.

Secondly, And if on taking 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 that a wrong Christian Name in any List is placed to a Surname, when but one Person of that Surname is qualified, or that Literal Mistakes be made in Christian or Surnames: In every of the said Cases, such undistinguished, wrong or mistaken Name or Names, shall be kept and not rejected,

rejected, but the rest of the List shall be allowed: And the Persons appointed to take the Scrutiny may determine the Person or Persons intended by such undistinguished, wrong or mistaken Name or Names, provided the major Part of them, then present, shall agree in ascertaining the Person or Persons so intended: But in Default thereof, the same shall be determined by the General-Court, in which such Scrutiny, shall be reported,

Thirdly, And if at any Election for Twenty-four Directors, any List shall contain more than Twenty-four, or less than Twenty-two Persons qualified for Directors, then such List, and all the Names therein, shall be totally rejected: And if any List shall contain the
Names

Names of any Persons not qualified, such List shall be taken for so many qualified Persons as are therein contain'd, provided they are not more than Twenty-four or less than Twenty-two.

Fourthly, And that no List shall be received for any Election, after the Glass is finally sealed up, according to the Time prefixed, but such List shall be rejected.

Fifthly, And if any Member shall use, or procure to be used, any indirect Means, by Menaces, Promises, or collusive Transfer or Transfers of Stock, or otherwise, to obtain any Vote for Election of himself, or any other, to be a Director, and be thereof declared guilty at a General Court, to be called for that Purpose, such
Person

Person shall for ever be incapable of being elected into any such Office.

Sixthly, And that in all Elections of Committees to be made by a General Court, the same Method (or so near as the Case will admit) be observed, under such Penalties as are before prescribed concerning the Election of Directors.

Seventhly, And that the third, fourth, and fifth Clauses of this By-Law shall be inserted at the End of every Printed List, that shall be given out, at or before the Annual Election, to the End, the Members of this Corporation may be directed in giving their Votes.

22d By-Law.

22d By-Law.

Cash to be
kept under 3
Locks.

Item, It is Ordained, That the Cash of this Corporation, consisting in Ready Money, Exchequer Bills, or Bank Notes, shall, from Time to Time, be kept under three several Locks, by such three of the Court of Directors, as the said Court shall from Time to Time appoint; except such Sums as the said Court shall think necessary to trust with their Cashier: And that the Cash of this Corporation in the *Bank of England*, shall be kept in such Method as the Court of Directors shall appoint: And that no Money, relating to the Trade, or Affairs of the said Company, shall be disposed of, without an Order of the said Court of Directors:

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rectors: And that the Interest, and all other Advantages, arising and growing upon the Cash of the said Company, be brought to the Account of the said Company.

And that the Book, containing the State of the Cash, be laid before the Court of Directors once in every Week by the Cashier, and that he sign the same: And that the said three Directors, or any two of them, do once a Month, or oftener, examine the several Species whereof the Ballance of the Cash consists, and certify the same under their Hands: And that the Accomptant, with the next Person under him, do, within fourteen Days after the End of every Month, examine all the particular Entries of Receipts and Payments of that Month,

State thereof to be laid before the Court weekly.

The same to be examined Monthly by the Directors.

Accomptant to examine and certify Receipts and Payments.

Month, by the respective Vouchers, and likewise the Additions and Ballance thereof, and certify under their Hands upon the Cash Book that they have so done, and how they find the same.

23d By-Law.

No Person to
ship Goods
but what shall
be first li-
censed.

Item, It is Ordained, That the Court of Directors shall not permit any Person or Persons to export or import any Money, Goods, or Merchandizes, in any Ship belonging to, or freighted by this Company, other than such as shall be first licensed by the said Court of Directors, or such as shall be by them impowered to grant such Licence.

24th By-Law.

24th By-Law.

Item, It is Ordained, That All Questions, except or Ad-
all Questions (except for Ad-
journment) that shall be pro-
posed in a General Court, shall, <sup>except or Ad-
journment, to
be stated in
Writing.</sup>
if required, be first stated in
Writing by the Chairman, be-
fore the same shall be put; and
that the Chairman, in a Ge-
neral Court, shall not adjourn
or dissolve the Court, without
a Question. <sup>General
Court not to
be adjourned
without a
Question.</sup>

25th By-Law.

Item, It is Ordained, That A Committee
at the General Court to be held
Yearly in the Month of June, <sup>of 7 to be
chosen yearly
in June.</sup>
a Committee of Seven shall be
chosen, whereof Four to be a
Quorum, who shall be, and
they are hereby authorized and
impower'd

impower'd to inspect the By-Laws, and to make Enquiry into the Observance and Execution of them, and to consider what Alterations and Additions may be proper to be made, and to report their Opinion, from Time to Time to the General Court.

26th By-Law.

Item. It is Ordained, That
 A Chairman and Deputy-Chairman to be chosen yearly by the ballot, and allowed [£]100 a Year each.
 At the first Court of Directors after every Annual Election, a Chairman and Deputy Chairman be chosen for the Year by the Ballot, and that each of them be allowed Two Hundred Pounds a Year; and every other Director be allowed One Hundred and Fifty Pounds a Year, for his Attendance upon the Business of this Company.

27th By-Law.

27th By-Law.

Item, It is hereby Ordained, That if at any General Court of this Company, any Nine of the Members present shall demand a Ballot for determining any Question proposed, such Question shall be put by the Ballot, and not otherwise.

28th By-Law.

Item, It is Ordained, That the Court of Directors shall Annually, in the Month of February, cause a General State of the Company's Affairs to be drawn out, and laid before them for their Observation.

29th By-Law.

29th By-Law.

Previous
Question, or
that of Ad-
journment,
may be deter-
mined by Di-
vision of the
General
Court.

Item, It is Ordained, That if any Doubt shall hereafter 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; such Question shall be determined by a Division of the Proprietors then present, provided a Motion be made for such Division and Seconded, and that four Tellers be immediately Appointed, two by the Chairman, and two by the Persons who have moved and seconded such Question.

30th By-Law.

No new Ship
to be built till
Tonnage is

Item, It is Ordained, That
no

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no new Ship (except those now reduced to building) shall be built for the 45000 Tons, Service of this Company, until Builders Measurement, the Tonnage of all the Ships employed, or to be employed in the Trade of this Company, on Freight to and from the *East-Indies*, shall be reduced to 45000 Tons, Builders Measurement.

31st By-Law.

Item, It is Ordained, That every Director shall have Liberty to inspect, and take Copies of such Accounts, Letters and Papers, relating to the Company's Affairs, as he shall think fit, except such as are before the Secret Committee. Directors may inspect and copy all Papers, except those before the Secret Committee.

32d By-Law.

32d By-Law.

Powers of the
Committee of
Secrecy.

Item, It is Ordained, That the proper Matters of Reference to the Committee of Secrecy, be the soliciting and settling with the Admiralty, in the Name of the Court of Directors, all Matters relative to the Convoys, for the outward and homeward bound Shipping.

33d By-Law.

No unlimited
Vote of Credit
to be given
to the Com-
mittee of
Treasury.

Item, It is Ordained, That no unlimited Vote of Credit shall be given by the Court of Directors to the Committee of Treasury, on the Company's Account, and that the Quorum of the Committee of Treasury, shall

shall never consist of less than
Three Members.

34th By-Law.

Item, It is Ordained, That the Report of every Committee be signed, and laid before the Court of Directors next following.

Committee's
Reports to be
signed and
laid before the
next Court.

35th By-Law.

Item, It is Ordained, 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.

Directors may
enter Dissents
on Court
Minutes.

36th By-Law.

36th By-Law.

No new Office to be created of more than £100 per Annum, without Proprietors Approbation. *Item, It is Ordained, That no new Office, either at Home or Abroad, shall be created by the Directors, with any Salary, exceeding the Sum of One Hundred Pounds per Annum, without the Approbation of the Court of Proprietors.*

37th By-Law.

No Salary exceeding £100 per Annum, to be appointed to any Office, without Approval of two General Courts. *Item, It is Ordained, That no Salary, exceeding One Hundred Pounds per Annum, shall be appointed to any Office that shall be hereafter created, without the Approbation of Two General Courts, to be summoned for that Purpose.*

38th By-Law.

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38th By-Law.

Item, It is Ordained, That a List shall be published Fourteen 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, Sixteen Days before such Annual Election.

List of Candidates for the Direction, to be published 14 Days before every Election.

39th By-Law.

Item, It is Ordained, That no Ship in the Company's Service shall be repaired for going more than Four Voyages, except there should be a Want of Ships for the outward-bound Freight,

No Ship to be repaired for going more than four Voyages.

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Freight, and such Ships to be
sold in *India*.

40th By-Law.

After Ton-
nage is re-
duced to
45000 Tons,
Ships to be
employed in
Rotation.

Item, It is Ordained, That
after the Quantity of Shipping
in the Company's Service shall
be reduced to 45000 Tons,
the Ship that has been first
worn out, or condemned, shall
be the first rebuilt and em-
ployed, and so in Rotation, the
Owners of each Ship tendering
the same on as low Terms as
any other.

41st By-Law.

After Ton-
nage is re-
duced to
45000 Tons,
the Owners
of any Ship
unavoidably

Item, It is Ordained, That
if after the Quantity of Ship-
ping in the Company's Service,
shall be reduced to 45000 Tons,
a Ship shall be unavoidably
either

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either taken or lost, the Owners lost, to have
of such Ship shall have the the Preference
Preference of building a new of building a
one, without waiting her Turn new one.
in Rotation, but in case of the
Death of the Commander, on
her Fourth Voyage, then the
Bottom to drop.

42d By-Law.

Item, It is Ordained, That Reports from
the Committees of Buying, Committees
Shipping, and Warehouses, to be made to
shall report to the Court of Directors of
Ten Days before the Tonnage
Ships are taken up, the Quantity wanted for the
tity of Tonnage necessary for current Year,
the Service of the current Year,
and that the Tonnage to be
contracted for shall be propor-
tioned to those Reports: Pro-
vided the Court of Directors
shall have received the proper
Indents,

Indents, from their several Settlements in Time.

43d By-Law.

Warehouse-keepers to keep Accounts of Receipts, Sales and Remains.

Item, It is Ordained, That the Company's Warehouse-keepers shall keep a regular Account of the receiving in, and Sale of each Species of Goods, and that an Account of the Quantities, and an Estimate of the Value of the Goods remaining in each Warehouse, shall be made up to every First of *March*, in such a Manner as to shew the same at one View.

44th By-Law.

Clerk to Committee of Shipping, to keep Account

Item, It is Ordained, That there shall be kept, by the Clerk to the Committee of Shipping,

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Shipping, a separate Account of all Exports of all Goods contracted for, in that Department, and delivered in that Department for Export, and of all Payments made thereon.

45th By-Law.

Item, It is Ordained, That Clerk to Committee of Buying shall keep a similar Account, respecting the Goods contracted for in his Department.

46th By-Law.

Item, It is Ordained, That there shall be kept in the Freight-Office, a Book, containing a separate Account of the Freight and Demorage of each Ship, to be made out as soon as convenient, and debiting

ing for Cash and other Disbursements, as the same shall be paid.

47th By-Law.

Item, It is Ordained, That
 All Accounts to pass the Court of Directors quarterly, by the respective Committees, and pass the Court of Directors quarterly, and that no Money shall be advanced to any Clerk or Warehouse-keeper after Quarter-Day, until his last Quarter's Accounts are passed.

48th By-Law.

Item, It is Ordained, That
 No Motion to be made in General Courts, to forgive Offenders, or grant Money, with no Motions shall in future be made in any General Court of this Company, to forgive any Offences committed by any of the

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∴ (47)

the Company's Servants, or to make any Grants of any Sums of Money out of the Company's Cash, without previous Notice of at least Seven Days, being given in Writing, by the Persons who have any such Motions to propose.

49th. By-Law.

Item, It is Ordained, That Any Person, whoever shall be in the Service of this Company, and shall be wittingly guilty of the Breach of any of the By-Laws of this Corporation, and shall be so adjudged by a General Court, he shall be incapable of any Employment in this Company.

50th By-Law.

Item, It is Ordained, That No By-Laws none to be altered

without the
Consent of 2
General
Courts.

none of the present By-Laws,
or any other that shall hereafter
be made, shall be Altered, Re-
pealed or Suspended, without
the Consent and Approbation
of two General Courts, to be
called for that Purpose.

51st By-Law.

By-Laws to be
read the first
Court.

Item, It is Ordained, That
these By-Laws shall be read
in the first Court of Directors,
and first General Court, after
every Annual Election.

The End.

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PROCEEDINGS

OF THE

GOVERNOR AND COUNCIL

AT

India. Ad.
C

FORT WILLIAM,

RESPECTING THE

ADMINISTRATION OF JUSTICE

AMONGST THE

NATIVES IN BENGAL.

L O N D O N :

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PROCEEDINGS
OF THE
GOVERNOR AND COUNCIL
AT FORT WILLIAM, &c.

Respecting the Administration of Justice
amongst the Natives in Bengal.

The Fortieth Paragraph of the Letter from the President and Council in Bengal, for the Department of the Revenues, to the Court of Directors, dated 3d November, 1772.

THE more regular Administration of Justice was deliberated on by the Committee of Circuit, and a Plan was formed by them, which afterwards met with our Approbation: We cannot give you a better Idea of the Grounds on which this was framed, than by referring you to a Copy of it, together with a Letter from the Committee to the Board, on the Occasion, both of which make Numbers in this Packet, and we earnestly recommend them to your Perusal, requesting to be assisted with such further Orders and Instructions thereon, as they may require for compleating the System, which we have thus endeavoured to establish, on the most equitable, solid and permanent footing. We hope they will be read with that Indulgence, which we are humbly of Opinion is due to a Work of this Kind, undertaken on the plain Principles of Experience and common Observation, without the Advantages which an intimate Knowledge of the Theory of Law might have afforded us; *We*

B

have

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have endeavoured to adapt our Regulations to the Manners and Understandings of the People, and Exigencies of the Country, adhering as closely as we were able, to their ancient Usages and Institutions. It will be still a Work of some Months we fear, before they can be thoroughly established throughout the Provinces, but we shall think our Labours amply recompensed, if they meet with your Approbation, and are productive of the good Effects we had in View.

Letter from the Committee of Circuit, to the Council at Fort William, dated Cossimbuzar, 15th August, 1772.

IN the Copy of our Proceedings, which accompanied our Letter of the 28th *ultimo*, we intimated our Intention of communicating to you our Sentiments in a future Address, upon the Subject of the Magistracy of this Province, which though an Appendage of the Nizamut, we considered as not necessarily connected with the Propositions, which were then recommended to your Attention, and of too much Importance to be lightly, or only occasionally treated.

We now transmit to you the result of our Deliberations on this Subject, in the enclosed Paper, entitled "A Plan for the Administration of Justice;" and if it meets with your Approbation, we wish to receive your Instructions for carrying it into immediate Execution.

For the Information of our Honourable Employers, it may be necessary to premise, what you will readily perceive, that in forming the inclosed Plan, we have confined ourselves with a scrupulous Exactness, to the Constitutional Terms of Judicature, already established in this Province, which are not only such as we think in themselves best calculated for expediting the Course of Justice, but
such

such as are best adapted to the Understandings of the People. Where we shall appear to have deviated in any respect from the known Forms, our Intention has been to recur to the original Principles, and to give them that Efficacy, of which they were deprived by venal and arbitrary Innovations, by partial Immunities, granted as a Relief against the general and allowed Abuse of Authority, or by some radical Defect in the Constitution of the Courts in being; and these Changes we have adopted with the less Hesitation, as they are all of such a Nature, as we are morally certain will prove both of general Satisfaction and general Ease to the People.

The general Principles of all despotic Governments, that every Degree of Power shall be simple and undivided, seems necessarily to have introduced itself into the Courts of Justice; this will appear from a Review of the different Officers of Justice, instituted in these Provinces, which, however unwilling we are to engross your Time with such Details, we deem necessary on this Occasion, in Proof of the above Assertions, and in Justification of the Regulations, which we have recommended.

First. The Nazim, as Supreme Magistrate, presides personally in the Trials of Capital Offenders, and holds a Court every Sunday, called the Rôz Adawlut.

Second. The Dewan, is the supposed Magistrate for the Decision of such Causes, as relate to real Estates, or property in Land, but seldom exercises this Authority in Person.

Third. The Darogo, Adawlut al Aalea, is properly the Deputy of the Nazim; he is the Judge of all Matters of Property, excepting Claims of Land and Inheritance, he also takes Cognizance of Querrels, Frays and abusive Names.

Fourth.

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Fourth. The Darogo Adawlut Dewannee, or Deputy of the Dewan, is the Judge of Property in Land.

Fifth. The Phoujdar is the Officer of the Police, the Judge of all Crimes not Capital, the Proofs of these last are taken before him, and reported to the Nazim for his Judgment and Sentence upon them.

Sixth. The Câzee is the Judge of all Claims of Inheritance or Succession; he also performs the Ceremonies of Weddings, Circumcision, and Funerals.

Seventh. The Mohtesib has Cognizance of Drunkenness, and of the vending of spirituous Liquors and intoxicating Drugs, and the Examination of false Weights and Measures.

Eighth. The Musfee is the Expounder of the Law. *Memorandum,* The Câzee is assisted by the Musfee and Mohtesib in his Court: "After hearing the Parties and Evidences, the Musfee writes the Fettwa, or the Law applicable to the Case in Question, and the Câzee pronounces Judgment accordingly. If either the Câzee or Mohtesib disapprove of the Fettwa, the Cause is referred to the Nazim, who summons the Ijlais, or General Assembly, consisting of the Câzee, Musfee, Mohtesib, the Darogos of the Adawlut, the Mor'avis, and all the Learned in the Law, to meet and decide upon it. Their Decision is final.

Ninth. The Canongos are the Registers of the Lands. They have no Authority, but Causes of Land are often referred to them for Decision, by the Nazim, or Dewan, or Darogo of the Dewannee.

Tenth. The Cootwall is the Peace Officer of the Night, dependent on the Phoujdarree.

From this List it will appear, that there are properly Three Courts for the Decision of Civil Causes (the Canongos being only made Arbitrators by Reference

Reference from the other Courts) and one for the Police and Criminal Matters. The Authority of the Mohtesib in the latter, being too confined to be considered as an Exception: Yet, as all defective Institutions soon degenerate, by Use, into that Form to which they are inclined, by the unequal Prevalence of their component Parts; so these Courts are never known to adhere to their prescribed Bounds, but when restrained by the Vigilance of a wiser Ruler, than commonly falls to the Lot of despotic States; at all other Times, not only the Civil Courts encroach on each others Authority, but both Civil and Criminal often take Cognizance of the same Subjects; or their Power gradually becomes weak and obsolete, through their own Abuses, and the Usurpations of Influence. For many Years past, the Darogos of the Adawlut al Aalea, and of the Dewannee, have been considered as Judges of the same Causes, whether of real or personal Property; and the Parties have made their Application as Chance, Caprice, Interest, or the superior Weight and Authority of either directed their Choice. At present, from obvious Causes, the Dewannee Adawlut is in effect the only Tribunal; The Adawlut al Aalea, or the Court of the Nazim existing only in Name.

It must however be remarked in Exception to the above Assertions, that the Phoujdaree being a single Judicature, and the Objects of it clearly defined, it is seldom known, but in Time of Anarchy, to encroach on the Civil Power, or lose much of its own Authority; this however is much the Case at present.

The Court in which the Câzee presides, seems to be formed on wiser Maxims, and even on more enlarged Ideas of Justice, and Civil Liberty, than are common to the despotic Notions of Indian Governments.

They