



(1) [*Vide* Acts of Government of India, No. 32 of 1838, and No. 18 of 1840, in Appendix.]

CLX. And be it further enacted, that every person who shall hereafter be elected a Director of the said Company shall, within ten 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 oaths now prescribed to be taken by persons elected Directors of the said Company), take the following oath; (that is say,) * * * * *
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. (1)

Directors hereafter
elected to take the fol-
lowing oath.

(1) [By 53 Geo. 3, cap. 155, sec. 76, the year and title of *that* Act were to be inserted instead of the year and title of the Act by which the oath is prescribed. But the 16 & 17 Vict. cap. 95, sec. 13, directs another form of oath *instead* of that previously taken; and the form given in this Act is consequently omitted.]

Section 161 related to deposits on teas bought at the Company's sales; section 162 limited the time for the commencement of proceedings under this Act; and section 163 fixed the date of the commencement of the Act.

34 GEORGII III. Cap. XLI.

AN ACT to empower the *East-India Company* to continue a Bond Debt of Two Millions, and to increase the same by a further Sum, as Circumstances may require.

The title of this Act sufficiently indicates its purpose. The chief points in the history of the Bond Debt are the following. By 9 & 10 Wm. 3, cap. 44, sec. 75, the corporations, societies, fellowships, companies, and constitutions established under that Act (from which *The English Company trading to the East-Indies* originated) were not to borrow money except on their common seal, and for the purposes of trade; and no sums thus borrowed were to be repayable at a shorter period than six months. By 6 Annæ, cap. 17, sec. 2, *The English Company*, to enable them to lend money to the Crown

to carry on the war, were authorized to borrow £1,500,000, in addition to any amount which might previously be lawfully borrowed on their common seal. By 7 Geo. 1, cap. 5, sec. 32, *The United Company* were authorized to borrow to an amount not exceeding at any one time the sum due at such time from the public to the Company, or not exceeding five millions in the whole. The 17 Geo. 2, cap. 17, sec. 8, allowed them to borrow an additional million, to enable them to raise and pay a like sum for the service of the Crown. The 23 Geo. 2, cap. 22, which among other objects was "for empowering the East-India Company to raise certain Sums by transferable Annuities," directs in sec. 6, that the money so raised shall be applied in discharge of the bond debt, but the power of borrowing given by previous Acts of Parliament is continued and confirmed. The 13 Geo. 3, cap. 64, sec. 13, prescribed means for reducing the bond debt to £1,500,000, and it was accordingly so reduced, as is recited in 19 Geo. 3, cap. 61, 20 Geo. 3, cap. 56, and 21 Geo. 3, cap. 65. The 23 Geo. 3, cap. 36, sec. 2, allowed an addition of £500,000. The 23 Geo. 3, cap. 83, sec. 8, and the 24 Geo. 3, cap. 34, sec. 4, contemplated a reduction to the former amount of £1,500,000; but the 28 Geo. 3, cap. 29, sanctioned an increase of £1,200,000. The 33 Geo. 3, cap. 47, sec. 14, again directed the bond debt to be reduced to £1,500,000, but sec. 15 provided that, with the approbation of the Board, it might be subsequently increased by a sum not exceeding £500,000. By the 34 Geo. 3, cap. 41, which appears above, it will be seen that the bond debt was allowed to remain at £2,000,000, and might, with the approbation of the Board, be increased to £3,000,000.

Other enactments on the subject followed at various intervals of time, which will be noticed in their proper places. By 37 Geo. 3, cap. 31, the Company were empowered to enlarge their capital stock by £2,000,000; but by 47 Geo. 3, sess. 2, cap. 41, instead of thus enlarging their capital stock, they were authorized to increase their bond debt by £2,000,000, provided that thereafter any money raised under the former Act for enlarging their capital stock should be applied in reduction of the bond debt until it was brought down to £3,000,000. No increase of the capital stock of the Company was made, and consequently no reduction on that account took place in the amount of the bond debt. Finally, the 51 Geo. 3, cap. 64, sec. 1, enabled the Company to borrow £2,000,000 on bond, in addition to



any sums which previously they might lawfully raise by such means. The same Act (sec. 2) repealed so much of 47 Geo. 3, cap. 41, as directed that the bond debt should be reduced in proportion to the increase of capital stock, but enacted that when, under its provisions, together with those of 37 Geo. 3, cap. 31, and 47 Geo. 3, cap. 41, the sum of £4,000,000 had been raised, no further sums should be raised on bond. Thus the whole sum of £4,000,000 being raised by bond, no addition could be made to the capital stock. The entire effect of the various enactments respecting the bond debt was to enable the Company, with the approbation of the Board, to borrow £7,000,000 on that species of security.]

37 GEORGII III. Cap. XXXI.

AN ACT to enable the East-India Company to raise Money by further increasing their Capital Stock, and to extend the Provisions now existing respecting the present Stock of the Company to the said increased Stock.

The increase of capital stock authorized by this Act was never effected. See note on section 11 of 3 & 4 Wm. 4, cap. 85.

37 GEORGII III. Cap. CXLII.

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.

Whereas, by an Act passed 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," it was enacted, that it should be lawful for his Majesty, by Letters Patent, under the Great Seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William in Bengal, to consist of a Chief Justice, and three other Justices, being barristers of England or Ireland, of not less than five years' standing, to be named from time to time by his Majesty, his heirs and successors: and whereas by the said Act, and by divers other Acts of Parliament, certain

Preamble.

13 G. 3, c. 63.

On the death, &c., of any of the Puisne Judges of the Supreme Court of Judicature in Bengal, it shall consist of a Chief Justice and two other Judges.

jurisdictions, powers, and authorities were given to the said Court to be exercised in the manner therein directed : and whereas it may be expedient that the number of Judges should be reduced ; 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 immediately after the death, resignation, or removal of any of the Puisne Judges of the said Supreme Court, that the office of one of the said Puisne Judges shall be and the same is hereby suppressed ; and from and immediately after such death, resignation, or removal, the said Supreme Court shall consist of a Chief Justice and two other Judges only ; and all powers, jurisdictions, and authorities whatsoever, shall, from and after such period as aforesaid, be enjoyed and exercised by the said Chief Justice and other Judges, in as full and ample a manner as the same might have been held, enjoyed, and exercised, by the said Supreme Court under the authority of the said hereinbefore recited Act, or any other Act or Acts of Parliament, or under the Charter of Justice granted by his Majesty under the authority of the same.

His Majesty may direct the payment of a yearly sum out of the territorial revenues to any Chief Justice or other Judge, returning to Europe.

II. And whereas his Majesty has by law no power to direct the application of any part of the revenues of the territorial acquisitions in India, as a provision for a Chief Justice, or other Judge of the said Supreme Court, who, from infirmity, or other causes approved of by his Majesty, may return to Europe : and whereas it is expedient that such power, to a limited extent, be vested in his Majesty, his heirs and successors : be it therefore enacted, by the authority aforesaid, that from and after the death, resignation, or removal, of one of the Judges of the said Supreme Court, and the suppression of the said office in the manner hereinbefore directed, that it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his royal sign manual, to authorize and direct the payment of a competent yearly sum out of the revenues arising from the territorial acquisitions in India, to be applied for the use and behoof of any Chief Justice or other Judge, who, from age, infirmity, or other cause, to be approved of by his Majesty, his heirs and successors, shall return to Europe. (1)

(1) [The required term of residence, and the amount of pension were variously determined by 39 & 40 Geo. 3, cap. 79 ; 55 Geo. 3, cap. 84 ; and 4 Geo. 4, cap. 71. For the present law on those points, see 6 Geo. 4, cap. 85, secs. 7, 8, 10, 12.]

Section 3 fixed the maximum of pension and the minimum of residence, and, for the reasons above assigned, is omitted.

The Supreme Court, where the matter in dispute does not exceed 1,000 pagodas, may direct depositions to be filed of record, or not.

IV. And 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 same 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 (1) : 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 thousand pagodas, and which, for that reason, cannot be made the subject of appeal (1) :

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.

(1) [Under section 24 of 3 & 4 Wm. 4, cap. 41, which empowers his Majesty in Council to make regulations as to the amount or value of the property in respect to which any appeal may be made, an order was passed on the 10th April, 1838, fixing 10,000 Company's rupees as the lowest sum for which an appeal from any Court in India may be preferred as matter of right.]

Sections 5, 6, and 7 were directed to effecting retrenchments in the expenses of the Court at Calcutta.

VIII. 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 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.(1)

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.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 51, all laws and regulations made by the Governor-General in Council, now the sole legislative authority in India, are to be laid before Parliament.]

The ninth section declares that it shall be lawful for his Majesty to erect Courts of Judicature at Madras and Bombay, having a

Recorder, &c. By the 39 & 40 Geo. 3, cap. 79, his Majesty was empowered to erect a Supreme Court of Judicature at Madras; and all powers and authorities granted by this Act to the Recorder's Court are to be transferred to the Supreme Court. Under 4 Geo. 4, cap. 71, a similar Court was erected at Bombay, and similar provision made for the transfer of the powers and authorities of the Recorder's Court there.

Those powers and authorities, with their limitations, will be found in several of the following sections.

Extent of their jurisdiction.

X. Provided nevertheless, and be it further enacted, that the said new Charter, which his Majesty is hereby empowered to grant, and the jurisdiction, powers, and authorities to be thereby established, shall extend to all British subjects (1) who shall reside within any of the factories subject to or dependent upon the governments of Madras and Bombay respectively; and the said Charter shall be competent and effectual, and the said Courts therein and thereby established shall have full power and authority, according to their respective jurisdictions, to hear and determine all and all manner of complaints against any of his Majesty's subjects, for any crimes, misdemeanors, and oppressions, committed or to be committed, and also to hear and determine all suits and actions whatsoever against any of his Majesty's subjects arising in territories subject to or dependent upon the said governments of Madras and Bombay respectively, or within any of the territories which now are or hereafter may be subject to or dependent upon the said governments, or within any of the dominions of the native Princes of India in alliance with the said governments respectively, or against any person who at the time when such debt or cause of action shall have arisen, have been employed by, or shall have been directly or indirectly in the service of the United Company, or any of his Majesty's subjects; provided always, that the said Court shall not be competent to hear, try, and determine any indictment or information against the Governor or any of the Council, not being treason or felony, which the Governor or any of the Council at Madras or Bombay respectively shall or may be charged with having committed within the jurisdiction of the said Courts respectively.

Court not competent to try informations against the Governor or Council, except for treason or felony.

(1) [By Act of the Government of India, No. 11 of 1836, all persons whatever are made subject in civil proceedings to the Company's Courts therein enumerated, within the three presidencies. For further information on this subject, see notes on 39 & 40 Geo. 3, cap. 79, and 4 Geo. 4, cap. 71.]

Courts may try all suits which, by authority of Parliament, may now be tried by the Mayor's Courts, or Courts of Oyer and Terminer.

XI. And be it further enacted, that the said Courts, so to be erected as aforesaid, shall have full power and authority to hear, try, and determine all and all manner of suits and actions, either civil or criminal, which by the authority of any Act or Acts of Parliament may now be heard, tried, or determined by the Mayor's Courts at Madras or Bombay respectively, or by the Courts of Oyer and Terminer or Gaol Delivery there; and all powers, authorities, and jurisdictions, of what kind or nature soever, which by any Act or Acts of Parliament may be or are directed to be exercised by the said Mayor's Courts, or the said Courts of Oyer and Terminer and Gaol Delivery, shall and may be as fully and effectually exercised by the said Courts, to be erected in the manner aforesaid, as the same might have

been exercised and enjoyed by the said Mayor's Courts or Courts of Oyer and Terminer and Gaol Delivery respectively: provided always, that nothing in this Act shall extend to subject the person of the Governor, or any of the Council at the respective settlements, or the person of the Recorder of the said Court, to be arrested or imprisoned in any suit, action, or proceeding in the said Court; nor shall it be competent for the said Courts, within their respective jurisdictions, to hear or determine, or to entertain and exercise jurisdiction in any suit or action against the Governor, or any of the Council at the said settlements of Madras and Bombay respectively, for or on account of any act or order, or any other act, matter, or thing whatsoever, counselled, ordered, or done by them in their public capacity, or acting as Governor and Council; nor shall the said Court have or exercise any jurisdiction in any matter concerning the revenue under the management of the said Governor and Council respectively, either within or beyond the limits of the said towns, forts, or factories, or concerning any act done according to the usage and practice of the country, and the regulations of the Governor and Council; and no person shall be subject to the jurisdiction of any of the said Courts for or by reason of being a landowner, landholder, or farmer of land or of land-rent, or for receiving a pension or payment 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 rents payable to the public out of such lands or districts as are actually farmed by himself, or those who are his under-tenants by virtue of the farm, or for exercising within the said lands or farms any ordinary or local authority commonly annexed to the possession or farm thereof, or for or by reason of his becoming security for the payment of the rents reserved, or otherwise payable out of any lands or farms, or farms of lands, within the dominion subject to the Governments of Madras and Bombay respectively; and no person for or by reason of his being employed by the said Company, or the Governor and Council, or by any person deriving authority under them, for or on account of his being employed by a native, or the descendant of a native, of Great Britain, shall become subject to the jurisdiction of the said Courts respectively, in any matter of inheritance or succession to goods or lands, or in any matter of dealing or contract between party or parties, except in actions for wrongs or trespasses only.

The Governor, Council, and Recorder of the Court, not subject to arrest.

Jurisdiction of the Courts not competent to certain matters.

No person to become subject to jurisdiction of Court by being a landholder or farmer, nor by reason of being employed by Company or native of Great Britain, except in certain cases.

XII. And in order that due regard may be had to the civil and religious usages of the natives; be it enacted, that the rights and authorities of fathers of families, and masters of families, according as the same may be exercised by the Gentoo or Mahomedan law, shall be preserved to them within their families respectively, nor shall the same be violated or interrupted by any of the proceedings of the said Courts; nor shall any act done in consequence of the rule or law of caste, so far as respects the members of the same family only, be deemed a crime, although the same may not be justifiable by the laws of England. (1)

Rights of fathers and masters of families to be preserved.

(1) [By Act of Government of India, No. 21 of 1850, no person's right to property is to be affected by change of religion or deprivation of caste. By Regulation of the Government of Bengal, 17 of 1829, the practice of the cremation of widows was abolished and made criminal; but the local Government had not then the power of legislating for the Supreme Courts.]

XIII. And be it further enacted, that the said Courts so to be erected as aforesaid, shall have full power to hear and determine all suits and actions that may be brought against the inhabitants of Madras and Bombay respectively, in the manner that shall be provided by the

Courts may determine suits against the inhabitants according to the Charter, but

their inheritance of lands, &c., to be determined as would have been done in a native court; and where one party is a Mahomedan or Gentoo, by the usages of the defendant, &c.

said Charter; yet, nevertheless, 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 the Mahomedans, and where the parties are Gentoos, by the laws and usages of the Gentoos, or by such laws and usages as the same would have been determined by if the suit had been brought, and the action commenced, in a native court; and where one of the parties shall be a Mahomedan or Gentoo, by the laws and usages of the defendant (1): and in all suits so to be determined by the laws and usages of the natives, the said Court shall make such rules and orders for the conduct of the same, and frame such process for the execution of their judgments, sentences, or decrees, as shall be most consonant to the religions and manners of the said natives, and to the said laws and usages respectively, and the easy attainment of the ends of justice: and such means shall be adopted for compelling the appearance of witnesses, and taking their examination, as shall be consistent with the said laws and usages, so that the said suits shall be conducted with as much ease, and at as little expense, as is consistent with the attainment of substantial justice.

(1) [See Act of Government of India, No. 9 of 1837, for the law regulating the transmission of immovable property among the Parsees.]

No action for wrong to be brought against a judicial officer for any order of Court, nor for any act done by virtue of any such order; but if any information is intended, it must be brought according to 21 G. 3, c. 70.

XIV. And be it further enacted, that no action for wrong or injury shall be brought against any person whatever exercising a judicial office in any country court, for any judgment, decree, or order of the said Court, or against any person for any act done by or in virtue of the order of the said Court (1); and in case any information is intended to be brought against any such person or officer, the same shall be brought and proceeded in, in the same manner, and to all intents and purposes in the same form, and to the same effect, as such informations are directed to be proceeded in before the Supreme Court of Judicature at Calcutta in Bengal, by an Act passed in the twenty-first year of his Majesty's reign (2), intituled, "An Act to explain and amend so much of 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,' as relates to the Administration of Justice in Bengal; and for the Relief of "certain Persons imprisoned at Calcutta in Bengal under a Judgment of the Supreme Court "of Judicature, and also for indemnifying the Governor-General and Council of Bengal, and "all Officers who have acted under their Orders or Authority, in the undue Resistance made "to the Process of the Supreme Court."

(1) [By Act of Government of India, No. 18 of 1850, no judicial officer acting *bonâ fide* is liable to be sued for any judicial act in any civil court, nor any executive officer acting in the ordinary course of his duty.]

(2) [21 Geo. 3, cap. 70, secs. 25 and 26.]

A registry of natives employed by the Company or British subjects to be established, as at Calcutta.

XV. And be it further enacted, that a registry of the natives employed in the service of the said Company, or in the service of British subjects or their partners, shall be established within the settlements of Madras and Bombay respectively, in the same manner, to the same effect, to the like extent, and for the like purpose, and subject to the like penalties, as such

register is established at Calcutta, by the said Act passed in the twenty-first year of his present Majesty's reign. (1)

(1) [21 Geo. 3, cap. 70, secs. 11 to 16.]

XVI. And be it further enacted, that it shall and may be directed, in and by the said new Charter, which his Majesty is herein empowered to grant, that 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 to be established as aforesaid, 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.

His Majesty to direct in the Charter that persons may appeal from the Courts to his Majesty in Council.

XVII. And be it further enacted, that if his Majesty shall grant such Charter as aforesaid, and erect such Courts of Judicature at Madras and Bombay, all the records and muniments and proceedings whatsoever, of and belonging to the said Mayor's Courts at Madras and Bombay respectively, or to the Courts of Oyer and Terminer and Gaol Delivery, there established by the aforesaid Charter of his late Majesty, shall, from and immediately after such Courts of Judicature as his Majesty is herein empowered to erect shall be established, be delivered over, preserved, and deposited, for safe custody in the said new Courts of Judicature respectively; to which all parties concerned shall and may have resort and recourse, upon application to the said Court.

Records of the Mayor's Courts, or the Courts of Oyer and Terminer, to be deposited in the new courts.

XVIII. And be it further enacted, that so much of the Charter granted by his late Majesty, as confers any civil, criminal, or ecclesiastical jurisdiction upon the Mayor's Courts of Madras and Bombay respectively, or upon the President and Council as a Court of Appeal from the said Courts, or of Oyer and Terminer and Gaol Delivery, at the said settlements, or the subordinates thereto belonging, in case a new Charter shall be granted by his Majesty, and shall be openly published at Madras and Bombay respectively, from and immediately after such publication shall cease and determine, and be absolutely void to all intents and purposes; and all judicial powers and authorities granted by any Act or Acts of Parliament to the said Mayor's Courts or Courts of Appeal at the said settlements, shall cease and determine, and be no longer exercised by the said Courts; but the same shall and may be exercised by the Courts of Judicature to be erected by virtue of this Act, in the manner, and to the extent hereinbefore directed; but nevertheless the said Charter shall, in all other respects, continue in full force and effect, to all intents and purposes, according to the true intent and meaning thereof, except in so far as it is altered or varied by this Act, as fully and effectually as if this Act had not been made, or such new Charter should not have been granted.

Jurisdiction of the Mayor's Courts, and of the Presidents and Councils, as Courts of Appeal, to cease on publication of new Charter.

Sections 19 to 26 relate to the emoluments and liabilities of the Recorders, and the means of making temporary provision for the discharge of their duties when necessary.

XXVII. And be it further enacted, that all new forms of process, or rules and orders for the execution thereof, 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 refusal; and such process shall be used, and such rules shall be observed until the same shall be repealed or varied, and in the last case with such variation as shall be made therein.

All new forms of process to be transmitted to the Board for India affairs.



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.

XXVIII. 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 repayment of money, or other valuable thing, without the consent and 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.

Security for money lent contrary hereto, to be void.

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.

XXIX. 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.

Jurisdictions of the Courts of Requests at Madras, Bombay, and Calcutta, extended to eighty rupees.

XXX. And whereas the provision made by the Charter of Justice of his late Majesty, for the establishment of a Court of Requests in and for the towns of Madraspatnam, Bombay, and Calcutta, for the recovery of debts, duties, and demands therein, not exceeding the value of five pagodas, in manner therein directed, hath been found beneficial and convenient: and whereas an extension of jurisdiction of the said Courts for the recovery of debts, duties, and demands, to a larger amount in value, is found to be useful; be it therefore enacted by the authority aforesaid, that the jurisdiction of the said Courts of Requests at and for the said towns of Madraspatnam, Bombay, and Calcutta respectively, shall be and the same is extended to the recovery of all or any manner of debts, duties, and demands, not exceeding in value

the sum of eighty current rupees respectively (1); and for that purpose that the Commissioners of the said Courts of Requests, and their successors, shall have full power and authority to hear and determine all actions, plaints, and suits, which have grown, or shall be brought before them, in their said respective courts, where the debt, duty, or matter in dispute, shall not exceed the said value of eighty current rupees, and to award execution thereupon for the debt or sum adjudged to be due, in the same manner as they now do for debts and demands under the sum of five pagodas.

(1) [The 39 & 40 Geo. 3, cap. 79, gives authority to the Governments of Fort William and Fort St. George to establish new rules and orders for the Courts of Requests at those presidencies, and to extend their jurisdiction to any sum not exceeding four hundred Sicca rupees. By Act of the Government of India (with whom alone the power of legislation now rests), No. 9 of 1850, the law on this subject was amended and consolidated; and under that Act Courts for the recovery of small debts were established at Calcutta, Madras, and Bombay, such Courts having jurisdiction to the amount of five hundred rupees; claims exceeding one hundred rupees being removable to the Supreme Court, but only by leave of a Judge of that Court, and upon such terms as he might think fit.]

39 GEORGH III. Cap. CIX.

AN ACT for better Recruiting the Forces of the East-India Company.
[12th July, 1799.]

Whereas the United Company of Merchants of England trading to the East-Indies are by law entitled to maintain and keep up, and at their own costs and charges do maintain and keep up, a military force in their settlements abroad, for the defence and protection of the territorial acquisitions and revenues of which they are in possession, and for the defence and protection of their trade; and by an Act of Parliament made in the twenty-first year of the reign of his present Majesty, intituled, “An Act for establishing an Agreement with the “United Company of Merchants of England trading to the East-Indies, for the Payment of “the Sum of Four hundred thousand Pounds, for the use of the Public, in full Discharge “and Satisfaction of all Claims and Demands of the Public, from the time the Bond Debt of “the said Company was reduced to one million five hundred thousand Pounds, until the “First Day of March, one thousand seven hundred and eighty-one, in respect of the “Territorial Acquisitions and Revenues lately obtained in the East-Indies; and also for “securing to the Public in respect thereof, for a Term therein mentioned, a certain Part or “Proportion of the clear Revenues and Profits of the said Company; and for granting to “the said Company, for a further Term, the sole and exclusive Trade to and from the East-

Preamble.

21 G. 3, c. 65.

“Indies, and Limits therein mentioned; and for establishing certain Regulations for the
 “better Management of the Affairs of the said Company, as well in India as in Europe, and
 “the recruiting the Military Forces of the said Company,” 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 passage 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 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 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 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.

His Majesty may order officers to levy men to serve in the East-Indies in his Majesty’s troops or the Company’s forces.

The Act goes on to prescribe a particular form of oath to be administered to recruits thus raised, and the second section directs the Justice before whom the recruit shall appear, to tender the oath; but by 17 Vict. cap. 4, sec. 55 (the annual Mutiny Act), the oaths prescribed therein, and no other, are to be administered.

His Majesty, on petition of the Court of Directors, may cause recruits to be transferred to the service of the Company.

III. 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.

Company not obliged to receive invalids.

IV. 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 to pay such sum as shall be agreed upon for such recruits, and their subsistence, from enlistment.

V. 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.

VI. And be it further enacted, that the said United Company shall and may deposit, keep, maintain, pay, 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.

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.

VII. 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 handwriting 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 fifiers, 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.

Section 8 limited the number of men to be in training in this realm at any one time; but it is no longer law. The latest enactment on the subject is contained in 16 & 17 Vict. cap. 95, sec. 31, which makes it lawful for the Company to have in pay, train, and discipline, any number of non-commissioned officers and private men not exceeding 20,000.

IX. 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 quartermasters, &c.

X. 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-com-

Rates of pay to be allowed to the com-

missioned, non-com-
 missioned, and staff
 officers.

missioned 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 the service; nor more than five shillings per day to each quarter-master, 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 usual to be given to officers in his Majesty's service when quartered in barracks).

Pay to be in full of
 all emoluments; and
 clothing, &c., to be
 provided as the Direc-
 tors shall think best.

XI. And be it further enacted, that the said pay, so to be made to the said officers respectively as aforesaid, 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.

Officers and men to
 be subject to the com-
 mandants of garrisons
 or barracks, and to
 partake in the duties.

XII. 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.

Orders of the Com-
 pany to be given
 through such com-
 mandants.

XIII. 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.

Deserters may be
 apprehended and con-
 fined as from his Ma-
 jesty's service.

XIV. 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 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.

XV. 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.

Persons apprehending deserters to be entitled to such reward only as the Company may give.

XVI. 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.

Officers and soldiers, until embarkation, to be subject to the Mutiny Laws.

* * * * *

This section goes on to provide that recruits after embarkation shall be subject to 27 Geo. 2, cap. 9; but that Act was repealed by 4 Geo. 4, cap. 81, which Act was also repealed by 3 & 4 Vict. cap. 37, and that by 12 & 13 Vict. cap. 43; by which last Act the law on the subject was amended and consolidated.

Section 17 forbade the billeting of Company's soldiers on any one without such person's consent; but by 50 Geo. 3, cap. 87, sec. 3, all such powers and privileges are extended to all soldiers enlisted for, or transferred to the Company. For the law on this subject see the Mutiny Act, 17 Vict. cap. 4.

XVIII. 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 in his Majesty's service in Great Britain, or of such numbers and proportions of each, as to his Majesty shall seem

His Majesty may grant commissions for holding general courts martial.



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.(1)

(1) [*Vide* 50 Geo. 3, cap. 87, sec. 7.]

Regimental courts martial may be convened.

XIX. 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 inquiring 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 proceed, and their sentences shall be carried into execution, in like manner as if they were courts martial respecting his Majesty's forces.(1)

(1) [*Vide* note on section 18.]

Section 20 provides for the punishment of offences committed after embarkation, under 27 Geo. 2, cap. 9, which Act has been repealed (see note on sec. 16). For the existing law on the subject, see 12 & 13 Vict. cap. 43.

Court of Directors to transmit a report of the number of men levied, &c., to the Secretary of State, and the Commander-in-chief.

XXI. 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.

Section 22 declares this to be a public Act.

39 & 40 GEORGE III. Cap. XXXVI.

AN ACT to enable Courts of Equity to compel a Transfer of Stock in Suits, without making the Governor and Company of the Bank of England, or 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, party thereto.
[1st May, 1800.]

Preamble.

Whereas great expense arises in suits in Courts of Equity, from the practice of making the Governor and Company of the Bank of England 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 representatives; 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.

II. 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, 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 eightpence, and no more, and to such solicitor, for the drawing, copying, and delivering at the Bank, a fee of thirteen shillings and fourpence, 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.

Any Court of Equity may order the Bank of England to suffer a transfer of stock to be made, or to pay dividends belonging to or standing in the names of, any party to a suit, or issue an injunction, to restrain such transfer or payment, although the Bank be not a party, &c.

On request of the clerk of the Court and the solicitor of the party, the Bank shall deliver a certificate stating the amount of such stock or dividends, &c., for which the fees herein specified shall be paid.

Act not to extend to any further discovery than herein mentioned, nor to any case where the Bank claim an interest in the fund, &c.

Section 3 enacts that in depending suits where the Government and Company of the Bank may have put in answer not claiming any interest in the stock, the bill shall stand dismissed against them.



The provisions aforesaid shall extend to the East-India Company and the South-Sea Company, where they have stock standing in their books which may become the subject of a suit in equity.

IV. 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.

39 & 40 GEORGII III. Cap. LXXIX.

AN ACT for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same.
[28th July, 1800.]

Preamble.

33 G. 3, c. 52.

Whereas the territorial possessions of the United Company of Merchants of England trading to the East-Indies, in the peninsula of India, have become so much extended as to require further regulations to be made for the due government of the same: and whereas by an Act of Parliament, made and 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;" it is enacted, that the whole civil and military government of the presidency of Fort Saint 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 and possessions on the coast of Orissa, with the revenues of the same, as had been and then were under the administration of the Government or Presidency of Fort Saint George, should be and were thereby vested in a Governor and three Counsellors of and for the said presidency of Fort Saint George, subject to such rules, regulations, and restrictions, as were therein mentioned: 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, should be and were thereby vested in a Governor and three Counsellors of and for the said presidency and island of Bombay, subject to the provision therein mentioned; 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 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

The Court of Directors may appoint what parts of the territorial acquisitions, revenues,



Saint 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, 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.(1)

(1) [See also 3 & 4 Wm. 4, cap. 85, sec. 38, and 16 & 17 Vict. cap. 95, secs. 17 and 18.]

II. And 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-first 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 United Company's respective settlements at Madraspatnam, Bombay, or the island of Bombay, and Fort William in Bengal: and whereas the said Charter, in so far as it respects the administration of justice at Madras, has been altered and changed, by virtue of an Act passed in the thirty-seventh year of his present Majesty, 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 whereas the said Charter, so far as it respects the administration of justice at Fort William in Bengal, has also been altered and changed, by virtue of an Act passed in the thirteenth year 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 by divers subsequent statutes: 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 (1), 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 Saint 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 dependent 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

&c., shall be subject to either, and which of their presidencies, subject to the control of the Commissioners for the Affairs of India.

Letters Patent of G. 2, dated the 8th of January, in the 21st of his reign.

37 G. 3, c. 142, re-cited.

13 G. 3, c. 63.

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.

invested with, or subject to, within the said Fort William, or the kingdoms or provinces of Bengal, Bahar, and Orissa.

(1) [A Chief Justice and two Puisne Judges. *Vide* 37 Geo. 3, cap. 142, sec. 1.]

How far the Governor and Council at Madras, and the Governor-General of Fort William, shall be exempted from the authority of the Court to be erected.

If his Majesty shall erect a Supreme Court at Madras, the records, directed by recited Act of 37 G. 3, to be delivered over to the new Courts, and those belonging thereto shall be delivered over to the Supreme Court.

So much of the Charter of his present Majesty for erecting the Courts of Recorder at Madras, as relates to the appointment of a Recorder, &c., if a new Charter be granted, shall be void, and the powers granted by recited Act of 37 G. 3, may be exercised by the Supreme Court.

III. Provided always, that the Governor and Council at Madras, and the Governor-General of 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, from the jurisdiction of the Supreme Court of Judicature there already by law established.

IV. And be it further enacted, that if his Majesty, his heirs or successors, shall grant such Charter as aforesaid, and erect such Supreme Court of Judicature at Madras as aforesaid, all the records, muniments, and proceedings whatsoever, of and belonging to the late Mayor's Court at Madras, or to the late Court of Oyer and Terminer and Gaol Delivery, which were, by the said Act passed in the thirty-seventh year of his present Majesty, directed to be delivered over, preserved, and deposited, to the new Courts erected by virtue of the said Act; and all the records, muniments, and proceedings whatsoever, of and belonging to any of the said new Courts, shall, from and immediately after such Supreme Court of Judicature as his Majesty is hereby empowered to erect shall be established at Madras, be delivered over to be preserved and deposited for safe custody in the said new Court of Judicature; to which all parties concerned shall and may have resort and recourse upon application to the said Court.

V. And be it further enacted, that so much of the Charter granted by his present Majesty, for erecting the Courts of the Recorder of Madras and Bombay, as relates to the appointment of such Recorder, and the erecting of such Courts of Judicature at Madras, in case a new Charter shall be granted by his Majesty, his heirs or successors, and shall be openly published at Madras, from and immediately after such publication shall cease and determine, and be absolutely void to all intents and purposes whatsoever; and all powers and authorities granted by the said Act of the thirty-seventh of his present Majesty to the said Courts of the Recorder at Madras, shall cease and determine, and be no longer exercised by the said Court, but the same shall and may be exercised by the Supreme Court of Judicature to be erected by virtue of this Act, in the manner and to the extent hereinbefore directed.

Section 6 prescribes the salaries to be paid to the Chief Justice and Judges; but these are now regulated by 6 Geo. 4, cap. 85, sec. 1.

When salaries shall commence, which shall be in lieu of all perquisites.

VII. And be it further enacted, that the said salaries shall commence and take place in respect to 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 (1), and that the salaries of all such persons who shall at the time of their appointment be resident in India, shall commence and take place from and after their respectively taking upon them the execution of their office as aforesaid; 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 such salaries and allowances as are in and by this Act directed to be paid.

(1) [Salaries now commence in all cases from the period of entering upon office. *Vide* 53 Geo. 3, cap. 155, sec. 89.]

Section 8 provided for pensions to the Judges on retirement ; but these are now regulated by 6 Geo. 4, cap. 85.

IX. Provided always, and be it hereby further enacted, that when either of the Judges of the Supreme Court of Judicature at Fort William, or of the Supreme Court of Judicature which his Majesty is hereby empowered to erect at Madras, or the Recorder of Bombay (1), shall respectively leave India, the salary now payable, or which may become payable under and by virtue of this Act, to any such Judge or Recorder respectively, shall cease and be no longer paid ; any thing herein or in any former Act or Acts contained to the contrary thereof in anywise notwithstanding.

The salaries of the Judges of the Supreme Courts, and of the Recorder of Bombay, to cease on their leaving India.

(1) [There is now no Recorder of Bombay, a Supreme Court, resembling those previously erected at Fort William and Fort St. George, having been established at Bombay, under 4 Geo. 4, cap. 71.]

Section 10 provided for supplying the office of Recorder when vacant, and is omitted for the reason assigned in the note on section 9.

By section 11 the Governor and Council of Fort St. George were invested, within the territories subject to their government, with the same legislative power as had previously been given to the Governor-General and Council of Fort William (see 13 Geo. 3, cap. 63, sec. 36) ; but since the passing of the Act 3 & 4 Wm. 4, cap. 85, no authority in India but the Governor-General in Council possesses any legislative power.

XII. 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 Saint 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 Saint 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 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

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 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 G. 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.

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 (1), 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. (2)

(1) [33 Geo. 3, cap. 52, secs. 47 to 51. See also 3 & 4 Wm. 4, cap. 85, secs. 49 and 70, and 16 & 17 Vict. cap. 95, sec. 23.]

(2) [See note explaining the omission of sec. 53 of 33 Geo. 3, cap. 52.]

Sections 13, 14, 15, and 16, relating to the transportation of offenders, were repealed by 9 Geo. 4, cap. 74, sec. 126.

The Governor-General and Council of Fort William, and the Governor and Council of Fort St. George, may order in what manner the Courts of Requests shall in future be formed, and to what amount the jurisdiction shall extend, &c.

XVII. 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 Saint George are constituted; be it therefore further enacted, that it shall and may be lawful to and for the Governor-General and Council of Fort William, and for the Governor and Council of Fort Saint George (1) 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.

(1) [The Government of Fort St. George has no longer any legislative power in ordinary circumstances, while the Governor-General of India in Council, under 3 & 4 Wm. 4, cap. 85, sec. 59, legislates for

all the presidencies. Under the authority given by the above Act, Courts of Requests with extended jurisdiction have been established, for which see note on section 30 of 37 Geo. 3, cap. 142.]

XVIII. 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 (1), 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.(2)

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 G. 3.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 45, no registry or publication in any Court of Justice is necessary. See also Act of Government of India, No. 3 of 1844.]

(2) [Under 3 & 4 Wm. 4, cap. 85, sec. 43, an almost unrestricted power of legislation for the whole of India is committed to the Governor-General of India in Council.]

XIX. 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 (1) Justices of the Peace acting in and for the said settlement, presidencies, and places thereto subordinate, which offence such two (1) 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, 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.

No corporal punishment to be ordered, except on conviction before two Justices.

No conviction to be reviewed.

(1) [*Vide* Acts of Government of India, Nos. 4 of 1835, and 32 of 1838, in Appendix. It will be observed that this part of the Act is applicable to Fort William only and its dependencies.]

XX. And 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 Judicature at Fort William aforesaid, and it is

From March 1, 1801, the power of the Supreme Court of Judicature of Fort William

shall extend over the province of Benares, and all places subordinate thereto, and all districts hereafter annexed to the presidency.

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.

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.

XXI. And whereas great inconveniences 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 St. 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 (1) 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 them regularly, in like manner as 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.(2)

(1) [Under Act of Government of India, No. 7 of 1849, the duties of the Register in this respect at Fort William, are transferred to an officer called Administrator-general; and by No. 2 of 1850, similar officers were appointed at Fort St. George and Bombay, who, however, might also be Ecclesiastical Registrars, though the two offices were separated at Calcutta.]

(2) [The 55 Geo. 3, cap. 84, sec. 2, provides for granting administration to attorneys of absent executors, administrators, or persons entitled to administration, in preference to the Register.]

When any next of kin or creditor, who shall

XXII. 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.(1)

have been absent, shall make out his claim, the letters of administration to the Register shall be recalled, and letters granted to the claimant.

(1) [The 55 Geo. 3, cap. 84, sec. 3, directs the revocation of letters of administration granted to the Register, on the application of appointed attorneys, where no unreasonable delay takes place.

[The same Act (sec. 5) provides for the keeping, inspection, and publication of accounts of estates to which the Register has administered. The Act of the Government of India, No. 7 of 1849, also makes full provision on this subject. By Act of Government of India, No. 19 of 1841, sec. 20, whenever a person dies leaving moveable or immoveable property within the local jurisdiction of any of her Majesty's Supreme Courts, and such Court shall be satisfied that danger is to be apprehended of the misappropriation and waste of the property before it can be ascertained who may be legally entitled to the succession, the Court may authorize the Ecclesiastical Registrar (now the Administrator-general) or one or more Curators, to collect the effects, and hold, deposit, or invest them under its orders.]

Section 23 provides for extending to insolvent debtors in India the relief intended by 32 Geo. 2, cap. 28, commonly called the Lords' Act; but by 1 & 2 Vict. cap. 110, sec. 119, no prisoner for debt is to petition any Court for his discharge under the Lords' Act, nor is any creditor to petition any Court for the exercise of the compulsory powers of that Act against debtors. Section 24 ratifies any rules and orders previously made by the Court for the relief of insolvents, and confirms the acts done under them.

XXV. 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.

42 GEORGII III. Cap. LXXXV.

AN ACT for the Trying and Punishing in Great Britain Persons holding public Employment, for Offences committed Abroad ; and for extending the Provisions of an Act, passed in the twenty-first year of the reign of King James, made for the ease of Justices and others in pleading in Suits brought against them, to all Persons, either in or out of this Kingdom, authorized to commit to safe custody.

[22nd June, 1802.]

11 & 12 Wm. 3,
c. 12.

13 G. 3, c. 63.

24 G. 3, c. 25.

Offences committed by persons employed in any public service abroad may be prosecuted in the Court of King's Bench in England, and may be laid in Middlesex, and the offenders punished as if the offences had been committed in England.

Whereas persons holding and exercising public employments out of Great Britain often escape punishment for offences committed by them, for want of Courts having a sufficient jurisdiction, in or by reason of their departing from the country or place where such offences, have been committed, and that such persons cannot be tried in Great Britain for such offences as the law now stands, inasmuch as such offences cannot be laid to have been committed within the body of any county : and whereas it is therefore expedient that such and the like provisions as are contained in an Act passed in the eleventh and twelfth years of the reign of his late Majesty King William the Third, intituled, "An Act to punish Governors of Plantations of this Kingdom for Crimes by them committed in the Plantations," and in an Act passed 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 passed in the twenty-fourth year of the reign of his present Majesty, intituled, "An Act for the better Regulation and Management of the Affairs of the East-India Company, and of the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East-Indies," should be extended and applied to the punishment of such offenders : 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, from and after the passing of this Act, if any person who now is, or heretofore has been, or shall hereafter be employed by or in the service of his Majesty, his heirs or successors, in any civil or military station, office, or capacity out of Great Britain, or shall heretofore have had, held, or exercised, or now has, holds, or exercises, or shall hereafter have, hold, or exercise any public station, office, capacity, or employment, out of Great Britain, shall have committed, or shall commit, or shall have heretofore been, or is, or shall hereafter be guilty of any crime, misdemeanor, or offence, in the execution, or under colour, or in the exercise of any such station, office, capacity, or employment as aforesaid, every such crime, offence, or misdemeanor may be prosecuted or inquired of, and heard and determined in his Majesty's Court of King's Bench here in England, either upon an information exhibited by his Majesty's Attorney-General, or upon an indictment found ; in which information or indictment such crime, offence, or misdemeanor may be laid and charged to have been committed in the county of Middlesex ; and all such persons so offending, and also all persons tried under any of the provisions of the said recited Act, passed in the reign of King William aforesaid, or this Act, or either of them, for any offence, crime, or misdemeanor, and not having been before tried for the same out of Great Britain, shall, on conviction, be liable to such punishment as may, by any law



or laws now in force, or any Act or Acts that may hereafter be passed, be inflicted for any such crime, misdemeanor, or offence committed in England, and shall also be liable, at the discretion of his Majesty's Court of King's Bench, to be adjudged to be incapable of serving his Majesty in any station, office, or capacity, civil or military, or of holding or exercising any public employment whatever.

II. And be it further enacted, that in all cases of indictments found or informations exhibited under and by virtue of this Act, it shall be lawful for his Majesty's said Court of King's Bench, upon motion to be made, and such notice thereof as to the said Court of King's Bench may appear to be sufficient, by or on behalf of his Majesty's Attorney-General or other prosecutor, or of the defendant or defendants, to award, at the discretion of the said Court, a writ or writs of *mandamus* to any Chief Justice and Judges, or any Chief Justice or other Judge, singly for the time being, of any Court or Courts of Judicature in the country or island, or near to the place where the crime, offence, or misdemeanor shall be charged in such indictment or information to have been committed, or to any Governor or Lieutenant-Governor, or other person having any chief authority in such country, island, or place, or to any other person or persons residing there, as the case may require, and as to the said Court of King's Bench may, under all the circumstances of the case, seem most expedient, for the purpose of obtaining and receiving proofs concerning the matters charged in any such indictment or information; and the person or persons to whom such writ or writs shall be directed and sent, are hereby respectively authorized and required to hold a Court, Session, or Meeting, with all convenient speed, for the examination of witnesses and receiving other proofs concerning the matters charged in such indictment or information respectively; and in the mean time to cause public notice to be given of the holding the said Court, Session, or Meeting, and to issue such summons or other process as may be requisite for the attendance of witnesses, and to adjourn from time to time as occasion may require; and such examination or examinations shall be then and there openly and publicly taken, *viva voce*, in the said Court, Session, or Meeting, upon questions put by any such prosecutor or prosecutors, defendant or defendants, or any agent or agents, person or persons on behalf of the said Attorney-General or other prosecutor or prosecutors, and defendant or defendants respectively, if any such shall attend for that purpose, and by the Court, person or persons to whom such writ shall be directed and sent as aforesaid, upon the respective oaths of witnesses, and the oaths of skilful interpreters if necessary, administered according to the forms of their several religions, and shall, by some officer or person sworn for that purpose, be reduced into writing on parchment or paper; and in case any duplicate or duplicates shall be required by or on behalf of the prosecutor, or the defendant or defendants respectively, into two or more writings on parchment or paper, as the case may require; and such examination or examinations shall be sent to his Majesty in his Court of King's Bench closed up, and under the seal or seals of the person or persons before whom such examination or examinations as aforesaid shall have been taken; and the person or persons taking such examination or examinations as aforesaid shall deliver the same to any person or persons appointed by the said Court of King's Bench to receive the same, or shall transmit the same in such manner as the said Court of King's Bench shall direct; and all such examinations shall, with all convenient speed, be delivered to one of the clerks in court of his Majesty's Court of King's Bench, in the Crown Office of the said Court for the safe custody thereof; and every clerk in the said Court of King's Bench, to whom any examination or examinations shall be delivered, is hereby authorized to administer an oath to the person delivering the same to him, in such form as the said Court of King's Bench shall direct; and such

The Court of King's Bench, on motion, may award a writ of *mandamus* to any Court of Judicature, or the Governor, &c., of the country where the offence was committed, to obtain proofs of the matters charged in the indictment, which shall be done by *viva voce* evidence, and the same shall be transmitted to the Court of King's Bench, and admitted on the trial, &c.

examination or examinations shall be allowed and read upon the trial of any such indictment, or information, or any other subsequent proceeding thereon or relating thereto, and shall be deemed as good and competent evidence as if the witness or witnesses, whose examination or examinations shall be so read, had been present, and sworn, and examined *vivâ voce*, at such trial, any law or usage to the contrary notwithstanding, saving all just exceptions to be taken to any such examination or examinations, or any part thereof, when the same shall be offered to be read as aforesaid; and all persons concerned shall be entitled to take copies of such examinations in the custody of such clerk in court at their own cost and charges.

Court of King's Bench may order an examination *de bene esse*, in cases where *vivâ voce* evidence cannot be had.

III. And be it further enacted, that it shall also be lawful for the said Court of King's Bench, upon motion to be made, and such notice thereof as aforesaid, by or on behalf of his Majesty's Attorney-General, or other prosecutor, or defendant or defendants, in any such indictment or information, to order an examination *de bene esse* of witnesses upon interrogatories, in any case where the *vivâ voce* testimony of such witnesses cannot conveniently be had, to be taken before an examiner to be appointed by the said Court; and the depositions taken upon such interrogatories shall be afterwards admitted to be read in evidence upon the trial of such indictment or information, or in any other subsequent proceeding thereon or relating thereto, and shall be deemed good and sufficient evidence in the law, saving all just exceptions to be taken to such depositions when the same shall be offered to be read as aforesaid.

Persons to whom such writs of *mandamus* shall be directed, shall do all things necessary for the due execution thereof by compelling the appearance and giving evidence of witnesses, &c.

IV. And be it further enacted, that it shall be lawful for any person or persons to whom any such writ or writs of *mandamus* shall be directed or order sent as aforesaid; and in case the same shall be directed or sent to more than one person, for so many of them as shall for that purpose be appointed by the said writ, or required by the said order, and who shall act in the execution thereof; and such person and persons is and are hereby respectively authorized and required to administer all oaths required to be taken under any of the provisions of this Act, or necessary for the due execution of any such writ or order, or any act, matter, or thing relating thereto, and to examine upon oath all persons whom he or they find occasion to summon, and all other persons whom he or they shall think fit to examine, touching all matters and things necessary for the due execution of any such writ or order as aforesaid: and such person and persons respectively, to whom such writ shall be directed, or order sent as aforesaid, or so many of them as shall in that behalf be appointed, and shall act in the execution thereof as aforesaid, shall have full power and authority to compel the appearance and giving evidence of any witness upon any such writ or order, and to issue special summons, or other process for that purpose, and may proceed upon such summons, or other process, by imprisonment of the body of any person refusing to appear or give evidence, in like manner as any Court or Courts of Record within this kingdom, having competent authority for that purpose, may proceed against any person or persons for any contempt committed against the authority of any such Court.

Persons giving false evidence shall be subject to the pains inflicted for perjury.

V. And be it further enacted, that in case any person or persons in the course of his, her, or their examination upon oath, under and by virtue of the said recited Act of the twenty-fourth year of his present Majesty, or this Act, shall wilfully and corruptly give false evidence, such person or persons so offending, and being thereof duly convicted, shall be, and is and are hereby declared to be, subject and liable to such pains and penalties, as persons guilty of wilful and corrupt perjury shall be liable to by any law or laws then in force in the kingdom, island, or place where such false evidence shall have been given as aforesaid.



VI. And whereas it is expedient to extend the provisions of an Act passed in the twenty-first year of the reign of his Majesty King James the First, intituled, "An Act to enlarge "and make perpetual the Act made for Ease in pleading against troublesome and contentious "Suits prosecuted against Justices of the Peace, Mayors, Constables, and certain other his "Majesty's Officers, for the lawful Execution of their Office, made in the seventh year of "his Majesty's most happy reign," to all persons who may by law commit to safe custody, either in or out of this kingdom; be it therefore enacted, that, from and after the passing of this Act, the said recited Act, and all the provisions therein contained, shall extend, and be deemed, taken, and construed to extend, to all persons having, holding, or exercising, or being employed in, or who may hereafter have, hold, or exercise, or be employed in any public employment, or any office, station, or capacity, either civil or military, either in or out of this kingdom; and who under and by virtue, or in pursuance of any Act or Acts of Parliament, law or laws, or lawful authority within this kingdom, or any Act or Acts, statute or statutes, ordinance or ordinances, or law or laws, or lawful authority in any plantation, island, colony, or foreign possession of his Majesty, now have or may hereafter have, by virtue of any such public employment, or such office, station, or capacity, power or authority to commit persons to safe custody: and all such persons, having such power or authority as aforesaid, shall have and be entitled to all the privileges, benefits, and advantages given by the provisions of said Act as fully and effectually, to all intents and purposes, as if they had been specially named therein: provided always, that where any action, bill, plaint, or suit upon the case, trespass, battery, or false imprisonment, shall be brought against any such person as is in this Act described as aforesaid, in this kingdom, for or upon any act, matter, or thing done out of this kingdom, it shall be lawful for the plaintiff bringing the same to lay such act, matter, or thing to have been done in Westminster, or in any county where the person against whom any such action, bill, plaint, or suit, shall be brought, shall then reside; any thing in this Act to the contrary thereof notwithstanding.

21 Jac. 1, c. 12.

Recited Act shall extend to persons having public employment, and who by law are empowered to commit persons to safe custody.

Where any action shall be brought for any thing done out of this kingdom, it may be laid in Westminster, or in any county where the defendant shall reside.

44 GEORGII III. Cap. III.

AN ACT to regulate the Bonds issued by the East-India Company, with respect to the Rate of Interest, and the Duty payable thereon.
[15th December, 1803.]

This Act laid down rules affecting the levy of the Property Tax, then existing, on the interest upon East-India Bonds. That tax ceased many years since, and the Act 44 Geo. 3, cap. 3, does not apply to the Property Tax levied under more recent enactments. The rest of the Act related to the rate of interest on East-India Bonds, but subsequently to its passing, a series of changes were made in the Usury Laws, which laws ultimately, by 17 & 18 Vict. cap. 90, were altogether abolished. The entire Act has therefore become obsolete.

45 GEORGII III. Cap. XXXVI.

AN ACT to enable the East-India Company to appoint the Commander-in-chief on the Bengal Establishment to be a Member of the Council of Fort William in Bengal, notwithstanding the Office of Governor-General of Fort William, and the Office of Commander-in-chief of all the Forces in India, being vested in the same Person.

[10th April, 1805.]

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 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 :

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 G. 3, c. 52.

II. 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.

By 33 Geo. 3, cap. 52, sec. 30, a Commander-in-chief is not to succeed on a vacancy in the office of Governor-General or Governor

of a presidency, unless provisionally appointed. The two sections above are in substance re-enacted, as affects the Supreme Council of India, by 3 & 4 Wm. 4, cap. 85, secs. 40 and 62.

III. 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.

47 GEORGII III. Sess. 2. Cap. XLI.

AN ACT to enable the East-India Company to raise Money upon Bond instead of increasing their Capital Stock. [8th August, 1807.]

Whereas, by virtue of an Act made in the thirty-third year of his present Majesty's reign, intituled, "An Act for placing the Stock, called East-India Annuities, under the Management of the Governor and Company of the Bank of England, and ingrafting 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;" and by virtue of another Act, made in the thirty-fourth year of his said Majesty's reign, intituled, "An Act to empower the East-India Company to continue a Bond Debt of two millions, and to increase the same by a further sum as circumstances may require," the said Company are authorized and empowered to raise money upon bonds under their common seal, and to continue a bond debt to the amount of three millions of pounds sterling, and no more: and whereas by an Act made in the thirty-seventh year of his said Majesty's reign, intituled, "An Act to enable the East-India Company to raise Money by further increasing their Capital Stock; and to extend the Provisions now existing respecting the present Stock of the Company to the said increased Stock;" the said United Company were authorized and empowered to raise money by enlarging their then 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 should not exceed the capital sum of eight millions; but the said United Company have not yet enlarged their capital stock under and by virtue of the powers contained in the said last-mentioned Act: 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

33 G. 3, c. 47.

34 G. 3, c. 41.

37 G. 3, c. 31.

Company may borrow any further sum not exceeding £2,000,000.

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 thirty-seventh 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.

Section 2 enacted that the money raised by enlarging the capital stock should be applied to the discharge of the bond debt; but this was repealed by 51 Geo. 3, cap. 64, sec. 2. The amount of the bond debt has been fluctuating. A statement of the particulars of its origin, progress, and variations, will be found in the note on 34 Geo. 3, cap. 41.

Section 3 declares this a public Act.

47 GEORGII III. Sess. 2. Cap. LXVIII.

AN ACT for the better Government of the Settlements of Fort Saint George and Bombay; for the Regulation of Public Banks; and for amending so much of an Act, passed in the thirty-third year of his present Majesty, as relates to the Periods at which the Civil Servants of the East-India Company may be employed in their service abroad.
[13th August, 1807.]

The first three sections of this Act confer certain legislative powers on the Governments of the two subordinate presidencies, which are rendered void by the enactment of the 3 & 4 Wm. 4, constituting the Governor-General in Council the sole legislative authority in India.

Governors and Members of the Council at Madras and Bombay may act as Justices of the Peace for the said towns:

IV. And be it further enacted, that the Governor and Members of the Council for the time being of Fort Saint 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 Saint 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 Saint George and Bombay aforesaid respectively, four times in every year, and the same shall respectively be, at all times, Courts of Record.

V. And be it further enacted, that it shall and may be lawful to and for the Governor in Council of Fort Saint 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 Saint George, and the Court of the Recorder of Bombay (1) 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 Saint 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 (1), to be tested in the name of the Recorder (1) of the said Court (which said commissions the said Supreme Court of Judicature at Fort Saint George and the said Court of the Recorder at Bombay (1), are hereby respectively authorized and required from time to time, by any order or warrant from the said Governor in Council of Fort Saint 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, (2) as the said Governor in Council of Fort Saint 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 at Fort Saint George, and the Court of the Recorder of Bombay (1) respectively, upon any requisition in writing from the said Governor in Council of Fort Saint 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, (3) unto the same or such other of the covenanted servants of the said Company, or other British inhabitants (2), as shall from time to time be so nominated by the said Governor in Council of Fort Saint 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.

and issue commissions for appointing Justices in the places subordinate thereto.

(1) [The Office and Court of the Recorder at Bombay have ceased to exist; their powers and duties having been transferred, under 4 Geo. 4, cap. 71, to a Supreme Court.]

(2) [By 2 & 3 Wm. 4, cap. 117, sec. 1, all residents not being subjects of a foreign state are eligible.]

(3) [See Act of Government of India, No. 6 of 1845.]

Repeal of provision in 33 G. 3, c. 52, for enabling the Governor-General in Council at Fort William to appoint Justices for the Presidencies at Madras and Bombay.

VI. 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 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 Saint 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 Saint George, and Governor in Council of Bombay respectively, until the commissions to such persons shall be superseded by the Governor in Council of Fort Saint George, or the Governor in Council of Bombay respectively.

The seventh section relates to the periods of residence in India necessary to qualify for a given amount of salary; but as these have been altered by subsequent regulations, the latter part of the section only is here retained.

VII.

And whereas the said Company have lately established a College in England for the appropriate education of young men designed for their civil service in India, and it will therefore be expedient that, under certain circumstances, the time spent by such young men in the said College, after they shall have attained the age of seventeen years, should entitle them to the same privileges as they would have been entitled to if they had been resident during such time in India: be it therefore enacted, that from and immediately after the passing of this Act all such time, not exceeding two years, as shall be *bonâ fide* spent in the said College in the regular course of such education as aforesaid by any persons after they shall respectively have attained the age of seventeen years, provided they shall *bonâ fide* spend, either before or after seventeen years of age, two years (1) at least in the said College, in the regular course of such education, and shall afterwards go to India in the civil service of the said Company, shall be accounted, as to the offices, places, and employments, which such persons are entitled to be appointed to and to hold, as so much time actually spent in India; the said Act, or any other law or usage to the contrary thereof in anywise notwithstanding.

Time not exceeding two years, spent in the College established in England, shall be deemed time spent in India.

(1) [By 10 Geo. 4, cap. 16, sec. 2, the time spent at College after seventeen, not exceeding two years, is to be accounted as spent in India, without reference to the completion of two years' collegiate residence.]



VIII. 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 jurisdictions 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 Governments in India may establish public banks there.

IX. 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 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.

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

X. 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.

Section 11 declares this to be a Public Act.

48 GEORGH III. Cap. CVI.

AN ACT to remedy the Inconvenience which has arisen, and may arise, from the Expiration of Acts, before the passing of Acts to continue the same. [25th June, 1808.]

When Bills for continuing expiring Acts shall not pass before the Acts expire, such Acts shall be continued from their expiration.

Whereas Bills for the continuing of Acts in force only for a limited time have sometimes not passed before the expiration of the Act intended to be continued ; and great inconvenience may arise therefrom ; 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 where any Bill may have been or shall be introduced into this present or any future session of Parliament, for the continuance of any Act which would expire in such sessions, and such Act shall have expired before the Bill for continuing the same shall have received the royal assent, such continuing Act shall be deemed and taken to have effect from the date of the expiration of the Act intended to be continued, as fully and effectually, to all intents and purposes, as if such continuing Act had actually passed before the expiration of such Act, except it shall be otherwise especially provided in such continuing Act : provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to affect any person or persons with any punishment, penalty, or forfeiture whatsoever, by reason of any thing done or omitted to be done by any such person or persons contrary to the provisions of the Act so continued, between the expiration of the same and the date at which the Act continuing the same may have received or shall receive the royal assent.

49 GEORGH III. Cap. CXXVI.

AN ACT for the further Prevention of the Sale and Brokerage of Offices. [20th June, 1809.]

5 & 6 Ed. 6, c. 16.

Whereas an Act passed in the fifth and sixth year of the reign of King Edward the Sixth, intituled, "Against buying and selling of Offices : " and whereas it was in and by the said Act enacted, amongst other things, that if any person or persons at any time thereafter bargained or sold any office or offices, or deputation of any office or offices, or any part or parcel of any of them, or received, had, or took any money, fee, reward, or any other profit, directly or indirectly, or took any promise, agreement, covenant, bond, or any assurance, to receive, or have any money, fee, reward, or other profit, directly or indirectly, for any office or offices or for the deputation of any office or offices, or any part of any of them, or to the intent that any person should have, exercise, or enjoy any office or offices, or the deputation of any office or offices, or any part of any of them, which office or offices, or any part or parcel of them, should in anywise touch or concern the administration or execution of justice, or the receipt, controlment, or payment of any of the King's Highness's treasure, money, rent, revenue,

account, aulnage, auditorship, or surveying of any of the King's Majesty's honours, castles, manors, lands, tenements, woods, or hereditaments, or any of the King's Majesty's customs, or any other administration or necessary attendance to be had, done, or executed in any of the King's Majesty's custom-house or houses, or the keeping of any of the King's Majesty's towns, castles, or fortresses, being used, occupied, or appointed for places of strength and defence, or which should concern or touch any clerkship to be occupied in any manner of Court of Record, wherein justice was to be ministered, that then all and every such person and persons that should so bargain or sell any of the said office or offices, deputation or deputations, or that should take any money, fee, reward, or profit for any of the said office or offices, deputation or deputations of any of the said offices, or any part of any of them, or that should take any promise, covenant, bond, or assurance for any money, reward, or profit to be given for any of the said office or offices, deputation or deputations of any of the said office or offices, or any part of any of them, should not only lose and forfeit all his and their right, interest, and estate which such person or persons should then have of, in, or to any of the said office or offices, deputation or deputations, or in any part of them, or of, in, or to the gift or nomination of any of the said office or offices, deputation or deputations, for the which office or offices, or for the deputation or deputations of which offices, or for any part of any of them, any such person or persons should so make any bargain or sale, or take or receive any sum of money, fee, reward, or profit, or any promise, covenant, or assurance to have or receive any fee, reward, money, or profit, but also that all and every such person or persons that should give or pay any sum of money, reward, or fee, or should make any promise, agreement, bond, or assurance for any of the said offices, or for the deputation or deputations of any of the said office or offices, or any part of any of them, should immediately by and upon the same fee, money, or reward given or paid, or upon any such promise, covenant, bond, or agreement had or made for any fee, sum of money, or reward, to be paid as is aforesaid, be adjudged a disabled person in the law to all intents and purposes, to have, occupy, or enjoy the said office or offices, deputation or deputations, or any part of any of them, for the which such person or persons should so give or pay any sum of money, fee, or reward, or make any promise, covenant, bond, or other assurance, to give or pay any sum of money, fee, or reward; and that all and every such bargains, sales, promises, bonds, agreements, covenants, and assurances as before specified, should be void to and against him and them by whom any such bargain, sale, bond, promise, covenant, or assurance should be had or made: and whereas it was in the said Act provided, that the said Act, or any thing therein contained, should not in anywise extend to any office or offices, whereof any person or persons was or should be fiefed of any estate of inheritance, nor to any office of parkership, or of the keeping of any park, house, manor, garden, chase, or forest, or to any of them: and whereas it was by the said Act further provided, that if any person or persons did thereafter offend in any thing contrary to the tenor and effect of the said Act, yet that, notwithstanding all judgments given, and all other act and acts executed or done by any such person or persons so offending, by authority or colour of the office or deputation which ought to be forfeited, or not occupied or not enjoyed, by the person so offending, after the said offence so by such person committed or done, and before such person so offending for the same offence should be removed from the exercise, administration, and occupation of the said office or deputation, should be and remain good and sufficient in law, to all intents, constructions, and purposes, in such like manner and form as the same would or ought to have remained and been if this Act had never been had or made: and whereas it was by the said Act further provided, that the said Act, or any thing therein contained, should not in anywise extend, or be prejudicial or hurtful to any of the Chief Justices of the King's Courts, commonly called

Provisions of 5 & 6
Ed. 6, c. 16, extended
to other offices.

the King's Bench or Common Pleas, or to any of the Justices of Assize, that then were or thereafter should be, but that they and every of them might do in every behalf touching or concerning any office or offices to be given or granted by them or any of them, as they or any of them might have done before the making of the said Act: be it therefore declared and 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, the said Act and all the provisions therein contained shall extend, and be construed to extend, to Scotland and Ireland, and to all offices in the gift of the Crown, or of any office appointed by the Crown, and all commissions, civil, naval, or military, and to all places and employments, and to all deputations to any such offices, commissions, places, or employments in the respective departments or offices, or under the appointment or superintendence and control of the Lord High Treasurer or Commissioners of the Treasury, the Secretary of State, the Lords Commissioners for executing the office of Lord High Admiral, the Master-General and principal officers of his Majesty's Ordnance, the Commander-in-chief, the Secretary at War, the Paymaster-General of his Majesty's Forces, the Commissioners for the Affairs of India, the Commissioners of the Excise, the Treasurer of the Navy, the Commissioners of the Navy, the Commissioners for Victualling, the Commissioners of Transports, the Commissary-General, the Storekeeper-General, and also the principal officers of any other public department or office of his Majesty's Government in any part of the United Kingdom, or in any of his Majesty's dominions, colonies, or plantations which now belong or may hereafter belong to his Majesty, and also to all offices, commissions, places, and employments belonging to or under the appointment or control of the United Company of Merchants of England trading to the East-Indies, in as full and ample a manner as if the provisions of the said Act were repeated as to all such offices, commissions, places, and employments, and made part of this Act; and the said Act and this Act, and all the clauses and provisions therein respectively contained, shall be construed as one Act, as if the same had been herein repeated and re-enacted.

When right of ap-
pointment forfeited, to
go to his Majesty.

II. Provided always, and be it further enacted, that where the right, estate, or interest of any person or persons shall be forfeited under any of the provisions of the said Act or this Act, the right of such appointment shall immediately vest in and belong to his Majesty, his heirs and successors.

Persons buying or
selling offices, or re-
ceiving or paying mo-
ney or rewards for
offices, guilty of a mis-
demeanor.

III. And be it further declared and enacted, that from and after the passing of this Act, if any person or persons shall sell or bargain for the sale of, or receive, have, or take any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, or any promise, agreement, covenant, contract, bond, or assurance, or shall by any way, device, or means, contract or agree to receive or have any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, and also if any person or persons shall purchase or bargain for the purchase of, or give or pay any money, fee, gratuity, loan of money, reward, or profit, or make or enter into any promise, agreement, covenant, contract, bond, or assurance to give or pay any money, fee, gratuity, loan of money, reward, or profit, or shall by any way, means, or device, contract or agree to give or pay any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, for any office, commission, place, or employment, specified or described in the said recited Act or this Act, or within the true intent or meaning of the said Act or this Act, or for any deputation thereto, or for any part, parcel, or participation of the profits thereof, or for any appointment or nomination thereto or resignation thereof, or for the consent or consents, or voice or voices, of any person or persons to any such appointment, nomination, or

resignation, then and in every such case, every such person, and also every person who shall wilfully and knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor.

IV. And be it further enacted, that from and after the passing of this Act, if any person or persons shall receive, have, or take any money, fee, reward, or profit, directly or indirectly, or take any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device, contract or agree to receive or have any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, for any interest, solicitation, petition, request, recommendation, or negotiation whatever, made or to be made, or pretended to be made, or under any pretence of making or causing or procuring to be made any interest, solicitation, petition, request, recommendation, or negotiation in or about or in any wise touching, concerning, or relating to any nomination, appointment, or deputation to or resignation of any such office, commission, place, or employment as aforesaid, or under any pretence for using or having used any interest, solicitation, petition, request, recommendation, or negotiation in or about any such nomination, appointment, deputation, or resignation, or for the obtaining or having obtained the consent or consents, or voice or voices, of any person or persons as aforesaid to such nomination, appointment, deputation, or resignation; and also if any person or persons shall give or pay, or cause or procure to be given or paid, any money, fee, gratuity, loan of money, reward, or profit, or make or cause or procure to be made any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device, contract or agree to give or pay, or cause or procure to be given or paid, any money, fee, gratuity, loan of money, reward or profit for any solicitation, petition, request, recommendation, or negotiation whatever, made or to be made, that shall in anywise touch, concern, or relate to any nomination, appointment, or deputation to or resignation of any such office, commission, place, or employment as aforesaid, or for the obtaining or having obtained, directly or indirectly, the consent or consents, or voice or voices of any person or persons as aforesaid to any such nomination, appointment, deputation, or resignation; and also if any person or persons shall, for or in expectation of gain, fee, gratuity, loan of money, reward, or profit, solicit, recommend, or negotiate in any manner for any person or persons in any matter that shall in anywise touch, concern, or relate to any such nomination, appointment, deputation, or resignation aforesaid, or for the obtaining, directly or indirectly, the consent or consents, or voice or voices of any person or persons to any such nomination, appointment, or deputation, or resignation aforesaid, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor.

Persons receiving or paying money for soliciting offices, and any negotiations or pretended negotiations relating thereto, guilty of a misdemeanor.

V. And whereas, on the pretence of negotiating or soliciting the sale, transfer, or appointment of any office or offices which under the exception of this Act or otherwise it may be lawful to sell, offices for negotiating the same, and advertisements may be published, by means and under the colour of which illegal transactions intended to be prohibited by this Act may be carried on; be it therefore further enacted, that from and after the passing of this Act, if any person or persons shall open or keep any house, room, office, or place for the soliciting, transacting, or negotiating in any manner whatever any business relating to vacancies in, or the sale or purchase of, or appointment, nomination, or deputation to, or resignation, transfer, or exchange of any offices, commissions, places, or employments whatever in or under any public department, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist therein, shall be deemed and adjudged guilty of a misdemeanor.

Persons opening or advertising houses for transacting business relating to the sale of offices, guilty of a misdemeanor.

Inflicting a penalty on persons advertising or publishing the names of brokers or agents.

VI. And be it further enacted, that if any person or persons shall advertise or publish, or cause or procure to be advertised or in any manner published any house, room, office, or place, to have been or to be opened, set up, or kept for any of the purposes aforesaid, or advertise or publish, or cause or procure to be advertised or published, the name or names of any person or persons as broker or brokers, agent or agents, solicitor or solicitors, for any of the purposes aforesaid, or print or cause or procure or permit or suffer to be printed or advertised any advertisement or advertisements, proposal or proposals, for any of the purposes aforesaid, then and in such case such person or persons shall forfeit for every such offence the sum of fifty pounds, to be sued for, levied, or recovered in any of his Majesty's Courts of Record; at Westminster as to all offences committed in England, or at Dublin as to offences committed in Ireland, or in his Majesty's Courts in Scotland as to offences committed in Scotland, respectively; and the whole of every such penalty shall go to the person who shall sue for the same, with full costs of suit.

Act not to extend to purchase or sale of commissions for the regulated prices, or authorized regimental agents acting in such cases according to regulation, without fee or reward.

VII. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to any purchases, sales, or exchanges of any commissions or appointments in the honourable band of Gentlemen Pensioners, or in his Majesty's Yeomen Guard, or in the Marshalsea, and the Court of the Palace of the King at Westminster, or to extend to any purchases, sales, or exchanges, of any commissions in his Majesty's forces for such prices as shall be regulated and fixed by any regulation made or to be made by his Majesty in that behalf, or to any act or thing done in relation thereto, by any agents, provided that such agents shall be agents of regiments authorized by the Commander-in-chief of his Majesty's forces, or by the colonels or commandants of regiments or corps, and shall act therein under such regulations only as are or shall from time to time be established by his Majesty, and shall not cause or procure, or knowingly permit or suffer to be printed or advertised, any advertisement or advertisements, proposal or proposals, for any purchase or sale or exchange of any commission, or any negotiation relating thereto, and shall not receive or take any money, fee, gratuity, or reward, or any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device, contract or agree to receive or have any money, fee, gratuity, or reward, for acting in such behalf.

Officers in army giving more than regulated prices, or paying agents for negotiating, to forfeit their commissions, and be cashiered; their commissions to be sold, and half of the produce, when not exceeding a certain sum, to go to informer.

VIII. Provided also, and be it further enacted, that every officer in his Majesty's forces, who shall take, accept, or receive, or pay or agree to pay, any larger sum of money, directly or indirectly, than what is allowed by any regulations made by his Majesty in relation to the purchase, sale, or exchange of commissions in his Majesty's forces, or who shall pay or cause to be paid any sum of money to any agent or broker, or other person, for negotiating the purchase or sale or exchange of any such commission, shall, on being convicted thereof by a general court martial, forfeit his commission, and be cashiered: and as an encouragement for the detection of such practices, such commission so forfeited shall be sold, and half the regulated value (not exceeding five hundred pounds) shall be paid to the informer, and the other half, or the remainder if more than five hundred pounds, shall go and be applied as his Majesty shall order and direct, by any regulations from time to time made in that behalf: provided also, that every person who shall sell his commission in his Majesty's forces, and not continue to hold any commission in his Majesty's forces, and shall, upon or in relation to such sale, take, accept, or receive, directly or indirectly, any money, fee, gratuity, loan of money, reward, or profit, or any promise, agreement, covenant, contract, bond, or assurance, or shall by any device or means contract or agree to receive or have any money, fee, gratuity, loan of money, reward, or profit, beyond the regulated price or value of the commission sold, and also every person who shall wilfully or knowingly aid, abet, or assist



such person therein, shall be deemed and adjudged guilty of a misdemeanor within the provisions of this Act.

IX. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to any office excepted from the provisions of the said Act passed in the sixth year of the reign of King Edward the Sixth against buying and selling of offices, or to any office which was legally saleable before the passing of this Act, and in the gift of any person by virtue of any office of which such person is or shall be possessed under any patent or appointment for his life, or to render invalid or in any manner to affect any promise, agreement, covenant, contract, bond, assurance, or trust, entered into or declared before the passing of this Act, and which before the passing thereof was a valid promise, agreement, covenant, contract, bond, assurance, or trust, in law or equity, or to any money paid, or to any act, matter, or thing done in pursuance of any such promise, agreement, covenant, contract, bond, or assurance.

Act not to extend to offices excepted in former Act, nor to securities or transactions under legal securities.

X. Provided also, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to prevent or make void any deputation to any office, in any case in which it is lawful to appoint a deputy, or any agreement, contract, bond, or assurance lawfully made in respect of any allowance, salary, or payment made or agreed to be made by or to such principal or deputy respectively, out of the fees or profits of such office.

Act not to extend to lawful deputations where payment of principal or deputy is out of the fees.

XI. Provided also, and be it further enacted, that nothing in the said Act or in this Act contained shall extend to any annual reservation, charge, or payment made or required to be made out of the fees, perquisites, or profits of any office to any person who shall have held such office, in any commission or appointment of any person succeeding to such office, or to any agreement, contract, bond, or other assurance made for securing such reservation, charge, or payment: provided always, that the amount of such reservation, charge, or payment, and the circumstances and reasons under which the same shall have been permitted, shall be stated in the commission, patent, warrant, or instrument of appointment of the person so succeeding to and holding such office, and paying or securing such money as aforesaid.

Act not to extend to annual payments out of the fees of any office to any person formerly holding such office.

The 12th section exempts from the operation of the Act certain offices in the Court of Chancery in Ireland, until after the death, resignation, or removal of the existing incumbents.

XIII. Provided always, and be it enacted, that every person who shall commit, in Scotland, any offence against this Act, which by the provisions of the same is constituted a misdemeanor, shall be liable to be punished by fine and imprisonment, or by the one or the other of such punishments, as the Judge or Judges before whom such offender shall be tried and convicted may direct.

Manner of punishing offenders in Scotland.

XIV. And be it further enacted, that all offences committed against the provisions of the said recited Act and this Act, by any governor, lieutenant-governor, or person having the chief command, civil, or military, in any of his Majesty's dominions, colonies, or plantations, or his or their secretary or secretaries, may and shall be prosecuted and inquired of, and heard and determined in his Majesty's Court of King's Bench at Westminster, in like manner as any crime, offence, or misdemeanor committed by any person holding a public employment abroad, may be prosecuted and inquired of under the provisions of an Act

Offences committed abroad shall be tried in King's Bench.

42 G. 3, c. 85.

passed in the forty-second year of the reign of his present Majesty, intituled, “An Act for the trying and punishing in Great Britain Persons holding public Employments, for “Offences committed abroad;” and for extending the provisions of an Act passed in the twenty-first year of the reign of King James, made for the ease of Justices and others in pleading in suits brought against them, to all persons, either in or out of this kingdom, authorized to commit to safe custody.

Commencement of the Act in certain places abroad.

XV. Provided always, and be it further enacted, that nothing in the said recited Act or this Act contained shall extend, or be construed to extend, to Gibraltar, Malta, or any place or places in the Mediterranean, until three months; or to any of his Majesty’s dominions, colonies, or plantations in America or the West Indies, until four months; or to the Cape of Good Hope, the Island of Saint Helena, or any part of Africa, until six months; or to any of his Majesty’s dominions in the East-Indies or beyond the Cape of Good Hope, until twelve months, after the passing of this Act.

50 GEORGII III. Cap. LXXXVII.

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.

[15th June, 1810.]

39 G. 3, c. 109.

27 G. 2, c. 9.

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 the Second, 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 Saint Helena:” and whereas it would tend to the more speedy recruiting of the 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 billeting the men so raised; and whereas it is also expedient that the provisions of the said recited Act of his late Majesty King George the Second, 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 (1), for the special purpose of serving in the East-Indies in the forces of the said United Company only; and the recruits to be raised for such special purpose, instead of taking the oath of fidelity appointed to be

His Majesty may order any of his officers to enlist the number of men specified in recited Act of 39 G. 3, c. 109, to serve in the Company’s forces in India for life or a limited time.



taken by the said recited Act of the thirty-ninth year aforesaid, or by any Act in force for the punishment of mutiny and desertion, shall take the oath specified in the Schedule to this Act annexed, marked (A.); and instead of the oath of service prescribed by any Act in force for the punishing of mutiny and desertion, shall take the oath in the Schedule to this Act annexed, marked (B.); which oaths shall be administered by all justices of the peace and magistrates before whom any such recruits shall be carried for the purpose of being attested; and the certificate given upon such attestation shall be in the form in the Schedule to this Act annexed, marked (C.). (2)

Oaths to be taken as in Schedule.

(1) [See note explaining omission of sec. 2 of 28 Geo. 3, cap. 8, and stating the present law.]

(2) [By 17 & 18 Vict. cap. 4 (the Annual Mutiny Act), the oaths therein prescribed are, during the continuance of that Act, to be administered, and no other.]

II. 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, and after their embarkation, to the provisions of the said recited Act of the twenty-seventh year aforesaid (1), in like manner as is prescribed in the said recited Act of the thirty-ninth year aforesaid; and all the powers, authorities, provisions, clauses, rules, regulations and restrictions, penalties and forfeitures, contained and prescribed in the said recited Act of the thirty-ninth year aforesaid, shall extend and be in full force as to all soldiers enlisted under and after the passing of this Act into the service of the said United Company of Merchants, as fully and effectually as if the same were severally and respectively repeated and re-enacted in this Act and made part thereof.

Soldiers to be subject to the Mutiny Act till their embarkation, then to be subject to the recited Act of 27 G. 2, c. 9.

(1) [See note on sec. 16 of 39 Geo. 3, cap. 109.]

III. 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 billeting, and provisioning of, and allowances in respect of such quartering and billeting 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.

IV. And whereas it is expedient to allow men to enlist in the service of the said United Company for twelve years (1); 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 (1), if at the time of such enlisting he shall be of the age of eighteen years and upwards, 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.

Men may enlist for twelve years, &c.



(1) [Altered as to the infantry to ten years, by 10 & 11 Viet. cap. 37, sec. 1.]

After the expiration of the first period, the men may re-enlist.

V. 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.

Men serving in the local militia may enlist.

VI. And be it further enacted, that it shall be lawful for any person balloted 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.

His Majesty may direct the manner of trials by courts martial.

VII. 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.

The schedules containing the oaths and certificate referred to in section 1 are at present useless, for the reason assigned in note (2) on that section.

51 GEORGII III. Cap. LXIV.

AN ACT to enable the East-India Company to raise a further Sum of Money upon Bond, instead of increasing their Capital Stock; and to alter and amend an Act, passed in the Forty-seventh Year of the Reign of his present Majesty, relative thereto.

[10th June, 1811.]

37 G. 3, c. 31.

Whereas by an Act made in the thirty-seventh year of the reign of his present Majesty, intituled, "An Act to enable the East-India Company to raise Money for further increasing " their Capital Stock, and to extend the Provisions now existing respecting the present Stock " of the Company to the said increased Stock," after reciting, that the affairs of the United Company of Merchants of England required a permanent advance of a considerable sum of money, beyond what the said Company could raise under the powers then vested in them by law, the said United Company are authorized and empowered to raise money by enlarging their then 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 should not exceed the capital sum of eight millions; and whereas by an Act made in the forty-seventh year of the reign of his said Majesty, intituled, "An Act to enable the East-India Company " to raise Money upon Bond, instead of increasing their Capital Stock," the said Company

47 G. 3, c. 41.

are authorized to borrow, upon bonds to be issued under their common seal, any sum or sums of money not exceeding in the whole the sum of two millions sterling, over and above such sum and sums of money as the said Company could then 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 thirty-seventh year of the reign of his said Majesty, the money to be raised by enlarging the capital stock of the said Company was applicable; and by the said Act of the forty-seventh year of the reign of his said Majesty, it is provided, that when the said Company should have raised any part of the money which they were thereby authorized to raise by bond, then and so long as such further bond debt, or any part thereof, should continue, all the money thereafter to be raised by enlarging the capital stock of the said United Company, under and by virtue of the said Act passed in the thirty-seventh year of the reign of his said Majesty, should be applied towards the reduction of the bond debt of the said United Company, until it should be reduced to the sum which the said Company might then lawfully raise by bond; and in case the said Company should enlarge their capital stock, under and by virtue of the said Act passed in the thirty-seventh year of the reign of his present Majesty, before they should have increased their bond debt under the authority of the Act now in recital, that then the sum which they were thereby empowered to raise on bond, should be reduced by the sum of two hundred pounds sterling, in respect of every one hundred pounds capital stock so enlarged, and so in proportion for a greater or less amount of capital stock which should have been created: 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 provisions 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 thirty-seventh 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.

Enabling the Company to borrow a further sum of money upon bonds.

Section 2 repealed sec. 2 of 47 Geo. 3, sess. 2, cap. 41.

After raising
£4,000,000, Company
restrained from raising
further money on bond.

III. 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 thirty-seventh year of the reign of his present Majesty, and of the said Act of the forty-seventh year of the reign of his present Majesty, and of 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 forty-seventh 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 issued by the
Company under their
common seal shall be
transferable, &c.

IV. 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, or successors, may now maintain any action thereon; and in every such action the plaintiff or plaintiffs shall recover his, her, or their debts, 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*.

Section 5 declares this to be a Public Act.

For other enactments respecting the bond debt, see note on 34 Geo. 3, cap. 41.

51 GEORGII III. Cap. LXXV.

AN ACT for making further Provision for the Payment of Salaries and other Charges in the Office of the Commissioners for the Affairs of India ; and for enabling the East-India Company to restore to the Service of the said Company Military Officers removed therefrom by Sentences of Courts Martial ; and to authorize the said Company, in cases of unforeseen emergency, to take up Ships by private Contract.
[15th June, 1811.]

Whereas by 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," it was among other things enacted, that it should be lawful for his Majesty, his heirs or 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 should always be three), and such other two persons as his Majesty, his heirs or successors, should think fit, to be, and who should accordingly be and be styled Commissioners for the Affairs of India ; and it was in and by the said Act also enacted, that the said Board of Commissioners should and might nominate and appoint such secretaries and officers as should be necessary to attend upon the said Board, who should be subject to dismissal at the pleasure of the said Board ; and that as well the said Commissioners, or such and so many of them as his Majesty should think fit, as likewise their secretaries and other officers, should be paid such fixed salaries as his Majesty should by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct ; all which salaries, together with all other contingent charges and expenses to be incurred by the said Board, should be paid and defrayed quarterly by the United Company of Merchants of England trading to the East-Indies, and be deemed and taken as part of their commercial charges, 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 ; provided that the whole of the salaries to be paid to the members of the said Board should not exceed the sum of five thousand pounds in any one year ; and that the whole of the salaries, charges, and expenses of the said Board, exclusive of the salaries of the members of the said Board, should not exceed the sum of eleven thousand pounds in any one year ; and whereas it is reasonable that a more ample allowance should be made for the said salaries, charges, and expenses : 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 so much of the said

33 G. 3, c. 52.

So much of Act as limits the salaries and expenses, repealed.

Act as limits the whole of the salaries to be paid to the members of the said Board, to the sum of five thousand pounds in any one year, and the whole of the salaries, charges, and expenses of the said Board, exclusive of the salaries of the members thereof, to the sum of eleven thousand pounds in any one year, shall be, and the same is hereby repealed. (1)

(1) [See note on sec. 5 of 33 Geo. 3, cap. 52.]

Section 2 fixed a limitation to the expenses of the Board, which has been set aside.

So much of 50 G. 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.

III. And be it further enacted, that so much 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," 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.

East-India Company may restore to their service military officers removed therefrom by sentences of courts martial:

IV. 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.

V. 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.⁽¹⁾ with consent of the Board of Commissioners.

(1) [By 53 Geo. 3, cap. 155, sec. 83, the consent of the Board is rendered necessary to give effect to the restoration of any servant, civil or military, who may have been suspended or removed by any of the local Governments.]

Section 6 related to taking up ships.

52 GEORGII III. Cap. CXXI.

AN ACT to authorize the Transfer to the East-Indies, of debts originally contracted there, on the part of the East-India Company, payable in England.
[13th July, 1812.]

Whereas sundry bills of exchange have been heretofore drawn upon the Court of Directors of the United Company of Merchants of England trading to the East-Indies, for several sums of money payable in London, in discharge of debts contracted on the part of the said United Company in the East-Indies; and by agreements made in London between the said Court of Directors and the persons entitled to the money secured by such bills, the money so secured has been re-transferred to the East-Indies, to be invested by way of loan to the said United Company, there to bear interest, after an Indian rate; and it may be convenient that similar agreements for the re-transfer to the East-Indies of other sums of money, payable or to be payable in London, should be made or entered into, and that the interest which may be to be considered as due at the time of entering into such agreements should be advanced here; and it is expedient, that all doubts as to the validity of such agreements and payments should be removed; 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 all such agreements heretofore made or hereafter to be made for the re-transfer from London to the East-Indies of sums of money, to be invested by way of loan to the said United Company in the East-Indies, there to bear interest after an Indian rate, and all obligations and securities entered into or to be entered into for the payment of any such sums of money or interest thereof, shall be valid and effectual in law, according to the true intent and meaning thereof, and of the parties to the same; and no person or persons shall be liable to any penalty or forfeiture for any thing done or to be done in consequence of any such agreement; any law, usage, or statute to the contrary thereof in anywise notwithstanding.

Agreements heretofore made or to be made for the re-transfer from London to the East-Indies of sums of money shall be valid.

52 GEORGII III. Cap. CXXII.

AN ACT to remove Doubts as to an Act passed in the Fiftieth Year of the Reign of his present Majesty, relating to raising Men for the Service of the East-India Company. [13th July, 1812.]

50 G. 3, c. 87.

Recited Act extended to Ireland.

Whereas an Act passed in the fiftieth year of the reign of his present 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 billeting such men, and to Trials by Regimental Courts Martial;" and whereas doubts have arisen as to whether the provisions of the said Act extend to Ireland; and it is expedient that such doubts should be removed: may it therefore please your Majesty that it may be enacted, and be it declared and 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 said Act, and all the provisions thereof, shall, from the passing thereof, extend, and be deemed and construed to extend, to that part of the United Kingdom called Ireland, and all other the dominions and territories of his Majesty; any thing in any Act or Acts to the contrary notwithstanding.

53 GEORGII III. Cap. CXV.

AN ACT to insure the proper and careful Manufacturing of Fire-arms in England; and for making Provision for proving the Barrels of such Fire-arms. [10th July, 1813.]

Not to extend to Scotland or Ireland, to arms, for military service, or for East-India Company.

III. 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.

See also 55 Geo. 3, cap. 59, sec. 5.

53 GEORGH III. Cap. CLV.

AN ACT for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter.
[21st July, 1813.]

Whereas by an Act of the Parliament of Great Britain, passed in the thirty-third year of his present Majesty's reign, for continuing in the East-India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations, and for other purposes, the possession and government of the British territories in India, together with an exclusive trade in, to, and from the East-Indies, and other the limits described in an Act made in the ninth year of the reign of King William the Third, or in a certain Charter of the fifth day of September, in the tenth year of the same King, were continued in the United Company of Merchants of England trading to the East-Indies, for a term thereby limited, under certain regulations and conditions; and whereas by an Act of the Parliament of Ireland, passed in the same thirty-third year of his present Majesty's reign, for regulating the trade of Ireland to and from the East-Indies under certain conditions and provisions, for a time therein mentioned, the exclusive privileges granted to the said United Company by the said Act of the Parliament of Great Britain were confirmed, subject to certain conditions and restrictions; and whereas it is expedient that the territorial acquisitions mentioned in the said Act of the Parliament of Great Britain of the thirty-third year of his present Majesty, together with such other territorial acquisitions on the continent of Asia, or in any islands situate to the north of the Equator, as are now in the possession and under the government of the said United Company, with the revenues thereof, should without prejudice to the undoubted sovereignty of the Crown of the United Kingdom of Great Britain and Ireland, in and over the same, or to any claim of the said United Company to any rights, franchises, or immunities, remain in the possession and under the government of the said United Company for a further term; subject to such powers and authorities for the superintendence, direction, and 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 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

33 G. 3, c. 52.

9 & 10 Wm. 3,
c. 44.

33 G. 3, c. 31.

Former territorial acquisitions in India, with late acquisitions on the continent of Asia, or in any island north of the Equator, to continue in the government of the East-India Company for a further term.

and 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 island 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.

Section 2 continued the exclusive trade with China, and the exclusive right of trafficking in tea within the limits of the Charter, during the further term by this Act granted. The trade with China was thrown open by 3 & 4 Wm. 4, cap. 93. Section 3 contains a proviso for the determination of the exclusive trade. Section 4 declared that nothing in the above-mentioned proviso, or in others referred to, should determine the corporation or prevent the Company carrying on trade in common with other subjects. But the 3 & 4 Wm. 4, cap. 85, suspended the exercise of the Company's right to trade except for the purposes of Government.

The 5th section provides for giving notice of the termination of the exclusive trade. Sections 6 to 20 relate to the trade, then first opened, to be carried on by other parties than the East-India Company, within the limits of the Charter, under certain restrictions; but these sections were all repealed by the Consolidation Act, 4 Geo. 4, cap. 80; and by 3 & 4 Wm. 4, cap. 93, the trade was altogether thrown open. Section 21 repeals so much of 31 Geo. 3, cap. 42, as required the Company to provide certain quantities of saltpetre. Section 22 repeals so much of 9 & 10 Wm. 3, cap. 44, as required the Company's goods to be sold by inch of candle. Section 23 repeals so much of 33 Geo. 3, cap. 52, as required the Court of Directors to lay before the Board of Commissioners for the Affairs of India certain papers relating to cordage, tonnage, freight, registering, and licenses; and also so much as required some of the ships of the Company to touch at Cork. Section 24, in reference to the trade of the Company, subjected their goods to the same duties as private goods.

XXV. 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 merchandise whatsoever, made or to be made by authority of the Governor-General or Governor in Council (1) 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 shall be taken as conclusive evidence of such sanction and approbation in all Courts of Justice. (2)

No duties imposed in India to be valid till sanctioned by the Directors, and approved by the Board of Control.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 59, the Governments of Madras and Bombay are deprived of all legislative power.]

(2) [See 3 & 4 Wm. 4, cap. 85, secs. 43, 44, 45.]

Section 26 repealed a duty on private trade previously enjoyed by the Company. Section 27 established certain exceptions to the repeal. Sections 28 and 29 provided for the payment of the rates of the East-India Dock Company. Sections 30 and 31 provided for the employment by the Company and private traders of India-built ships for a limited period. Section 32, relating to ships engaged in the South-Sea whale-fishery, was repealed by 4 Geo. 4, cap. 80, which Act, being intended to consolidate and amend the laws relating to trade within the limits of the Charter, was repealed, with certain exceptions, by the 3 & 4 Wm. 4, cap. 93, by which the trade was opened without restriction; but the repeal did not operate to revive parts of former Acts repealed by the said 4 Geo. 4, cap. 80.

Section 33 provided that when the Court of Directors should refuse permission to any persons to proceed to India, the applications were to be transmitted to the Board, which authority might direct certificates to be granted enabling the applicants to proceed to the principal settlements. Section 34 empowered the Court to make representations to the Board on such applications. But by 3 & 4 Wm. 4, cap. 85, sec. 81, it is declared lawful for any natural-born subject of the Crown to proceed by sea to any place in India having a Custom House establishment, reside thereat or proceed to any parts of such of the British Territories as were under the Company's Government on the 1st January, 1800, and to other specified portions.

To enter by land, or to proceed to the excepted parts, still requires license, which under section 82 of the Act last named may be granted by either of the home authorities, by the Governor-General in Council, or by the Government of any of the presidencies.

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

XXXV. Provided also, and be it further enacted, that all persons who shall proceed to the East-Indies, shall, upon their arrival at any place within the 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. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 43 to 45.]

Section 36 provides that on misbehaviour of any person licensed under section 33, it shall be lawful for the Governor-General or Governor of any presidency to declare his license void after a day named; and after two months' notice of such avoidance, the offender shall be liable to prosecution. Section 37 prohibited any of the Governments in India from granting to any person arriving after the 10th April, 1814, license or authority for residence except specially subject to a reference to the Court of Directors, and pending the receipt of its decision. The present law will be found in 3 & 4 Wm. 4, cap. 85, secs. 81, 82, 83, 84. Sections 38 and 39 provided for the residence of persons with or without license within certain limits; but they are superseded by the enactments of 3 & 4 Wm. 4, cap. 85, and cap. 93. The 40th and 41st sections, relating to the private trade within the limits of the Company's Charter, were repealed by 4 Geo. 4, cap. 80.

Colleges and seminaries abroad to be subject to the control of the Board.

XLII. And be it further enacted, that the said Board of Commissioners for the Affairs of India, by force and virtue of this Act, shall have and be invested with full power and authority to superintend, direct, and 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 Saint George, or of any seminaries which may be established under the authority of any of the Governments of the said Company, in the same manner, to all intents and purposes, and under and subject to all such and the like regulations and provisions, as if such orders and instructions immediately related to and concerned the government and revenues of the said territorial acquisitions in the East-Indies. (1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 30, all official communications are subject to the approval of the Board, excepting such as shall be exempted by order of the Board, and excepting also (section 34) the communications of the Court of Directors with the officers and



servants of their home establishment, and with the legal advisers of the Company.]

XLIII. 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 Saint George, or Bombay, or in any other parts of the British territories in India, in virtue of this Act, shall be governed by such regulations as may from time to time be made by the said Governor-General in Council; subject nevertheless to such powers as are herein vested in the said Board of Commissioners for the Affairs of India, respecting colleges and seminaries: provided always, that all appointments to offices in such schools, lectureships, and other institutions, shall be made by or under the authority of the Governments within which the same shall be situated.

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.

By section 44, the Court of Directors were required to make rules and regulations for the good government of the College and Military Seminary in England; but this power has been withdrawn by later enactments. By 7 Wm. 4 & 1 Vict. cap. 70, the Board were to appoint examiners of candidates for admission to the College, when the fourfold system of nomination, sanctioned by 3 & 4 Wm. 4, cap. 85, was suspended. By 1 & 2 Vict. cap. 22, the Board, without reference to such suspension, were empowered to make rules for the government of the College, which rules were to be submitted for her Majesty's approbation, to be signified by an Order in Council; notice of such rules to be given to the Court of Directors twenty-one days previously to their being submitted for the royal approbation. By 16 & 17 Vict. cap. 95, secs. 37 to 42, the Board are to make regulations both for the College and Military Seminary, which are to be laid before Parliament.

XLV. And be it further enacted, that from and after the passing of this Act, it shall and may be lawful for the Lord Bishop of London for the time being to have and exercise, and he is hereby authorized and empowered to have and exercise such visitatorial power and jurisdiction over all such persons, matters, and things belonging or relating to the said College, and in such manner as shall be appointed and established by the said rules and regulations of the said College in that behalf; any matter or thing whatsoever to the contrary notwithstanding.

Bishop of London to exercise visitatorial jurisdiction.

Section 46 contained enactments for the appointment of persons to the civil service, but was repealed by section 36 of 16 & 17 Vict. cap. 95. By section 37 of the same Act, persons desirous of being admitted to the College at Haileybury, being natural-born subjects, are entitled to be examined, subject to such rules as the Board may make under sections 38 and 39.

Establishment of officers in the College and Military Seminary, to be subject to the control of the Board.

XLVII. 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.(1)

(1) [Extended by 3 & 4 Wm. 4, cap. 85, sec. 108, to appointments of professors and teachers at the College.]

Principal and professors exempted from parochial residence.

XLVIII. And whereas for the due performance of the public duties of religion at the said College, as well as for the maintenance of sound learning and religious education, it is expedient that the principal and some of the professors of the said College should be clergymen of the established church: and whereas it may be expected, that among clergymen best qualified for such situations, from their character and attainments, some may be possessed of benefices in the church: be it enacted, that every spiritual person holding the situation of principal or professor in the said College, and actually performing the duties of the same, shall be and he is hereby exempted from residence on any benefice of which he may be possessed, in the same manner as the spiritual persons specified in an Act passed in the forty-third year of his present Majesty's reign, intituled, "An Act to amend the Laws relating to Spiritual Persons holding "of Farms, and for enforcing the Residence of Spiritual Persons on their Benefices in "England," are by the said Act exempted from residence on their respective benefices; any Act, matter, or thing, to the contrary notwithstanding.(1)

43 G. 3, c. 84.

(1) [This exemption is confirmed by 1 & 2 Vict. cap. 106, sec. 37, as to any spiritual person having been appointed principal or professor before the passing of that Act, and not having more than one benefice with cure of souls.]

If a bishop and three archdeacons shall be established in India by his Majesty's royal Letters Patent,

XLIX. 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 bishopric for the whole of the said British territories in the East-Indies, and parts aforesaid; one archdeaconry for the presidency of Fort William in Bengal; one archdeaconry for the presidency of Fort Saint George, on the coast of Coromandel; and one archdeaconry for the presidency and island of Bombay, on the coast of Malabar; and from time to time to nominate and appoint a bishop and archdeacons to such bishopric 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,

their salaries to be paid by the Company.

certain established salaries to such bishop and archdeacons respectively ; that is to say, from and out of the revenues of the said presidency of Fort William in Bengal to the said bishop, five thousand pounds by the year, at an exchange of two shillings for the Bengal current rupee ; and to the said archdeacon of the said presidency of Fort William, two thousand pounds by the year, at the like exchange ; and from and out of the revenues of the presidency of Fort Saint George, on the coast of Coromandel, to the archdeacon of the said presidency of Fort Saint George, two thousand pounds by the year, at an exchange of eight shillings for the pagoda at Madras ; and from and out of the revenues of the presidency and island of Bombay, on the coast of Malabar, to the archdeacon of the said presidency and island of Bombay, two thousand pounds by the year, at an exchange of two shillings and threepence for the Bombay rupee.(1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 101, no archdeacon thereafter appointed is to receive, in respect of his archdeaconry, any salary exceeding 3,000 sicca rupees per annum.]

L. And be it further enacted, that the said salaries shall take place and commence from and after the time at which such persons as shall be appointed to the said offices respectively shall take upon them the execution of their respective offices ; and that all such salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever ; and that no fees of office, perquisites, emoluments, or advantages whatsoever, shall be accepted, received, or taken, in any manner or on any account or pretence whatsoever, other than the salaries aforesaid : and that such bishop and archdeacons respectively shall be entitled to such salaries so long as they shall respectively exercise the functions of their several offices in the East-Indies or parts aforesaid, and no longer.

Salaries to commence on taking office, and to cease when functions cease.

LI. Provided always, and be it further enacted, that such bishop shall not have or use any jurisdiction, or exercise any episcopal functions whatsoever, either in the East-Indies or elsewhere, but only such jurisdiction (1) and functions as shall or may from time to time be limited to him by his Majesty by Letters Patent under the Great Seal of the United Kingdom.

Bishop to have no jurisdiction or functions, except such as may be limited by Letters Patent.

(1) [See 3 & 4 Wm. 4, cap. 85, secs. 93 and 94. By some subsequent enactments which will be noticed in their proper place, Indian and colonial bishops may exercise certain of their functions in this country.]

LII. And be it further enacted, that it shall and may be lawful for his Majesty, from time to time, if he shall think fit, by his Letters Patent under the Great Seal of the said United Kingdom, to grant to such bishop, so to be nominated and appointed as aforesaid, such ecclesiastical jurisdiction, and the exercise of such episcopal functions, within the East-Indies and parts aforesaid, as his Majesty shall think necessary for the administering holy ceremonies, and for the superintendence and good government of the ministers of the church establishment within the East-Indies and parts aforesaid ; any law, charter, or other matter or thing to the contrary notwithstanding.

His Majesty may grant to the bishop by Letters Patent, such ecclesiastical jurisdiction as he may think necessary.

LIII. And be it further enacted, that when and as often as it shall please his Majesty to issue any Letters Patent respecting any such bishopric or archdeaconry as aforesaid, or for

Warrant for Letters Patent to be countersigned by the President of the Board.

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.

The 54th section, relating to pensions to be granted to the bishop and archdeacons after a certain period of residence, is repealed by 4 Geo. 4, cap. 71, sec. 2. Sections 55 to 60 relate to the appropriation of the funds of the Company, and are superseded by 3 & 4 Wm. 4, cap. 85, sec. 17. Section 61 repeals parts of 33 Geo. 3, cap. 52, which related to certain payments into the Exchequer and the Bank. Section 62 has reference to the payment of a dividend on the Company's capital stock, and is no longer in force. For the existing provisions relating to the dividend, see 3 & 4 Wm. 4, cap. 85, sec. 11. Section 63 repeals section 9 of 37 Geo. 3, cap. 31, relating to a dividend. Sections 64 and 65 prescribe a separation of accounts in reference to the now obsolete distinction between territory and commerce. Section 66 directs that copy of legislative Regulations made by the several Governments of India, and required by various Acts of Parliament to be sent home, should be laid annually before Parliament, together with the accounts under 33 Geo. 3, cap. 52. By 3 & 4 Wm. 4, cap. 85, the Government of India alone has the power of legislation, and the enactment contained in this section is substantially continued by section 51 of that Act. The 67th section refers to arrangements connected with the distinction, no longer existing, between territory and commerce. The object of the 68th, 69th, and 70th, was to give the Board information and power of interference in cases of mixed territorial and commercial transactions. Such transactions can no longer occur, and the superintending power of the Board is now general.

Instead of being limited to fourteen days, Board to return proposed despatches within two months.

33 G. 3, c. 52.

LXXI. 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 Committee of Directors, in the manner directed by the said Act: and whereas the said limitation of fourteen days for the return of such proposed 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. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 30.]

LXXII. And whereas it is required by the said Act of the Parliament of Great Britain, of the thirty-third year of his Majesty's reign, that various proceedings of the said Board of Commissioners should be signed by the Chief Secretary to the said Board; be it enacted, that from and after the passing of this Act, all proceedings of the said Board, to which the signature of the said Chief Secretary is now by law required, may be signed either by such Chief Secretary, or by the Assistant Secretary to the said Board; any Act, matter, or thing to the contrary notwithstanding. (1)

Proceedings of the Board may be signed by the Chief or Assistant Secretary.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 30, the communications of the Board of Commissioners are to be signed by one of the two secretaries which by section 23 of that Act they are authorized to appoint.]

LXXIII. 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.

Secret Committee not to disclose despatches sent from the presidencies relative to war, peace, or negotiations, until authorized by the Board of Commissioners.

LXXIV. And be it further enacted, that instead of the oath by the said Act of the Parliament of Great Britain, of the thirty-third year of his present Majesty, required to be taken by the several Directors who shall from time to time be appointed a Secret Committee, they shall take an oath of the tenor following (1); that is to say,

Secret Committee to take the following, instead of former oath.

"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 communicated 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 negotiating with any of the native princes or states of
 "the East-Indies, or other parts within the limits of the said Company's Charter, save
 "only to the other members of the said Secret Committee, or to the person or persons
 "who shall be duly nominated and employed in transcribing or preparing the same
 "respectively, unless I shall be authorized by the said Commissioners to disclose and
 "make known the same.

"So help me God."

(1) [In connection with this section, see 3 & 4 Wm. 4, cap. 85, sec. 35.]

New oath of secrecy to be taken by persons employed in preparing or transcribing secret despatches.

LXXV. 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 the Parliament of Great Britain, of the thirty-third year of 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 secrecy, as near unto the tenor and form of the oath hereinbefore provided and directed to be taken by the members of the said Secret Committee, as the case will admit, in such manner as by the same Act of the thirty-third year of his present Majesty is required in regard to the oath thereby directed to be taken by persons employed in preparing and transcribing secret despatches intended to be sent to India.

Section 76 enacted that in the oath prescribed for Directors by 33 Geo. 3, cap. 52, the year and title of this Act (53 Geo. 3, cap. 155) should be substituted for those of the first-named Act; but by 16 & 17 Vict. cap. 95, sec. 13, another oath is to be taken *instead* of the former one.

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.

LXXVII. And whereas by the Charter of incorporation of the said United Company, granted under the authority of an Act passed in the ninth and tenth year of the reign of his late Majesty King William the Third, intituled, "An Act for raising a sum not exceeding "two millions upon a Fund for Payment of Annuities, after the Rate of Eight Pounds per "Centum per Annum, and for settling the Trade to the East-Indies," it is ordered and appointed, that in all cases where there shall be an equality or equal number of votes in any General Court, or in any Court of Directors to be holden as aforesaid, the matter shall be determined by lots, which the treasurer for the said Company shall cause to be prepared and drawn for that purpose: and whereas it is expedient that such mode of decision should be no longer continued; be it therefore enacted, that from and after the passing of this Act, no question in any such General Court, or Court of Directors, shall be carried otherwise than by a majority of votes; and in all cases of an equality of votes upon any question put in any such General Court or Court of Directors, such equality shall be deemed and taken to operate as a rejection of the motion or proposition on which such question shall have been so put: provided always, that nothing herein contained shall extend, or be construed to extend, to cases of election of any person to any office or place where there shall be more than one candidate for such office or place, but that in all such cases where there shall be an equality of votes in favour of any two or more candidates, such election may be determined by lot, in manner directed by the said Charter; any thing herein contained to the contrary notwithstanding.

Board may require accounts, abstracts, and statements to be prepared by the Directors.

LXXVIII. And be it further enacted, that from and after the passing of this Act, the Commissioners for the Affairs of India, or any of the officers of the Board of Commissioners for the Affairs of India, by the order and authority of the said Board, shall not only have free access to the books, papers, letters of correspondence, evidences, and other records of the said Company, and be assisted in their searches for the same, and furnished with copies or extracts, in the manner prescribed by the said Act of the Parliament of Great Britain of the thirty-third year of his Majesty's reign, but shall and may call for, and direct to be



prepared, all such accounts, statements, and abstracts, relating to the affairs of the said Company as the said Board shall think fit; and the said Court of Directors shall, with all reasonable 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.

LXXIX. And whereas by the said Act of the Parliament of Great Britain, of the thirty-third year of his Majesty's reign, it is enacted, that the several orders and proceedings of the Presidencies of Fort William, Fort Saint George, and Bombay, should, previously to their being published and put in execution, be signed by the chief secretary to the Council of the presidency, by the authority of the Governor-General in Council or Governors in Council, as the case may be; and whereas inconvenience may arise to the public service, unless some other person, besides such chief secretary, be authorized to sign such orders and proceedings; be it therefore further enacted, that all such orders and proceedings of the several governments and presidencies in the East-Indies, and parts aforesaid, shall or may, previously to their being published or put in execution, be signed in manner aforesaid, either by the chief secretary to the government of the said presidency, or, in the absence of such chief secretary, by the principal secretary of the department of such presidency to which such orders and proceedings relate; anything to the contrary notwithstanding. (1)

Proceedings at the presidencies to be signed by the principal secretary of the department, in the absence of the chief secretary.

33 G. 3, c. 52.

(1) [*Vide* Act of Government of India, No. 2 of 1834, in Appendix.]

LXXX. And be it further enacted, that from and after the passing of this Act, all vacancies which shall happen in the office of Governor-General of Fort William, or of Governor of either of the Company's presidencies or settlements of Fort Saint George, or Bombay, or of Governor of the forts and garrisons of Fort William, Fort Saint George, or Bombay, or of Commander-in-chief of all the forces in India, or of any provincial Commander-in-chief of the forces there (1), 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 (2); 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. (3)

Vacancies of Governors and Commanders-in-chief, to be filled up by the Court of Directors, subject to his Majesty's approbation.

Not to affect the right of Directors to recall.

(1) [By 16 & 17 Vict. cap. 95, sec. 30, any person appointed by her Majesty to be Commander-in-chief of her forces in India, is by virtue of such appointment to be Commander-in-chief of the Company's forces also; and any person appointed Commander-in-chief of the forces of the Crown in any presidency, shall be Commander-in-chief of the Company's forces in such presidency.]

(2) [By 33 Geo. 3, cap. 52, secs. 26 and 36, and 3 & 4 Wm. 4, cap. 85, secs. 60 and 75, an officer or servant appointed by the Crown, on default of the Court of Directors to appoint within a specified time,

is not to be removed except by the Crown or with its consent. Commanders-in-chief will henceforth be appointed by the Crown, but not in consequence of default on the part of the Court of Directors, who are precluded from making an appointment.]

(3) [*Vide* 3 & 4 Wm. 4, cap. 85, secs. 42, 58, and 75. By sec. 58 of that Act, the power of the Court is extended to the newly constituted Government of Agra; but by 5 & 6 Wm. 4, cap. 52, authority was given to suspend the creation of that government, and it has accordingly been suspended. See also 16 & 17 Vict. cap. 95, sec. 15.]

Vacancies in India (with exceptions) not to be supplied by the Directors without the approbation of the Board.

LXXXI. 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 (1), General Officer on the Staff, Advocate and Attorney-General (1), 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 (2), cadets, or assistant surgeons (2), in such manner as they have heretofore been used or accustomed to do.

(1) [By 16 & 17 Vict. cap. 95, sec. 20, the appointment of Member of Council is made subject to the approbation of the Crown, and by section 29, that of Advocate-General to the approbation of the Board.]

(2) [By 16 & 17 Vict. cap. 95, sec. 36, the power of appointing writers and assistant surgeons is withdrawn from the Court of Directors.]

Provisions of 33 G. 3, c. 52, respecting the periods of service necessary for qualification of civil officers modified, viz., places of more than £1,500 per annum may be given after four years' service in India; places of more than £3,000 per annum after seven years; and places of more than £4,000 per annum (including the

LXXXII. 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 (1); 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.(2)

Council) after ten years.

(1) [Further modification in 10 Geo. 4, cap. 16, sec. 2.]

(2) [See, as to members of the Council of India, 3 & 4 Wm. 4, cap. 85, sec. 40.]

LXXXIII. And whereas by a certain Act, made in the fifty-first year of his Majesty's reign, intituled, "An Act for making further Provision for the Payment of Salaries, and "other Charges in the Office of the Commissioners for the Affairs of India; and for enabling "the East-India Company to restore to the Service of the said Company Military Officers "removed therefrom by Sentences of Courts Martial; and to authorize the said Company, "in cases of unforeseen Emergency, to take up Ships by private Contract;" it was declared and enacted, that it was lawful for the Court of Directors of the said United Company to restore to the service of the said Company any military officer who should have been or should be dismissed or suspended therefrom by the sentence of a court martial, provided that no such restoration should be in any ways valid or effectual, without the approbation and consent of the Board of Commissioners for the Affairs of India, for that purpose had and obtained : and whereas it is expedient that the restoration by the said Court of Directors to the service of the said 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.

Restoration of servants, civil and military, suspended or removed by the Governments abroad, not to be valid without consent of the Board.

51 G. 3, c. 75.

LXXXIV. 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

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.

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.

Restored civil servants to take precedence according to their seniority at the time of their departure from India.

LXXXV. And be it further enacted, that when and as often as any person having held any civil station in India, in the service of the said Company, and having departed from India by leave of the Governor-General in Council, or Governor in Council, shall be restored to the said Company's service, after an absence of five years from the time of such departure, such person, from and after such restoration, shall take rank and precedence only according to the time he shall have passed in the service of the said Company at the period of his departure from India ; and on his return to India, if any other civil servant or servants at the settlement to which he shall belong, shall have then passed a greater or the like length of time in the service of the said Company, as the person so restored had passed when he left India, the person so restored shall be placed and take rank immediately below such other civil servant or servants ; any matter or thing to the contrary notwithstanding.

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.

LXXXVI. 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.

Payment for King's troops by the Company not to exceed 20,000 men, unless greater number sent on their requisition.

LXXXVII. 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 aforesaid, in respect to such additional forces of his Majesty so to be sent on the requisition of the said Company.(1)

(1) [*Vide* note explaining omission of sec. 2, 28 Geo. 3, cap. 8.]

LXXXVIII. 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, 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.(1)

No gratuity above £600 to be good, unless confirmed by the Board.

33 G. 3, c. 52.

Copies of grants of annuities to be laid before Parliament.

(1) [The 55 Geo. 3, cap. 64, was passed to explain and amend this section. That Act precludes the Company, or Court of Directors with the sanction of the Court of Proprietors, from charging their funds with any gratuity without the approval and confirmation of the Board. The 3 & 4 Wm. 4, cap. 85, sec. 25, subjects all grants and payments of money to the control of the Board, with the exception, under section 37, of the details of the home establishment.]

LXXXIX. 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

13 G. 3, c. 63.

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.

39 & 40 G. 3, c. 79.

37 G. 3, c. 142.

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 Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India," a similar provision is made in respect to the salary of the Recorder of the Court of Judicature at Bombay: and whereas no such provision has been made respecting the commencement of the salaries of the Governor or Council of Fort Saint George, or of the Governor or Council of the town and island of Bombay, or of the Governor of Prince of Wales' Island, or of the Recorder there: and whereas it is expedient that a general and moderate provision should be made in respect of all the said officers and of others who may happen to be in the United Kingdom at the time of their appointments; be it therefore further enacted, that so much of the said Acts of the thirteenth, thirty-seventh, and fortieth years of his Majesty's reign, as relates to the commencement of salaries, shall be and the same is hereby repealed: and that from and after the passing of this Act, the salaries of the several officers hereinbefore mentioned shall commence from and after their respectively taking upon them the execution of their offices; and the said Court of Directors shall and they are hereby required to pay and advance to all and singular the officers and persons hereinafter mentioned, who shall be resident in the United Kingdom at the time of their respective appointments, for the purpose of defraying the expenses of their equipments and voyage, such sums of money as are set against the names of such officers and persons respectively; that is to say,

To the Governor-General of Fort William in Bengal (1)	...	Five thousand pounds:
To each of the Members of Council there (2)	...	One thousand two hundred pounds:
To the Commander-in-chief of all the forces in India	Two thousand five hundred pounds:	
To the Chief Justice of the Supreme Court at Fort William	One thousand five hundred pounds:	
To each of the Puisne Judges there	...	One thousand pounds:
To the Governor of Fort Saint George (3)	...	(Varied by 3 & 4 Wm. 4, cap. 85)
To each of the Members of Council there	...	One thousand pounds:
To the Commander-in-chief there	...	Two thousand pounds:
To the Chief Justice of the Supreme Court there	...	One thousand two hundred pounds:
To each of the Puisne Judges there	...	One thousand pounds:
To the Governor of Bombay (4)	...	Two thousand five hundred pounds:
To each of the Members of Council there	...	One thousand pounds:
To the Commander-in-chief there	...	One thousand five hundred pounds:
To the Recorder there (5)	...	(See note)
To the Governor of Prince of Wales' Island	...	One thousand two hundred pounds:
To the Recorder there	...	One thousand pounds:
To the Bishop (6)	...	One thousand two hundred pounds:
To each of the Archdeacons	...	Five hundred pounds:



(1) [Re-enacted, as to the Governor-General of India, by 3 & 4 Wm. 4, cap. 85, sec. 76.]

(2) [Extended to members of the Council of India, by Act and section quoted above.]

(3) [Originally three thousand pounds, but by 3 & 4 Wm. 4, cap. 85, sec. 76, reduced to two thousand five hundred pounds.]

(4) [Re-enacted by 3 & 4 Wm. 4, cap. 85, sec. 76.]

(5) [There is no longer a Recorder of Bombay; a Supreme Court having been erected by 4 Geo. 4, cap. 71. By that Act (sec. 12) the allowance for passage-money to a Chief Justice is fixed at one thousand two hundred pounds; and that to a Puisne Judge, at one thousand pounds.]

(6) [This allowance is for the Bishop of Calcutta. The 3 & 4 Wm. 4, cap. 85, authorized the erection of two new sees, Madras and Bombay; and the allowance to the Bishops of those sees for passage-money is fixed, by section 91 of that Act, at five hundred pounds.]

XC. And whereas by an Act passed in the fifty-first year of his Majesty's reign, intituled, "An Act for making further Provision for the Payment of Salaries and other Charges in the Office of the Commissioners for the Affairs of India, and for enabling the East-India Company to restore to the service of the said Company Military Officers removed therefrom by sentence of Courts Martial, and to authorize the said Company, in cases of unforeseen emergency, to take up Ships by Private Contract," it is enacted that the whole of the salaries to be paid to the members of the said Board of Commissioners for the Affairs of India, and to the secretaries and officers of the same, together with all other contingent charges and 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 (1); and that the same shall be deemed and taken as a part of the political charges of the said Company.

Additional provision for the salaries and charges of the Board of Control.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 6, the Board are empowered to make a temporary increase upon the sum above named, for the payment of such additional officers as might be necessary during the winding up of the commercial concerns of the Company; but section 110 prohibits any permanent increase.]

His Majesty empowered to grant superannuations to the officers of the Board of Control.

50 G. 3, c. 117.

Previous service to be taken into account for officers of the Board.

Court of Directors empowered to grant superannuations to Company's servants in England.

XCI. And whereas it is reasonable that his Majesty, his heirs or successors, should have power to grant allowances, compensations, remunerations, or superannuations, to the secretaries and other officers of the said Board, under the conditions hereinafter provided, be it therefore enacted, that it shall and may be lawful to and for his Majesty, his heirs or successors, by any warrant or warrants, under his or their sign manual, countersigned by the Chancellor of the Exchequer for the time being, to grant or allow to any of the secretaries or officers for the time being belonging to the said Board, such allowances, compensations, remunerations, or superannuations, as his Majesty, his heirs or successors, shall think proper; under and subject nevertheless to such or the like conditions, and in such or the like proportions, as allowances, compensations, remunerations, or superannuations, may now be made to public officers by virtue of an Act passed in the fiftieth year of his present Majesty's reign, intituled, "An Act to direct that Accounts of Increase and Diminution of Public "Salaries, Pensions, and Allowances shall be annually laid before Parliament, and to regulate "and 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.

XCII. 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.

XCIII. 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 (1) 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.



(1) [This refers to the distinction between territory and commerce, which no longer exists. The 3 & 4 Wm. 4, cap. 85, made special provision, in section 7, for compensation to servants, their widows or children, whose interests were affected by the discontinuance of the Company's trade.]

XCIV. 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.

XCv. 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.

Act not to prejudice the King's sovereignty, or affect rights of the Company.

XCvI. And whereas doubts have been entertained whether the several governments of the said Company have sufficient power in all cases to make laws and regulations and articles of war, for the order and discipline of officers and soldiers, being natives of the East-Indies, or other places within the limits of the said Company's Charter, in the service of the said Company, and for the administration of justice by courts martial to be holden upon such officers and soldiers; and it is expedient that such doubts should be removed: be it therefore enacted and declared, that the several governments of Fort William, Fort Saint George, and Bombay (1), have and shall, during the continuance of the term hereby granted to the said Company, be deemed and taken to have full power and authority to make all such laws and regulations and articles of war, as they may think fit, for the order and discipline of all officers and soldiers, natives of the East-Indies, or other places within the limits of the said Company's Charter, in their respective services, and for the administration of justice by courts martial to be holden on such native officers and soldiers, and for the constitution and manner of proceeding of such courts martial, and for all other purposes relating to or in any manner concerning such native officers and soldiers, in as full and ample a manner as the said governments respectively may make any other laws or regulations for the government of the natives of the several territories subject to the said presidencies respectively, any Act of Parliament, or other matter or thing, to the contrary notwithstanding: provided always, that all laws, regulations, and articles of war, hereafter to be made respecting any of the matters aforesaid, whereby the rights, persons, or property of any such native officers or soldiers may be affected, shall be made and promulgated in every respect in the same manner as other regulations affecting the rights, persons, or property of natives or other individuals amenable to the provincial courts of the presidency of Fort William in Bengal, are directed to be made by virtue of an Act passed in the thirty-seventh year of his Majesty's reign, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India." (2)

The governments in India empowered to make laws, regulations, and articles of war, for the native troops; and to hold courts martial.

(1) [The Governor-General in Council is the only local authority now possessing the power of legislation.]

(2) [On the subject of the above section see 12 & 13 Vict. cap. 43, known as the India Mutiny Act.]

Former laws, articles of war, and established usages, respecting native troops confirmed.

XCVII. And be it further enacted and declared, that all laws, regulations, and articles of war heretofore made by any of the said governments, respecting the said native officers and soldiers, or the administration of justice by courts martial to be holden upon them, or the constitution or proceeding of such courts martial, or in any manner respecting the government, order, or discipline of such native officers or soldiers, and also all established usages acted upon by such governments, respecting any of the matters aforesaid, although the same may not have originated in any written law or regulation thereof, were, and that such of the said laws, regulations, articles of war, and established usages as are now subsisting are, and until altered or repealed by the said governments respectively, shall be, to all intents and purposes, valid; and that all courts martial holden according to such laws, regulations, or articles of war, or established usages, and all proceedings of the same respectively, and all other acts or proceedings done or had under such laws, regulations, articles of war, or established usages, are hereby ratified and confirmed, and declared to be valid, and to have been legally had and done; so far as the same respectively were and are conformable to such laws, regulations, articles of war, and established usages.

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.

XCVIII. And whereas it is expedient that the governments of the said Company established at Fort William, Fort Saint George (1), Bombay (1), and Prince of Wales' Island (1) 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 (2), and the Court of Judicature at Prince of Wales' Island respectively; be it therefore enacted, that it shall and may be lawful to and for the Governor-General in Council of Fort William in Bengal, and to and for the Governor in Council of Fort Saint George (1), and to and for the Governor in Council of Bombay (1), and to and for the Governor in Council of Prince of Wales' Island (1), within the respective presidencies of Fort William, Fort Saint George, Bombay, and Prince of Wales' Island, to impose all such duties of customs and other taxes, to be levied, raised, and paid within the said towns of Calcutta and Madras, the said town and island of Bombay, and Prince of Wales' Island, and upon and by all persons whomsoever, resident or being therein respectively, and in respect of all goods, wares, merchandises, 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, merchandises, 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 (1) 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

No such duty or tax in Calcutta, Madras, Bombay, or Prince of Wales' Island, to be



have been sanctioned by the said Court of Directors, with the approbation of the said Board of Commissioners, in manner hereinbefore prescribed respecting duties and taxes of export, import, and transit on goods, wares, or merchandise.

valid till sanctioned by the Directors, with the approbation of the Board.

(1) [*Vide* note (1) on section 96.]

(2) [*Vide* note (5) on section 89.]

XCIX. And be it further enacted, that it shall and may be lawful for such Governor-General in Council, and Governors in Council (1) respectively, to make laws and regulations respecting such duties and taxes, and to impose fines, penalties, and forfeitures, for the nonpayment 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 (1) respectively, may now lawfully make any other laws or regulations, or impose any other fines, penalties, or forfeitures whatsoever: and all such laws and regulations shall be taken notice of, without being specially pleaded, as well in the said Supreme Courts and Recorder's Court (2) and Court of Judicature at Prince of Wales' Island respectively, as in all other Courts whatsoever within the said British territories: and that it shall and may be lawful for all persons whomsoever, to prefer, prosecute, and maintain, in the same Supreme Courts and Recorder's Court (2) 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.

(1) [*Vide* note (1) on section 96.]

(2) [*Vide* note (5) on section 89.]

C. And be it further enacted, that it shall and may be lawful for the Advocate-General, or other principal law-officer of the said Company, at the several presidencies of Fort William, Fort Saint George, Bombay, and Prince of Wales' Island, to exhibit in behalf of the said Company to the Supreme Courts of Judicature at Fort William and Madras, Recorder's Court at Bombay (1), and Court of Judicature at Prince of Wales' Island, as occasion shall require, against any person or persons whomsoever, subject to the jurisdiction of the said several Courts respectively, any information or informations for any breach or breaches of the revenue laws, or regulations of any of the said Governments, or for any fine or fines, penalty or penalties, forfeiture or forfeitures, debt or debts, or sum or sums of money, committed, incurred, or due by any such person or persons, in respect of any such law or regulations; and such proceedings shall be had and taken upon every such information as may lawfully be had or taken, in case of an information filed by his Majesty's Attorney-General in the Court of Exchequer in England, for any offence committed against the revenue laws of England, or for any fine, penalty, forfeiture, debt, or sum of money due in respect thereof; so far as the circumstances of the case, and the course and practice of proceeding in the said Courts respectively will admit; and all fines, penalties, forfeitures, debts, and sums of money, recovered or levied under or by virtue of any such information, so to be exhibited as aforesaid, shall belong to the said United Company, and the same, or the proceeds thereof, shall be carried in their books of account to the credit of the territorial revenues of the said Company.

Advocate-General may exhibit informations to the King's Courts in matters of revenue, &c.

(1) [*Vide* note (5) on section 89.]



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.

CI. And whereas it is expedient that provision should be made for empowering the several governments of the said Company in India to restrain, by summary convictions, British subjects residing in India without 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 (1), 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, 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. (2)

(1) [See note (5) on section 89.]

(2) [This section must now be of very limited application, so large a part of the British dominions in India being opened by 3 & 4 Wm. 4, cap. 85, sec. 81.]

CII. 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.

King's Courts regularly to hold sessions four times in every year, for trying criminal offences.

CIII. And whereas great inconvenience and expense have hitherto been experienced in cases of prosecution under the authority of the Advocate-General or other principal law-officer of the said Company, at their several presidencies of Fort William, Fort Saint George, and Bombay respectively, for misdemeanors committed at a distance from the said several presidencies, by the ordinary course of indictment, or information filed with leave of the Court; be it therefore enacted, that it shall and may be lawful for the Advocate-General, or other principal law-officer of the said Company at their several presidencies, in all cases of misdemeanor alleged to have been committed by any British subject, at a distance of more than one hundred miles from the presidency within the limits whereof such offence shall be alleged to have been committed, to file an information *ex officio* in the Supreme Court of Judicature at Fort William, the Supreme Court of Judicature at Madras, or the Recorder's Court at Bombay (1), 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.

(1) [See note (5) on section 89.]

CIV. 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 (1), 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 (2); and the masters or other persons having the command of all such ships, shall and they are hereby authorized and required to receive, and safely and securely to keep all and every such person and persons who shall be sent on board any ship or ships for the purpose aforesaid, until such person or persons shall be landed in some port or ports of the United Kingdom: provided always, that every person who shall be so put on board any such ship for the purpose aforesaid, shall be entitled to be

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

discharged in such port of the United Kingdom, in which such ship shall be moored in safety, as such person shall think fit.

(1) [The Company have now no establishment in China.]

(2) [See note on section 101.]

Justices of Peace in the provinces shall have jurisdiction in case of assault and trespass committed by British subjects on the natives of India.

CV. 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 (1): 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 hereinbefore contained, the magistrate before whom such conviction shall take place shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the Government to which the place wherein the offence was committed is or shall be subordinate; provided also, that all such fines shall be paid in the first instance to the magistrate before whom the party offending shall be convicted, and the amount thereof, after making such satisfaction to the party aggrieved as aforesaid, if any, shall be transmitted by such magistrate to the Clerk of the Crown, or other officer to whom it belongs to receive fines in his Majesty's Court of Oyer and Terminer and Gaol Delivery for the province within which the offence shall have been committed; and such fines shall and may be disposed of in the same manner as other fines imposed by such Court of Oyer and Terminer and Gaol Delivery: provided also, that all such convictions shall and may be removable by writ of *certiorari* (2)

Copy of conviction and proceedings to be sent to the Government.

Fines to be paid to the magistrate.

Application thereof.

Convictions remova-



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 (3); 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.

ble by *certiorari*, and subject to provisions of 33 G. 3, c. 52.

(1) [By Act of Government of India, No. 8 of 1836, British-born subjects and their descendants are subjected in certain cases, criminally as well as civilly, to the same tribunals as natives within the territories of Fort William. By Act No. 24 of 1836, this is extended to the territories of Fort Saint George and Bombay. By Act of the Government of India, No. 7 of 1853, the above section (105) is extended to such offences as are therein described, committed against any one, whether a native of India or not, and whether the alleged offender be a British subject or not.]

(2) [*Vide* Act of Government of India, No. 4 of 1843, in Appendix.]

(3) [See note (2) on 33 Geo. 3, cap. 52, sec. 153.]

Section 106, in regard to claims of natives upon British subjects beyond the jurisdiction of the Courts of Requests of Calcutta, Madras, and Bombay, such claims not exceeding fifty rupees, gave power to the magistrates of zillahs or districts to hear and decide. But by Act of Government of India, No. 11 of 1836, all persons, wherever born or however descended, are subjected in civil matters to Company's Courts within their several jurisdictions. Section 107, which enacted that, under certain restrictions and conditions, British subjects residing or trading, or occupying immovable property at the distance of more than ten miles from the presidencies, might be subject to the jurisdiction of all Courts having cognizance of civil suits or matters of revenue, is, by the Act of the Government of India above named, declared to have no effect after the 1st June, 1836.

CVIII. And be it further enacted, that every British subject of his Majesty, not in the service of his said Majesty, or of the said United Company, who, after the tenth day of April, one thousand eight hundred and fourteen, shall go to and reside in any part of the British territories in India distant more than ten miles from the presidency to which the same shall

British subjects allowed to reside more than ten miles from presidency, shall procure and register certificate of such permis-



sion 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.

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 (1) of the said Government, or other officer authorized for that purpose, a certificate signed by the said chief secretary or other officer, expressing that such British subject has the permission of such Government to reside at such place, specifying the same, and expressing also whether such permission has been granted during the pleasure of such Government or for any limited time ; and the said certificate shall be deposited by such British subject in the civil court of the district in which he shall so go to reside, within one month after his taking up his residence there, and shall be kept among the records of the said court ; of which certificate so deposited, a true copy attested by the judge or other officer of such court thereto authorized, shall be given to the party depositing the same, and shall be deemed and taken in all Courts of Justice, and on all occasions whatsoever, to be good and sufficient evidence of such certificate, unless the contrary shall be shown : 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.(2)

(1) [See Act of Government of India, No. 2 of 1834, in Appendix.]

(2) [Under 3 & 4 Wm. 4, cap. 85, sec. 81, a large part of India is opened to the residence of her Majesty's subjects without license.]

Natives of India in the service of Company subject to provincial Courts.

CIX. And whereas doubts have been entertained whether persons being natives of India, in the service of the United Company of Merchants of England trading to the East-Indies, or of any of his Majesty's subjects, are amenable to the jurisdiction of the provincial Courts established in the East-Indies, or whether such persons being natives of India, in the service of the said United Company, or of his Majesty's subjects, are not exclusively amenable to the jurisdiction of the said Courts at Fort William, Madras, and Bombay respectively, and it is expedient that such doubt should be removed ; be it further enacted and declared, that all persons whosoever, being natives of India, who have been, now are, or hereafter may be employed, by or in the service of his Majesty, the said United Company, or of any of his Majesty's subjects, were, and are, and shall be subject and amenable to all provincial Courts of competent jurisdiction for all crimes and misdemeanors, and in all actions and suits whatsoever, of which such Courts respectively could take cognizance, if the persons having committed such crimes or misdemeanors, or against whom the causes of such actions or suits shall have arisen, had not been employed by, or had not been in the service of his Majesty, or the said United Company, or any of his Majesty's subjects ; any law, usage, or practice to the



contrary thereof in any ways notwithstanding : provided always, that nothing herein contained shall anywise oust the said Supreme Courts of Judicature of Fort William and Madras, and the said Court of the Recorder of Bombay (1) respectively, of any jurisdiction over any natives of India, which such Courts may now lawfully exercise ; but such Supreme Courts of Judicature of Fort William and Madras, and the said Court of the Recorder of Bombay (1) respectively, as well as the provincial Courts herein referred to, according to their several jurisdictions, shall have a concurrent jurisdiction over natives of India, employed by or in the service of the said United Company, or any of his Majesty's subjects.

(1) [Now a Supreme Court of Judicature.]

CX. And whereas the Courts established by the said United Company have no jurisdiction over crimes maritime, and doubts have been entertained whether the Admiralty jurisdiction of his Majesty's Courts at Calcutta, Madras, and Bombay, extends to any persons but those who are amenable to their ordinary jurisdiction ; by reason whereof failures of justice may arise ; be it therefore enacted, that it shall and may be lawful for his Majesty's Courts at Calcutta, Madras, and Bombay, exercising Admiralty jurisdiction, to take cognizance of all crimes perpetrated on the high seas, by any person or persons whatsoever, in as full and ample a manner as any other Court of Admiralty jurisdiction established by his Majesty's authority in any colony or settlement whatsoever belonging to the Crown of the said United Kingdom.

Admiralty jurisdiction of King's Courts extended.

CXI. And whereas doubts have arisen whether the Advocate-General or other principal law officer of the said Company, at any of the said Company's presidencies, is by law authorized to exhibit to the respective Courts of Judicature at any of the said presidencies, for and on behalf of his Majesty, informations in the nature of actions at law, or bills in equity, for or in respect of any cause or causes of action, debts, dues, demands, accounts, reckonings, sum or sums of money, stores, goods, chattels, or any other matter, cause, or thing whatsoever, which may have arisen or accrued, or which may arise or accrue to his Majesty ; for remedy thereof, be it further enacted, that it shall and may be lawful to and for the Advocate-General, or other principal law officer of the said Company for the time being, at each of the said Company's presidencies respectively, for and on behalf of his Majesty, his heirs and successors, to exhibit to the respective Supreme Courts of Judicature at the said Company's presidencies of Fort William and Madras, or to the Recorder's Court at Bombay (1), or the Court of Judicature at Prince of Wales' Island, any information or informations in the nature of an action or actions at law, or of a bill or bills in equity, as occasion shall require, against any person or persons residing within or being amenable to the jurisdiction of the said Courts respectively, for or in respect of any cause or causes of action, debts, dues, demands, accounts, reckonings, sum or sums of money, stores, goods, chattels, or any other matter, cause, or thing whatsoever, as fully and effectually, to all intents and purposes, as his Majesty's Attorney-General for the time being is by law authorized to exhibit any such information or informations in any of his Majesty's Courts of Law or Equity in this realm ; and that thereupon such proceedings shall be had, as far as the circumstances of the case and the course and practice of the said Courts of Judicature at the said several presidencies will admit, as are had upon any such informations exhibited by his Majesty's Attorney-General in any of his Majesty's Courts of Law or Equity in this realm.

Advocate-General of the Company may file informations in King's Courts for debts due to his Majesty.

(1) [*Vide* note (5) on section 89.]



Justices of the Peace may qualify by taking the oaths in any Court of Justice within the provinces.

33 G. 3, c. 52.

CXII. And whereas great inconvenience has arisen from requiring the civil servants of the said United Company, and other persons stationed at a distance from the presidencies, to attend and take the oaths in the Courts of Oyer and Terminer of the said presidencies, as prescribed by the said Act of the Parliament of Great Britain of the thirty-third year of his Majesty's reign; be it therefore enacted, that all persons who shall be nominated and appointed in any such commissions of the peace as are in the said Act mentioned, shall be capable of acting as Justices of the Peace in every respect, according to the tenor of such commissions, upon taking and subscribing in any Civil or Criminal Court of Justice within the provinces in and for which any such commission shall have issued, before any other Justice of the Peace, the like oaths as are appointed by the said Act to be taken in the Court of Oyer and Terminer of the province or presidency for which such persons shall be appointed to act as Justices of the Peace; and the subscription of such persons to the said oaths shall be deposited and kept with the records of the Courts of Justice in which the said oaths shall have been administered. (1)

(1) [See note on 33 Geo. 3, cap. 52, sec. 152. See also Act of Government of India, No. 16 of 1841.]

Provincial Courts of the highest jurisdiction may arrest in civil or criminal process within the presidencies, notwithstanding the jurisdiction of King's Courts.

CXIII. And whereas it is expedient that the Sudder Dewanny Adawlut, and Nizamut Adawlut, or other provincial Courts, however denominated, exercising the highest jurisdiction within the provinces respectively subject to the Governments of Fort William, Fort Saint George, and Bombay, should have power and authority to execute process of arrest, either civil or criminal, within the towns of Calcutta and Madras, and the town and island of Bombay, notwithstanding the jurisdiction of his Majesty's Courts established at those places respectively, be it therefore enacted, that it shall and may be lawful for the said Court of Sudder Dewanny and Nizamut Adawlut, or other provincial Courts aforesaid, to execute or cause to be executed upon all persons subject to the jurisdiction of such Courts respectively (1), all manner of lawful process of arrest, within the respective limits of the towns of Calcutta and Madras, and of the town and island of Bombay, in the same manner as the said Courts respectively may, by virtue of any power now vested, or hereafter to be vested in them, lawfully execute, or cause to be executed, such process in any place situate without the said limits; any Act, Charter, or other matter or thing whatsoever to the contrary notwithstanding: provided always, that all such process which shall be executed within the limits aforesaid, shall be in writing, and shall have underwritten or indorsed thereon, or otherwise annexed thereto, a translation thereof, or of the substance thereof, in the English language and character, signed by one of the Judges of the Court from whence the same shall issue.

Process to be in writing, with an English translation, and signed by a judge.

(1) [*Vide* Act of Government of India, No. 11 of 1836, in Appendix.]

Sections 114 to 120 are composed of penal enactments directed against various offences. They are repealed by 9 Geo. 4, cap. 74, sec. 126. Section 121 directs the mode of carrying into effect the sentence of transportation for offences under former sections of this Act; but the whole of those sections have been repealed.

Persons taking false oaths, guilty of per-

CXXII. And be it further enacted, that if any person or persons whomsoever shall be convicted of making a false oath touching any of the matters directed or required by this Act



to be testified on oath, such person or persons so convicted as aforesaid, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons guilty of perjury are liable by any law in force in that part of the said United Kingdom called England; and if any person shall corruptly procure or suborn any other person or persons to swear falsely in any such oath, such person, being duly convicted of such procuring and suborning, shall for every such offence incur and suffer such penalties, forfeitures, pains, and disabilities, as persons convicted of perjury are respectively liable unto by any law in force in the said part of the United Kingdom called England.

jury; and persons suborning, liable to the penalties of perjury, according to the laws of England.

CXXIII. And be it further enacted, that if any suit or action shall be brought or commenced against the said United Company, or any of their servants, or any person or persons acting by their authority, for the recovery of any costs or damages for the unlawful taking, arresting, seizing, imprisoning, sending, or bringing into the United Kingdom, of any person or persons found in the East-Indies or other parts aforesaid, within the limits of the said Company's Charter, or as not being authorized to reside or traffic (1) 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 (2); 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.

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.

(1) [See note on section 101.]

(2) [See 10 Geo. 3, cap. 47, secs. 5 and 7.]

CXXIV. And be it further enacted, that all suits and prosecutions for any thing done under or by virtue of this Act, shall be commenced within the space of three years after the cause of complaint shall have arisen; or being done in the United Kingdom, in the absence of any person beyond sea, aggrieved thereby, then within the space of three years next after the return of such person to the United Kingdom.

Limitations of suits.

CXXV. And be it further enacted, that so much and such parts of this Act in respect whereof no particular time or times of commencement is or are herein named or appointed, shall have commencement from and after the tenth day of April, one thousand eight hundred and fourteen.

Parts of the Act, for which no particular time is appointed, to commence from 10th April, 1814.



54 GEORGII III. Cap. LXI.

AN ACT to amend an Act of the twenty-second Year of his present Majesty, intituled, "An Act to prevent the granting in future any "Patent Office, to be exercised in any Colony or Plantation, now, "or at any Time hereafter, belonging to the Crown of Great Britain, "for any longer Term than during such Time as the Grantee "thereof or Person appointed thereto shall discharge the Duty "thereof in Person and behave well therein." [27th May, 1814.]

This Act not to extend to the East-India Company.

V. And be it further enacted, that nothing in this Act contained shall operate to the prejudice of any subsisting grant of any office or offices, or shall be construed to affect any appointment, or any leave of absence, granted previous to the passing of this Act, or any renewed grant of any office which may be made in consequence of the demise of the Crown, to any person now holding the same: and that no provision of this Act shall be applicable or applied to any office granted or to be granted by the United Company of Merchants trading to the East-Indies, or to any rules, regulations, or provisions, made by the said Company with respect to the appointment or leave of absence of any of their civil or military servants.

54 GEORGII III. Cap. CV.

AN ACT to remove Doubts as to the Duties and Taxes heretofore imposed and levied under the Authority of the several Governments in the East-Indies. [23rd July, 1814.]

Power of levying duties, &c., by the Governments in India confirmed.

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: 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 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 at Fort Saint 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, merchandises, 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 in respect of all goods, wares, merchandises, 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 any ways 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

53 G. 3, c. 155.

“further Term the Possession of the British Territories in India, together with certain
“exclusive Privileges; for establishing further Regulations for the Government of the said
“Territories, and the better Administration of Justice within the same; and for regulating
“the Trade to and from the Places within the Limits of the said Company’s Charter;” 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.

II. 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 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.

Orders, &c., to remain in force, and persons indemnified.

55 GEORGE III. Cap. LIX.

AN ACT for amending an Act of his present Majesty, to insure the proper and careful Manufacturing of Fire-arms in England, and for making Provision for proving the Barrels of such Fire-arms.
 [12th May, 1815.]

Not to extend to arms made for his Majesty, or the East-India Company, or certain barrels specified.

V. 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.(1)

(1) [See 53 Geo. 3, cap. 115, sec. 3.]

55 GEORGE III. Cap. LXIV.

AN ACT to explain and amend an Act of the Fifty-third Year of his present Majesty, as far as relates to the granting Gratuities by the East-India Company.
 [25th May, 1815.]

53 G. 3, c. 155.

Whereas by an Act of Parliament passed in the fifty-third year of his Majesty's reign, for continuing in the East-India Company, for a further term, the possession of the British territories in India, and for other purposes, 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 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.

Company not to charge themselves with any gratuity exceeding £600, unless approved by the Commissioners for India Affairs.

By 3 & 4 Wm. 4, cap. 85, sec. 25, all grants of money, except from the sum allotted for the home expenses of the Company, are to be subject to the approval of the Board.

55 GEORGH III. Cap. LXXXIV.

AN ACT to amend so much of an Act of the Thirty-third Year of his present Majesty, as relates to fixing the Limits of the Towns of Calcutta, Madras, and Bombay; and also so much of an Act of the Thirty-ninth and Fortieth Year of his present Majesty, as relates to granting Letters of Administration to the Effects of Persons dying intestate within the several Presidencies in the East-Indies to the Registrar of the Ecclesiastical Courts; and to enable the Governor in Council of the said Presidencies to remove Persons not being British Subjects; and to make Provision for the Judges in the East-Indies in certain cases. [14th June, 1815.]

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,

33 G. 3, c. 52.

Limits of the towns
 of Calcutta, Madras,
 and Bombay.

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 Saint 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 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 Saint 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 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 Saint 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.

39 & 40 G. 3, c. 79. II. 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 subject should die intestate, within either of the presidencies of Fort William, Fort Saint 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 hereinafter 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 shown 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 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.

Letters of administration to attornies of executors.

III. 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 hereinbefore 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.

Making void letters of administration to registrar.

IV. 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, or claiming to be entitled, either as principal or principals, attorney or attornies, to the probate or probates of any will or wills, codicil 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.

of 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 hereinbefore 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 been entitled to, or claiming or to 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.

Registrar, when appointed administrator, to enter in a book separate accounts.

V. 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 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 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*.

It is to be observed, that all the enactments in the preceding sections which affect the Registrars of the Courts at the various presidencies, now apply to the Administrator-General at each, appointed under Acts of Government of India, No. 7 of 1849, and No. 2 of 1850.

VI. And 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 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

Removal of persons
not being British sub-
jects.

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 or authority
for apprehension.

VII. And be it further enacted, that 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, 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.

Section 8 regulated the grant of retiring pensions to Judges of the Supreme Courts and Recorders; but the amount of such pensions and the period of residence required as qualification have been varied by later enactments. The existing provisions with regard to both will be found in 6 Geo. 4, cap. 85, secs. 7 to 12.

No action to be commenced against the Company until after twenty days' notice; nor after three years after the cause of complaint.

IX. And be it further enacted, that no action or suit shall be commenced against the said United Company, or any of their servants, or any person or persons whomsoever, for any thing done in pursuance or under colour of this Act, until twenty days' notice shall have been given to the said Company, or to the person or persons respectively against whom the same is to be brought, or after a sufficient satisfaction or tender thereof shall have been made to the party or parties aggrieved, nor after three years next after the cause of complaint shall have arisen; and the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon (1), and that the same was done in pursuance and by authority of this Act; and if it shall appear to be so done, or that a sufficient satisfaction or tender thereof hath been made before the commencement of such action or suit, or that such action or suit hath been commenced after the time limited for bringing the same, or in any other manner than as directed by this Act, 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 discontinue his or their action or suit after the defendant or defendants shall have appeared, or wherein judg-

57 GEO. 3, cap. 57.]

199

ment shall be given against such plaintiff or plaintiffs upon demurrer, or objection in nature of a demurrer, or where a verdict, or judgment in nature of 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 action or suit.

(1) [See 10 Geo. 3, cap. 47, secs. 5 and 7.]

56 GEORGII III. Cap. LXXXII.

AN ACT to render valid the Judicial Acts of Surrogates of Vice-Admiralty Courts abroad, during Vacancies in Office of Judges of such Courts.
[25th June, 1816.]

Whereas it is requisite that due validity should be given to the judicial acts of Surrogates who have executed the offices of Judges in the Courts of Vice-Admiralty established in his Majesty's plantations and colonies, during vacancies occasioned by the deaths or resignation or other removals of the said Judges, or who also shall hereafter execute the same during such vacation; 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 all judicial acts of Surrogates having been appointed to act as Judges during such vacancies, either by Judges of the said courts previously to their removal, or, in default of such appointment, by the Governors of the plantations and colonies in which such courts shall be, shall have the same force and validity, and shall be subject to the same course of appeal, as if the said acts had been done by the authority of Judges regularly appointed by the Lords Commissioners of the Admiralty.

Acts of Surrogates appointed by Judges, or by Governors of plantations and colonies, rendered valid.

57 GEORGII III. Cap. LVII.

AN ACT to empower his Majesty to suspend Training, and to regulate the Quotas of the Militia.
[30th June, 1817.]

The third section only of this Act requires insertion here. The Act therein referred to is the 42 Geo. 3, cap. 90.

III. And whereas doubts have arisen whether officers, serjeants, or other persons enlisting men to serve the United Company of Merchants of England trading to the East-Indies, are subject to the penalties, forfeitures, and provisions contained in the said recited Act of the forty-second year aforesaid, in relation to enlisting into his Majesty's other forces men enrolled

Persons enlisting militia-men for the East-India Company's service, subject to the penalties of recited Act.

or engaged to serve in the militia; and whether militia-men so enlisting, or militia-men offering themselves to serve for any other parish or place than the parish or place for which they are first enrolled, are within the provisions of the said Act contained in relation to offering to be enrolled in any other regiment, battalion, or company of militia; for remedy whereof, be it declared and enacted, that every officer, serjeant, or person who shall wilfully or knowingly enlist any man to serve the United Company of Merchants of England trading to the East-Indies, who at the time of such enlisting shall be enrolled or engaged to serve in the militia, shall be and be deemed to be within the provisions of the said recited Act, and shall be subject to the penalties and forfeitures therein contained for enlisting militia-men to serve in his Majesty's other forces; and that every militia-man offering to enlist to serve the United Company of Merchants of England trading to the East-Indies, who shall deny to the officer, serjeant, or other person recruiting men for such service, that he is at the time of such offering a militia-man, or who shall offer himself to be enrolled and be enrolled as a militia-man for any other parish or place than the parish or place for which he shall be then enrolled and serving, although in the same regiment, battalion, or corps, shall be subject and liable to the provisions in the said Act contained for the punishment and subsequent service of militia-men offering to enlist in his Majesty's other forces, or to be enrolled and serve in any other regiment, battalion, or corps of militia; any thing in the said recited Act contained to the contrary notwithstanding.

Militia-men offering to be enrolled for another parish, subject to punishment under recited Act for enlisting into another regiment, &c.

58 GEORGE III. Cap. LXXXIII.

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. [5th June, 1818:]

By one of the By-Laws of the Company, it is ordained that the provisions of this Act shall be considered as part of such By-Laws; but the discontinuance of the Company's trade renders most of them temporarily inoperative. The 14th section is the only one that need be inserted.

Act not to extend to vessels belonging to marine war establishments in India; nor to prevent the Company from consigning goods by private ships.

XIV. 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.



58 GEORGII III. Cap. LXXXIV.

AN ACT to remove Doubts as to the Validity of certain Marriages had and solemnized within the British Territories in India.

[5th June, 1818.]

Whereas doubts have arisen concerning the validity of marriages which have been had and solemnized within the British territories in India, by ordained ministers of the Church of Scotland as by law established: and whereas it is expedient that such doubts should be quieted, and that the law respecting such marriages should be declared for the future: be it declared and enacted, and it is hereby declared and 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 marriages heretofore had and solemnized, or which shall be had and solemnized within the said territories in India, before the thirty-first day of December now next ensuing, by ordained ministers of the Church of Scotland as by law established, shall be, and shall be adjudged, esteemed, and taken to have been, and to be, of the same and no other force and effect as if such marriages had been had and solemnized by clergymen of the Church of England, according to the rites and ceremonies of the Church of England; and that from and after the said thirty-first day of December now next ensuing, all marriages between persons, both or one of such persons being members or member of or holding communion with the Church of Scotland, and making a declaration to the effect hereinafter mentioned, which marriages shall be had and solemnized within the British territories in India, by ordained ministers of the Church of Scotland as by law established, and appointed by the United Company of Merchants of England trading to the East-Indies to officiate as chaplains within the said territories, shall be, and shall be adjudged, esteemed, and taken to be, of the same and no other force and effect as if such marriages were had and solemnized by clergymen of the Church of England, according to the rites and ceremonies of the Church of England: provided always, that from and after the said thirty-first day of December, no such marriage as aforesaid shall be had and solemnized, till both or one of such persons, as the case may be, shall have signed a declaration in writing, in duplicate, stating that they, or he or she, as the case may be, are or is members or member of or holding communion with the Church of Scotland by law established.

Marriages solemnized in India before 31st December by ministers of the Church of Scotland to be of the same force as if solemnized by clergymen of the Church of England: and after that period, marriages between persons of the Church of Scotland by ministers of that communion, and appointed by the East-India Company, to be valid.

Declaration to be made by parties.

II. And be it further enacted, that the minister by whom such marriage shall be solemnized, shall, immediately upon the solemnization thereof, certify such marriage by a writing under his hand in duplicate, subjoined to or indorsed upon the declaration in duplicate hereinbefore mentioned, specifying in such certificate the names and descriptions of the parties between whom and of the witnesses in whose presence the said marriage has been had and solemnized, and the time and place of the celebration of the same; and such certificate in duplicate shall be also signed forthwith by the parties entering into such marriage, and by the witnesses to the same; and the minister officiating shall deliver one duplicate of such declaration and certificate to the persons married, or to one of them, and shall transmit the other duplicate of such declaration and certificate to the Chief Secretary of Government at the presidency within which such marriage shall have been had and solemnized.

Minister shall certify the marriage; and shall deliver a duplicate of the certificate to the party, and transmit another to the secretary of the presidency.

By 14 & 15 Vict. cap. 4, marriages, one or both of the parties professing the Christian religion, may be solemnized in the presence of the Marriage Registrar, and of two or more witnesses, according to such form as the parties may see fit to adopt, provided certain words specified in section 9 of the Act be used by the said parties in some part of the ceremony.

59 GEORGII III. Cap. XXV.

AN ACT to enable his Majesty to fix the Rate and direct the Disposal of Freight Money for the Conveyance of Specie and Jewels on board his Majesty's Ships and Vessels.
[8th April, 1819.]

All freight to be paid for the conveyance on board his Majesty's ships and vessels, of gold, silver, or other valuable articles, shall be divided in the manner directed by proclamation.

Whereas it is expedient that his Majesty should be authorized to fix the rate and direct the disposal and distribution of freight money for the conveyance of specie and jewels on board his Majesty's ships and vessels; 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 all freight money to be paid for the conveyance in any of the ships and vessels of his Majesty, his heirs and successors, of gold, silver, and jewels, or of any other article which may be by special order received on board the said ships and vessels, and for which freight shall be payable, shall be paid at such rate, and distributed and applied to such purposes, and divided to and amongst such persons in such proportions and after such manner as his Majesty, his heirs or successors, shall from time to time think fit to order and direct, by any proclamation or proclamations to be issued for that purpose; and that no freight money or reward shall hereafter be demanded, paid, received, or retained, by, to, or for the use or on account of any person or persons, for the conveyance on board of any of the ships or vessels of his Majesty, his heirs or successors, of any gold, silver, or jewels, or any other article which may be by special order received on board the said ship or vessel, and for which freight shall be payable, other than for the purposes and by the person or persons, in the proportion, at the rates, and in the manner so to be paid and allowed by proclamation or proclamations; and that all bargains, contracts, covenants, and agreements, made or entered into, or hereafter to be made or entered into, for the payment of any freight money for or in the name or on the account of freight for the conveyance of gold, silver, or jewels, or other articles as aforesaid, on board any of his Majesty's ships or vessels, at any other rate, or for any other purpose, or by or to any other person or persons, or in any other manner or proportions than as aforesaid, shall be and the same are hereby declared to be utterly void.

In January, 1838, the Lords of the Admiralty, on the application of the Board of Commissioners for the Affairs of India, determined that the rate of freight for the conveyance of Company's treasure on board



her Majesty's ships, whether between England and India, or from one port to another in India or China, should be the same as that paid for the transfer of treasure belonging to the British Government.

59 GEORGH III. Cap. LX.

AN ACT to permit the Archbishops of Canterbury and York, and the Bishop of London, for the time being, to admit Persons into Holy Orders specially for the Colonies. [2nd July, 1819.]

Whereas it is expedient that the archbishops and bishops of this realm should from time to time admit into holy orders persons specially destined for the cure of souls in his Majesty's foreign possessions, although such persons may not be provided with the title required by the canon of the Church of England of such as are to be made ministers: and whereas it will greatly tend to the advancement of religion within the same, that due provision shall be regularly made for a supply of persons properly qualified to serve as parsons, vicars, curates, or chaplains; 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 be lawful for the Archbishop of Canterbury, the Archbishop of York, or the Bishop of London, for the time being, or any bishop specially authorized and empowered by any or either of them, to admit into the holy orders of deacon or priest 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 in his Majesty's colonies or foreign possessions 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 archbishop or 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 to holy orders, that he has been ordained for the cure of souls in his Majesty's foreign possessions.

Archbishop of Canterbury or York, or Bishop of London, or any bishop specially authorized by any of them, may ordain specially for the colonies.

The fact to be stated in the letters of ordination.

The remaining sections relate to the ecclesiastical privileges and disabilities in Great Britain and Ireland of persons thus ordained.

59 GEORGII III. Cap. LXIX.

AN ACT to prevent the Enlisting or Engagement of his Majesty's Subjects to serve in Foreign Service, and the fitting out or equipping, in his Majesty's Dominions, Vessels for Warlike Purposes, without his Majesty's License.
[3rd July, 1819.]

The following section only of this Act requires place in this volume.

Penalties not to extend to persons entering into military service in Asia.

XII. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to subject to any penalty any person who shall enter into the military service of any prince, state, or potentate in Asia, with leave or license, signified in the usual manner, from the Governor-General in Council, or Vice-President in Council, of Fort William in Bengal, or in conformity with any orders or regulations issued or sanctioned by such Governor-General or Vice-President in Council.

1 GEORGII IV. Cap. CI.

AN ACT to enable the Examination of Witnesses to be taken in India in support of Bills of Divorce on account of Adultery committed in India.
[24th July, 1820.]

Whereas much inconvenience hath arisen to his Majesty's subjects residing in India, and petitioning either House of Parliament for Bills for the dissolution of marriages by reason of acts of adultery committed in India, from the difficulty of producing in England the evidence necessary to substantiate the allegations of such Bills: and whereas by reason of the religious scruples of several of the natives of India, it is impossible to prevail upon them to come to England for the purpose of being examined as witnesses at the bar of either House of Parliament: and whereas, for remedy of the said inconvenience, it is expedient that provision shall be made for examining witnesses in India, and for duly transmitting their depositions to such Houses of Parliament: 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 whensoever and as often as either House of Parliament, upon the petition of any party praying for a Bill for the dissolution of any marriage, and stating that the witnesses necessary to substantiate the allegations of such Bill are resident in India, shall see cause to direct that the examinations of such witnesses shall be taken in India, the Speaker of such House of Parliament shall thereupon issue his warrant or warrants to the Judges of the Supreme Court of Judicature of the Presidency of Calcutta, the Judges of the Supreme Court of Judicature of the Presidency of Madras, the Recorder of the Presidency of Bombay (1), or the Judges of the

Speaker may issue his warrant for the examination of witnesses in India in cases of bills of divorce.

Supreme Court of Judicature of the island of Ceylon, respectively, accordingly as the witnesses proposed to be examined shall be resident within any one or more of the said presidencies, or the said island, for the examination upon oath of all such witnesses as shall be produced before them touching the allegations of such Bill, and touching any notices or other matters which shall in such warrant be specified; and that in all cases where such warrants shall be so issued, duplicates of such warrants, together with copies of such Bill, shall be transmitted by different ships, at the desire of the agent of the party or parties soliciting such Bill, to the persons to whom such warrants shall be directed.

(1) [Under 4 Geo. 4, cap. 71, the Recorder's Court at Bombay was replaced by a Supreme Court of Judicature.]

II. And be it enacted, that in all cases, immediately upon the receipt of such warrant or warrants, the Judges or Recorder to whom the same shall have been directed, shall appoint some time or times with all convenient speed for the examination of witnesses, and receiving other proofs touching the allegations of such Bill, and in opposition thereto, and touching such notices and other matters as shall in such warrant have been specified; and in the mean time shall cause such public notice to be given of such examination, and shall 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 of such other witnesses as after mentioned, and to adjourn from time to time as occasion may require; and such examinations as aforesaid shall be then and there openly and publicly taken *vivâ voce* 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 the Court, be reduced into writing, and that two copies thereof shall be made; and that the Judges or Recorder before whom such examination shall have been taken, shall certify the same under the official seal of their several Courts, together with a declaration of such Judges or Recorder, that such examinations have in their or his judgment been fairly and properly conducted, and that all such witnesses had been produced as were fit to be produced, for the purpose of ascertaining the whole truth, so far as the attendance of such witnesses could be reasonably obtained; and shall transmit the same by different ships to the Speaker of either House of Parliament, under whose warrant such examination shall have been taken; and every such examination so returned to the Speaker of either House of Parliament as aforesaid, shall be competent and admissible 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.

Judges in India, on receipt of such warrant, to examine such witnesses.

Two copies of such examinations to be certified and transmitted to the Speaker of either House of Parliament.

III. And be it further enacted, that it shall and may be lawful for such Judges or Recorder, upon any such examination, to ask any such questions of any witness who shall be produced before them or him, and to require such further witnesses resident within such presidency or island respectively to be produced, as shall appear fit and necessary for the due investigation of the allegations of such Bill, or of any other matters in such warrants specified; and to allow such attendance by counsel, and such cross-examination of witnesses, as shall be deemed by such Judges and Recorder to be fit and proper for the purpose of such investigation, and for such purpose, if necessary, to name some proper person or persons to attend as counsel and agent in opposition to such Bill, and to procure any evidence which may be necessary for the purpose of such opposition, to the end that a full and fair disclosure may be made of all the facts and circumstances of the case.

Judges may ask such further questions and require such further witnesses to be produced as shall be necessary.

Proceedings not to be discontinued by prorogation, &c., of Parliament, where such warrants have been issued.

IV. 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 passing of this Act no proceedings in Parliament, touching any Bill for the dissolution of marriage, wherein such warrant as aforesaid shall have been issued, shall be discontinued by any prorogation or dissolution of Parliament, until the examination therein directed shall have been returned; but that such proceedings may be resumed and proceeded upon in a subsequent session, or in a subsequent Parliament, in either House of Parliament, in like manner and 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.

1 & 2 GEORGII IV. Cap. LXI.

AN ACT to regulate the Appropriation of unclaimed Shares of Prize Money belonging to Soldiers or Seamen in the Service of the East-India Company.
[23rd June, 1821.]

This Act had retrospective effect only. By 9 Geo. 4, cap. 50, provision was made for the appropriation of all prize-money that had accrued subsequently, or might thereafter accrue, being unclaimed.

4 GEORGII IV. Cap. LXXI.

AN ACT for defraying the Charge of Retiring Pay, Pensions, and other Expenses of that nature, of his Majesty's Forces serving in India; for establishing the Pensions of the Bishop, Archdeacons, and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay.
[11th July, 1823.]

33 G. 3, c. 52.

Whereas by an Act made and passed in the thirty-third year of the reign of his late 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 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 is enacted that all sums issued by the 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 United Company, and that the actual expenses only which are incurred for the support and maintenance of the said troops shall be borne and defrayed by the said United Company: and whereas, by another Act made and passed in the fifty-third year of the reign of his said late 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 Privileges: for establishing “ further Regulations for the Government of the said Territories, and the better Administra- “ tion of Justice within the same; and for regulating the Trade to and from the Places “ within the Limits of the said Company’s Charter,” it is 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, should be applied and disposed of to and for the uses and purposes and in the order of preference thereafter expressed, and to or for no other use or purpose or in any other manner whatsoever, any Act or Acts of Parliament then in force to the contrary notwithstanding: and 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; but 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 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.

53 G. 3, c. 155.

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.

Section 2 repeals so much of 53 Geo. 3, cap. 155, as related to pensions to the Bishop of Calcutta and the Archdeacons of Calcutta, Madras, and Bombay.

Pensions to bishop and archdeacons.

III. 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 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 archdeacon. (1)

(1) [To the Bishop of Calcutta, £1,500 per annum; to an Archdeacon, £800 per annum. By the 6 Geo. 4, cap. 85, secs. 15 and 16, the Bishop of Calcutta, relinquishing his see from illness or infirmity, after five years' exercise of his office, may receive a pension of £750; and, after seven years' exercise, £1,000 per annum. For retiring pensions of Bishops of Madras and Bombay, see 3 & 4 Wm. 4, cap. 85, sec. 96; and for the effect of translation in estimating the period of residence, as well as that of previous archdiaconal residence by a Bishop of Madras or Bombay, see sec. 98 of the same Act. By 5 & 6 Vict. cap. 119, the Bishop of Calcutta, after a residence of ten years, may return to Europe for a period not exceeding eighteen months, with a furlough allowance not exceeding the highest amount of retiring pension. For furlough allowance to Bishops of Madras and Bombay, and the conditions under which it is to be enjoyed, see Act last referred to.]

Chaplains acting as archdeacons to be entitled to pension, in a certain proportion.

IV. 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.

Further provision as to chaplains.

Residence and expense of visitations of bishop to be defrayed by the Company.

V. And whereas it is proper that a suitable house of residence should be provided for the said bishop, and that the expenses of his visitations should be defrayed by the said Company; be it therefore further 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.

VI. 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, especially 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 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, intituled, "An Act for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the places within the limits of the said Company's Charter," 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.

Power to the Bishop of Calcutta to admit persons to holy orders.

Provisions of 53 G. 3, c. 155, not to be affected.

VII. And 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 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 the Third, 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 the Third, and bearing date at Westminster on the twentieth day of February, in the thirty-eighth year 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 the Second, 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 George the Third, intituled, "An Act for establishing certain

Supreme Court of Judicature at Bombay to be established.

37 G. 3, c. 142.

13 G. 3, c. 63.

39 & 40 G. 3, c. 79.

“ 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-men-
 tioned 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 said 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 dependent upon the said Government of Bombay, as the said Supreme Court of Judica-
 ture 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 dependent 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 afore-
 said for the time being, from the jurisdiction of the Supreme Court of Judicature there
 already by law established.

Records of Mayor's
 Court at Bombay to
 be delivered over to
 Supreme Court.

VIII. And be it further enacted, that if his Majesty, his heirs or successors, shall grant
 such Charter as aforesaid, and erect such Supreme Court of Judicature at Bombay as
 aforesaid, all the records, muniments, and proceedings whatsoever, of and belonging to the
 late Mayor's Court at Bombay, or to the late Court of Oyer and Terminer and Gaol
 Delivery, which were by the said Act passed in the thirty-seventh year of his said late
 Majesty King George the Third directed to be delivered over, preserved, and deposited in
 the new Courts erected by virtue of the said Act, and all records, muniments, and proceedings
 whatsoever of and belonging to the said Court of the Recorder of Bombay, or to any of the
 Courts established under and by virtue of the said Act passed in the thirty-seventh year of
 the reign of his said late Majesty King George the Third, shall from and immediately after
 such Supreme Court of Judicature as his Majesty is hereby empowered to erect shall be
 established at Bombay, be delivered over to be preserved and deposited for safe custody in
 the said Supreme Court of Judicature to be erected at Bombay, to which all parties concerned
 shall and may have resort and recourse upon application to the said Court.

Repeal of so much
 of Charter and Acts
 as relate to Court of
 Recorder.

IX. And be it further enacted, that so much of the Charter granted by his said late
 Majesty King George the Third, for erecting the Court of the Recorder of Bombay, as
 relates to the appointment of such Recorder and the erecting of such Courts of Judicature at
 Bombay, in case a new Charter shall be granted by his Majesty, his heirs or successors, and



shall be openly published at Bombay, from and immediately after such publication shall cease and determine, and be absolutely void to all intents and purposes whatsoever; and all powers and authorities granted by the said Act of the thirty-seventh year of his said late Majesty King George the Third to the said Court of the Recorder at Bombay, shall cease and determine and be no longer exercised by the said Court, but the same shall and may be exercised by the Supreme Court of Judicature to be erected by virtue of this Act, in the manner and to the extent hereinbefore directed.

Section 10 authorizes the payment of certain salaries to the Judges of the Supreme Court at Bombay, the amounts of which are varied by 6 Geo. 4, cap. 85, sec. 2.

XI. And be it further enacted, that the said salaries of such Chief Justice and Judges shall commence and take place from and after their respectively taking upon them the execution of their office as aforesaid, 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 such salaries or allowances as are in and by this Act directed to be paid.

Salaries to be in lieu of all fees.

XII. And be it further enacted, that the said Court of Directors shall and they are hereby required to pay and advance to every person who shall be appointed Chief Justice of the said Supreme Court to be erected in pursuance of this Act, and who shall be resident in the United Kingdom at the time of his appointment, the sum of one thousand two hundred pounds, and to every person who shall be appointed Puisne Judge of the said Court, and who shall be resident in the United Kingdom at the time of his appointment, the sum of one thousand pounds, for the purpose of defraying the expenses of their equipment and voyage.

Defraying expenses of equipment and voyage.

XIII. Provided always, and be it further enacted, that when either of the Judges of the Supreme Court of Judicature which his Majesty is hereby empowered to erect at Bombay, shall respectively leave India, the salary payable under and by virtue of this Act to any such Judge shall cease and be no longer paid; any thing herein contained to the contrary thereof in anywise notwithstanding.

Salary to cease on Judge's leaving India.

The 14th section repeals the provisions of former Acts as to the time of residence entitling Indian Judges to pension.

The 15th and 16th sections, relating to pensionary provision for retired judicial officers, and the period of residence required as a qualification, are repealed by 6 Geo. 4, cap. 85, sec. 6. See sections 7 to 14 of that Act for present regulations on the subject.

XVII. 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 Saint 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 dependent upon the Government of Madras; and that it shall be lawful for the said Supreme Court of Judicature at Bombay,

Court at Madras and Bombay to have the same powers as the Court at Fort William in Bengal.



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 dependent 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 dependent upon the Government thereof.

Section 18 provides that nothing in this Act shall affect pensions previously granted to retired Judges of the Supreme Courts at Fort William or Madras, nor the power of the Crown to grant similar pensions to any persons at the time of the passing of the Act exercising the office of Judge in those courts.

4 GEORGII IV. Cap. LXXX.

AN ACT to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the Limits of the Charter of the East-India Company, and to make further Provisions with respect to such Trade; and to amend an Act of the present Session of Parliament, for the registering of Vessels, so far as it relates to Vessels registered in India.
[18th July, 1823.]

This Act, which repealed various previous enactments relating to the trade of the East-India Company, was itself repealed by 3 & 4 Wm. 4, cap. 93, except the repealing clauses, and the following sections relating to Asiatic seamen. Of these latter, one (sec. 20) was repealed by 12 & 13 Vict. cap. 29, and others have become obsolete. The following it has been deemed proper to insert.

Governor of Fort William to make rules &c., with respect to masters, &c., of vessels trading under this Act.

XXV. 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 aforesaid, within a reasonable time to be fixed by such rules or regulations.

XXVI. 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 said 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.

Such rules and regulations to be observed in like manner as if they had formed part of this Act.

XXVII. And be it further enacted, that the master or other person having the command of every ship or vessel trading under the authority 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.

Masters of vessels to make out list of every Lascar, &c., on board, before such ship shall be admitted to entry.

XXVIII. 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

Penalty for breach of regulations relative to Lascars, &c.

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 or Justices before whom the same shall be recovered shall direct.

Convictions to be drawn up in the following form :

XXIX. 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.

XXX. 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 to be shipped on board of vessel bound to the place from whence brought.

XXXI. 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 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 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.



XXXII. 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.

Proceedings not to be quashed for want of form.

XXXIII. 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.

Actions to be commenced within three months.

XXXIV. 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 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 necessities, 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 cost of suit.

Company to supply all necessities for distressed Lascars, &c., brought to this country, and may recover expense from owners.

With reference to the preceding clause, it may be noted, that by 7 & 8 Vict. cap. 112, sec. 64, if any person being a Malay, Lascar, or native of the territories under the Government of the East-India Company, or any Asiatic or African seaman having been brought to this country on board any ship, should be found in a state of distress, he might be relieved by the Lords of the Admiralty, who were also to



provide him with a passage to or near the port whereat he was shipped, the entire expense becoming a debt to the Crown, recoverable in the courts within the territories of the East-India Company, or in other parts of her Majesty's dominions; but the entire Act was repealed by the 17 & 18 Vict. cap. 120, which Act, however, in the case of a native of Asia, Africa, the South-Sea Islands, or those in the Pacific Ocean, brought to this country as above, and becoming chargeable on the poor-rate, or guilty of vagrancy, subjects the master, owner, or consignee of the ship to a penalty, but provides no prosecutor. Some enactments on the subject of sailors shipped within the territories of the East-India Company and discharged at other places, will be found in Act of Government of India, No. 28 of 1850, secs. 17, 18, and 19.

5 GEORGII IV. Cap. CVIII.

AN ACT for transferring to the East-India Company certain Possessions newly acquired in the East-Indies, and for authorizing the Removal of Convicts from Sumatra. [24th June, 1824.]

53 G. 3, c. 155.

33 G. 3, c. 52.

Whereas by an Act passed in the fifty-third year of the reign of his late 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 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;" it was enacted, that the territorial acquisitions mentioned in an Act passed in the thirty-third year of the reign of his said late 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;" together with such of the territorial acquisitions obtained since the passing of the said Act upon the continent of Asia, or in any islands situate to the north of the Equator, as were then in the possession of and under the government of the United Company of Merchants of England trading to the East-Indies, with the revenues thereof respectively, should 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 had been made or provided by any Act or Acts of Parliament in that behalf, or were made and provided by the said Act of the fifty-third year of the reign of his said late Majesty, for a further term, to be computed from the tenth day of April, one thousand eight hundred and fourteen, until the same should be determined by virtue of a proviso contained in the said Act: and whereas the island of Singapore in the East-Indies has, since the passing of the said Act, been occupied by the said United Company: and whereas by a treaty concluded between his Majesty and the King of the Netherlands, on the seventeenth day of March, one thousand eight hundred and twenty-four, the King of the Netherlands has agreed that all his establishments on the continent of India, and also the town and fort of Malacca, and its dependencies, shall be ceded to his Majesty: and it is by the said treaty further stipulated, that the factory of Bencoolen, and all the English possessions in Sumatra, shall be ceded to his Majesty the King of the Netherlands: 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 said island of Singapore, and also all the colonies, possessions, and establishments ceded to his Majesty by the said treaty, shall be transferred to the United Company of Merchants of England trading to the East-Indies, and holden by the said Company in such and the same manner, to all intents, effects, constructions, and purposes whatsoever, and subject to the same authorities, restrictions, and provisions, as the factory of Bencoolen, and the possessions in the island of Sumatra, were vested in and holden by the said Company immediately before the conclusion of the said treaty.

The island of Singapore ceded to his Majesty, and transferred to the East-India Company.

The second section provides for the removal from Sumatra of convicts who had been transported thither, and for changing the place of punishment with regard to persons under sentence of transportation to Sumatra.

5 GEORGII IV. Cap. CXIII.

AN ACT to amend and consolidate the Laws relating to the Abolition of the Slave Trade. [24th June, 1824.]

The 5 & 6 Vict. cap. 101, having extended to Governors of presidencies and places under the East-India Company, and to its civil and military officers, the powers given by this Act to Governors, lieutenant-Governors, &c., of colonies and plantations, and to the officers civil and military of her Majesty, the insertion of certain sections has thereby become necessary.

XXII. And be it further enacted, that all slaves and all persons treated, dealt with, carried, kept, or detained as slaves, which shall be seized or taken as prize of war or liable to forfeiture under this Act, shall and may, for the purposes only of seizure, prosecution, and

Directing the manner in which captured slaves shall be disposed of.

condemnation as prize or as forfeiture, be considered, treated, taken, and adjudged as slaves and property, in the same manner as negro slaves have been heretofore considered, treated, taken, and adjudged when seized as prize of war, or as forfeited for any offence against the laws of trade and navigation respectively; but the same shall be condemned as prize of war, or as forfeited to the sole use of his Majesty, his heirs and successors, for the purpose only of divesting and barring all other property, right, title, or interest whatever, which before existed or might afterwards be set up or claimed in or to such slaves or persons so seized, prosecuted, or condemned; and the same nevertheless shall in no case be liable to be sold, disposed of, treated, or dealt with as slaves by or on the part of his Majesty, his heirs or successors, or by or on the part of any person or persons claiming or to claim from, by, or under his Majesty, his heirs and successors, or under or by force of any such sentence or condemnation: provided always, that it shall be lawful for his Majesty, his heirs and successors, and such officers, civil or military, as shall by any general or special order of the King in Council, be from time to time appointed to receive, protect, and provide for such persons as shall be so condemned, either to enter and enlist the same or any of them into his Majesty's land or sea service as soldiers, seamen, or marines, or to bind the same or any of them, whether of full age or not, as apprentices for any term not exceeding seven years, to such person or persons, in such place or places, and upon such terms and conditions, and subject to such regulations as to his Majesty shall seem meet, and as shall by any general or special order of his Majesty in Council be in that behalf directed and appointed; and any indenture of apprenticeship, duly made and executed by any person or persons to be for that purpose appointed by any such Order in Council for any term not exceeding seven years, shall be of the same force and effect as if the party thereby bound as an apprentice had himself or herself when of full age upon good consideration duly executed the same; and every such person who shall be so enlisted or entered as aforesaid into his Majesty's land or sea forces as a soldier, seaman, or marine, shall be considered, treated, and dealt with in all respects as if he had voluntarily so enlisted or entered himself.

In case persons detained in slavery shall escape, any officer may provide for and protect them.

XXIII. Provided always, and be it further enacted, that in case any person or persons illegally held or detained in slavery shall hereafter by shipwreck or otherwise be cast upon, or shall escape to or arrive at any island or colony, fort, territory, or place under the dominion or in the possession of his Majesty, it shall and may be lawful for his Majesty, his heirs and successors, or for any such officers, civil or military, as aforesaid, to deal with, protect, and provide for any such person or persons, in such and the same manner as is hereinbefore directed with respect to persons condemned as prize of war, or as forfeited under this Act.

Section 26 related to bounties: but the amount of these is varied by 11 Geo. 4 & 1 Wm. 4, cap. 55.

Mode of obtaining such bounty.

XXVII. Provided always, and be it further enacted, that in order to entitle the captors to receive the said bounty money, the numbers of men, women, and children so taken, condemned, and delivered over, shall be proved to the Commissioners of his Majesty's Treasury, by producing a copy duly certified of the sentence and decree of condemnation, and also a certificate under the hand of the said officer or officers, military or civil, so appointed as aforesaid, and to whom the same shall have been delivered, acknowledging that he or they hath or have received the same, to be disposed of according to his Majesty's instructions and regulations as aforesaid.



XXVIII. Provided also, and be it further enacted, that in any cases in which doubts shall arise whether the party or parties claiming such bounty money is or are entitled thereto, the same shall be summarily determined by the Judge of the High Court of Admiralty, subject nevertheless to an appeal to the Lords Commissioners of Appeals in Prize Causes.

Decision of doubtful claims to be determined by the Judge of Admiralty.

XXIX. Provided always, and be it further enacted, that no appeals shall be prosecuted from any decree or sentence of any Court of Admiralty, or Vice-Admiralty, touching any of the matters provided for in this Act, unless the inhibition shall be applied for and decreed within twelve months from the time when such decree or sentence was pronounced, except where such decree or sentence shall be passed in any Vice-Admiralty Court at the Cape of Good Hope or to the eastward thereof; in which cases eighteen months shall be allowed for the prosecution of the said appeal.

Limitation of appeal.

XXXVI. And be it further enacted, that all ships or vessels, whether British or foreign, which shall be condemned in any Court of Admiralty or Vice-Admiralty in any part of his Majesty's dominions, for any offence in relation to the slave trade, or under any of the mixed Commission Courts hereinafter mentioned, or which may in future be established in pursuance of any treaty or convention between this country and any foreign power, shall, from and after such judgment or condemnation respectively, be entitled to a certificate of registry as a British ship, and thereupon have and enjoy all the privileges and advantages of British-built ships and vessels, being first duly registered according to the provisions of an Act made in the twenty-sixth year of the reign of his late Majesty (1), and shall be deemed and taken as such, and shall be entitled to have and enjoy all and every the same rights, liberties, privileges, and advantages in all respects whatsoever with British-built ships and vessels, and shall be subject and liable to all and every the rules and regulations that British-built ships or vessels are subject and liable to; any law, custom, or usage to the contrary thereof in anywise notwithstanding.

Ships condemned for illicit traffic in slaves, may be registered as British ships.

(1) [The latest Act affecting registration of ships is the 17 & 18 Vict. cap. 104.]

XXXVIII. And be it further enacted, that every act which the Governor of any island, colony, plantation, or territory, belonging to or under the dominion of his Majesty, is by this Act directed or authorized to do or perform, may be lawfully done or performed by the person or persons executing, *pro tempore*, the office or function of Governor of any such island, colony, plantation, or territory, by authority from his Majesty, whether under the style and title of Governor, Lieutenant-Governor, President of the Council, or under any other style or title whatsoever.

A governor *de facto* shall be a governor within this Act.

XLIV. And be it further enacted, that the proceeds of all ships and goods seized, prosecuted, and condemned for any offence against this Act, except in such seizures as shall be made at sea by the Commanders or Officers of his Majesty's ships or vessels of war, shall be divided, paid, and applied as follows; that is to say, after deducting the charges of prosecution from the gross amount thereof, one-third of the net proceeds shall be paid into the hands of such person as his Majesty, his heirs and successors, may please to appoint, for the use of his Majesty, his heirs and successors; one-third part thereof to the Governor or Commander-in-chief of the island, colony, plantation, settlement, or territory where the said seizure shall have been made or prosecuted; and the other third part thereof to the person or persons who shall lawfully seize, inform, and prosecute the same to condemnation; and in

Appropriation of ships and goods forfeited.

cases of seizures made at sea by the Commanders or Officers of his Majesty's ships or vessels of war, one moiety of the said net proceeds, after deducting the charges of prosecution as aforesaid, shall be paid into the hands of such person as his Majesty, his heirs and successors, may please to appoint, for the use of his Majesty, his heirs and successors, and the other moiety to the Commanders or Officers of his Majesty's ships or vessels of war who shall have made the seizure, and prosecuted the same to condemnation, subject nevertheless to such distribution in the seizures made by the Commanders or Officers of his Majesty's ships or vessels of war, whether at sea or otherwise, as his Majesty, his heirs and successors, shall think fit to order and direct by any Order or Orders in Council, or by any proclamation or proclamations to be made for that purpose.

Among the omitted sections of this Act, some relate to claims to property in slaves and to legal proceedings consequent thereon. These have been passed over, as by Act of Government of India, No. 5 of 1843, it is declared that no rights arising out of an alleged property in the person and services of another, shall be enforced by any Court or magistrate within the territories of the East-India Company.

This Act (5 Geo. 4, cap. 113) was extended by 6 & 7 Vict. cap. 98.

The following Acts also relate to the subject : 11 & 12 Vict. cap. 128, intituled, "An Act for carrying into effect the Agreement between her Majesty and the Imaum of Muscat, for the more effectual Suppression of the Slave Trade;" and 12 & 13 Vict. cap. 84, "An Act for carrying into effect Engagements between her Majesty and certain Arabian Chiefs in the Persian Gulf, for the more effectual Suppression of the Slave Trade."

6 GEORGII IV. Cap. LXXXV.

AN ACT for further regulating the Payment of the Salaries and Pensions to the Judges of his Majesty's Courts in India, and the Bishop of Calcutta; for authorizing the Transportation of Offenders from the Island of Saint Helena; and for more effectually providing for the Administration of Justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.

[5th July, 1825.]



“for the better Management of the Affairs of the East-India Company, as well in India as “in Europe,” it was enacted, that it should 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 in Bengal, to consist of a Chief Justice and three other Judges, to be named from time to time by his Majesty, his heirs and successors; and that the Court of Directors of the United Company of Merchants of England trading to the East-Indies should direct and cause to be paid certain established salaries to the Chief Justice and each of the Judges of the said Supreme Court of Judicature at Fort William in Bengal; that is to say, to the Chief Justice eight thousand pounds by the year, and to each of the Judges of the said Supreme Court six thousand pounds by the year, in manner therein mentioned: and whereas his said late Majesty King George the Third, by his Letters Patent under the Great Seal of Great Britain, bearing date at Westminster the twenty-sixth day of March, in the fourteenth year of his reign, did erect and establish such Supreme Court of Judicature at Fort William in Bengal accordingly, and did declare that the Chief Justice and Puisne Judges of the said Court should, so long as they should hold their offices respectively, be entitled to have and receive respectively the salaries in the said in part recited Act provided for that purpose; and whereas by virtue of an Act made in the thirty-seventh year of the reign of his said late Majesty King George the Third, 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,” the number of Puisne Judges of the said Supreme Court of Judicature at Fort William in Bengal was reduced to two; and whereas by an Act made 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,” it is enacted that it should and might 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 in the East-Indies, to consist of such and the like number of persons, to be named from time to time by his Majesty, his heirs and successors, as the said Supreme Court of Judicature at Fort William in Bengal; and that the Court of Directors of the said United Company should direct and cause to be paid certain and established salaries to the Chief Justice, and each of the Judges of such Supreme Court of Judicature at Madras, as should be by the said new Charter established; that is to say, to the Chief Justice six thousand pounds by the year, and to each of the Judges of the said Supreme Court of Judicature at Madras five thousand pounds by the year; and that such salaries should be paid and payable to each and every of them respectively out of the territorial revenues of the said settlement of Madras, at an exchange of eight shillings for the pagoda of that settlement: and whereas his said late Majesty King George the Third, by his Letters Patent, under the Great Seal of Great Britain, bearing date at Westminster the twenty-sixth day of December, in the forty-first year of his reign, did erect and establish such Supreme Court of Judicature at Madras accordingly, and did grant, ordain, appoint, and declare that the Chief Justice and Puisne Judges of the said Court should, so long as they should hold their offices respectively, be entitled to have and receive respectively the salaries in the said last-mentioned Act provided for that purpose; and whereas by an Act passed in the thirty-seventh year of the reign of his late Majesty King George the Third, 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,” it is among other things enacted, that it should be lawful for his said Majesty, by Charter or Letters Patent under the Great Seal of Great Britain, to

37 G. 3, c. 142.

39 & 40 G. 3, c. 79.

37 G. 3, c. 142.

4 G. 4, c. 71.

erect and establish a Court of Judicature at Bombay, to consist of the mayor and three of the aldermen resident at the said settlement of Bombay, together with one other person to be named from time to time by his said Majesty, his heirs and successors, to be the President of the said Court, and to be styled "the Recorder of Bombay;" and that during such time as the said settlement of Bombay should remain in the possession of the said United Company, the Court of Directors of the said United Company should direct and cause to be paid to the Recorder of the said Court of Judicature at Bombay, the yearly sum of five thousand pounds, such salary to be paid out of the revenues of the said settlement of Bombay, at an exchange of two shillings and sixpence for the Bombay rupee, and to commence and take place from such time as therein is mentioned: and whereas his said Majesty King George the Third, by his Letters Patent under the Great Seal of Great Britain, bearing date at Westminster the twentieth day of February, in the thirty-eighth year of his reign, did erect and establish such Court of the Recorder of Bombay accordingly, and did grant and declare that the Recorder of the said Court should, so long as he should hold the said office, be entitled to have and receive the salary in the said last-mentioned Act provided for that purpose: and whereas by an Act passed in the fourth year of the reign of his present Majesty, intituled, "An Act for defraying the Charge of Retiring Pay, Pensions, and other Expenses of that nature of his Majesty's Forces serving in India; for establishing the Pensions of the Bishop, Archdeacons, and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay;" it is enacted that it should and might be lawful for his said Majesty, his heirs or 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 said Majesty, his heirs and successors, as the said Supreme Court of Judicature at Fort William in Bengal; and that the Court of Directors of the said United Company should direct and cause to be paid certain and established salaries to the Chief Justice and each of the Judges of such Supreme Court of Judicature at Bombay as should be by the said new Charter established; that is to say, to the Chief Justice fifty-two thousand two hundred Bombay rupees by the year, and to each of the Puisne Judges of the said Supreme Court of Judicature at Bombay forty-three thousand five hundred Bombay rupees by the year; and that such salaries should be paid and payable to each and every of them respectively out of the territorial revenues of the said settlement of Bombay: and whereas his said Majesty King George the Fourth, by his Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the eighth day of December, in the fourth year of his reign, did erect and establish such Supreme Court of Judicature at Bombay accordingly, and did grant and declare that the Chief Justice and Puisne Judges of the said Court should, so long as they should hold their offices respectively, be entitled to have and receive respectively the salaries in the said last-mentioned Act provided for that purpose: and whereas his late Majesty King George the Third did, by his Letters Patent bearing date at Westminster the twenty-fifth day of March, in the forty-seventh year of his reign, for himself, his heirs and successors, give and grant unto the said United Company and their successors, and did erect, ordain, and appoint that there should be within the factory of Prince of Wales' Island, and the places then or any time to be subordinate or annexed thereto, a Court of Record, to be called "The Court of Judicature of Prince of Wales' Island," and did thereby erect, create, and constitute the said Court of Judicature of Prince of Wales' Island to be a Court of Record; and his said late Majesty did, by his said Letters Patent, further will, ordain, and appoint that the said Court of Judicature should consist of and be holden before the Governor or President and the three