ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

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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.

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 herein-before 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 herein-before 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*.

Not more than 2,000*l.* *per Ann.* to be ſo paid to any Chief Juſtice, nor more than 1,500*l.* *per Ann.* to any other Judge, nor to any that has not reſided in *India* as a Judge for Seven Years, &c.

III. Provided always, That it ſhall not be lawful for His Majeſty, His Heirs or Succeſſors, to authorize the Payment of any larger Sum for the Uſe and Behoof of any Chief Juſtice ſo returning as aforeſaid, than the Sum of Two thouſand Pounds *per Annum*, or of any other Judge, than the Sum of One thouſand five hundred Pounds *per Annum*; nor ſhall it be lawful for His Majeſty to authorize the Payment of any Sum whatever to any Perſon who has not reſided in *India* as Judge of the ſaid Supreme Court for the Space of Seven Years; nor ſhall it be lawful for His Majeſty, His Heirs or Succeſſors, to authorize the Payment of any Sum which, with the Sums already directed and authorized to be paid, at the Date of ſuch Grant, ſhall, in the Whole, exceed the Amount of the Salary now paid to One of the Puiſne Judges of the ſaid Supreme Court.

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 herein-before recited Act, paſſed in the Thirteenth Year of His preſent Majeſty's Reign, the ſaid Supreme Court of Judicature was directed and required to reduce, or cauſe to be reduced, to Writing, the Depoſitions of Witneſſes in civil Cauſes, and was directed to require the ſame to be ſubſcribed by ſuch Witneſſes, with their Name or other Mark, and to file the ſame of Record: And whereas by the ſaid Charter of Juſtice, it was alſo directed that no Appeal ſhould be allowed from the ſaid Supreme Court of Judicature, unleſs the Value

Value of the Matters in Diſpute exceed the Sum of One thouſand Pagodas: And whereas the requiring the Depoſitions of Witneſſes to be reduced into Writing, and filed of Record, is productive of much Expence 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; 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.

The Court of Directors may direct the Chief Juſtice to iſſue a Precept to the Officers of the Supreme Court, to make a Return, on Oath, of their Salaries and Fees.

V. And whereas, by the ſaid herein before recited Act, it was enacted, that His Majeſty might, by Charter or Letters Patent, eſtabliſh a Supreme Court of Judicature at *Fort William* in *Bengal*, in the Manner, and with the Powers in the ſaid Act mentioned; and it was alſo enacted, that the Supreme Court ſo to be erected ſhould have Power to appoint Clerks and other Miniſterial Officers, with ſuch reaſonable Salaries, as ſhould be approved of by the Governor General and Council: And whereas His Majeſty did iſſue His Royal Letters Patent, for erecting a Supreme Court of Judicature at *Fort William* in *Bengal*; and, among other Things, Power was given to the ſaid Supreme Court, from Time to Time, as Occaſion ſhould require, to appoint ſuch Clerks and Miniſters as ſhould be neceſſary for the Adminiſtration of Juſtice, and the Execution of the Authorities granted to the Court, which ſaid Officers and Clerks were to receive ſuch reaſonable Salaries as the ſaid Supreme Court ſhould appoint for each Office and Place reſpectively, and as the Governor General and Council ſhould approve: And whereas the ſaid Supreme Court did appoint certain Clerks and Miniſters, with Salaries, which were approved of by the Governor General and Council: And whereas Doubts have ariſen whether the ſaid Salaries ſo appointed and approved of as aforeſaid, can be reduced or altered, or any of the ſaid Offices aboliſhed or ſuppreſſed, without the Authority of Parliament: And whereas the Salaries paid by the *Eaſt India* Company to the Clerks and Miniſters of the Supreme Court, amount to a large Sum, and yet nevertheleſs the ſaid Clerks and Miniſters have, and do receive, Fees for all Buſineſs done by them in the ſaid Court: And whereas it may be expedient that the ſaid Salaries ſhould be reviewed, and that Power ſhould be given to alter the ſame if neceſſary; be it therefore enacted, That it ſhall and may be lawful for the Court of Directors of the United Company of Merchants trading to *India* to direct the Chief Juſtice of the ſaid Supreme Court to iſſue a Precept or Order, directed to all and each of the Officers, Clerks, and Miniſters of the Supreme Court of Judicature at *Fort William* in *Bengal*, calling upon them and each of them to make a Return upon Oath, which Oath the ſaid Chief Juſtice, or any of the Judges of the ſaid Supreme Court, are hereby empowered and required to adminiſter, of the Amount of the Salary received by ſuch Officer and Officers, and alſo a Liſt of the Fees to which he or they are entitled, together with the Amount of the ſame, which have been received by ſuch Officer for the Three Years next immediately preceding the Date of the ſaid Precept or Order.

VI. And

Officers of the Court to make a Return to the Precept in 20 Days, and for making a falſe Return to forfeit their Offices.

VI. And be it enacted by the Authority aforeſaid, That every Clerk, Officer, and Miniſter of the ſaid Supreme Court, ſhall pay due Obedience to the ſaid Order or Precept, and make a true Return to the ſame within Twenty Days next after the Date of the ſame; and if any ſuch Officer, Miniſter, or Clerk ſhall be guilty of making a falſe Return, or ſhall not ſet forth in the ſame the full Amount of the Salary, Fees, Perquiſites, and Emoluments which he ſhall have received for the laſt Three Years, and each or any Part of the ſame during which he ſhall have been in Office; then and in ſuch Caſe, ſuch Officer ſhall, upon being duly convicted thereof, forfeit his ſaid Office, and be for ever incapable of holding any Office in the ſaid Supreme Court, or in the Service of the ſaid United Company.

Judges to take Returns into Conſideration, and report to the Governor General in Council what Offices ſhould be continued, and the Salaries.

VII. And be it further enacted, That the Chief Juſtice and other Judges of the ſaid Supreme Court, ſhall, as ſoon as they conveniently can after the Receipt of the ſaid Returns, take the ſame into their Conſideration, and report to the Governor General in Council, under their Hands and Seals, which of the ſaid Offices are, in their Opinion, proper to be continued, and what is the proper Salary to be allowed to each of the ſame, and whether any Retrenchment can, with Propriety, be made therein, with their Reaſons for the ſame; and in caſe the ſaid Chief Juſtice and the other Judges, or any of them, ſhall not agree reſpecting the ſaid Report, then ſuch of the ſaid Judges as do diſſent from the Opinion of the Majority ſhall alſo report, under his or their Hands and Seals, his or their Opinion, with the Reaſons thereof; and in caſe the Governor General in Council do agree with the Majority of the ſaid Supreme Court concerning the Extent of the ſaid Retrenchment, if any can be made therein, the ſaid Governor General in Council ſhall, and they are hereby empowered to alter, abridge, or aboliſh, all or any of the ſaid Offices and Salaries which to them ſhall ſo ſeem proper to be altered, or abridged, or aboliſhed, at ſuch Time and Times, and in ſuch Manner as they ſhall think fit, ſubject nevertheleſs to ſuch Orders and Directions as they ſhall receive from the Court of Directors concerning the ſame; but in caſe the ſaid Governor General in Council ſhall diſagree with the ſaid Report from the Majority of the ſaid Court, or any Part thereof, then ſuch Parts of the ſaid Report, as are the Subjects of Difference between the ſaid Governor General in Council and the ſaid Supreme Court, ſhall be ſuſpended, and ſhall not be carried into Execution, but the ſame ſhall be tranſmitted Home for the ultimate Deciſion of the Court of Directors reſpecting the ſame, who ſhall give ſuch Orders reſpecting the ſame as they ſhall think fit: Provided always, that, from and after the paſſing of this Act, and until the ſaid Report ſhall be made and conſidered as is herein-before directed, if any Vacancy ſhall occur in any of the Offices or Places under the ſaid Supreme Court, which are herein directed to be reviewed, the ſame ſhall be filled up by the Judges of the ſaid Supreme Court proviſionally only, and a Perſon or Perſons ſhall be by them appointed to do the Duty of the ſaid Office until the ſaid Report ſhall be made; and ſuch Office or Offices ſhall be liable to be reduced, or the Salaries altered, if neceſſary, in the ſame Manner as if they were actually vacant at the Time of making ſuch Report.

If the Council agree with the Judges reſpecting Retrenchments, they are to be made, ſubject to the Orders of the Court of Directors, who are alſo to decide if the Council and Judges diſagree.

If a Vacancy occur before the Report is made, it is to be filled up proviſionally.

VIII. And

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*.

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.

IX. 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 trading to the *Eaſt Indies*, His Royal Charter, thereby, amongſt other Things, conſtituting and eſtabliſhing Courts of Civil, Criminal, and Eccleſiaſtical Juriſdiction, at the ſaid United Company's Settlements at *Madras Patnam* and *Bombay* in 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 *Fort William* in *Bengal*, has been altered and changed by an 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: And whereas the ſaid Charter does not ſufficiently provide for the due Adminiſtration of Juſtice in ſuch Manner as the State and Condition of the Company's Settlements at *Madras Patnam* and *Bombay*, do and muſt require: Be it therefore enacted, That it ſhall and may be lawful for His Majeſty, by Charter or Letters Patent under the Great Seal of *Great Britain*, to erect and eſtabliſh a Court of Judicature at *Madras* and *Bombay* reſpectively, which ſhall conſiſt of the Mayor and Three of the Aldermen reſident at the ſaid Settlements of *Madras* and

Recital of Charter from King *George* the Second.

His Majeſty may erect Courts of Judicature at *Madras* and *Bombay*, to conſiſt of the Mayor, Three

Aldermen, and a Recorder, who ſhall be a Barriſter, and be appointed by His Majeſty.

and *Bombay* reſpectively for the Time being; which Aldermen ſhall, from Time to Time, be ſelected in ſuch Manner as ſhall be directed and preſcribed by His Majeſty in the ſaid Charter, together with One other Perſon at each of the ſaid Settlements, to be named from Time to Time by His Majeſty, His Heirs and Succeſſors, which ſaid Perſon ſhall be a Barriſter of *England* or *Ireland*, of not leſs than Five Years ſtanding, which ſaid Perſon ſo appointed ſhall be the Preſident of the ſaid Court, and ſhall be ſtiled *The Recorder of Madras and Bombay* reſpectively; which ſaid Courts of Judicature ſhall have, and the ſame are hereby declared to have, full Power and Authority to exerciſe and perform all Civil, Criminal, and Eccleſiaſtical, and Admiralty Juriſdiction, and to appoint ſuch Miniſterial Officers as may be neceſſary, and to form and eſtabliſh ſuch Rules of Practice, and ſuch Rules for the Proceſs of the ſaid Court, and to do all ſuch other Things as ſhall be neceſſary for the Adminiſtration of Juſtice and the due Execution of all or any of the Powers which ſhall or may, by the ſaid Charter, be committed to the ſaid Courts; and the ſame ſhall alſo be at all Times Courts of Oyer and Terminer and Gaol Delivery in and for *Fort Saint George*, and the Town of *Madras*, and the Limits thereof, and the Factories ſubordinate thereto, and in and for the Town and Iſland of *Bombay*, and the Limits thereof, and the Factories ſubordinate thereto reſpectively.

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 who ſhall reſide within any of the Factories ſubject to or dependant 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 dependant 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 dependant 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.

Courts may try all Suits which, by Authority of Parliament,

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, councilled, ordered, or done by them in their Publick 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 Publick out of ſuch Lands or Diſtricts as are actually farmed by himſelf, or thoſe who are his Undertenants 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.

may now be tried by the Mayor's Courts, or Courts of Oyer and Terminer.

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

Juriſdiction of the Courts not competent to certain Matters.

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 Gentu 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;

Rights of Fathers and Maſters of Families to be preſerved.

nor ſhall any Act done in conſequence of the Rule or Law of Caſt, 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*.

Courts may determine Suits againſt the Inhabitants according to the Charter, but their Inheritance of Lands, *etc.* to be determined as would have been done in a Native Court; and where One Party is a Mahomedan or Gentu, by the Uſages of the Defendant, *etc.*

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 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 Gentus, by the Laws and Uſages of the Gentus, 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 Gentu, by the Laws and Uſages of the Defendant; 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 Judgements, 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 Expence, as is conſiſtent with the Attainment of ſubſtantial Juſtice.

No Action for Wrong, to be 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 *Geo.* III, Cap. 70.

XIV. And be it further enacted, That no Action for Wrong or Injury ſhall be againſt any Perſon whatever exerciſing a judicial Office in any Country Court, for any Judgement, 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; 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, 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 Manage*-' *ment 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 Judgement 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.*

A Regiſtry of Natives employed by the Company or

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*

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. *Britiſh* Subjects to be eſtabliſhed as at *Calcutta*.

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 himſelf, herſelf, or themſelves aggrieved, by any Judgement or Determination of either of the ſaid Courts of Judicature, to be eſtabliſhed as aforeſaid, he, ſhe, or they may appeal from ſuch Judgement 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 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 herein-before 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.

XIX. And be it further enacted, That during ſuch Time as the ſaid Settlements of *Madras* and *Bombay* reſpectively ſhall remain in the Poſſeſſion of the ſaid United Company, the Court of Directors of the ſaid United Company ſhall, and they are hereby required to direct and cauſe to be paid to the Recorder of the ſaid Court of Judicature at *Madras*, the Yearly Court of Directors to cauſe to be paid to the Recorder of each Court 5000*l.* annually out of the

Revenues of the Settlement.

Yearly Sum of Five thouſand Pounds, and to the Recorder of the Court of Judicature at *Bombay* the Yearly Sum of Five thouſand Pounds, and ſuch Salaries ſhall be paid to them and each of them for the Time being reſpectively, out of the Revenues of the ſaid reſpective Settlements of *Madras* and *Bombay*, at an Exchange of Eight Shillings for the Pagoda at *Madras*, and of Two Shillings and Sixpence for the *Bombay* Rupee at the Settlement of *Bombay*.

Commencement of Salaries, which are to be in lieu of all Emoluments.

XX. And be it further enacted, That the ſaid Salaries ſhall take place and commence, 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 Perſon 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 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.

If the Recorder return to *Europe* after Five Years Reſidence in *India* as ſuch, His Majeſty may order him an Annuity out of the Territorial Revenues.

XXI. And be it further enacted, That if the Recorder of the Court of Judicature at *Madras* and *Bombay* reſpectively, ſhall return to *Europe*, from Age, Infirmity, or other Cauſe, to be approved of by His Majeſty, it ſhall and may be lawful for His Majeſty, by Warrant under the Sign Manual, to direct and authorize an Allowance to be made out of the Revenues of the *Britiſh* Territories in *India*, to ſuch Recorder ſo returning: Provided always, that it ſhall not be lawful for His Majeſty to direct any larger Allowance to be made to ſuch Recorder ſo returning, than the Sum of One thouſand two hundred Pounds *per Annum*; nor ſhall it be lawful for His Majeſty to direct any Allowance to be made to any Perſon who has not reſided Five Years in *India* as Recorder of ſuch Courts of Judicature: Provided always, that it ſhall not be lawful for His Majeſty to direct the Allowance of any Sum to any Recorder as aforeſaid, which, with the Allowance already directed and authorized at the Date of ſuch Grant to be paid, either to any Recorder as aforeſaid, or any Chief Juſtice or other Judge of the Supreme Court of Judicature at *Calcutta*, ſhall, in the Whole, exceed the Amount of the Salary of One of the Judges of the Supreme Court of Judicature at *Calcutta*.

If the Recorder ſhall die, and no Succeſſor ſhall be on the Spot, the Puiſne Judge of the Supreme Court at *Calcutta* to proceed to the Settlement and hold the Office till a Recorder arrives.

XXII. And, in order more effectually to provide for the regular Adminiſtration of Juſtice, be it enacted, That whenever it ſhall happen that the Recorder of *Madras* or *Bombay* reſpectively ſhall die, and no Perſon ſhall be upon the Spot, who ſhall be appointed by His Majeſty to ſucceed to ſuch Recorderſhip, in ſuch Caſe, and as ſoon as the ſame ſhall be made known to the Supreme Court of Judicature at *Calcutta*, the junior Puiſne Judge of the ſaid Court ſhall and he is hereby directed and authorized to proceed, with all convenient Speed, to the Settlement where ſuch Vacancy ſhall have happened, and ſhall take upon himſelf the Office of Recorder of the ſaid Settlement, and ſhall hold and exerciſe the ſame in as full and ample a Manner as if he had been appointed

Recorder of the ſaid Settlement by His Majeſty by Authority of this Act, and ſhall continue to hold and exerciſe the ſaid Office until a Recorder ſhall be appointed by His Majeſty, and until ſuch Recorder ſhall arrive at the ſaid Settlement, and no longer.

Acting Recorder to receive a Proportion of Salary.

XXIII. And be it further enacted, That ſuch Judge, ſo acting as Recorder during a Vacancy, and until the Arrival of the Perſon appointed to ſucceed the ſaid Office, ſhall be entitled to receive a Proportion of Salary, and no more than would have become due to ſuch Recorder during the Period while the Vacancy ſhall be ſupplied by ſuch Judge as aforeſaid.

Appointment of Judge not vacated by acting as Recorder.

XXIV. Provided always, That nothing in this Act ſhall extend, or be conſtrued to extend, to vacate the Appointment of ſuch Judge by Reaſon of his exerciſing the Office of Recorder as aforeſaid.

Recorders not to be concerned in Traffick.

XXV. And be it further enacted, That the ſaid Perſon or Perſons ſo to be appointed by His Majeſty Recorder of the Court of Judicature at *Madras* and *Bombay* reſpectively, ſhall not carry on, be concerned in, or have any Dealings or Tranſactions by Way of Traffick or Commerce of any Kind whatſoever, either for his or their own Uſe, Benefit, Profit, or Advantage, or the Uſe, Benefit, Profit, or Advantage of any Perſon whatſoever.

Recorder to be tried as the Judges of the Supreme Court at *Calcutta*.

XXVI. And be it further enacted, That all Offences committed by or charged upon the ſaid Recorder of the ſaid Courts, ſhall be heard, tried, and determined in the ſame Manner as if the ſame were committed by or charged upon any of the Judges of the Supreme Courts of Judicature at *Calcutta*.

All new Forms of Proceſs to be tranſmitted to the Board for *India* Affairs.

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.

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 Re-payment 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 80 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 *Madras Patnam*, *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 *Madras Patnam*, *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, 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 Diſ-

pute, 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.

FINIS.