ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. LXIII.

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*.



WHEREAS the ſeveral Powers and Authorities granted by Charters to the United Company of Merchants of England trading to the Eaſt Indies have been found, by Experience, not to have ſufficient Force and Efficacy to prevent various Abuſes which have prevailed in the Government and Adminiſtration of the Affairs of the ſaid United Company, as well at Home as in India, to the manifeſt Injury of the Publick Credit, and of the Commercial Intereſts of the ſaid Company; and it is therefore become highly expedient that certain further Regulations, better adapted to their preſent Circumſtances and Condition, ſhould be provided and eſtabliſhed: And whereas the electing and chuſing of Directors of the ſaid Preamble.

United Company every Year, in such Manner as at present prescribed by Charter, has not answered the good Purposes intended thereby, but, on the contrary, by limiting the Duration of their Office to so short a Time, evidently tends to weaken the Authority of the Court of Directors, and to produce Instability in the Councils and Measures of the said Company: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at the next ensuing General Election of Directors of the said United Company, instead of an Election of Twenty-four Directors to serve for the Space of One Year only, there shall be chosen, in such Manner and Order as the Directors of the said United Company for the Time being shall appoint, Six Directors expressly for the Term of One Year, and Six other Directors for the Term of Two Years, and Six other Directors for the Term of Three Years, and the remaining Six Directors for the Term of Four Years, and not otherwise; and from thenceforth yearly and every Year, and at the Expiration of each and every of the said Terms respectively, Six new Directors, and no more, shall be chosen, from Time to Time, in the Place of such Directors whose Term shall have expired, and who are hereby declared incapable of being then rechosen; and at every subsequent Election, during the Continuance of the Charter of the said United Company, Six new Directors shall be chosen, and shall continue to be Directors for the Term of Four Years, and no longer, to be accounted from the Day on which the Election of such Directors was respectively made; and in case the Office and Authority of any such Director shall become void by Death, Removal, or otherwise, another shall be chosen from Time to Time in his Place, to serve as a Director during the Remainder of such Term for which the Person whose Office shall have become void was chosen, and no longer.

At the next ensuing General Election, instead of 24, there shall be chosen 6 Directors for the Term of One Year; 6 for Two Years; 6 for Three Years; 6 for Four Years; and so hereafter yearly.

And it is hereby further enacted, That no Person or Persons whatsoever, employed in any Civil or Military Station, Office, or Capacity whatsoever, in the East Indies, or claiming or exercising any Power, Authority, or Jurisdiction therein, shall be capable of being appointed or chosen into the Office of Director, until such Person or Persons shall have returned to and been resident in England for the Space of Two Years; any Law or Usage to the Contrary notwithstanding.

No Person employed in any Office in the *East Indies*, shall be chosen into the Office of Director until he shall return, and be resident in *England* for Two Years.

And whereas it has been found, that the Provision made by the Charter of the Tenth Year of the Reign of King William the Third, under which, Persons possessed of Five hundred Pounds Stock are intitled to vote in General Courts, has been productive of much Inconvenience in the present Situation of the Company, and tends to promote the mischievous Practice of making collusive Transfers, which Practice hath not been sufficiently prevented by the Provision made by an Act of the Seventh Year of His present Majesty's Reign, whereby the Right of voting is limited to Persons having been Six Calendar Months in Possession of their Stock; be it further enacted, That all Transfers of Stocks whatsoever made to any Person or Persons, in any fraudulent or collusive Manner, on Purpose to qualify him, her, or them, to give his, her, or their Vote or Votes, at any Election of Members of the Court of Directors, or in any General Court of the said United Company, (subject nevertheless to Conditions or Agreements, either Verbal or in Writing, to defeat or determine such Transfers, or to retransfer or return the same), shall be deemed and taken against those Persons who transferred the same, as free and absolute, and be holden and enjoyed, by all and every such Person or Persons to whom such Transfer shall be made, as aforesaid, freely and absolutely acquitted, exonerated, and discharged, of and from all Manner of Trusts, Conditions, Powers of Revocation, Provisoes of Redemption, or other Defeazances between or with the said Parties, or any other Person or Persons in Trust for them; and that all Bonds, Covenants, Notes Collateral, or other Securities, Contracts, or Agreements, between or with the said Parties, or any other

All Transfers made in a collusive Manner, to qualify Voters at Elections;

and all Bonds, Covenants, &c. with Persons in Trust, shall be null and void:

other Person or Persons in Trust for them, or any of them, for the retransferring, redeeming, revoking, or defeating such Transfer, or for the restoring or retransferring thereof, or any Part thereof, to any Person or Persons who made such Transfer, or to any other Person or Persons in Trust for them, or any of them, shall be null and void, to all Intents and Purposes whatsoever: And that every Person to whom such Transfer shall have been made, and who shall have voted by virtue thereof, at any Election of Members of the Court of Directors, or in any General Court of the said United Company, and who shall afterwards retransfer or return the same, in Consequence of any Trust, Condition, Powers of Revocation, Proviso of Redemption, or other Defeazance whatsoever, as aforesaid, shall, for every such Offence, forfeit the Sum of One thousand Pounds; One Moiety whereof shall go and be disposed of to any Person who shall sue for the same; and the other Moiety to His Majesty, His Heirs and Successors; to be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Privilege, Protection, Wager of Law, or more than One Imparlance, shall be admitted or allowed; and that from and after the First Day of October, One thousand seven hundred and seventy-three, no Member or Proprietor of the said United Company shall be deemed qualified, or capable to vote, or be admitted to give any Vote or Votes, at any Election of Directors, or at any General Court of the said United Company, in respect of any Stock amounting to less than One thousand Pounds, nor in respect of any Stock transferred to him, her, or them, after the said First Day of October, One thousand seven hundred and seventy-three, until he, she, or they, shall have been possessed of such Stock Twelve Calendar Months, in his, her, or their own Right, and not in Trust for any other Person or Persons whatsoever, freed and discharged of all Incumbrances which can or may affect the same, unless such Stock shall have been acquired, or shall have come to such Proprietor by Bequest.

And every Person to whom Transfers shall have been made, or who shall have voted by virtue thereof, at any Election, who shall afterwards retransfer the same, in consequence of any Trusts, &c. shall forfeit, for every Offence, 1000*l.* to be recovered, with full Costs, at *Westminster*;

and after *Oct.* 1, 1773, no Proprietor shall vote at any Election of Directors in respect of Stock amounting to less than 1000 *l.* nor until he shall have been possessed of such 12 Calendar Months.

quest, or by Marriage, or by Succession to any Intestate's Estates, or by the Custom of the City of London, or by any Deed of Settlement after the Death of any Person who shall have been intitled for Life to the Dividends of such Stock; any Law, Statute, or Usage, to the Contrary notwithstanding.

Every Proprietor possessed of 3000 *l.* Capital Stock shall be intitled to Two Votes at any Election; if possessed of 6000 *l.* he shall have Three Votes; and when possessed of 10,000 *l.* is intitled to Four Votes.

Provided always, and be it further enacted by the Authority aforesaid, That every Member or Proprietor of the said United Company, who shall be possessed, for the Time or Term aforesaid, in his or her own Right, of Three thousand Pounds, Capital Stock of the said Company, shall be intitled to give Two Votes at any Election of Directors, or at any Ballot of the said Company; and every Member or Proprietor who shall be possessed, for the Time or Term aforesaid, of Six thousand Pounds, in his or her own Right, shall be intitled to give Three Votes; and every Member or Proprietor who shall be possessed, for the Time or Term aforesaid, of Ten thousand Pounds, or more, shall be intitled to give Four Votes at such Election or Ballot; and the Oath and Affirmation herein-after respectively prescribed, shall, as Occasion shall require, be altered in such Manner as shall be necessary to comprise such Right of voting.

Every Member shall be deemed qualified to vote at Elections of Directors, in respect of 1000 *l.* Stock, after *Oct.* 1, 1773.

Provided always, and it is hereby further enacted, That any Member or Proprietor of the said United Company shall be deemed qualified or capable to vote, and shall be admitted to give his or her Vote or Votes, at any Election of Directors, or at any General Court of the said United Company, that shall be held after the First Day of October, One thousand seven hundred and seventy-three, in respect of any such Stock, not amounting to less than One thousand Pounds, whereof he or she shall have been possessed from the said First Day of October, any Thing herein contained to the Contrary notwithstanding: And the Oath and Affirmation herein, after respectively prescribed shall be, as Occasion shall require, altered in such Manner in respect of the Continuance of the Possession of such Stock, as to comprise the Time aforesaid.

Upon Election of Directors, every Proprietor shall, before admitted to vote, take the following Oath.

And be it further enacted by the Authority aforesaid, That from and after the First Day of October, One thousand seven hundred and seventy-three, upon every Election to be made of any Member or Members of the Court of Directors, and upon every Ballot to be taken at any General Court of the said United Company, every Member or Proprietor of the said Company shall, before admitted to vote at such Election, or in such General Court, first take the Oath hereafter mentioned before Two or more of the Directors of the said United Company, who are hereby impowered to administer such Oath; (that is to say),

I *A. B.* do swear, (or being One of the People called *Quakers*, do solemnly affirm), That the Sum of One thousand Pounds or more of the Capital Stock of the United Company of Merchants of *England* trading to the *East Indies*, standing in my Name, doth at this Time belong, and hath for the Space of Twelve Calendar Months actually belonged to me, in my own Right, and not in Trust for any Person or Persons whatsoever; and that I have been in the actual Receipt of the Dividends and Profits thereof for my own Use, freed and discharged of all Incumbrances which can or may affect the same, for the said Space of Twelve Calendar Months; or that the same came to me within the Time aforesaid by Bequest, or by Marriage, or by Succession to an Intestate's Estate, or by the Custom of the City of *London*, or by Settlement; and that such Stock has not been transferred or made to me fraudulently or collusively on Purpose to qualify me to give my Vote; and that I have not before given my Vote on this Ballot.

So help me GOD.

Persons committing wilful Perjury, or corruptly suborning others so to do, shall be liable to the Penalties in Act 5 *Eliz.* and 2 *Geo.* II.

And in case any Person taking the Oath or Affirmation hereby appointed shall thereby commit wilful Perjury, and be thereof convicted; and if any Person do unlawfully or corruptly procure or suborn any other Person to take the said Oath or Affirmation, in order to vote, whereby he or she shall commit such wilful Perjury, and shall be thereof convicted, he, she, and they, for every such

such Offence, shall incur such Pains and Penalties as are in and by Two Acts of Parliament, the One made in the Fifth Year of the late Queen Elizabeth, intituled, An Act for punishing such Persons as shall procure or commit wilful Perjury, or suborn or procure any Person to commit any wilful or corrupt Perjury; the other made in the Second Year of His Majesty King George the Second, intituled, An Act for the more effectual preventing, and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities, for Payment of Money, directed to be inflicted for Offences committed contrary to the said Acts.

A Governor-general and Four Counsellors to be appointed, in whom the whole Civil and Military Government of *Bengal*, *Bahar*, and *Orissa*, shall be vested.

And, for the better Management of the said United Company's Affairs in India, be it further enacted by the Authority aforesaid, That, for the Government of the Presidency of Fort William in Bengal, there shall be appointed a Governor-general, and Four Counsellors; and that the whole Civil and Military Government of the said Presidency, and also the Ordering, Management, and Government, of all the Territorial Acquisitions and Revenues in the Kingdoms of Bengal, Bahar, and Orissa, shall, during such Time as the Territorial Acquisitions and Revenues shall remain in the Possession of the said United Company, be, and are hereby vested in the said Governor-general and Council of the said Presidency of Fort William in Bengal, in like Manner, to all Intents and Purposes whatsoever, as the same now are, or at any Time heretofore might have been exercised by the President and Council, or Select Committee, in the said Kingdoms.

In case of Difference of Opinion, the Decision of the major Part to be conclusive;

and in case of Death, Removal, or Absence, the Governor or eldest Counsellor to have a casting Voice.

And be it enacted by the Authority aforesaid, That in all Cases whatsoever wherein any Difference of Opinion shall arise upon any Question proposed in any Consultation, the said Governor-general and Council shall be bound and concluded by the Opinion and Decision of the major Part of those present: And if it shall happen that, by the Death or Removal, or by the Absence, of any of the Members of the said Council, such Governor-general and Council shall happen to be equally divided; then, and in every such Case, the said Governor-general, or, in

his Absence, the eldest Counsellor present, shall have a casting Voice, and his Opinion shall be decisive and conclusive.

Power of the Governor-general and Council.

And be it further enacted by the Authority aforesaid, That the said Governor-general and Council, or the major Part of them, shall have, and they are hereby authorised to have, Power of superintending and controuling the Government and Management of the Presidencies of Madras, Bombay, and Bencoolen respectively, so far and in so much as that it shall not be lawful for any President and Council of Madrass, Bombay, or Bencoolen, for the Time being, to make any Orders for commencing Hostilities, or declaring or making War, against any Indian Princes or Powers, or for negotiating or concluding any Treaty of Peace, or other Treaty, with any such Indian Princes or Powers, without the Consent and Approbation of the said Governor-general and Council first had and obtained, except in such Cases of imminent Necessity as would render it dangerous to postpone such Hostilities or Treaties until the Orders from the Governor-general and Council might arrive; and except in such Cases where the said Presidents and Councils respectively shall have received special Orders from the said United Company; and any President and Council of Madrass, Bombay, or Bencoolen, who shall offend in any of the Cases aforesaid, shall be liable to be suspended from his or their Office by the Order of the said Governor-general and Council; and every President and Council of Madrass, Bombay, and Bencoolen, for the Time being, shall, and they are hereby respectively directed and required, to pay due Obedience to such Orders as they shall receive, touching the Premises, from the said Governor-general and Council for the Time being, and constantly and diligently to transmit to the said Governor-general and Council Advice and Intelligence of all Transactions and Matters whatsoever that shall come to their Knowledge, relating to the Government Revenues, or Interest, of the said United Company; and the said Governor-general and Council for the Time being shall, and they are hereby directed and required to pay due Obedience to all such Orders

ders as they shall receive from the Court of Directors of the said United Company, and to correspond, from Time to Time, and constantly and diligently transmit to the said Court an exact Particular of all Advices or Intelligence, and of all Transactions and Matters whatsoever, that shall come to their Knowledge, relating to the Government, Commerce, Revenues, or Interest, of the said United Company; and the Court of Directors of the said Company, or their Successors, shall, and they are hereby directed and required, from Time to Time, before the Expiration of Fourteen Days after the receiving any such Letters or Advices, to give in and deliver unto the High Treasurer, or Commissioners of his Majesty's Treasury for the Time being, a true and exact Copy of such Parts of the said Letters or Advices as shall any way relate to the Management of the Revenues of the said Company; and in like Manner to give in and deliver to One of his Majesty's principal Secretaries of State for the Time being, a true and exact Copy of all such Parts of the said Letters or Advices as shall any way relate to the Civil or Military Affairs and Government of the said Company; all which Copies shall be fairly written, and shall be signed by Two or more of the Directors of the said Company.

Names of the First Governor-general and Counsellors, who shall continue in Office Five Years after their Arrival at *Fort William* in *Bengal*.

And it is hereby further enacted, That Warren Hastings Esquire shall be the First Governor-general; and that Lieutenant-general John Clavering, the Honourable George Monson, Richard Barwell Esquire, and Philip Francis Esquire, shall be the Four First Counsellors; and they, and each of them, shall hold and continue in his and their respective Offices for and during the Term of Five Years from the Time of their Arrival at Fort William in Bengal, and taking upon them the Government of the said Presidency, and shall not be removeable, in the mean Time, except by his Majesty, his Heirs and Successors, upon Representation made by the Court of Directors of the said United Company for the Time being: And in case of the Avoidance of the Office of such Governor-general by Death, Resignation, or Removal, his Place shall, during the Remainder of the Term aforesaid, as often as the Case shall happen, be supplied by

the Person of the Council who stands next in Rank to such Governor-general; and, in case of the Death, Removal, Resignation, or Promotion, of any of the said Council, the Directors of the said United Company are hereby impowered, for and during the Remainder of the said Term of Five Years, to nominate and appoint, by and with the Consent of His Majesty, His Heirs and Successors, to be signified under His or Their Sign Manual, a Person to succeed to the Office so become vacant in the said Council; and, until such Appointment shall be made, all the Powers and Authorities vested in the Governor-general and Council shall rest and continue in, and be exercised and executed by, the Governor-general and Council remaining and surviving; and from and after the Expiration of the said Term of Five Years, the Power of nominating and removing the succeeding Governor-general and Council shall be vested in the Directors of the said United Company.

Time when the Provisions relating to the Governor and Council shall commence.

And be it further enacted by the Authority aforesaid, That the said several Provisions, relating to the said Governor-general and Council, shall commence and take Place from and immediately after the Time that publick Proclamation shall be made of the Arrival of the said Governor-general and Counsellors herein-before appointed, or any Three of them, at Fort William in Bengal, which Proclamation the said Governor-general and Council are hereby required to make.

The Company may appoint Officers in pursuance of former Acts or Charters.

Provided always, That nothing in this Act shall extend, or be construed to extend, to prevent, controul, or restrain, the said United Company from constituting and appointing such Officers, Factors, or Agents, as they shall think proper and necessary, by virtue or in pursuance of any Powers, Rights, or Privileges, granted to them by any former Act or Acts of Parliament, or by any Charter or Charters, for managing, conducting, and transacting the Trade and Commerce of the said Company, at and within the said Presidency of Fort William in Bengal.

His Majesty may, by Charter or Letters Patent, establish a supreme Court of Judicature at *Fort William*, &c.

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

Year of his Reign, grant unto the said United Company of Merchants of England trading to the East Indies his Royal Charter, thereby, amongst other Things, constituting and establishing Courts of Civil, Criminal, and Ecclesiastical Jurisdiction, at the said United Company's respective Settlements at Madras-patnam, Bombay on the Island of Bombay, and Fort William in Bengal; which said Charter does not sufficiently provide for the due Administration of Justice in such Manner as the State and Condition of the Company's Presidency of Fort William in Bengal, so long as the said Company shall continue in the Possession of the Territorial Acquisitions before mentioned, do and must require; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for his Majesty, by Charter, or Letters Patent under the Great Seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William aforesaid, to consist of a Chief Justice and Three other Judges, being Barristers in England or Ireland, of not less than Five Years standing, to be named from Time to Time by his Majesty, his Heirs and Successors; which said Supreme Court of Judicature shall have, and the same Court is hereby declared to have, full Power and Authority to exercise and perform all Civil, Criminal, Admiralty, and Ecclesiastical Jurisdiction, and to appoint such Clerks, and other Ministerial Officers of the said Court, with such reasonable Salaries, as shall be approved of by the said Governor-general and Council; and to form and establish such Rules of Practice, and such Rules for the Process of the said Court, and to do all such other Things as shall be found necessary for the Administration of Justice, and the due Execution of all or any of the Powers which, by the said Charter, shall or may be granted and committed to the said Court; and also shall be, at all Times, a Court of Record, and shall be a Court of Oyer and Terminer, and Gaol Delivery, in and for the said Town of Calcutta, and Factory of Fort William, in Bengal aforesaid, and the Limits thereof, and the Factories subordinate thereto.

to consist of a Chief Justice and Three other Judges.

Extent of the Jurisdiction and Powers of His Majesty's Charter;

Provided nevertheless, and be it further enacted by the Authority aforesaid, That the said new Charter which His Majesty is herein-before impowered to grant, and the Jurisdiction, Powers, and Authorities, to be thereby established, shall and may extend to all British Subjects who shall reside in the Kingdoms or Provinces of Bengal, Bahar, and Orissa, or any of them, under the Protection of the said United Company; and the same Charter shall be competent and effectual: And the Supreme Court of Judicature therein, and thereby to be established, shall have full Power and Authority to hear and determine all Complaints against any of His Majesty's Subjects for any Crimes, Misdemeanours, or Oppressions, committed, or to be committed; and also to entertain, hear, and determine, any Suits or Actions whatsoever, against any of His Majesty's Subjects in Bengal, Bahar, and Orissa, and any Suit, Action, or Complaint, against any Person who shall, at the Time when such Debt, or Cause of Action or Complaint, shall have arisen, have been employed by, or shall then have been, directly or indirectly, in the Service of the said United Company, or of any of His Majesty's Subjects.

and of the Supreme Court of Judicature.

Supreme Court to hear and determine Indictments and Informations.

Provided also, That the said Court shall not be competent to hear, try, or determine, any Indictment or Information against the said Governor-general, or any of the said Council for the Time being, for any Offence (not being Treason or Felony) which such Governor-general, or any of the said Council, shall or may be charged with having committed in Bengal, Bahar, and Orissa.

Limitation of Actions before the said Court.

Provided also, and be it enacted, That the said Supreme Court shall hear and determine any Suits or Actions whatsoever of any of His Majesty's Subjects, against any Inhabitant of India residing in any of the said Kingdoms or Provinces of Bengal, Bahar, or Orissa, or any of them, upon any Contract or Agreement in Writing entered into by any of the said Inhabitants with any of His Majesty's said Subjects, where the Cause of Action shall exceed the Sum of Five hundred Current Rupees; and where the said Inhabitant shall have agreed

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in the said Contract, that, in case of Dispute, the Matter shall be heard and determined in the said Supreme Court; and all such Suits or Actions may be brought, in the First Instance, before the said Court, or by Appeal from the Sentence of any of the Courts established in the said Provinces, or any of them.

The Governor-general, Council, &c. not subject to be arrested or imprisoned.

And it is hereby further enacted and provided, That nothing in this Act shall extend to subject the Person of the Governor-general, or of any of the said Council or Chief Justice and Judges respectively for the Time being, to be arrested or imprisoned upon any Action, Suit, or Proceeding, in the said Court.

Appeal may be made to His Majesty in Council.

And be it further enacted by the Authority aforesaid, That it shall and may be directed, in and by the said new Charter which His Majesty is herein-before impowered to grant, that in case any Person or Persons whatsoever shall think himself, herself, or themselves, aggrieved by any Judgement or Determination of the said Supreme Court of Judicature, to be established as aforesaid, he, she, or they, shall and may appeal from such Judgement or Determination to His Majesty in Council, His Heirs or Successors, within such Time, in such Manner, and in such Cases, and on such Security, as His Majesty, in His said Charter, shall judge proper and reasonable to be appointed and prescribed.

So much of the Charter granted by *Geo.* II. (should a new Charter be granted) to be repealed;

And be it further enacted by the Authority aforesaid, That so much of the said Charter, granted by His said late Majesty, as respects or relates to the Establishment of the Mayor's Court at Calcutta aforesaid, in Bengal, or to the Civil, Criminal, or Ecclesiastical Jurisdiction thereof, in the said United Company's Settlement there, or the Subordinates thereunto belonging, in case a new Charter shall be granted by His Majesty in pursuance of this Act, and shall be openly published at Fort William aforesaid, from and immediately after such Publication, shall cease, determine, and be absolutely void, to all Intents and Purposes: But nevertheless, the said Charter, so granted by His said late Majesty, shall, in all other Respects, and as for and concerning all or any other of the said Company's principal Presidencies or Settlements

otherwise to be in full Force.

to which the same relates, or to any Factories or Places now or hereafter to be subordinate to such principal Settlements, continue, be, and remain in full Force and Virtue, according to the true Intent and Meaning thereof, and that as fully and effectually, to all Intents and Purposes whatsoever, as if this Act had never been made, or such new Charter as aforesaid should never have been granted.

All Records and Muniments belonging to the Mayor's Court at *Calcutta*, &c. to be delivered to, and preserved by, the new Court.

And be it further enacted by the Authority aforesaid, That all the Records, Muniments, and Proceedings whatsoever, of and belonging to the said Mayor's Court at Calcutta aforesaid, or to the Courts of Oyer and Terminer and Gaol Delivery at Fort William aforesaid, established by the said Charter of His said late Majesty, shall, from and immediately after such Court of Judicature, which His Majesty is herein-before impowered to erect, shall be established at Fort William as aforesaid, be delivered over, preserved, and deposited for safe Custody, in the said new Court of Judicature, to which all Parties concerned shall and may resort and have Recourse, upon Application to the said Court.

Salaries established to the Governor-general, Council, Chief Justice, and Judges.

And be it further enacted by the Authority aforesaid, That during such Time as the Territorial Acquisitions shall remain in the Possession of the said Company, the Court of Directors of the said United Company shall, and they are hereby required to direct, and cause to be paid, certain and established Salaries to the Governor-general, and to each of the Council of the said United Company's Presidency of Fort William in Bengal, and to the Chief Justice and each of the Judges of such Supreme Court of Judicature at Fort William, as shall be by the said new Charter established; (that is to say), To the Governor-general Twenty-five thousand Pounds by the Year, and to each of the Council of the said United Company's Presidency of Fort William in Bengal Ten thousand Pounds by the Year; and to the Chief Justice Eight thousand Pounds by the Year; and to each of the Judges of the said Supreme Court of Judicature, at Fort William, Six thousand Pounds by the Year: And that such Salaries shall be paid and payable to each and every of them respectively for the Time being out of the said

said Territorial Acquisitions in the Kingdoms of Bengal, Bahar, and Orissa.

When such Salaries shall commence.

And be it further enacted by the Authority aforesaid, That the Salaries of such Governor-general and Council, and of such Chief Justice and Judges, of such Supreme Court of Judicature as aforesaid, shall take place and commence 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 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 to such Governor-general and Council, and of such Chief Justice and Judges, shall be in lieu of all Fees of Office, Perquisites, Emoluments, and Advantages, whatsoever; and that no Fees of Office, Perquisites, Emoluments, or Advantages whatsoever, shall be accepted, received, or taken by such Governor-general and Council, or by such Chief Justice and Judges, as aforesaid, or any of them, in any Manner, or on any Account or Pretence whatsoever, other than such Salaries and Allowances as are in and by this Act directed to be paid to them respectively.

The Governor-general, or Council, shall not accept of any Present;

And be it further enacted by the Authority aforesaid, That no Governor-general, or any of the Council of the said United Company's Presidency of Fort William in Bengal, or any Chief Justice, or any of the Judges of the Supreme Court of Judicature at Fort William aforesaid, shall, directly or indirectly, by themselves, or by any other Person or Persons for his or their Use, or on his or their Behalf, accept, receive, or take, of or from any Person or Persons, in any Manner, or on any Account whatsoever, any Present, Gift, Donation, Gratuity, or Reward, pecuniary or otherwise, or any Promise or Engagement for any Present, Gift, Donation, Gratuity, or Reward; and that no Governor-general, or any of the said Council, or any Chief Justice or Judge of the said Court, shall carry on, be concerned in, or

nor be concerned in any Transaction by way of Traffick.

have

have any Dealing or Transactions, by way of Traffick or Commerce of any Kind whatsoever, either for his or their Use or Benefit, Profit or Advantage, or for the Benefit or Advantage of any other Person or Persons whatsoever, (the Trade and Commerce of the said United Company only excepted); any Usage or Custom to the Contrary thereof in any wise notwithstanding.

No Person holding a Civil or Military Office under the Crown, shall accept any Donation or Gratuity.

And be it further enacted by the Authority aforesaid, That from and after the First Day of August, One thousand seven hundred and seventy-four, no Person holding or exercising any Civil or Military Office under the Crown, or the said United Company in the East Indies, shall accept, receive, or take, directly or indirectly, by himself, or any other Person or Persons on his Behalf, or for his Use or Benefit, of and from any of the Indian Princes or Powers, or their Ministers or Agents, (or any of the Natives of Asia), any Present, Gift, Donation, Gratuity, or Reward, pecuniary or otherwise, upon any Account, or on any Pretence whatsoever; or any Promise or Engagement for any Present, Gift, Donation, Gratuity, or Reward; And if any Person, holding or exercising any such Civil or Military Office, shall be guilty of any such Offence, and shall be thereof legally convicted in such Supreme Court at Calcutta, or in the Mayor's Court in any other of the said United Company's Settlements where such Offence shall have been committed; every such Person, so convicted, shall forfeit Double the Value of such Present, Gift, Donation, Gratuity, or Reward, so taken and received; One Moiety of which Forfeiture shall be to the said United Company, and the other Moiety to him or them who shall inform or prosecute for the same; and also shall and may be sent to England, by the Order of the Governor and Council of the Presidency or Settlement where the Offender shall be convicted, unless such Person so convicted shall give sufficient Security to remove him or themselves within Twelve Months after such Conviction.

Counsellors, Physicians, Surgeons, and Chaplains, excepted.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any

Person or Persons who shall carry on, or exercise the Profession of a Counsellor at Law, a Physician, or a Surgeon, or being a Chaplain, from accepting, taking, or receiving any Fees, Gratuities, or Rewards, in the Way of their Profession.

The Company may prosecute and recover any Gift, upon waiving Forfeitures.

And it is hereby further enacted by the Authority aforesaid, That every such Present, Gift, Gratuity, Donation, or Reward, accepted, taken, or received, and all such Dealing or Transaction, by way of Traffick or Commerce, of any Kind whatsoever, carried on, contrary to the true Intent and Meaning of this Act, shall be deemed and construed to have been received, taken, had, and done, to and for the sole Use of the said United Company; and that the said United Company, upon waiving all Penalties and Forfeitures, shall and may sue and prosecute for the Recovery of the same, or the full Value of such Present or Gift, or the Profits of such Trade respectively, together with Interest, at the Rate of Five Pounds per Centum per Annum, from the Time of such Present, Gift, Gratuity, Donation, or Reward, being received, or of such Dealing or Transaction, by way of Traffick or Commerce, as aforesaid, by Action, for Money had and received to the Use of the said Company.

No Collector, Supervisor, &c. to buy Goods by way of Traffick.

And be it further enacted by the Authority aforesaid, That from and after the First Day of August, One thousand seven hundred and seventy-four, it shall not be lawful for any Collector, Supervisor, or any other of his Majesty's Subjects, employed or concerned in the Collection of the Revenues, or the Administration of Justice, in the Provinces of Bengal, Bahar, or Oriſſa, or their Agents or Servants, or any Person or Persons in Trust for them, to buy any Goods, Wares, Merchandise, or other Commodities whatsoever, by way of Traffick or Trade, at any Place within the Provinces of Bengal, Bahar, and Oriſſa, and to sell the same again, or any Part thereof, at the Place where he or they bought the same, or at any other Place within the said Provinces respectively; and it shall not be lawful for any of his Majesty's Subjects in the said Provinces, to engage, intermeddle, or be any Way concerned, directly or indirectly, in the Inland Trade, in Salt, Beetle-

nut,

nut, Tobacco, or Rice, except on the Account of the said United Company, on Pain of forfeiting all such Goods or Commodities which he shall so buy and sell again, by way of Traffick, or in which he shall so trade; and also Treble the Value thereof; One Moiety to the said United Company, and the other Moiety to him or them who will sue for the same, in the said Supreme Court; and every such Person, on Conviction, shall, moreover, be liable to be sent to England, by such Order as aforesaid, unless he or they shall give sufficient Security to remove him or themselves, within Twelve Months after such Conviction.

Not to restrain His Majesty's Subjects not herein prohibited;

Provided always, That nothing herein contained shall extend, or be construed to extend, to prohibit or restrain any of His Majesty's Subjects, or any Person or Persons whatsoever, (except such Persons as are by this Act prohibited and restrained from being concerned in Trade) from carrying on or exercising any Trade or Traffick within Fort William, and the Town of Calcutta.

Nor to extend to outstanding Debts, nor to selling Merchandises possessed by Persons before such Prohibition take place.

Provided nevertheless, and be it enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any such Person or Persons who is, are, or shall be hereby restrained from carrying on any Trade, or being concerned in the buying or selling any Goods, Wares, Merchandises, or other Commodities whatsoever, by way of Traffick or Trade, as aforesaid, or from being any Way concerned in the Inland Trade in Salt, Beetlenut, Tobacco, or Rice, from collecting in their outstanding Debts, or from selling and disposing of the Goods, Wares, Merchandises, Effects, and Stock in Trade, of which such Person or Persons shall severally be possessed, at the Time when such Prohibition shall respectively take Place; so as each such Person or Persons who, by this Act is, are, or shall be so restrained, shall, and each and every of them respectively do, deliver in to such Governor-general and Council of the Provinces of Bengal, Bahar, and Orissa aforesaid, within Thirty Days from the Time when such Restriction and Prohi-

bition

bition shall take Place, as aforesaid, a full, true, and just Specification, upon Oath, of the Goods, Wares, Merchandises, Effects, and Stock in Trade, of which he or they shall be at that Time so respectively possessed; and so as such Person or Persons shall and do sell and dispose of such Goods, Wares, Merchandises, Effects, and Stock in Trade, within the Space of Nine Months after such Restriction and Prohibition, as aforesaid, shall commence and take Place; and so as no new Trade or Concern in Commerce or Merchandise be entered into, contracted for, or carried on, by such Person or Persons.

No Person shall take, on Loan of Monies, above the Rate of 12 *per Cent. per Annum.*

And be it further enacted by the Authority aforesaid, That no Subject of His Majesty, His Heirs and Successors, in the East Indies, shall, upon any Contract which shall be made from and after the said First Day of August, One thousand seven hundred and seventy-four, take, directly or indirectly, for Loan of any Monies, Wares, Merchandise, or other Commodities whatsoever, above the Value of Twelve Pounds for the Forbearance of One hundred Pounds for a Year; and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time; and that all Bonds, Contracts, and Assurances whatsoever, made after the Time aforesaid, for Payment of any Principal or Money to be lent or covenanted to be performed upon, or for any Usury whereupon or whereby there shall be reserved or taken above the Rate of Twelve Pounds in the Hundred, as aforesaid, shall be utterly void: And all and every such Person or Persons whatsoever who shall, after the Time aforesaid, upon any Contract to be made after the said First Day of August, One thousand seven hundred and seventy-four, take, accept, and receive, by Way or Means of any corrupt Bargain, Loan, Exchange, Shift, or Interest of any Wares, Merchandises, or other Thing or Things whatsoever, or by any deceitful Way or Mean, or by any Covin, Engine, or deceitful Conveyance, for the forbearing or giving Day of Payment for One whole Year, of and for their Money or other Thing, above the Sum of Twelve Pounds for the forbearing of One hundred Pounds for a Year,

Persons by Covin accepting Loans, &c. shall forfeit, for every Offence, Treble the Value;

and so after that Rate for a greater or lesser Sum, or for a longer or shorter Term, shall forfeit and lose, for every such Offence, Treble the Value of the Monies, Wares, Merchandises, and other Things so lent, bargained, exchanged, or shifted, with Costs of Suit, One Moiety whereof shall be to the said United Company, and the other Moiety to him or them who will sue for the same in the said Supreme Court of Judicature at Fort-William in Calcutta, or in the Mayor's Court in any other of the said United Company's Settlements where such Offence shall have been committed, by Action of Debt, Bill, Plaint, or Information, in which no Essoin, Wager of Law, or Protection, shall be allowed; and in case no such Action, Bill, Plaint, or Information, shall have been brought and prosecuted with Effect within Three Years, that then it shall and may be lawful to and for the Party aggrieved to sue and prosecute for Recovery of all Sums of Money paid over and above such Rate of Interest.

One Moiety to go to the Company, and the other to the Prosecutor.

And be it further enacted, That no Informer or Plaintiff shall or may compound or agree with any Person or Persons that shall offend, or shall be surmised to offend, against this Act, for any Offence committed, or pretended to be committed, before Answer made in the said Supreme Court, unto the Information or Suit in that Behalf exhibited or prosecuted, nor after Answer, but by the Order or Consent of the said Court, on Pain that if any Person or Persons shall offend in making of any Composition or Agreement, contrary to the true Intent and Meaning of this Act, or shall, by Colour or Pretence of Process, or without Process, upon Colour or Pretence of any Matter of Offence against this Act, make any Composition, or take any Money, Reward, or Promise of Reward, for himself, or to the Use of any other, without Order or Consent of the said Court; that then, he or they so offending, being thereof lawfully convicted, shall, for every such Offence, be liable to be fined and imprisoned, at the Discretion of the said Court.

Persons making Compositions contrary to the Meaning of the Act,

liable to be imprisoned at the Discretion of the Court.

And be it further enacted by the Authority aforesaid, That from and after the said First Day of August, One thousand seven hundred and seventy-four, it shall not be lawful

Persons who may be dismissed the Service, or resign, &c.

lawful for any Person or Persons whatsoever, who shall have been dismissed from, or shall have voluntarily resigned, the Service of the said United Company, or for any free Merchant, free Mariner, or other Person, whose Covenants or Agreements with the said United Company for residing or trading in India shall be expired, from thenceforth to carry on or be in any-wise concerned in any Trade, Traffick, Merchandise, or Commerce whatsoever, in the East Indies, other than for the Disposal of his or their Stock in Hand, without the Licence of the said United Company, or the Governor-general and Council of the Presidency of Fort William in Bengal, or the President and Council at the Place or Settlement where such Person or Persons shall reside for that Purpose, first had and obtained.

not to be concerned in any Traffick, other than for Disposal of Stock in Hand.

And be it further enacted by the Authority aforesaid, That from and after the said First Day of August, One thousand seven hundred and seventy-four, if any of His Majesty's Subjects in India, employed by, or in the actual Service of the said United Company, shall be charged with and prosecuted for any Breach of publick Trust, or for Embezzlement of publick Money or Stores, or for defrauding the said United Company; every such Offender, being convicted thereof, in the said Supreme Court of Judicature, or in any Court of Judicature in any other Presidency or Settlement in India, may be fined and imprisoned, and adjudged to be for ever after incapable of serving the said United Company, at the Discretion of the Court before which he shall be tried; and immediately after the Sentence of such Court shall have been executed and inflicted, shall and may be sent over to England, by such Order, and in such Manner, as is herein before mentioned and directed, unless he shall remove himself within Twelve Months, and in the mean Time give sufficient Security so to do.

Servants of the Company prosecuted for Breaches of Trust, on Conviction, to be fined or imprisoned at the Discretion of the Court.

And be it further enacted by the Authority aforesaid, That all Offences and Misdemeanours which shall be laid, tried, and enquired of in the said Supreme Court, shall be tried by a Jury of British Subjects resident in the Town of Calcutta, and not otherwise.

Offences to be tried by a Jury of *British* Subjects.

And

The Company may compound or discharge Sentences of the Supreme Court, &c.

And be it further enacted by the Authority aforesaid That after any Judgement of the said Supreme Court of Judicature, or of any Court of Judicature at any of the said United Company's Settlements, against any of the said United Company's Servants, Civil or Military, for any Debt or Penalty, due or belonging to the said United Company, shall be made known to the Court of Directors for the Time being of the said United Company, it shall not be lawful to release or compound such Sentence or Judgement, or to release, discharge, or put a stop to any Prosecution, Suit or Action, commenced or to be commenced, for carrying on any illicit Trade, or for any Debt or Penalty due to the said United Company, or to restore any Servant or Servants whatever of the said Company, who shall have been removed or dismissed from his or their Office or Employment, for or upon Account of any Misbehaviour, without the Consent of Three Parts in Four of the said Court of Directors, to be taken by Ballot, and also the Consent of Three Parts in Four in Number of the Proprietors of the said United Company, who shall be present, and give their Votes by Ballot, to be taken at a General Court to be specially called for that Purpose, and of which Fourteen Days publick Notice, at the least, shall be given before the holding the same, and of the particular Occasion for which such General Court shall be called.

Governor-general and Council may make such Regulations as may appear just;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Governor-general and Council of the said United Company's Settlement at Fort William in Bengal, from Time to Time, to make and issue such Rules, Ordinances, and Regulations, for the good Order and Civil Government of the said United Company's Settlement at Fort William aforesaid, and other Factories and Places subordinate, or to be subordinate thereto, as shall be deemed just and reasonable, (such Rules, Ordinances, and Regulations, not being repugnant to the Laws of the Realm), and to set, impose, inflict, and levy, reasonable

sonable Fines and Forfeitures for the Breach or Non-observance of such Rules, Ordinances, and Regulations; but nevertheless the same, or any of them, shall not be valid, or of any Force or Effect, until the same shall be duly registered and published in the said Supreme Court of Judicature, which shall be, by the said new Charter, established, with the Consent and Approbation of the said Court, which Registry shall not be made until the Expiration of Twenty Days after the same shall be openly published, and a Copy thereof affixed in some conspicuous Part of the Court-house or Place where the said Supreme Court shall be held; and from and immediately after such Registry as aforesaid, the same shall be good and valid in Law; but, nevertheless, it shall be lawful for any Person or Persons in India to appeal therefrom to His Majesty, His Heirs or Successors, in Council, who are hereby impowered, if they think fit, to set aside and repeal any such Rules, Ordinances, and Regulations respectively, so as such Appeal, or Notice thereof, be lodged in the said new Court of Judicature, within the Space of Sixty Days after the Time of the registering and publishing the same; and it shall be lawful for any Person or Persons in England to appeal therefrom in like manner, within Sixty Days after the publishing the same in England; and it is hereby directed and required, that a Copy of all such Rules, Ordinances, and Regulations, from Time to Time, as the same shall be so received, shall be affixed in some conspicuous and publick Place in the India House, there to remain and be resorted to as Occasion shall require; yet nevertheless, such Appeal shall not obstruct, impede, or hinder the immediate Execution of any Rule, Ordinance, or Regulation, so made and registered as aforesaid, until the same shall appear to have been set aside or repealed, upon the Hearing and Determination of such Appeal.

which shall not be valid until duly registered in the Supreme Court.

Appeals may be made to the King in Council, who may repeal such Rules;

and a Copy of all Regulations to be affixed in the *India House*.

Provided always, and be it enacted by the Authority aforesaid, That the said Governor-general and Council shall, and they are hereby required, from Time to Time, to transmit Copies of all such Rules, Ordinances, and Regulations, as they shall make and issue, to One of

Governor-general and Council to transmit Copies of their Rules to One of the Secretaries of State;

His Majesty's principal Secretaries of State for the Time being, and that it shall and may be lawful to and for His Majesty, His Heirs and Successors, from Time to Time, as They shall think necessary, to signify to the said United Company, under His or Their Sign Manual, His or Their Disapprobation and Disallowance of all such Rules, Ordinances, and Regulations; and that from and immediately after the Time that such Disapprobation shall be duly registered and published in the said Supreme Court of Judicature at Fort William in Bengal, all such Rules, Ordinances, and Regulations, shall be null and void; but in case His Majesty, His Heirs and Successors, shall not, within the Space of Two Years from the making of such Rules, Ordinances, and Regulations, signify His or Their Disapprobation or Disallowance thereof, as aforesaid, that then, and in that Case, all such Rules, Ordinances, and Regulations, shall be valid and effectual, and have full Force.

which if His Majesty does not signify H's Disallowance of, shall have full Force.

And be it further enacted by the Authority aforesaid, That the Governor-general and Council for the Time being of the said United Company's Settlement at Fort William aforesaid, and the Chief Justice and other Judges of the said Supreme Court of Judicature, shall, and may, and they are hereby respectively declared to be, and to have full Power and Authority to act as Justices of the Peace for the said Settlement, and for the several Settlements and Factories subordinate thereto; and to do and transact all Matters and Things which to the Office of a Justice or Justices of the Peace do belong and appertain; and for that Purpose the said Governor-general and Council are hereby authorised and impowered to hold Quarter-sessions within the said Settlement of Fort William aforesaid, Four Times in every Year, and the same shall be at all Times a Court of Record.

Governor-general and Council to act as Justices of Peace.

And be it further enacted by the Authority aforesaid, That if any Governor-general, President, or Governor, or Council of any of the said Company's Principal or other Settlements in India, or the Chief Justice, or any of the Judges of the said Supreme Court of Judicature, to be by the said new Charter established, or of any other Court

If the Governor-general, President, &c. commit Offences, the same may be tried and determined in the Court of *King's Bench*.

Court in any of the said United Company's Settlements, or any other Person or Persons who now are, or heretofore have been employed by or in the Service of the said United Company, in any Civil or Military Station, Office, or Capacity, or who have or claim, or heretofore have had or claimed, any Power or Authority, or Jurisdiction, by or from the said United Company, or any of His Majesty's Subjects residing in India, shall commit any Offence against this Act, or shall have been, or shall be guilty of, any Crime, Misdemeanour, or Offence, committed against any of His Majesty's Subjects, or any of the Inhabitants of India, within their respective Jurisdictions, all such Crimes, Offences, and Misdemeanours, may be respectively enquired of, heard, tried, and determined in His Majesty's Court of King's Bench, and all such Persons so offending, and not having been before tried for the same Offence in India, shall, on Conviction, in any such Case as is not otherwise specially provided for by this Act, be liable to such Fine or Corporal Punishment as the said Court shall think fit; and moreover shall be liable, at the Discretion of the said Court, to be adjudged to be incapable of serving the said United Company in any Office, Civil or Military; and all and every such Crimes, Offences, and Misdemeanours, as aforesaid, may be alledged to be committed, and may be laid, enquired of, and tried in the County of Middlesex.

Manner of Proceedure in Cases of Indictments and Informations laid in the *King's Bench.*

And whereas the Provisions made by former Laws for the hearing and determining in England Offences committed in India have been found ineffectual, by reason of the Difficulty of proving in this Kingdom Matters done there; be it further enacted by the Authority aforesaid, That in all Cases of Indictments or Informations, laid or exhibited in the said Court of King's Bench, for Misdemeanours or Offences committed in India, it shall and may be lawful for His Majesty's said Court, upon Motion to be made on Behalf of the Prosecutor, or of the Defendant or Defendants, to award a Writ or Writs of Mandamus, requiring the Chief Justice and Judges of the said Supreme Court of Judicature for the Time being, or the Judges of the Mayor's Court at Madrass, Bombay, or Bencoolen, as the Case may require, who are hereby respectively

ſpectively authoriſed and required accordingly to hold a Court, with all convenient Speed, for the Examination of Witneſſes, and receiving other Proofs concerning the Matters charged in ſuch Indictments or Informations reſpectively; and, in the mean Time, to cauſe ſuch publick Notice to be given of the holding the ſaid Court, and to iſſue ſuch Summons or other Proceſs, as may be requiſite for the Attendance of Witneſſes, and of the Agents or Counſel, of all or any of the Parties reſpectively, and to adjourn, from Time to Time, as Occaſion may require; and ſuch Examination as aforeſaid ſhall be then and there openly and publickly taken vivâ voce in the ſaid Court, upon the reſpective Oaths of Witneſſes, and the Oaths of ſkilful Interpreters, adminiſtered according to the Forms of their ſeveral Religions; and ſhall, by ſome ſworn Officer of ſuch Court, be reduced into One or more Writing or Writings on Parchment, in caſe any Duplicate or Duplicates ſhould be required by or on Behalf of any of the Parties intereſted, and ſhall be ſent to his Majeſty, in His Court of King's Bench, cloſed up, and under the Seals of Two or more of the Judges of the ſaid Court, and One or more of the ſaid Judges ſhall deliver the ſame to the Agent or Agents of the Party or Parties requiring the ſame; which ſaid Agent or Agents, (or, in caſe of his or their Death, the Perſon into whoſe Hands the ſame ſhall come), ſhall deliver the ſame to One of the Clerks in Court of His Majeſty's Court of King's Bench, in the publick Office, and make Oath that he received the ſame from the Hands of One or more of the Judges of ſuch Court in India, (or, if ſuch Agent be dead, in what Manner the ſame came into his Hands); and that the ſame has not been opened, or altered, ſince he ſo received it, (which ſaid Oath ſuch Clerk in Court is hereby authoriſed and required to adminiſter): And ſuch Depoſitions, being duly taken and returned, according to the true Intent and Meaning of this Act, ſhall be allowed and read, and ſhall be deemed as good and competent Evidence as if ſuch Witneſs had been preſent, and ſworn and examined vivâ voce at any Trial for ſuch Crimes or Miſdemeanours, as aforeſaid, in His Majeſty's ſaid Court of King's Bench, any Law or Uſage to the Contrary.

trary notwithstanding; and all Parties concerned shall be intitled to take Copies of such Depositions at their own Costs and Charges.

Offences against this Act committed by the Chief Justices or Judges to be determined by the Court of *King's Bench*.

And be it further enacted by the Authority aforesaid, That in case the said Chief Justice, or Judges of the said Supreme Court of Judicature, or any of them, for the Time being, shall commit any Offence against this Act, or be guilty of any corrupt Practice, or other Crime, Offence, or Misdemeanour, in the Execution of their respective Offices, it shall and may be lawful for His Majesty's said Court of King's Bench in England, upon an Information or Indictment laid or exhibited in the said Court for such Crime, Offence, or Misdemeanour, upon Motion to be made in the said Court, to award such Writ or Writs of Mandamus, as aforesaid, requiring the Governor-general, and Council of the said United Company's Settlement at Fort William aforesaid, who are hereby respectively authorised and required accordingly to assemble themselves in a reasonable Time, and to cause all such Proceedings to be had and made as are herein-before respectively directed and prescribed concerning the Examination of Witnesses; and such Examination, so taken, shall be returned and proceeded upon in the same Manner, in all Respects, as if the several Directions herein-before prescribed and enacted in that Behalf were again repeated.

The Chancellor, or Speaker of the House of Commons, may issue Warrants for the Examination of Witnesses in *India*; which shall be deemed competent Evidence to both Houses of Parliament.

And be it further enacted by the Authority aforesaid, That in all Cases of Proceedings in Parliament, touching any Offences against this Act, or any other Offences committed in India, it shall and may be lawful for the Lord High Chancellor, or Speaker of the House of Lords, and also for the Speaker of the House of Commons for the Time being, in like Manner, to issue his or their Warrant or Warrants to the Governor-general and Council of the said United Company's Presidency of Fort William, and to the Chief Justice and Judges of the said Supreme Court of Judicature, or the Judges of the Mayor's Court at Madrass, Bombay, or Bencoolen, as the Case may require, for the Examination of Witnesses; and such Examination shall be returned to the

said Lord High Chancellor, or Speaker of the House of Lords, or to the Speaker of the House of Commons respectively, and proceeded upon in the same Manner, in all Respects, as if the several Directions herein-before prescribed and enacted in that Behalf were again particularly repeated; and every such Examination, returned either to the Lord Chancellor, or Speaker of the House of Lords, or to the Speaker of the House of Commons, as aforesaid, shall be deemed good and competent Evidence, and shall be allowed and read in both Houses of Parliament, or either of them respectively, as Occasion may require; any Law or Usage to the Contrary notwithstanding.

And whereas, by the Usage and Custom of Parliament, no Proceedings by Bill in Parliament have Continuance from One Session to another: And whereas it would be impracticable that the Examination taken upon such Warrant, as aforesaid, could ever be returned within the ordinary Length of a Session of Parliament; be it enacted by the Authority aforesaid, That, from and after the First Day of November, One thousand seven hundred and seventy-three, no Proceedings in Parliament touching any Offence committed, or to be committed, in India, wherein such Warrant as aforesaid shall have been issued, shall be discontinued by any Prorogation or Dissolution of the Parliament, but that such Proceedings may be resumed and proceeded upon in a subsequent Session, or in a subsequent Parliament, in either House of Parliament, in like Manner, to all Intents and Purposes, as they might have been in the Course of One and the same Session; any Law, Usage, or Custom to the Contrary notwithstanding.

No Proceedings in Parliament, touching Offences in *India*, to be discontinued by any Prorogation.

And whereas his Majesty's Subjects are liable to be defeated of their several Rights, Titles, Debts, Dues, Demands, or Suits, for which they have Cause arising in India against other Subjects of his Majesty; now, for preventing such Failure of Justice, be it further enacted by the Authority aforesaid, That when, and as often as the said United Company, or any Person or Persons whatsoever, shall commence and prosecute any

Writs of *Mandamus* may be awarded by the Courts at *Westminster*, when the Company commence Suits in Law or Equity there.

Action or Suit, in Law or Equity, for which Cause hath arisen, or shall hereafter arise in India, against any other Person or Persons whatever, in any of His Majesty's Courts at Westminster, it shall and may be lawful for such Court respectively, upon Motion there to be made, to provide and award such Writ or Writs, in the Nature of a Mandamus, or Commission, as aforesaid, to the Chief Justice and Judges of the said Supreme Court of Judicature for the Time being, or the Judges of the Mayor's Court at Madrass, Bombay, or Bencoolen, as the Case may require, for the Examination of Witnesses, as aforesaid; and such Examination, being duly returned, shall be allowed and read, and shall be deemed good and competent Evidence, at any Trial or Hearing between the Parties in such Cause or Action, in the same Manner, in all Respects, as if the several Directions herein-before prescribed and enacted in that Behalf were again repeated.

No Depositions returned to be allowed as Evidence, in Cases not proceeded against in Parliament.

Provided nevertheless, and be it enacted, That no such Depositions, taken and returned as aforesaid by virtue of this Act, shall be allowed or permitted to be given in Evidence in any capital Cases, other than such as shall be proceeded against in Parliament; any Thing in this Act contained to the Contrary notwithstanding.

The Privileges of the Company, not hereby varied, shall remain in Force.

And be it further enacted by the Authority aforesaid, That all and every the Rights, Interests, Powers, Privileges, and Authorities, which are now vested in the said United Company of Merchants trading to the East Indies, and which are not hereby expressly taken away, altered, or varied, shall remain to, and continue in the said Company, in as full and ample a Manner, to all Intents and Purposes whatsoever, as if this Act had never been made.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Publick Act; of which Notice shall be judicially taken by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.