

ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

CAP. LXXIX.

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

WHEREAS the Territorial Poſſeſſions of the United Company of Merchants of *England* trading to the *Eaſt Indies*, in the Peninſula of *India*, have become ſo much extended as to require further Regulations to be made for the due Government of the ſame: And whereas by an Act of Parliament, made and paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for continuing in the* East India *Company, for a further Term, the Poſſeſſion of the* Britiſh *Territories in* India, *together with their excluſive Trade, under certain Limitations; for eſtabliſhing further Regulations for the Government of the ſaid Territories, and the better Adminiſtration of Juſtice within the ſame; for appropriating to certain Uſes the Revenues and Profits of the ſaid Company; and for making Proviſion for the good Order and Government of the Towns of* Calcutta, Madras, *and* Bombay; it is enacted, That the whole Civil and Military Government of the Preſidency of *Fort Saint George*, on the Coaſt of *Coromandel*, and the Ordering, Management, and Government, of all the Territorial Acquiſitions and Revenues on the ſaid

Preamble.

33 *Geo.* III. Cap. 52.

ſaid Coaſt, and alſo ſo much and ſuch Parts of the Territories and Poſſeſſions on the Coaſt of *Oriſſa*, with the Revenues of the ſame, as had been and then were under the Adminiſtration of the Government or Preſidency of *Fort Saint George*, ſhould be and were thereby veſted in a Governor and Three Counſellors of and for the ſaid Preſidency of *Fort Saint George*, ſubject to ſuch Rules, Regulations, and Reſtrictions, as were therein mentioned; and that the whole Civil and Military Government of the Preſidency and Iſland of *Bombay*, on the Coaſt of *Malabar*, and the Ordering, Management, and Government, of all the Territorial Acquiſitions and Revenues on the ſaid Coaſt of *Malabar*, ſhould be and were thereby veſted in a Governor and Three Counſellors of and for the ſaid Preſidency and Iſland of *Bombay*, ſubject to the Proviſion therein mentioned: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, it ſhall and may be lawful for the Court of Directors of the ſaid Company for the Time being, to declare and appoint what Part or Parts of the ſaid Territorial Acquiſitions, or of any other now ſubject to the Government of the ſaid Preſidency of *Fort Saint George*, or the ſaid Preſidency of *Bombay*, together with the Revenues ariſing therefrom, and the Eſtabliſhment of Civil Servants connected therewith reſpectively, ſhall from thenceforth hereafter be ſubject to the Government of either and which of the ſaid Preſidencies, or of the Preſidency of *Fort William* in *Bengal*, and from Time to Time, as Occaſion may require, to revoke and alter in the Whole or in Part ſuch Appointment, and to make ſuch new Diſtribution of the ſame as to them ſhall ſeem fit and expedient, ſubject nevertheleſs, in all Caſes, to the Superintendence, Direction, and Controul of the Commiſſioners for the Affairs of *India*, in like Manner as any Acts or Orders of the ſaid Court of Directors are now by Law ſubject; and all ſuch Territorial Acquiſitions, and the Revenues ariſing therefrom, and the Eſtabliſhment of Civil Servants connected therewith, ſhall, from and after the Time, and ſubject as to ſuch Time to the Conditions and Limitations to be by the ſaid Court of Directors limited and appointed for ſuch Purpoſes reſpectively, be to all Intents and Purpoſes whatſoever annexed to and made ſubject to ſuch Preſidency, and to the Court or Courts of Judicature eſtabliſhed or to be eſtabliſhed therein reſpectively.

The Court of Directors may appoint what Parts of the Territorial Acquiſitions, Revenues, &c. ſhall be ſubject to either, and which of their Preſidencies, ſubject to the Controul of the Commiſſioners for the Affairs of *India*.

II. And whereas His late Majeſty King *George* the Second did, by his Letters Patent, bearing Date at *Weſtminſter* the Eighth Day of *January* in the Twenty-firſt Year of His Reign, grant unto the ſaid United Company of Merchants of *England* trading to the *Eaſt Indies*, His Royal Charter, thereby amongſt other Things conſtituting and eſtabliſhing Courts of Civil, Criminal, and Eccleſiaſtical Juriſdiction at the United Company's reſpective Settlements at *Madras Patnam*, *Bombay*, or the Iſland of *Bombay*, and *Fort William* in *Bengal*: And whereas the ſaid Charter, in ſo far as it reſpects the Adminiſtration of Juſtice at *Madras*, has been altered and changed, by virtue of an Act paſſed in the Thirty-ſeventh Year of His preſent Majeſty, intituled, *An Act for the better Adminiſtration of Juſtice at* Calcutta, Madras, *and* Bombay; *and for preventing* Britiſh *Subjects from being concerned in Loans to the Native Princes in* India: And whereas the ſaid Charter, ſo far as it reſpects the Adminiſtration of Juſtice at

Letters Patent of *Geo.* II, dated the 8th of *Jan.* in the 21ſt of His Reign.

37 *Geo.* III, Cap. 142, recited.

Fort William in *Bengal*, has alſo been altered and changed, by virtue of an Act paſſed in the Thirteenth Year of His preſent Majeſty, intituled, *An Act for eſtabliſhing certain Regulations for the better Management of the Affairs of the* East India *Company*, *as well in* India *as in* Europe, and by divers ſubſequent Statutes: And whereas it may be expedient, for the better Adminiſtration of Juſtice in the ſaid Settlement of *Madras*, that a Supreme Court of Judicature ſhould be eſtabliſhed at *Madras*, in the ſame Form, and with the ſame Powers and Authorities, as that now ſubſiſting, by virtue of the ſeveral Acts before-mentioned, at *Fort William* in *Bengal*: Be it therefore enacted, That it ſhall and may be lawful for His Majeſty, His Heirs and Succeſſors, by Charter or Letters Patent under the Great Seal of *Great Britain*, to erect and eſtabliſh a Supreme Court of Judicature at *Madras* aforeſaid, to conſiſt of ſuch and the like Number of Perſons, to be named from Time to Time by His Majeſty, His Heirs and Succeſſors, with full Power to exerciſe ſuch Civil, Criminal, Admiralty, and Eccleſiaſtical Juriſdictions, both as to Natives and *Britiſh* Subjects, and to be inveſted with ſuch Power and Authorities, Privileges and Immunities, for the better Adminiſtration of the ſame, and ſubject to the ſame Limitations, Reſtrictions, and Controul within the ſaid *Fort Saint George* and Town of *Madras*, and the Limits thereof, and the Factories ſubordinate thereto, and within the Territories which now are or hereafter may be ſubject to or dependant upon the ſaid Government of *Madras*, as the ſaid Supreme Court of Judicature at *Fort William* in *Bengal*, by virtue of any Law now in Force and unrepealed, or by this preſent Act, doth conſiſt of, is inveſted with, or ſubject to, within the ſaid *Fort William*, or the Kingdoms or Provinces of *Bengal*, *Bahar*, and *Oriſſa*.

13 *Geo* III, Cap. 63.

His Majeſty may eſtabliſh a Supreme Court of Judicature at *Madras*, to conſiſt of the like Number of Perſons, &c. as the Supreme Court at *Fort William*.

III. Provided always, That the Governor and Council at *Madras*, and the Governor General of *Fort William* aforeſaid, ſhall enjoy the ſame Exemption, and no other, from the Authority of the ſaid Supreme Court of Judicature to be there erected, as is enjoyed by the ſaid Governor General and Council at *Fort William* aforeſaid, from the Juriſdiction of the Supreme Court of Judicature there already by Law eſtabliſhed.

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

IV. And be it further enacted, That if His Majeſty, His Heirs or Succeſſors, ſhall grant ſuch Charter as aforeſaid, and erect ſuch Supreme Court of Judicature at *Madras* as aforeſaid, all the Records, Muniments, and Proceedings whatſoever, of and belonging to the late Mayor's Court at *Madras*, or to the late Court of Oyer and Terminer, and Gaol Delivery, which were, by the ſaid Act paſſed in the Thirty-ſeventh Year of His preſent Majeſty, directed to be delivered over, preſerved, and depoſited in the new Courts erected by virtue of the ſaid Act; and all the Records, Muniments, and Proceedings whatſoever, of and belonging to any of the ſaid new Courts, ſhall, from and immediately after ſuch Supreme Court of Judicature as His Majeſty is hereby empowered to erect, ſhall be eſtabliſhed at *Madras*, be delivered over to be preſerved and depoſited for ſafe Cuſtody in the ſaid new Court of Judicature; to which all Parties concerned ſhall and may have Reſort and Recourſe upon Application to the ſaid Court.

If His Majeſty ſhall erect a Supreme Court at *Madras*, the Records directed by recited Act of 37 *Geo.* III, to be delivered over to the new Courts, and thoſe belonging thereto, ſhall be delivered over to the Supreme Court.

V. And be it further enacted, That ſo much of the Charter granted by His preſent Majeſty, for erecting the Courts of the Recorder of *Madras*

So much of the Charter of His preſent Majeſty for erecting the Courts

of Recorder at *Madras*, as relates to the Appointment of a Recorder, &c. if a new Charter be granted, shall be void, and the Powers granted by recited Act of 37 *Geo.* III, may be exercised by the Supreme Court.

Madras and *Bombay*, as relates to the Appointment of such Recorder, and the erecting of such Courts of Judicature at *Madras*, in case a new Charter shall be granted by His Majesty, His Heirs or Successors, and shall be openly published at *Madras*, from and immediately after such Publication, shall cease and determine and be absolutely void to all Intents and Purposes whatsoever; and all Powers and Authorities granted by the said Act of the Thirty-seventh of His present Majesty to the said Courts of the Recorder at *Madras*, shall cease and determine, and be no longer exercised by the said Court, but the same shall and may be exercised by the Supreme Court of Judicature to be erected by virtue of this Act, in the Manner and to the Extent herein-before directed.

The Court of Directors shall cause to be paid certain Salaries to the Chief Justice and Judges of the Supreme Court as shall be established by the new Charter, out of the Territorial Revenues of *Madras*.

VI. And be it further enacted, That when the said Supreme Court of Judicature which His Majesty is hereby empowered to erect, shall be erected, 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 Chief Justice, and each of the Judges of such Supreme Court of Judicature at *Madras*, as shall be by the said new Charter established; that is to say, to the Chief Justice Six thousand Pounds by the Year; and to each of the Judges at the said Supreme Court of Judicature at *Madras* Five thousand Pounds by the Year; and that such Salaries shall be paid and payable to each and every of them respectively out of the territorial Revenues of the said Settlement of *Madras*, at an Exchange of Eight Shillings for the Pagoda of that Settlement.

When Salaries shall commence, which shall be in lieu of all Perquisites.

VII. And be it further enacted, That the said Salaries shall commence and take place in respect to such Persons who shall be resident in *Great Britain* at the Time of their Appointment, upon and from the Day on which such 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 Chief Justice, or any of the Puisne Judges, shall return to *Europe*, His Majesty may direct Allowances to be made to them out of the Revenues of the *British* Territories in *India*, not exceeding a certain Amount, provided they have resided in

VIII. And be it further enacted, That if the Chief Justice, or any or either of the Puisne Judges of the Supreme Court of Judicature to be erected at *Madras* by virtue of this Act, 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 Chief Justice or Judge so returning: Provided always, That it shall not be lawful for His Majesty to direct any larger Allowance to be made to such Chief Justice than the Sum of One thousand six hundred Pounds Sterling, nor to either of the said Puisne Judges so returning, than the Sum of One thousand two hundred Pounds Sterling *per Annum*; nor shall it be lawful for His Majesty to direct any Allowance to be made to any Person who has not resided in *India* for Seven Years, either as Chief Justice or one of the Puisne Judges of the

Supreme Court of Judicature of *Fort William*, or of the Supreme Court of Judicature to be erected as aforeſaid at *Madras*, nor 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 to be paid to One of the Puiſne Judges of the ſaid Supreme Court.

India Seven Years in certain Situations.

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

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

X. And be it further enacted, That whenever the Office of Recorder of *Bombay* ſhall become vacant, and no Perſon ſhall be upon the Spot who ſhall have been 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 which His Majeſty is hereby empowered to erect at *Madras*, the Junior Puiſne Judge of the ſaid Court ſhall, and he is hereby directed and authorized to proceed with all convenient Speed to the ſaid Settlement of *Bombay*, 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, and with the like Allowances and Exemptions, as if he had been appointed Recorder of the ſaid Settlement by His Majeſty, or proviſionally by virtue of the Act paſſed in the Thirty-ſeventh Year of His preſent Majeſty's Reign, and ſhall continue to hold and exerciſe the ſaid Office until a Recorder ſhall have been appointed by His Majeſty, and until ſuch Recorder ſhall arrive at the ſaid Settlement and no longer: Provided always, That if at the Time of the Notification of ſuch Vacancy, the Eſtabliſhment of the ſaid Supreme Court at *Madras* ſhall not be full, and the Eſtabliſhment of the Supreme Court at *Fort William* ſhall be full, then and in ſuch Caſe only the Junior Puiſne Judge of the ſaid Supreme Court of Judicature at *Fort William*, as ſoon as the Vacancy in the ſaid Office of Recorder is made known to the ſaid Supreme Court, ſhall in like Manner proceed to take upon himſelf the ſaid Office of Recorder at *Bombay*, and ſhall continue to hold and exerciſe the ſame in like Manner, to all Intents and Purpoſes, as is herein-before provided; any Thing in the ſaid Act, or in any other Act or Acts, to the contrary thereof in anywiſe notwithſtanding.

How the vacant Office of Recorder at *Bombay* ſhall be ſupplied in caſe no Succeſſor ſhall be upon the Spot.

XI. And be it further enacted, That it ſhall and may be lawful to and for the Governor and Council at *Fort Saint George* aforeſaid, to frame Regulations from Time to Time for the Provincial Courts and Councils within the Territories and Provinces which now are, or ſhall at any Time hereafter be (and while the ſame ſhall ſo be) annexed to or made ſubject to the ſaid Preſidency, in like Manner, and ſubject to all the Regulations, Proviſions, and Confirmations touching the ſame, as the Governor General and Council at *Fort William* aforeſaid are, by any Act now in force,

The Governor and Council at *Fort St. George* may frame Regulations for the Provincial Courts and Councils annexed to that Preſidency, as the Governor General and Council at *Fort*

William may do for the better Administration of Justice in *Bengal, etc.*

force, authorized and empowered to do, for the better Administration of Justice among the native Inhabitants and others being within the Provinces of *Bengal*, *Babar*, and *Orissa*.

If the Governor General of *Fort William*, or the Governor of *Fort St. George*, or of *Bombay*, shall signify his intended Absence from the Council, the senior Member present shall preside; but no Act of such Council shall be valid, unless signed by the Governor General, or Governor respectively, if resident at the Presidency, and not prevented by Indisposition; and if not so prevented, and he shall refuse to sign, he, and the Members who shall have signed, shall mutually communicate the Grounds of their Opinions as directed by recited Act of 33 *Geo.* III, where he shall, when present, dissent from the Council.

XII. And be it further enacted, That if the Governor General of *Fort William* in *Bengal* for the Time being, or the Governor of the said Presidency of *Fort Saint George*, and of the said Presidency and Island of *Bombay* respectively for the Time being, shall happen to be absent from any Council to be assembled for the said respective Presidencies of *Fort William* and *Fort Saint George*, and the said Presidency and Island of *Bombay*, owing to Indisposition or any other Cause whatsoever, and shall signify such his intended Absence to such Council so to be assembled, then and in every such Case the senior Member for the Time being who shall be present at the Council so assembled, shall preside at such Council, in such Manner, and with such full Powers and Authorities, during the Time that such Council shall continue to be assembled, as such Governor General or Governor might or would have had in case such Governor General or Governor were himself actually present at such Council: Provided nevertheless, That no Act of any Council so held shall be valid to any Effect whatsoever, unless the same shall be signed by such Governor General or Governor respectively, if such Governor General or Governor shall at the Time be resident at the Presidency at which such Council shall be so assembled, and shall not be prevented by such Indisposition from signing the same: Provided always, That in case such Governor General or Governor, not being so prevented as aforesaid, shall decline or refuse to sign such Act of Council, he and the several Members of the Council who shall have signed the same, shall mutually exchange with and communicate in Writing to each other the Grounds and Reasons of their respective Opinions, in like Manner, and subject to such Regulations and ultimate Responsibility of such Governor General or Governor respectively, as are by the said Act, passed in the Thirty-third Year of the Reign of His present Majesty, provided and directed in Cases where such Governor General or Governor respectively shall, when present, dissent from any Measure proposed or agitated in such Council respectively: Provided also, That nothing herein contained shall be taken or construed to prevent such Governor General, in case he shall be absent from his own Government of *Bengal*, to nominate a Vice President and Deputy Governor of *Fort William*, according to the Provision for that Purpose in the said Act passed in the Thirty-third Year of His present Majesty.

The Governor General, when absent, may nominate a Vice President and Deputy Governor of *Fort William*.

Persons who have been convicted of Offences, for which they would have been liable by the Laws of this Realm, before the passing of this Act, to be transported, may be transported to *New South Wales, etc.* and Per-

XIII. And be it further enacted, That where any Person or Persons shall have been convicted at any Session of Oyer and Terminer or Gaol Delivery, or any Session of the Peace which shall have been holden for any of the said Presidencies or Settlements of *Fort William* and *Fort Saint George*, and the said Presidency or Island of *Bombay*, of the Crime of Perjury, or of Grand or Petit Larceny, or of any other Offence for which such Person or Persons would, before the passing of this Act, have been liable by the Laws of this Realm to be transported, it shall and may be lawful for the Court before which any such Person or Persons shall be so convicted as aforesaid, or any subsequent Court holden at any of the Presidencies above mentioned respectively, with like Authority, to order and adjudge that such Person or Persons so convicted as aforesaid, shall be transported

tranſported to the Eaſtern Coaſt of *New South Wales*, or ſome one or other of the Iſlands adjacent, or elſewhere, and for ſuch Term of Years as the ſaid Court ſhall direct; and where any Perſon or Perſons ſhall hereafter be convicted of any Crimes whatſoever, for which he, ſhe, or they is, are, or ſhall be by the Laws of this Realm, as extending to the *Britiſh* Dominions in *India*, excluded from the Benefit of Clergy, it ſhall and may be lawful to and for ſuch Court reſpectively, as they ſhall ſee fit, inſtead of awarding Sentence of Execution againſt ſuch Offender or Offenders, to order ſuch Offender or Offenders to be in like Manner tranſported, either for Life, or for ſuch Number of Years as ſuch Court ſhall award and order; and the Governor and Council of ſuch Preſidency reſpectively ſhall, and they are hereby required to take Order for the due Performance of all ſuch Sentences of Tranſportation accordingly: Provided always, That it ſhall not be lawful for any ſuch Court to order the Tranſportation of any Perſon or Perſons, being Natives of *India* and not born of *European* Parents, to the Eaſtern Coaſt of *New South Wales*, or any of the Iſlands adjacent thereto.

Perſons who ſhall hereafter be convicted of any Crimes, excluding them from Benefit of Clergy, may inſtead of Sentence of Execution, be ordered to be tranſported.

Natives of *India* not born of *European* Parents not to be tranſported to *New South Wales*.

XIV. Provided nevertheleſs, That no Offence whatſoever ſhall be liable to be puniſhed by ſuch Sentence of Tranſportation as aforeſaid (except in caſe the ſame ſhall be ſubſtituted as aforeſaid in the Place of a capital Puniſhment) unleſs ſuch Offence ſhall have been committed Three Months after this Act, and all the Clauſes and Proviſions therein contained ſhall have been openly publiſhed in the ſaid Preſidencies of *Fort William*, *Fort Saint George*, and *Bombay* reſpectively; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

No Offence to be puniſhed by Tranſportation (except ſubſtituted for capital Puniſhment) unleſs committed Three Months after this Act ſhall have been publiſhed at *Fort William*, *etc.*

XV. And be it further enacted, That if any Offender ſo ordered by any ſuch Court to be tranſported for any Term of Life or Years, or other Time or Times as aforeſaid, ſhall return into any of the ſaid Territories or Acquiſitions of the ſaid United Company, or ſhall come into any Part of *Great Britain* or *Ireland*, before the End of his or her ſaid Term, he or ſhe ſo returning as aforeſaid ſhall be liable to be puniſhed as a Perſon attainted of Felony, without the Benefit of Clergy, and Execution may and ſhall be awarded againſt ſuch Offender accordingly.

If any Perſon tranſported ſhall return into the Territories of the United Company, *etc.* before the Expiration of his Term, he ſhall be puniſhed as a Felon without Benefit of Clergy.

XVI. Provided nevertheleſs, That nothing herein contained ſhall be conſtrued or taken to prevent His Majeſty, His Heirs and Succeſſors, from extending His or Their Royal Mercy to any ſuch Offender or Offenders, and from allowing of the Return of any ſuch Offender or Offenders from ſuch Place of Tranſportation.

His Majeſty may extend His Mercy to Offenders.

XVII. And whereas great Inconveniencies have reſulted from the Manner in which the Courts of Requeſts for the Recovery of Small Debts in the reſpective Settlements of *Fort William* and *Fort Saint George* are conſtituted; be it therefore further enacted, That it ſhall and may be lawful to and for the Governor General and Council of *Fort William*, and for the Governor and Council of *Fort Saint George* aforeſaid for the Time being reſpectively, to order and appoint in what Manner the ſaid Courts reſpectively ſhall in future be formed, and to what Amount in Value, not exceeding the Sum of Four hundred Sicca Rupees,

The Governor General and Council of *Fort William*, and the Governor and Council of *Fort St. George*, may order in what Manner the Courts of Requeſts ſhall in future be

formed, and to what Amount the Jurisdiction shall extend, *etc.*

pees, the Jurisdiction of the same shall extend, and to frame and make such new Rules and Orders, and to establish and declare such new Modes and Forms of Proceeding, as to them shall appear to be necessary and expedient for new-modelling, altering, and reforming the present Constitution and Practice of the said Courts respectively, and by their Proclamation, to be made and published in due Form of Law, to declare and notify to all Persons concerned, such new Constitution, Rules, Orders, Modes, and Forms of Proceeding, and the Time from whence they are to have Force and Effect; and from and after such Time as shall be so respectively notified for that Purpose, the present Courts of Requests, as well as the Rules, Orders, Modes, and Forms of Proceeding which are now used and observed therein, shall be abolished and cease, and thenceforth the new Court, Rules, Orders, Modes, and Forms of Proceeding which the said Governor General and Council are authorized and empowered, under and by virtue of this Act, to make and publish, shall be in full Force and Effect; any former Act or Acts to the contrary thereof in anywise notwithstanding.

The Governor General and Council at *Fort William* may order Corporal Punishment for Breach of Rules, made under Authority of the recited Act of 13 *Geo.* III.

XVIII. And whereas the Powers given by the Act of the Thirteenth Year of His present Majesty to the Governor General and Council of the said United Company's Settlement at *Fort William* aforesaid, to enforce the Observance of such Rules, Ordinances, or Regulations, for the good Order and Civil Government of the said Settlement, and other Factories and Places subordinate to or to be subordinate thereto, as they are thereby authorized to make, by setting, imposing, and levying reasonable Fines and Forfeitures for the Breach or Non-observance of such Rules, Ordinances, and Regulations, have not been found sufficient for the Preservation of good Order in the said Settlement; be it therefore enacted, That it shall and may be lawful to and for the said Governor General and Council for the Time being, in addition to, or instead of such Fines and Forfeitures as above mentioned, to order or appoint such moderate and reasonable Corporal Punishment, by publick or private whipping, or otherwise, as to them shall seem fit and expedient, for the Breach or Non-observance of any such Rules heretofore made or hereafter to be by them made, by virtue of the Authority herein-before recited, subject nevertheless to such Registry, Publication, Approbation, Power of Appeal, and other Regulations, as in and by the said recited Act, passed in the Thirteenth Year of His present Majesty, are prescribed and provided touching the Rules, Ordinances, Regulations, Fines, and Forfeitures therein and herein-before mentioned.

No Corporal Punishment to be ordered except on Conviction before Two Justices.

XIX. Provided always, and be it further enacted, That no such Corporal Punishment shall in any Case be ordered to be inflicted, except only in case of due Conviction of the Offender before Two Justices of the Peace acting in and for the said Settlement, Presidencies, and Places thereto subordinate, which Offence such Two Justices of the Peace are hereby authorized and empowered to hear and determine, and to order such Punishment upon Conviction as aforesaid: Provided also, That no such Conviction, Judgement, or Order, shall be reviewed or brought into any superior Court by Writ of *Certiorari* or Appeal, or any other Process whatsoever; any Thing in any former Act or Acts to the contrary thereof in anywise notwithstanding.

No Conviction to be reviewed.

XX. And

XX. And whereas the Province or Diſtrict of *Benares* has been ceded to the ſaid United Company, and been annexed to the ſaid Preſidency of *Fort William* in *Bengal*, ſince the Eſtabliſhment of the ſaid Supreme Court of Judicature at *Fort William* aforeſaid, and it is expedient that the ſame ſhould be ſubject to the Juriſdiction of the ſaid Court, in like Manner as the Kingdoms or Provinces of *Bengal*, *Bahar*, and *Oriſſa*; and that the ſaid Province or Diſtrict, and all other Provinces or Diſtricts, which may hereafter be at any Time annexed and made ſubject to the ſaid Preſidency, ſhould be ſubject to ſuch Regulations as the Governor General and Council of *Fort William* aforeſaid have framed or may frame for the better Adminiſtration of Juſtice among the native Inhabitants and others within the ſame reſpectively; be it therefore further enacted, That, from and after the Firſt Day of *March* which will be in the Year of our Lord One thouſand eight hundred and one, the Power and Authority of the ſaid Supreme Court of Judicature in and for the ſaid Preſidency of *Fort William* aforeſaid, as now and by virtue of this Act eſtabliſhed, and all ſuch Regulations as have been or may be hereafter, according to the Powers and Authorities, and ſubject to the Proviſions and Reſtrictions before enacted, framed, and provided, ſhall extend to and over the ſaid Province or Diſtrict of *Benares*, and to and over all the Factories, Diſtricts, and Places, which now are or hereafter ſhall be made ſubordinate thereto, and to and over all ſuch Provinces and Diſtricts as may at any Time hereafter be annexed and made ſubject to the ſaid Preſidency of *Fort William* aforeſaid.

From *March* 1, 1801, the Power of the Supreme Court of Judicature of *Fort William* ſhall extend over the Province of *Benares*, and all Places ſubordinate thereto, and all Diſtricts hereafter annexed to the Preſidency.

XXI. And whereas great Inconveniencies have ariſen from the Practice of granting Letters of Adminiſtration by the ſaid Supreme Court of Judicature at *Fort William* aforeſaid, in Caſes where the next of Kin, or any of the Creditors of the Deceaſed, do not apply for the ſame, to Perſons calling themſelves Friends of the Deceaſed; be it therefore further enacted, That, from and after the Firſt Day of *March* which will be in the Year of our Lord One thouſand eight hundred and one, whenever any *Britiſh* Subject ſhall die inteſtate within either of the Preſidencies of *Fort William*, *Fort Saint George*, or *Bombay*, or the Territories ſubordinate to either of the ſaid Preſidencies, or to become ſubordinate thereto, and on Return of the Citation to be iſſued from the proper Eccleſiaſtical Court, no next of Kin or Creditor ſhall appear and make out their Claim to the Adminiſtration of the Effects of the Inteſtate deceaſed to the Satisfaction of the ſaid Court, it ſhall and may be lawful for the Regiſter of ſuch Court reſpectively, and he is hereby required to apply for, and ſuch Court is hereby required and directed to grant ſuch Letters *ad Colligenda* or of Adminiſtration, as to ſuch Court ſhall ſeem meet, by virtue whereof ſuch Regiſter ſhall collect the Aſſets of the Deceaſed, and ſhall bring them for ſafe Cuſtody into ſuch Court, and account for them regularly, in like Manner as is now by Law provided in Caſes where Aſſets are veſted in the Hands of any Officer of the Court, under or by virtue of the equitable Juriſdiction of any ſuch Court.

From *March* 1, 1801, whenever any *Britiſh* Subject ſhall die within either of the Preſidencies or ſubordinate Territories, and no next of Kin or Creditor ſhall appear, the Regiſter of the Eccleſiaſtical Court ſhall apply for Letters of Adminiſtration, and ſhall collect the Aſſets of the Deceaſed, and bring them into Court, and account for them.

XXII. Provided always, and be it further enacted, That when any next of Kin or Creditor, who, at the Time of the Return of the above Citation, ſhall have been abſent in *Europe* or elſewhere, ſhall make and eſtabliſh their Claim to the Adminiſtration of the Aſſets of ſuch Inteſtate, the Letters

When any next of Kin or Creditor, who ſhall have been abſent, ſhall make out his Claim, the Letters of

Administration to the Register shall be recalled, and Letters granted to the Claimant.

ters *ad Colligenda* or of Administration, granted by virtue of this Act to the said Register, shall be recalled, and Administration in due Form granted to such next of Kin or Creditor respectively.

The Judge of the Supreme Court at *Fort William*, and of the Supreme Court to be erected at *Madras*, and the Court of the Recorder at *Bombay*, may make Rules for extending to Insolvent Debtors, the Relief intended by Act 32 *Geo.* II, commonly called *The Lord's Act*.

XXIII. And whereas Doubts may have arisen whether any of the Courts of Judicature established in *India* by virtue of His Majesty's Charter, are competent to administer adequate Relief to insolvent Debtors, who stand charged in Execution for Debts under a certain Amount, according to the Provisions of an Act passed in the Thirty-second Year of His late Majesty's Reign, commonly called *The Lord's Act*, be it therefore further enacted, That it shall and may be lawful for the Judge of the said Supreme Court at *Fort William*, and of the Supreme Court which His Majesty is empowered by this Act to erect at *Madras*, or for the Court of the Recorder at *Bombay*, to make and publish such Rules and Orders as to them respectively shall seem meet, for extending to such insolvent Debtors as shall be in Execution under the Process of such respective Courts, or of any Court previously established at such Presidency respectively, for Sums under the Amount to be prescribed by such Rules and Orders, the Relief intended by the said Act, and to prescribe and order what weekly Sum the Creditor or Creditors at whose Suit such Debtor stands charged in Execution, shall be obliged to pay and allow, in case such Creditor or Creditors shall insist on such Debtor being detained in Custody, and to adopt and proportion the same, as well as the Amount of such Debt as above-mentioned, to the general State and Condition of such Debtors, whether Natives or *Europeans*, under the Jurisdiction of such Court respectively; and such Courts are hereby authorized and empowered, as soon as such Rules and Orders shall have been made and established, to proceed to act upon the same accordingly as Cases may arise to require the same, and to make such Orders in such Cases as may be necessary to carry the same fully into Effect: Provided always, That all such Rules and Orders as are first above mentioned, for prescribing the Mode in which such Relief shall be administered, shall be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before His Majesty for His Royal Approbation, Correction, or Revision, and such Rules and Orders shall be observed until the same shall be repealed or varied, and in the last Case with such Variation as shall be made therein.

All Rules made previous to the Notification of this Act in the Presidencies, for the Relief of Insolvent Debtors, shall be confirmed, and all Suits commenced for acting under them shall be void.

XXIV. And be it further enacted, That all Rules and Orders heretofore made or hereafter to be made, previous to the Notification of this present Act, in such Presidencies respectively, by any of the Courts above-mentioned, or any Court previously established in either of the said Presidencies for the Relief and Discharge of such Insolvent Debtors, and all Acts by them, or either of them, done or commanded in pursuance thereof, shall be, and they are hereby ratified and confirmed, and all present Actions and Suits, Indictments, Informations, and all Molestations, Prosecutions, and Proceedings whatsoever, which may have been, or may be had, commenced, or prosecuted, against any Person whomsoever, for acting or having acted under and in Obedience to any such Rules or Orders, are and shall be discharged, annulled, and utterly made void and of no Effect, to all Intents and Purposes, by virtue of this Act.

XXV. And

XXV. And whereas it may be expedient for His Majeſty, His Heirs or Succeſſors, to iſſue a Commiſſion from His High Court of Admiralty in *England*, for the Trial and Adjudication of Prize Cauſes, and other Maritime Queſtions ariſing in *India*; be it therefore further enacted, That it ſhall and may be lawful for His Majeſty, His Heirs and Succeſſors, to nominate and appoint all or any of the Judges of the Supreme Court of Judicature at *Fort William* aforeſaid, or of the Supreme Court of Judicature to be erected as aforeſaid at *Madras*, or the Court of the Recorder at *Bombay*, either alone or jointly with any other Perſons to be named in ſuch Commiſſion, to be Commiſſioners for the Purpoſe of carrying ſuch Commiſſion ſo to be iſſued as aforeſaid into Execution; any Act or Acts to the contrary thereof in anywiſe notwithſtanding.

His Majeſty may appoint Commiſſioners for carrying into Execution a Commiſſion for the Trial and Adjudication of Prize Cauſes, *etc.* in *India*.

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