

ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

CAP. LXXXIV.

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

WHEREAS by an Act of the Parliament of *Great Britain*, made and passed in the Thirty-third Year of His present Majesty's Reign, intituled *An Act for continuing in the* East India *Company, for a further Term, the Possession of the* British *Territories in* India, *together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to* 33 G. 3. c. 52.

certain

certain Uſes the Revenues and Profits of the ſaid Company; and for making Proviſion for the good Order and Government of the Towns of Calcutta, Madras *and* Bombay; it was amongſt other Things enacted, that if any Queſtion ſhould ariſe touching or concerning the true Limits and Extent of the Towns and Factories of *Calcutta*, *Madras*, and *Bombay* reſpectively, or any of them, the ſame ſhould be enquired into by the Governor General in Council at *Fort William*, in reſpect to the Limits and Extent of *Calcutta*, and by the Governor in Council at *Fort Saint George* in reſpect to the Limits and Extent of *Madras*, and the Governor in Council at *Bombay* in reſpect to the Town of *Bombay*; and that ſuch Limits as the ſaid reſpective Governments by Order in Council ſhould declare and preſcribe to be the Limits of the ſaid Towns and Factories reſpectively, ſhould be held, deemed, and taken in Law as the true Limits of the ſame; any Cuſtom or Uſage to the contrary notwithſtanding; And whereas by reaſon of the Increaſe of the Population of the Towns of *Calcutta*, *Madras*, and *Bombay*, it is expedient that the ſeveral Governments of *Fort William*, *Fort Saint George*, and *Bombay* in the *Eaſt Indies*, ſhould be further empowered, in Manner herein-after mentioned, to extend from Time to Time the Limits of the ſaid ſeveral Towns: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Governor General in Council at *Fort William* in *Bengal*, from Time to Time, as Circumſtances ſhall in their Judgment require, to extend the Limits of the Town of *Calcutta*; and to and for the Governor in Council at *Fort Saint George*, from Time to Time, as Circumſtances ſhall in their Judgment require, to extend the Limits of the Town of *Madras*; and to and for the Governor in Council at *Bombay*, from Time to Time, as Circumſtances ſhall in their Judgment require, to extend the Limits of the Town of *Bombay*; and that ſuch extended Limits as the ſaid reſpective Governments ſhall from Time to Time, in and by their reſpective Orders in Council, or by their Regulations, declare and preſcribe as aforeſaid to be the Limits of the ſaid Towns reſpectively, ſhall, from the Time of publiſhing ſuch Orders in Council, or Regulations by Proclamation, at the reſpective Preſidencies, be held, deemed, and taken, as and for the true Limits of the ſame; and from Time to Time, as any Extenſion ſhall be made thereof, all Juriſdictions, Powers, and Authorities which by virtue of any Act or Acts of Parliament, or any Charter or Charters, or any Law or Uſage, ſhall or may be bounded or regulated by the Limits of the ſaid Towns reſpectively, ſhall thenceforth be bounded and regulated by the Limits of the ſaid Towns reſpectively, as they ſhall be declared and preſcribed from Time to Time in Manner hereinbefore mentioned; any Cuſtom, Law, or Uſage to the contrary notwithſtanding: Provided always, that no Order in Council or Regulation hereafter to be made, and declaring or preſcribing the Limits of any of the ſaid Towns, ſhall be valid or effectual, until it ſhall have been ſanctioned, or ſhall have been authorized to be made and paſſed by the Court of Directors of the United Company of Merchants of *England* trading to the *Eaſt Indies*, with the Approbation of the Board of Commiſſioners for the Affairs of *India*.

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

II. And

II. And whereas by an Act passed in the Thirty-ninth and Fortieth Year of the Reign of His present Majesty, intituled *An Act for establishing further Regulations for the Government of the* British *Territories in* India, *and for the better Administration of Justice within the same*, it was enacted among other Things, that whenever any *British* Subject should die intestate, within either of the Presidencies of *Fort William*, *Fort Saint George*, or *Bombay*, or the Territories subordinate or to become subordinate thereto, and on return of the Citation to be issued from the proper Ecclesiastical Court, no next of Kin or Creditor should appear and make out their Claim to the Administration of the Effects of the Intestate to the Satisfaction of the said Court, it should and might be lawful for the Registrar of such Court, and he was thereby required to apply for, and such Court was thereby directed to grant, Letters *ad colligenda* or of Administration, to such Registrar, in manner as the said Act set forth: And whereas the said Act doth not expressly provide for the Cases of Executors or Administrators, or Persons entitled to Administration, as herein-after mentioned, not resident within the Jurisdiction of such Courts, who may have appointed Attornies resident or being therein; and it hath been doubted whether the said Courts were not required under the said Act, to grant Letters *ad colligenda* or of Administration to their Registrars, in preference to Attornies so appointed; and it is fit that such Doubts be removed; be it therefore enacted and declared, That when the Executor or Administrator lawfully appointed, or the Person entitled to Administration as next of Kin or residuary Legatee with the Will annexed, of any Person deceased, whose Effects shall be subject to the Jurisdiction of any of the said Courts in respect to the granting of Administration, not being resident within the Jurisdiction of such Court, shall have appointed or shall hereafter appoint, either by Power of Attorney under Seal, or by any other sufficient Authority, to be shewn to the Satisfaction of the said Court, any Person or Persons resident or being within such Jurisdiction to act for such Executor or Administrator, or Person entitled to Administration as aforesaid, in collecting or administering in any manner the Effects of the Deceased, the Person or Persons so appointed shall be entitled to obtain Letters *ad colligenda* or of Administration, either General or Special, as the Tenor of such Authority and the Nature of the Case may require, preferably to the Registrar of such Court, and all other Persons to whom such Executor or Administrator, or Persons entitled as aforesaid, would have had a preferable Claim, if personally resident within the Jurisdiction of the said Court.

39 & 40 G. 3. c. 79.

Letters of Administration to Attornies of Executors.

III. And be it further enacted, That where any such Letters *ad colligenda* or of Administration shall have been granted to the Registrar of such Court, and Application shall be afterwards made by any Person or Persons so appointed as aforesaid for the Revocation thereof, in order to grant other Letters to such Person or Persons, the Letters so granted to such Registrar shall be revoked, unless it shall appear to the said Court that there has been unreasonable Delay, either in the Transmission of the Authority under which such Application is made, or in making such Application: Provided always, that when any Letters *ad colligenda* or of Administration shall have been actually granted to the Registrar of any such Court by virtue of the Act herein-before recited, and shall be revoked on the Application of such Attorney or Attornies as aforesaid,

Making void Letters of Administration to Registrar.

it shall be lawful for such Court, if they shall think fit, to direct that the Whole or Part of any Commission, in respect to the Administration of Assets which may arise or become due by virtue of any reasonable Custom, obtaining within the Jurisdiction of such Court, shall be allowed to such Registrar out of any Assets which may have come to his Hands, regard being had to the Trouble and Responsibility actually incurred, and to the Service rendered by the said Registrar in the Collection of such Assets: Provided also, that nothing in this Act contained shall be construed to render necessary the taking out of Letters *ad colligenda* or of Administration from any of the Courts aforesaid, by any such Attorney or Attornies, otherwise than it would have been if this Act had not been made; and that no Claim or Right to any such Commission in respect of Administration of Effects as aforesaid, shall be deemed to accrue to any such Attorney or Attornies by reason of Letters *ad colligenda* or Administration, taken out by him or them in virtue of such Authority as aforesaid, nor any other or further Commission than would have been payable to him or them as Agents, either according to the usual and reasonable Rates of such an Agency, or by special Agreement.

Not to affect the Rights of Persons entitled to Probates of Wills of Administration of Effects of Persons who shall have died before the passing of this Act, &c.

IV. Provided also, and be it further enacted, That this Act shall not, nor shall any thing herein contained, in anywise prejudice or affect the Rights, Claims, Actions, Suits, or Appeals of any Person or Persons being entitled or claiming to be entitled, either as Principal or Principals, Attorney or Attornies, to the Probate or Probates of any Will or Wills, Codicil or Codicils, or Letters *ad colligenda* or of Administration of the Goods, Chattels, and Effects of any Person or Persons who shall have died before the passing of this Act; nor the Rights, Claims, Actions, Suits, or Appeals of any Person or Persons claiming or suing, or to claim or sue for the Recall or Repeal of any Letters *ad colligenda* or of Administration, granted of the Goods, Chattels, or Effects of any Person or Persons who shall have died before the passing of this Act, which may have been or shall be granted to any such Registrar as herein-before mentioned; nor to the Rights, Claims, Actions, Suits, or Appeals of any Person or Persons claiming or to claim as Executors, Legatees, or next of Kin of any Person or Persons who shall have died before the passing of this Act, in any way relating to the Goods, Chattels, Property, Estate, or Effects of such deceased Person or Persons, or to the Transactions, Acts, Deeds, Neglects, Defaults, Intermeddlings, or Accounts of any such Registrar relating to any such Goods, Chattels, Property, Estate or Effects, or under or by Pretence of any Letters *ad colligenda* or of Administration, which may have been granted to him; nor in any way to entitle any such Registrar to any Commission, Compensation, or Allowance in respect of any Thing done or to be done by him in relation to the Goods, Chattels, Debts, Credits, Estate, or Effects of any Person or Persons who shall have died before the passing of this Act, which he would not have been entitled to if this Act had not been passed; but every Person being entitled to or claiming any such Probate or Probates, Letters *ad colligenda* or of Administration, or to have any such Letters *ad colligenda* or of Administration, recalled or repealed, or having or being entitled to or claiming or to claim any such Cause or Causes of Action, Suit, or Appeal, shall be entitled thereto, and all Benefit and Advantage thereof, and to prosecute and carry on the same, in the same Manner as he, she, or they would have been entitled if this Act had not been passed.

V. And

V. And be it further enacted, That in all cases in which the Registrar of any of the said Courts shall be appointed Administrator under the aforesaid Act, besides filing an Inventory and Account Current according to the Tenor of the Administration Bond and the usual course of the Ecclesiastical Court, he shall enter into a Book to be kept by him for that purpose, separate and distinct Accounts of each Estate, and of all such Sums of Money, Bonds and other Securities for Money, Goods, Effects and Things, as shall come to his Hands, or to the Hands of any Persons employed by him, or in trust for him by virtue of any Letters *ad colligenda* or of Administration granted to him under the Authority of the said Act, and likewise of all Payments made by him for or on account of the said Estates, and of all Debts due by or to the same, specifying the Dates of such Receipts and Payments respectively; which said Book shall be kept in the Registrar's Office, and shall be open for the Inspection of all such Persons, Practitioners in the said Courts or others, as may have Occasion to inspect the same, at Office Hours, paying such reasonable Fee as may be fixed therefore by the said Courts, and no more; and the said Registrars shall twice in every Year, that is, on the First Day of *March* and the Twenty-second Day of *October*, or on the first Day after those Days on which their respective Courts shall be sitting, exhibit and deliver in open Court, a true and perfect Schedule of all Sums of Money, Bonds, or other Securities, received on account of each Estate remaining under their Charge, together with the Payments made thereout, and the Balances; and also of all Administrations whereof the Balances shall have been paid over to the Persons entitled to the same, since the Period of exhibiting the last Schedule, specifying the Amount of such Balances, and the Persons to whom paid; which Schedules shall be filed of Record in the said Courts, and shall within Fourteen Days afterwards be published in the Gazettes of the Presidencies within which such Courts are respectively situated, by the said Registrar, who shall likewise cause Copies thereof, in triplicate, to be delivered to the Chief Secretary at such Presidency, and the same shall be transmitted by the respective Governments at such Presidencies to the Court of Directors of the *East India* Company, who, upon the Receipt thereof, shall cause the same to be published in the *London Gazette*.

Registrar, when appointed Administrator, to enter in a Book separate Accounts.

VI. And whereas it is expedient that the several Governments in the *East Indies* should be enabled to prevent Subjects of Foreign States from residing or sojourning within the *British* Territories there, against the Consent of such Governments respectively; be it further enacted, That it shall and may be lawful to and for the Governor General in Council, and to and for the Governor in Council or Chief Officer for the Time being of any Presidency, or of any Place not being subordinate to any Presidency under the Government of the United Company of Merchants of *England* trading to the *East Indies*, to cause Notice in Writing to be given to any Person, not being a Native of any Part of the *British* Territories in *India*, or within the Limits of the Charter of the said United Company, other than such natural-born Subjects of His Majesty as may from Time to Time lawfully resort to or reside in the *East Indies*, to remove himself or herself from such Presidency, or from all or any Part of the *British* Territories in the *East Indies*, as may be deemed expedient, within a Time to be limited by such Notice: And in case any such Person shall not obey such Notice, then it shall and may be lawful to and for the

Removal of Persons not being British Subjects.

Governor General in Council or Governor in Council or other Chief Officer (as the Caſe may be) of the Place where ſuch Perſon ſhall be found, to cauſe ſuch Perſon to be apprehended and brought before the Court of Civil or Criminal Judicature, to the Juriſdiction whereof ſuch Place may be ſubject; and upon Proof being made upon Oath to the Satisfaction of ſuch Court, by any credible Witneſs ſwearing to his Knowledge or Belief, ſtating the Ground of ſuch Belief, that ſuch Perſon is an Alien and the Subject of a Foreign State, and that ſuch Notice as aforeſaid has been ſerved on ſuch Perſon, either perſonally or by leaving the ſame at his Dwelling-houſe, unleſs ſuch Perſon ſhall prove that he is a natural-born Subject of His Majeſty authorized to reſide in *India*, or a Native of the *Britiſh* Territories in *India*, or within the Limits of the Charter of the Company, for the making which Proof reaſonable Time and Opportunity ſhall be allowed by the ſaid Court, ſuch Perſon ſhall be remanded by the ſaid Court into the Cuſtody of the Governor General, Governor, or Chief Officer, who ſhall, as ſoon as may be, cauſe ſuch Perſon to be removed in ſuch Manner as his or her Rank, State, and Condition in Life ſhall require, by the firſt convenient Opportunity, to the Country or Place to which he or ſhe ſhall belong, if he or ſhe ſhall be willing to go thereto, or otherwiſe to ſuch Country or Place as the Governor General, Governor, or Officer by whoſe Authority he or ſhe ſhall have been apprehended or ſhall be detained, ſhall be of opinion ſhall be moſt proper, regard being had to the Convenience of the Perſon to be removed, and the Peace and Security of the *Britiſh* Territories in the *Eaſt Indies*, and of the Allies of His Majeſty and the *Eaſt India* Company, and of any neighbouring Princes or States; and in the Meantime and until ſuch Perſon can be conveniently and properly removed, it ſhall and may be lawful to detain him or her in ſuch Cuſtody or under ſuch Guard as the Perſon by whoſe Authority he or ſhe ſhall have been apprehended or ſhall be detained ſhall ſee fit and neceſſary, ſo as that the Perſon detained may be put to as little Inconvenience as ſhall be, conſiſtent with the Object of his or her Detention: And in caſe any ſuch Perſon, having removed him or herſelf in purſuance of any ſuch Notice, or having been ſo removed, ſhall again wilfully return to any Country or Place from which he or ſhe ſhall have had Notice to remove, without the Conſent of the Government or Chief Officer of the Place to which he or ſhe ſhall ſo return, it ſhall and may be lawful to and for the Governor General in Council, or Governor in Council, or Chief Officer of the Place where ſuch Perſon ſhall be found, to cauſe ſuch Perſon to be apprehended and detained in ſafe Cuſtody, until he or ſhe ſhall be diſcharged out of Cuſtody, upon ſuch Terms and Conditions as the Governor General in Council, Governor in Council, or other Chief Officer at the Place where he or ſhe ſhall be detained, ſhall deem ſufficient for the Peace and Security of the *Britiſh* Territories, and of the Allies of His Majeſty and of the *Eaſt India* Company, and of the neighbouring Princes and States.

Warrant or Authority for Apprehenſion.

VII. And be it further enacted, That it ſhall be lawful to carry into Execution any Warrant or Authority for the Apprehenſion, Detention or Removal of any ſuch Perſon or Perſons as aforeſaid, notwithſtanding he, ſhe or they may be in Cuſtody, or delivered to Bail, or in Execution on any Civil Proceſs, and notwithſtanding any Licence, Privilege or Protection whatſoever, any Law, Statute or Uſage to the contrary notwithſtanding: Provided always, that no *Britiſh* Subject, nor any Native of the *Britiſh*

Territories in *India*, or within the Limits of the Charter of the said Company, shall be apprehended, detained or removed, by virtue of any of the Provisions herein contained, nor shall any thing herein contained in anywise alter or affect any Law or Statute under or by virtue of which any *British* Subject may resort to or is restrained from resorting to the *East Indies*: Provided also, that it shall not be lawful to apprehend, detain or remove any Person being the Subject of any Foreign State, under or by virtue of this Act, in any way inconsistent with any Treaty made or to be made by His Majesty or the *East India* Company, and to the Benefit of which such Person shall be entitled.

Judges Pensions.

VIII. And whereas by an Act passed in the Thirty-seventh Year of His Majesty's Reign, intituled *An Act for the better Administration of Justice at* Calcutta, Madras, *and* Bombay, *and for preventing* British *Subjects from being concerned in Loans to the Native Princes in* India, it was enacted among other Things, that it should be lawful for His Majesty, His Heirs and Successors, under certain Limitations in the said Act expressed, to direct the Payment of a Yearly Sum out of the Territorial Revenues in *India* to any Chief Justice or other Judge of the Supreme Court of Judicature at *Fort William* in *Bengal*, who should have resided in *India* as Judge of the said Supreme Court for Seven Years, and to any Recorder of the Court of Judicature at *Bombay*, who should have resided in *India* as such Recorder for Five Years, and who, from Age, Infirmity, or other Cause, to be approved by His Majesty, His Heirs or Successors, should return to *Europe*, not exceeding to any such Chief Justice Two thousand Pounds *per Annum*, to any such Judge Fifteen hundred Pounds *per Annum*, or to any Recorder of *Bombay* Twelve hundred Pounds *per Annum*: And whereas also by the Act herein-before mentioned of the Thirty-ninth and Fortieth Year of His Majesty's Reign, it was enacted, that it should be lawful for His Majesty, His Heirs and Successors, under certain Limitations therein also expressed, to direct an Allowance from the said Revenues to any Chief Justice or Judge of the Supreme Court of Judicature at *Madras*, who should have resided in *India* for Seven Years, either as Chief Justice or Puisné Judge of the said Court at *Fort William*, or of the said Court at *Madras*, and should return to *Europe*, for any such Cause, and with such Approbation as aforesaid, not exceeding, to such Chief Justice Sixteen hundred Pounds *per Annum*, nor to such Puisné Judge Twelve hundred Pounds *per Annum*: And whereas it is expedient that Provision should be made respecting the said Allowances, in case of the Promotion or Removal of any Person from any of the said Courts to any other thereof, and also in case of the Resignation of any Chief Justice, Judge, or Recorder of any of the said Courts, with the Approbation of His Majesty, although the Person so resigning should not return to *Europe*; be it therefore enacted, That where any Person shall have resided in *India* Seven Years, either as Chief Justice or Judge of His Majesty's Supreme Courts of *Fort William* or *Madras*, or Recorder of *Bombay*, and shall, from Age, Infirmity, or other Cause, to be approved of by His said Majesty, resign such Office, it shall be lawful for His Majesty to direct the Payment out of the Territorial Revenues, to such Person, of a yearly Sum not exceeding the highest Rate of Allowance limited by the said Acts to such one of the said Offices of Chief Justice or Judge at *Fort William*, Chief Justice or Judge at *Madras*, or Recorder at *Bombay*, as the said Person shall have filled, provided he shall have filled the same for Four Years at the least; and

37 G. 3. c. 142.

39 & 40 G. 3. c. 79.

that

that ſuch Allowance ſhall be payable to ſuch Perſon, although he ſhall not return to *Europe*: Provided, that if ſuch Perſon be thereafter re-appointed to any of the ſaid Offices, ſuch Payment ſhall from thenceforward ceaſe.

No Action to be commenced againſt the Company until after 20 Days Notice; nor after Three Years after the Cauſe of Complaint.

IX. And be it further enacted, That no Action or Suit ſhall be commenced againſt the ſaid United Company, or any of their Servants, or any Perſon or Perſons whomſoever, for any Thing done in purſuance or under colour of this Act, until Twenty Days Notice ſhall have been given to the ſaid Company, or to the Perſon or Perſons reſpectively againſt whom the ſame is to be brought, or after a ſufficient Satisfaction or Tender thereof ſhall have been made to the Party or Parties aggrieved, nor after Three Years next after the Cauſe of Complaint ſhall have ariſen; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by Authority of this Act; and if it ſhall appear to be ſo done, or that a ſufficient Satisfaction or Tender thereof hath been made before the Commencement of ſuch Action or Suit, or that ſuch Action or Suit hath been commenced after the Time limited for bringing the ſame, or in any other Manner than as directed by this Act, the Plaintiff or Plaintiffs ſhall become nonſuited; and in ſuch Caſe, or in any other Caſes wherein the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his or their Action or Suit after the Defendant or Defendants ſhall have appeared, or wherein Judgment ſhall be given againſt ſuch Plaintiff or Plaintiffs upon Demurrer, or Objection in nature of a Demurrer, or where a Verdict, or Judgment in nature of a Verdict, ſhall paſs for the Defendant or Defendants, he or they ſhall have Treble Coſts awarded, to be paid by the reſpective Plaintiff or Plaintiffs in ſuch Action or Suit.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1815.