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COLLECTION 142
OF
STATUTES

CONCERNING THE
INCORPORATION, TRADE, and COMMERCE
OF THE
EAST INDIA COMPANY,

AND THE
GOVERNMENT of the BRITISH POSSESSIONS
in INDIA,

With the STATUTES of PERACY.

To which, for more succinct Information, are annexed,

LISTS of DUTIES and DRAWBACKS on the COMPANY'S
TRADE;

The BY-LAWS, CONSTITUTIONS, RULES, and ORDERS
for the good Government of the COMPANY, and
the Management of their TRADE;

AND

An ABRIDGEMENT of the COMPANY'S CHARTERS.

WITH A COPIOUS INDEX.

Compiled by F. RUSSELL Esq. F.R.S. & F.S.A.



L O N D O N :

Printed by CHARLES EYRE and ANDREW STRAHAN,
Printers to the King's Most Excellent Majesty.

1794.

V2, L. L. 5: 2

A. 786; A. 794

14269

ADVERTISEMENT.

THE original Collection of the Statutes relating to the Trade of *India*, and the Government of the *British* Possessions there, was brought down to the Year 1786 inclusive. Since that period, many Acts have passed the Parliaments of *England* and *Ireland*, by which the Trade has been placed on a new footing, the powers of the several Governments in *India* have been materially enlarged, and the net profits arising from the Trade and Landed Revenues, have been put under specific appropriations. Thus the former Collection was rendered in a manner useless. The Compiler of it has therefore continued the Collection to the year 1793 inclusive, by adding, in the first place, such of the subsequent Acts as related only to the above subjects, at full length, and by giving the titles and substance of others, which affected the affairs of trade with *India* only collaterally. He has likewise revised and corrected the several Indexes and Lists of Duties, to make them accord with the new Statutes; and as it is highly probable that further provisions may be hereafter found necessary to be made by Parliament in matters of judicature, both at home and abroad, a chasm is left in the General Index for the convenient insertion of any new heads of judicature under that title. The original Collection of the Statutes for *India* to 1786 being preserved, such persons as may chuse to have them perfected, may, by the method which has been adopted for introducing the new matter, be furnished with the means of doing it at a small expence. The derangement of order in the pages after 362, was unavoidable; but as the indexes were fortunately made to refer to chapters and sections, and not to the pages, little, if any, inconvenience will result from that circumstance.

F. R.

TO
THE RIGHT HONOURABLE
HENRY DUNDAS,

&c. &c. &c.

S•I•R,

THE relation in which I stand to the Board of Commissioners for the Affairs of *India*, having made it my indispensable duty to explore and to acquire the most perfect knowledge in my power, of every branch of the Law, whereby the important concerns of the *East India Company* are conducted, I naturally directed my early and particular attention to that vast repository, *The Statutes at Large*. I found therein a multitude of Laws concerning *India*, scattered amidst a confused mass of extraneous matter, and buried, as it were, in that voluminous and still increasing collection. Some of these Laws are placed at a great distance from others most intimately and inseparably connected with them in sense and matter; many of those of a later date being either partial or total repeals, or explanations, qualifications, or enforcements of those of an earlier period. It was not a little tedious and difficult to discover and comprehend, in this state of separation and disorder, the whole of the Statute Law, wherein the Company, and their servants, their territories, and their commerce, were concerned; and I experienced a still greater degree of toil and perplexity under these circumstances, in my endeavour to make the necessary comparisons of some of these Laws with others, to select and abstract them, and even sometimes to comprehend their meaning. I may, perhaps, be suspected of giving rather too great force to this representation of difficulties; because it may be said, that the Statutes at Large are furnished with Marginal Notes and Indexes, to guide the reader in his various researches. I may venture however to maintain, without any idea of depreciating the labours of

[A]

those,

DEDICATION.

those, who collected and revised the several editions of the Statutes now extant, and compiled those Indexes, that, so far as they relate to the affairs of the *East India Company*, very few, except professors of the Law, can make any use of them; and even they, by the means only of tedious application.

Having struggled with these inconveniencies, until the urgency of occasions would no longer permit, I submitted at last to the trouble of making an Index after my own method, and for my own private use. When I was become engaged, or rather indeed had far advanced in the work, it occurred to me, that a Collection of the Statute Law upon the subject of *India* alone, was a *desideratum* in our forensic publications; and that such a book, especially if accompanied with a full and perspicuous Index, would be highly acceptable to the Members of the Legislature, to the Gentlemen of the Long Robe; and to the Directors and other Proprietors of the *East India Company*, as well as to all their dependants and connections, domestic, and oriental. Many parts of the Statutes alluded to contain instructions to the Servants of the Company, both at home and abroad; and with such therefore those Servants, as well as their Employers, ought to be well acquainted. Some of these Acts were made for the express purpose of preventing Piracy, a crime too common in *Asia*; and those should therefore be carefully read by all whom they concern, and more particularly by such Officers and Servants of the Company, as are named and authorised by his Majesty's Commissions to hold Courts of Admiralty in *Asia*, for the trial of offences of that description. Others, moreover, touch upon the subjects of Custom and Excise. These indeed affect our commerce with *India* only collaterally; and therefore such parts of them only required notice as were immediately addressed to the *India Company*. From a desire however to avoid a large volume, I thought it right to bring within this Publication no more of these Statutes than appeared to relate to the peculiar object of it.

It might well occasion our surprize, that these various Acts, of so much importance to the Public in general, as well as to the nearest interests of that considerable class of the community more immediately concerned, should not already have been printed in some compact and commodious form. I am persuaded however that my endeavour to supply this defect will not be deemed injudicious or ill-timed.

DEDICATION.

But these, cogent as they seem, were not my only motives for attempting this Publication. I was influenced also by another, which peculiarly touched my feelings, and impelled me to proceed. I ventured to entertain an idea, that such a Collection would be of use, and very acceptable to the Board of Commissioners for the Affairs of *India*. Nor could I listen to more persuasive encouragement, feeling, as I do, the strongest sense of respect, attachment, and gratitude, to that Board. From a proper sense also of the duty, which on so many accounts I owe to them, I shall esteem it a singular felicity indeed, if, by any effort of extraordinary diligence, I shall have been enabled to furnish even the slenderest means of lessening their difficulties, and of saving their time, so highly valuable to the Public.

Such, Sir, were my motives for the present undertaking, which I now wish to introduce to the Public with the recommendation of your name. You have always been considered as the acting Chief of that Honourable Board; and my more frequent intercourse in the discharge of my official duty has been with You, to whom the strongest acknowledgements I can offer are certainly due, but cannot be adequately expressed. In truth, the kind and condescending manner in which You have always communicated to me your sentiments and instructions, at once engaged my attachment, and convinced and improved my mind.—But I will not suffer even the effusion of gratitude to become importunate to You; and therefore I will take my leave, in the hope, that, if in your assiduity to investigate and promote the interests of the *East India* Company, You have found that such a publication as this was wanted and might be useful, the labour, which I have bestowed on it, may in some degree have rendered it worthy of your approbation.

I have the honour to be,

with the greatest respect,

Sir,

Your most obliged,

and obedient servant,

F. RUSSELL.

A
L I S T
O F T H E
D U T I E S

PAYABLE TO THE KING,

after the 10th of May 1787.

On all Goods imported from the *East Indies, China,* and other Parts
within the Limits of the exclusive Trade granted to the
Honourable the *East India Company,*

AND OF

THE DRAWBACKS ALLOWED ON EXPORTATION
AGREEABLE TO THE CONSOLIDATION ACT.

A LIST of the DUTIES, &c.

	Duty.	Drawback.	
			£. s. d.
Arrack — — — — —	Custom per gall.	0 0 9	0 0 8
	Excise ditto	0 5 1	0 0 0
(The Custom and Excise on Arrack is paid by the Company, and delivered to the purchaser free of this duty).	Total	0 5 10	
Brandy and Geneva, of the manufacture of India, Custom, for every 100 l. gross price at the Company's sale		37 16 8	36 1 3
Excise per gall. — — — — —		0 4 11	0 0 0
Ditto and ditto of the manufacture of Europe, Custom per gall.		0 0 9	0 0 8
Excise ditto — — — — —		0 4 11	0 0 0
Alloes cicotrina — — — — — the lb.		0 1 2	0 0 9
— — — — — hepatica — — — — — do.		0 0 6	0 0 4
Amber — — — — — do.		0 1 5	0 1 3
Ambergrease. — — — — — the oz. troy		0 2 0	0 1 4
Assafoetida — — — — — the lb.		0 0 3	0 0 2
Argentum sublime, or quicksilver — — — — — do.		0 0 8	0 0 6
Arrangoes, for every 100 l. gross sale		31 13 3	29 16 0
Balsam, artificial — — — — — the lb.		0 1 6	0 1 0
— — — — — natural or gilead — — — — — do.		0 1 6	0 1 0
Bedelium — — — — — do.		0 0 3	0 0 2
Benjamin — — — — — do.		0 0 6	0 0 4
Bezoar stones — — — — — the oz. troy		0 2 6	0 1 8
Borax refined — — — — — the lb.		0 1 0	0 0 8
— — — — — unrefined, or tincal — — — — — do.		0 0 3	0 0 2
Cambogium — — — — — do.		0 0 6	0 0 4
Cantharides — — — — — do.		0 1 0	0 0 8
Camphire refined — — — — — do.		0 0 8	0 0 5 $\frac{1}{2}$
— — — — — unrefined — — — — — do.		0 0 4	0 0 2 $\frac{1}{2}$
Cardemoms — — — — — do.		0 0 9	0 0 6
Cassia fistula — — — — — do.		0 0 3	0 0 2
— — — — — lignea — — — — — do.		0 0 4	0 0 2 $\frac{1}{2}$
— — — — — buds — — — — — do.		0 0 4	0 0 2 $\frac{1}{2}$
Callicoes plain white, per piece, which is 10 yards, if narrow, or 6 yards if wide, — — — — —		0 5 3	0 5 0
And for every 100 l. gross price at the Company's sale		16 10 0	0 0 0
Drawback of the last duty if exported to Africa		0 0 0	16 10 0
if exported to the British colonies or plantations in America — — — — —		0 0 0	16 15 0
if exported to any parts or places beyond the seas, except to the British colonies or plantations in America, if the said goods shall have been printed, stained, or dyed in this kingdom — — — — —		0 0 0	16 10 0

Callicoes.

	Duty.	Drawback.
	£. s. d.	£. s. d.
if exported to any parts or places beyond the seas, except to Africa, or the British colonies or plantations in America, if the said goods shall be exported without having been printed, stained, or dyed in this kingdom	0 0 0	14 10 0
For most of the goods which pay this duty, see letter (A).		
Candles of wax — — — the <i>lb.</i>	0 1 9	0 0 0
Carmentia wool — — — do.	0 0 9	0 0 8
Canes - walking, dragons - bloods, or wang-hees. — — — the <i>thousand</i>	2 1 3	2 0 0
Carpets, Persia — — — the <i>square yard</i>	1 4 9	1 3 7
China-ware and clay figures, for every 100 <i>l.</i> gross price at the Company's sale	47 10 0	45 5 0
Cinnamon — — — the <i>lb.</i>	0 4 5	0 4 0
China-root — — — do.	0 0 5	0 0 3½
Cinnabrium or vermillion — — — do.	0 0 7	0 0 4½
Coffee, — — — the <i>cwt.</i>	1 18 6	1 15 0
Inland duty of Excise paid by the purchaser, before taken out of the warehouse, for home consumption — — — the <i>lb.</i>	0 1 8	0 0 0
Cotton manufactures, not otherwise particularly enumerated or described, for every 100 <i>l.</i> gross sale.	50 0 0	48 10 0
Carton yarn — — — the <i>lb.</i>	0 0 3½	0 0 3
Cotton wool — — — free	0 0 0	0 0 0
Coloquintida — — — the <i>lb.</i>	0 0 6	0 0 4
Columbo root — — — do.	0 0 6	0 0 4
Coculus India — — — do.	0 0 5	0 0 3½
Costus dulcis at amaris — — — do.	0 0 4	0 0 2½
Coral whole polished — — — do.	0 3 0	0 2 0
———— unpolished — — — do.	0 1 6	0 1 0
———— in fragments — — — do.	0 0 3	0 0 2
Cowries, for every 100 <i>l.</i> gross price, at the Company's sale	31 13 4	29 16 0
Cordivants dressed — — — the <i>dozen</i>	1 3 6	0 14 9
Cloves — — — the <i>lb.</i>	0 2 8	0 2 5
Cakelack — — — do.	0 0 1	0 0 0½
Cubebs — — — do.	0 0 2	0 0 1½
Dimities white — — — the <i>yard</i>	0 1 6	0 1 5
And for every 100 <i>l.</i> gross price, at the Company's sale	16 10 0	0 0 0
Drawback of the last duty if exported to Africa	0 0 0	16 10 0
if exported to the British colonies or plantations in America	0 0 0	11 15 0
if exported to any parts or places beyond the seas, except to the British colonies or plantations in America,		

Dimities.

	Duty.			Drawback.		
	£.	s.	d.	£.	s.	d.
if the said goods shall have been printed, stained, or dyed in this kingdom	0	0	0	16	10	0
if exported to any part or places beyond the seas, except to Africa, or the British colonies in America, if the same have been printed, stained, or dyed in this kingdom	0	0	0	14	10	0
Diagredium or scammony — the lb.	0	2	6	0	1	8
Dragons-blood — do.	0	0	8	0	0	5½
Dragons-blood canes — the thousand	2	1	3	2	0	0
Drugs manufactured, not otherwise particularly enumerated or described, for every 100 l. gross price, at the Company's sale	40	0	0	38	6	3
• For most of the goods which pay this duty, see letter (B).						
Drugs unmanufactured, not otherwise particularly enumerated or described, for every 100 l. gross price, at the Company's sale	31	0	0	29	2	6
For most of the goods which pay this duty, see letter (C).						
Elephants teeth — the cwt.	1	10	10	1	8	10
Folium India — the lb.	0	0	6	0	0	4
Galbanum — do.	0	0	4	0	0	2½
Gauls — free	0	0	0	0	0	0
Gallinga — the lb.	0	0	2	0	0	1½
Garnets rough — do.	0	5	6	0	5	0
— cut — do.	1	9	9	1	8	3
Geneva: See brandy (for customs, &c.)	0	0	0	0	0	0
Ginger green, — do.	0	0	6	0	0	4
Gum oppopanax — do.	0	1	4	0	0	11
— sarcocol — do.	0	0	4	0	0	2½
— sagapenum, or serapium — do.	0	0	4	0	0	2½
— armonicum, or armoniac — do.	0	0	4	0	0	2½
— fragrant, or tragacanth — do.	0	0	3	0	0	2
— sack, lumplack, or cakelack. — do.	0	0	1	0	0	0½
— animi — do.	0	0	3	0	0	2
— elgmi — do.	0	0	2½	0	0	1½
— fenica, fenega, or, arabick — the cwt.	0	0	6	0	0	0
Gold plate wrought — the oz. troy	2	7	8	0	0	0
Huffe skins — the skin	0	0	2	0	0	1½
Indigo — free	0	0	0	0	0	0
Lapis callimmaris — the cwt.	0	3	8	0	0	0
— contra yerva — the oz.	0	0	9	0	0	6
— fucose — the lb.	0	0	3	0	0	2
— lqzuli — do.	0	0	6	0	0	4
Lacquered or japanned ware, for every 100 l. gross price, at the Company's sale	49	10	0	47	0	0
Lead white — the cwt.	0	4	5	0	2	11
Lignum asphaltum — the lb.	0	0	2	0	0	1½

	Duty.			Drawback.		
	£.	s.	d.	£.	s.	d.
Manna — — — — — do.	0	0	6	0	0	4
Mastick white — — — — — do.	0	0	6	0	0	4
— red — — — — — do.	0	0	3	0	0	2
Mother-of-pearl shells rough — — — — — do.	0	0	4	0	0	2½
Mace — — — — — do.	0	4	0	0	3	8
Manufactured goods, not otherwise particularly enumerated or described, for every 100 <i>l.</i> gross price, at the Company's sale —	37	16	3	36	1	3
For most of the goods which pay this duty, see letter (D).						
Mirabolanes dry — — — — — the <i>lb.</i>	0	0	1	0	0	0½
— — — — — do.	0	0	2	0	0	1½
Musk — — — — — the <i>oz.</i> troy	0	2	0	0	1	4
Mullins plain, nankeen cloth, mullins or white calicoes flowered or stitched, for every 100 <i>l.</i> gross price, at the Company's sale —	18	0	0	10	0	0
For most of the goods which pay this duty, see letter (E).						
Madeira wine, Custom the <i>ton</i> of 252 <i>gall.</i>	19	12	0	0	0	0
if exported to any British colony or plantation in America — — — — — the <i>ton</i>	0	0	0	12	12	0
ditto to any other place — — — — — do.	0	0	0	16	9	0
Excise the <i>ton</i> of 252 <i>gall.</i>	11	18	0	0	0	0
if exported to any British colony or plantation in America — — — — — the <i>ton</i>	0	0	0	9	11	4
ditto settlement in the East Indies do.	0	0	0	6	11	4
ditto other parts or places beyond the seas — — — — — do.	0	0	0	3	15	4
Total duty — — — — — per <i>ton</i> or per <i>gall.</i>	31	10	0	0	0	0
Myrrh — — — — — the <i>lb.</i>	0	0	6	0	0	4
Nutmegs — — — — — do.	0	2	0	0	1	10
— — — — — do.	0	0	10	0	0	7
Olibanum — — — — — the <i>cwt.</i>	1	1	0	0	14	0
Opium — — — — — the <i>lb.</i>	0	1	6	0	1	0
Orpiment, or auripigmentum — — — — — the <i>cwt.</i>	0	8	9	0	5	10
Pepper — — — — — the <i>lb.</i>	0	0	0½	0	0	0
Inland duty paid by the purchaser before taken out of the warehouses for home consumption — — — — —	0	9	6	0	0	0
Pepper long — — — — — the <i>lb.</i>	0	0	2½	0	0	1½
Prohibited goods, wares, and merchandizes, prohibited to be worn or used in Great Britain, imported for exportation only, for every 100 <i>l.</i> gross sale —	6	15	0	0	0	0
For most of the goods which pay this duty, see letter (G).						

Prohibited Goods.

	Duty.			Drawback.		
	£.	s.	d.	£.	s.	d.
On exportation to Africa (except to the Islands of Madeira, the Canary Islands, the Azores or Western Isles) the following drawbacks are to be allowed on prohibited goods; viz.						
Allejars	0	0	0	0	0	7
Bejutapauts	0	0	0	0	1	0
Byrampauts	0	0	0	0	0	9
Blue long cloths	0	0	0	0	2	0
Brawls	0	0	0	0	0	2
Callawapores	0	0	0	0	0	9
Cufhtacs	0	0	0	0	0	7
Coopes	0	0	0	0	0	7
Chintz	0	0	0	0	0	9
Chelloes	0	0	0	0	0	9
Cotton Romals	0	0	0	0	0	6
Guinea stuffs	0	0	0	0	0	2
Niccanees small	0	0	0	0	0	7
———— large	0	0	0	0	0	9
Negampauts	0	0	0	0	1	0
Photaes	0	0	0	0	0	9
Saffracundies	0	0	0	0	1	0
Tapfeils	0	0	0	0	0	9
Pictures under 2 feet square	1	5	8	0	0	0
Ditto above 2 feet	2	11	4	0	0	0
Ditto above 4 feet	3	17	0	0	0	0
Quicksilver, or argentum sublime	0	0	8	0	0	6
Radix contra yerva	0	6	6	0	0	4
Rattans	0	19	3	0	18	0
Reeds bamboe, for every 100 l. gross price at the Company's sale	28	5	0	26	5	0
Rhubarb	0	1	6	0	1	0
Rice	0	8	10	0	8	10
Rum, of the manufacture of India; for every 100 l. gross price, at the Company's sale						
Custom the gall.	37	16	3	36	1	3
Excise — do.	0	3	7	0	9	0
Ditto of British colonies in America						
Custom the gall.	0	0	5	0	0	5
Excise — do.	0	3	7	0	0	0
Sapan wood	0	0	0	0	0	0
Sago	0	0	3	0	0	2
Saltetre	0	0	3	0	0	3
Sal armoniac	0	0	0	0	0	0
Saunders yellow	0	0	3	0	0	2
———— red	0	0	0	0	0	0
Senna	0	0	6	0	0	4
Seedlack	0	0	2	0	0	1½
Scammony, or deagredium,	0	2	6	0	1	8
Silk raw	0	3	0	0	0	0
the lb. of 16 oz.						
Drawback, if exported to Ireland	0	0	0	0	2	10
Ditto, except to Ireland	0	0	0	0	2	0

		Duty.			Drawback.			
		£.	s.	d.	£.	s.	d.	
Silver plate, ungilt	the oz. troy	0	3	3	0	0	0	
— plate, part gilt	do.	0	3	7	0	0	0	
— plate, gilt	do.	0	3	10	0	0	0	
Shellack	the lb.	0	0	2	0	0	1½	
Spikenard	do.	0	1	4	0	0	11	
Squilla	the scwt.	0	2	6	0	1	8	
Sticklack	free	0	0	0	0	0	0	
Storax calamitta	the lb.	0	0	9	0	0	6	
Sugar-candy brown	the scwt.	4	19	0	4	14	0	
— white	do.	7	8	6	7	1	0	
Succades	the lb.	0	1	6	0	1	5	
Snuff	do.	0	3	3	0	0	0	
Tamarinds	do.	0	0	2	0	0	1½	
Tea; for every 100 £. gross price, at the Com- pany's sale.								
	Custom	5	0	0				
	Excise	7	10	0				
					to Ireland & America	5	0	0
					to Ireland & America	7	10	0
The duties must be paid by the purchaser before the tea is taken out of the warehouse.								
To be paid on the quantity allowed for tret <i>alfo</i> .								
Tinical	the lb.	0	0	3	0	0	2	
Turbith root	do.	0	1	0	0	0	8	
Turnerick	do.	0	0	2	0	0	1½	
Vermillion	do.	0	0	7	0	0	4½	
Unmanufactured goods, not otherwise particu- larly enumerated or described, for every 100 £. gross price, at the Company's sale		28	5	0	26	5	0	
For most of the goods which pay this duty, see letter (F).								
Wormfeeds	the lb.	0	0	6	0	0	4	
Wanghees	the thousand	2	1	3	2	0	0	
Zedoaria	the lb.	0	0	6	0	0	4	

(i .)

A R T I C L E S

WHICH PAY

C U S T O M

UNDER THE FOLLOWING

D E N O M I N A T I O N S .

Calicoes White.

(A)

Byrampauts white
Baftaes
Callipatties
Callico wrappers
Coffacs Patna
Chowtars
Doofooties
Dotties white
Emmerties
Gurrahs
Ginghams white
Humhums
Izzarees
Laccowries
Longcloths
Moorees
Mammoodjies
Percaules
Putcahs
Sannoos
Sallampores
Succatoons
White cloth
White dungaries

Duty on the above *per* piece (which is 10 yards if narrow, or 6 yards if wide) 5s. 3d. and for every 100 *l.* gros price, at the Company's sale 16 *l.* 10s. See Calicoes White.

Drugs Manufactured.

(B)

Aqua fortis
Fossil alkali

Goa stones
Oils chymical
Tincture of rhubarb, and all other tinctures.

Duty on the above 40 *l.* for 100 *l.* gros sale. See Drugs Manufactured.

Drugs Unmanufactured.

(C)

Alloes from the Cape
Artenick
Cassia minea
Cardemom seeds
Castor feeds
Garden feeds
Gum copal
Jesuits beans
—— bark, or cortex Peru
Nux vomica
Rag pearl
Seed pearl
Stags horns or harts horns
Squinanthum
Terra japannica
Turbitth thapfia
Unknown drugs.

Duty on the above 31 *l.* for every 100 *l.* gros sale. See Drugs Unmanufactured.

Manufactured Goods.

(D)

Amber beads
Artificial flowers
Bamboe achar

Books bound or unbound
 Butterflies and insects preserved
 Carpets of Turkey
 Cornelian stones
 Coral beads
 China ink
 Cane blinds
 Cane hats
 Cane mats
 Cherong
 Copper enamelled
 Curry stuff
 Chinese musical instruments
 Conchou cloth
 Drawers } Black wood
 } and and
 Cabinets } Sandall wood
 Fans
 Fireworks
 Glass Bottles
 Ditto Wares
 Handles for Knives
 Ivory toys
 India glue
 Kittifols
 Leaves for making curry stuff
 Landscapes in stone
 Mother-of-pearl beads, necklaces, &c.
 Mother-of-pearl counters
 Mangoes
 Mocha and cambay stones
 Pickles
 Painted bambœ sticks
 Paper prints
 Paper painted
 Paper white
 Rice flowers, images, &c.
 Rosewood Furniture
 Soy
 Shawls
 Sugar brown,—pays no duty, unless
 after sale cleared for home consump-
 tion, then paid by the buyer.
 Skins dressed
 Turkey carpets
 Vermicelli
 Wrought copper
 Wood frames carved and gilt
 Walking-sticks inlaid
 Wax of bees, white

Duty on the above 37*l.* 16*s.* 3*d.*
 for every 100*l.* gross sale. See Ma-
 nufactured Goods.

Muslins plain or stitched, or
 White Callicoes stitched.

(E)

Alliballies
 Addaties
 Baftaes striped
 Battafore handkerchiefs
 Bettellees
 Coffaes
 Chundraconnaes
 Doreas
 Ditto gold
 Jandannies
 Malmols
 Nainfooks
 Nankeens, or Nanquin cloth
 Rings
 Seerhaudconnaes
 Seerbetties
 Seerbands
 Seerhauds
 Subnumms
 Terrindams
 Tanjeebbs
 Tartgreens, and all white muslins

All white goods made into apparel,
 &c. and all goods flowered or
 stitched with thread, as

Callicoes }
 Muslins } stitched with
 Fustians } thread or silk.
 Dimities }

Duty on the above 18*l.* for every
 100*l.* gross sale. See Muslins plain,
 Nanquin Cloth, Muslins or white Cal-
 licoes flowered or stitched.

Unmanufactured Goods.

(F)

Agates rough, small and large
 Birds nests
 Bamboe pieces
 Bamboe reeds
 Camels hair
 Cassue nuts
 Chian Pepper in the pod
 Ebony wood
 Ginger
 India weed
 Paddy
 Reed Canes

Rough pebbles
Rose wood
Sandall wood
Sea-horse teeth
Sea shells rough
Tygers teeth
Ditto claws
Tutenague
Tortoiseshells
Tobacco
Wax of bees, yellow.

Duty on the above 28*l.* 5*s.* for every 100*l.* gros sale. See Unmanufactured Goods.

Prohibited Goods, Wares, and Merchandize.

(G)

Arras
Allegars
Archabannies
Abbawars
Atlas Cutannees
Bejutapauts
Byzampauts
Brawls
Bandannoes
Bombay stuffs
Caridarrics
Chillies
Cinnamon
Cloves
Coffees
Coffees
Cufftaes
Callawapores
Cotton romal handkerchiefs
Chanderbannies
Cherconnacs
Chucklaes
Cuttannees
Dickmonsoys

Dysookfoys
Dimitics painted
Elatches
Ginghams striped
Ditto coloured
Guinea stuffs
Gurrahs foot
Gold atlas
Habassies
Herba lungees
Jilmils
Jamwares flowered
Jamdannics ditto
Kiffassys
Kingcoobs
Longcloth blue
Lemmanies
Lungees
Nillacs
Niccannees
Neganepauts
Photacs
Poifes
Peniafcoes
Pallampores
Painted gauze filk
Romals
Safracundies
Sannoos
Seerfucker
Silk handkerchiefs
Silk stockings
Sicterfoys
Soofeys
Shalbatts
Silk freins
Silk wrought
Taffaties
Tepoys
Tapicils
Tuta humsey

Duty on the above 6*l.* 15*s.* for every 100*l.* gros sale. See prohibited Goods, Wares, and Merchandize.

A . T A B L E

OF THE

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A
COLLECTION
OF
STATUTES
RELATING TO THE
EAST INDIA COMPANY;
WITH THE
ACT for SHIPPING and NAVIGATION,
AND
The Statutes against PIRATES and ROBBERS
on the High Seas.

Anno vicesimo septimo

H E N R I C I VIII.

C A P. IV.

For Pirates and Robbers on the Sea.

WHERE pirates, thieves, robbers and murderers upon the sea, many times escape unpunished, because the trial of their offences hath heretofore been ordered before the admiral, or his lieutenant or commissary, after the course of the civil laws, the nature whereof is, that before any judgement of death can be given against the offenders, either they must plainly confess their offence, (which they will never do without torture or pains), or else their offences be so plainly and directly proved by witnesses indifferent, such as saw their offences committed, which cannot be gotten but by chance at few times, because such offenders commit their offences upon the sea, and at many times murder
A and

and kill such persons being in the ship or boat where they commit their offences, which should bear witness against them in that behalf, and also such as should bear witness be commonly mariners and shipmen, which for the most part cannot be gotten ne had always ready to testify such offences, because of their often voyages and passages in the seas, without long tarrying or protraction of time, and great costs and charges, as well of the King's highness, as of such as would pursue such offenders: For reformation whereof, be it enacted by authority of this present parliament; That all such offences done in or upon the sea, or in any other haven, river, or creek where the admiral or admirals pretend to have jurisdiction, shall be inquired, tried, heard and determined in such shires and places in this realm as shall be limited by the King's commission to be directed for the same, in like form and condition as if such offences had been done on the land; and that such commissions shall be had under the King's great seal, directed to the lord admiral or admirals, or to his or their lieutenant, deputy or deputies, and to three or four such other substantial persons as shall be named by the lord chancellor for the time being, as often as need shall require, to hear and determine such offences after the common course of the laws of the land used for felonies done and committed within this realm.

Before what persons offences committed upon the sea shall be heard and determined.

By what jurors the same offences shall be inquired of.

II. And be it enacted by the authority aforesaid, That such persons to whom such commissions shall be directed, or three of them at the least, shall have full power and authority to inquire of such offences, by the oaths of twelve good and lawful men inhabited in the shire limited in their commission, in such like manner and form as if such offences had been committed upon the land within the same shire; and that every indictment found and presented before such commissioners, of any felonies, robberies, murders or manslaughters done upon the seas, or in or upon any other haven, river or creek, shall be good and effectual in the law; and if any person or persons happen to be indicted for any such offence done or hereafter to be done upon the seas, or in any other places above limited, that then such order, process, judgement and execution shall be used, had, done and made, to and against every such person and persons so being indicted, as against felons and murderers for murder or felony done upon the land, as by the laws of this realm is accustomed; and that the trial of such offence, if it be denied by the offenders, shall be had by twelve men inhabited in the shire limited within such commission, which shall be directed as is aforesaid, and no challenge to be had for the hundred; and such as shall be convict of any such offence, by verdict, confession or process, by authority of any such commission, shall have and suffer such pains of death, losses of lands, goods and chattels, as if they had been convict of any felonies or murders done upon the lands.

The trial, judgement and forfeiture of offenders in piracy.

III. And be it enacted by authority aforesaid, That for robberies, felonies and murders done upon the seas, or in any other places above rehearsed, the offenders shall not be admitted to have the benefit of their clergy, but be utterly excluded thereof, and also the privilege of any sanctuary.

Clergy shall not be allowed to pirates. 1 Hen. P. C. 37. Vin. Ab. v. 16. 346 to 353.

Things taken upon the sea by necessity.

IV. Provided alway, That this act extend not to be prejudicial or hurtful to any person or persons for taking of any victuals, cables, ropes, anchors or sails, which any such person or persons, compelled by necessity, taketh of or in any other ship, which may conveniently spare the same, so that the same person or persons pay out of hand for the same victual, cables, ropes, anchors or sails, money or money-worth, to the value of the thing so taken, or deliver for the same a sufficient bill obligatory to be paid in form following; that is to say, if the taking of the same things be on
this

this side the Straits of *Marrock*, then to be paid within four months; and if it be beyond the Straits of *Marrock*, then to be paid within twelve months next ensuing the making of such bills; and that the makers of such bills well and truly pay the same debt at the day to be limited within the said bills.

V. Provided alway, That whensoever any such commission for the punishment of the offences aforesaid shall be directed or sent to any place within the jurisdiction of the five ports, that then every such commission shall be directed unto the lord warden of the same ports for the time being, or to his deputy, and unto three or four such other person or persons as the lord chancellor for the time being shall name and appoint; any thing in this present act to the contrary thereof in any wise notwithstanding.

Commissions directed into the five ports.

VI. Provided also, That whensoever any commission shall be directed into the five ports for the inquisition and trial of any of the offences expressed in this act, that every such inquisition and trial to be had by virtue of such commission, shall be made and had by the inhabitants in the said five ports, or the members of the same; any thing in this act to the contrary thereof notwithstanding.

28 HENRICI VIII. Cap. XV.

For Pirates.

WHERE traitors, pirates, thieves, robbers, murtherers and confederates upon the sea, many times escaped unpunished, because the trial of their offences hath heretofore been ordered, judged and determined before the admiral, or his lieutenant or commissary, after the course of the civil laws, the nature whereof is, that before any judgement of death can be given against the offenders, either they must plainly confess their offences (which they will never do without torture or pains), or else their offences be so plainly and directly proved by witness indifferent, such as saw their offences committed, which cannot be gotten but by chance at few times, because such offenders commit their offences upon the sea, and at many times murder and kill such persons being in the ship or boat where they commit their offences, which should witness against them in that behalf; and also such as should bear witness be commonly mariners and shipmen, which, because of their often voyages and passages in the seas, depart without long tarrying and protraction of time, to the great costs and charges as well of the King's highness, as such as would pursue such offenders: For reformation whereof, be it enacted by the authority of this present parliament, That all treasons, felonies, robberies, murders and confederacies hereafter to be committed in or upon the sea, or in any other haven, river, creek or place where the admiral or admirals have or pretend to have power, authority or jurisdiction, shall be inquired, tried, heard, determined and judged, in such shires and places in the realm, as shall be limited by the King's commission or commissions to be directed for the same, in like form and condition, as if any such offence or offences had been committed or done in or upon the land; and such commissions shall be had under the King's great seal, directed to the admiral or admirals, or to his

Mod. Cases in Law 74. 3 Inst. 48, 111, 112. 13 Co. 53. Roll 275. Hale's P. C. vol. 1. 335. Vin. Abr. 26. 332.

Trial of offences committed upon the sea, or within the admiral's jurisdiction, by the King's commission. Altered by 11 & 12 W. 3. c. 7. 1 Inst. 147. Hob. 146. Dyer 111. pl. 35.

OR

or their lieutenant, deputy and deputies, and to three or four such other substantial persons, as shall be named or appointed by the lord chancellor of *England* for the time being, from time to time, and as oft as need shall require, to hear and determine such offences after the common course of the laws of this realm, used for treasons, felonies, murders, robberies and confederacies of the same, done and committed upon the land within this realm.

The commissioners authority.

1 Leon. 106.
270.
3 Bull. 28, 29.

II. And be it enacted by the authority aforesaid, That such persons to whom such commission or commissions shall be directed, or four of them at the least, shall have full power and authority to enquire of such offences, and of every of them, by the oaths of twelve good and lawful inhabitants in the shire limited in their commission, in such like manner and form; as if such offences had been committed upon the land within the same shire; and that every indictment, found and presented before such commissioners, of any treasons, felonies, robberies, murders, manslaughters, or such other offences, being committed or done in or upon the seas, or in or upon any other haven, river, or creek, shall be good and effectual in the law; and if any person or persons happen to be indicted for any such offence done or hereafter to be done upon the seas, or in any other place above limited, that then such order, process, judgement and execution shall be used, had, done and made, to and against every such person and persons so being indicted, as against traitors, felons and murderers, for treason, felony, robbery, murder, or other such offences done upon the land, as by the laws of this realm is accustomed; and that the trial of such offence or offences, if it be denied by the offender or offenders, shall be had by twelve lawful men inhabited in the shire limited within such commission, which shall be directed as is aforesaid, and no challenge or challenges to be had for the hundred; and such as shall be convict of any such offence or offences, by verdict, confession or process, by authority of any such commission, shall have and suffer such pains of death, losses of lands, goods and chattels, as if they had been attained and convicted of any treasons, felonies, robberies, or other the said offences done upon the lands.

The punishment of offenders.

1 Salt. 85.
Co. Lit. 391. b.

Moor 756. pl.
1044.

III. And be it enacted by the authority aforesaid, That for treasons, robberies, felonies, murders and confederacies done upon the sea or seas, or in any place above rehearsed, the offenders shall not be admitted to have the benefit of his or their clergy, but be utterly excluded thereof and from the same, and also of the privilege of any sanctuary.

Taking of things that may be spared upon necessity, and paying for them.

IV. Provided alway, That this act extend not to be prejudicial or hurtful to any person or persons for taking any victual, cables, ropes, anchors or sails, which any such person or persons (compelled by necessity) taketh of or in any ship which may conveniently spare the same, so the same person or persons pay out of hand for the same victual, cables, ropes, anchors or sails, money or money-worth to the value of the thing so taken, or do deliver for the same a sufficient bill obligatory to be paid in form following, that is to say, If the taking of the same things be on this side the Straits of *Marroke*, then to be paid within four months, and if it be beyond the said Straits of *Marroke*, then to be paid within twelve months next ensuing the making of such bills, and that the makers of such bills well and truly pay the same debt at the day to be limited within the said bills.

Commissions directed into any place within the five ports.

V. Provided alway, That whensoever any such commission for the punishment of the offences aforesaid, or of any of them, shall be directed or sent to any place within the jurisdiction of the five ports, that then every such commission shall be directed unto the lord warden

of the said ports for the time being, or to his deputy, and unto three or four such other person or persons as the lord chancellor for the time being shall name and appoint; any thing in this present act to the contrary notwithstanding.

VI. Provided alway, That whensoever any commission shall be directed unto the five ports for the inquisition and trials of any the offences expressed in this act, that every such inquisition and trial to be had by virtue of such commission, shall be made and had by the inhabitants in the said five ports, or the members of the same; any thing in this act to the contrary thereof notwithstanding.

27 H. 8. c. 4.
1 Geo. 1. stat.
2. c. 25.
4 Geo. 1. c.
11.
8 Geo. 1. c.
24, 28.
18 Geo. 2. c.
30.



Anno duodecimo

CAROLI II. Regis.

C A P. XVIII.

Shipping and Navigation encouraged.

21 Geo. III.
cap. 65, sect.
33, the *East
India Com-
pany's* ships
are declared
to be within
the intent of
this act.

No goods shall
be imported
from *Asia,
Africa, or
America*, but
in *English*
ships.

Penalty.

FOR the increase of Shipping, and encouragement of the Navigation of this nation, wherein, under the good Providence and Protection of God, the wealth, safety, and strength of this kingdom is so much concerned, be it enacted by the King's most excellent Majesty, and by the Lords and Commons in this present Parliament assembled, and the authority thereof, That, from and after the first day of *December*, one thousand six hundred and sixty, and from thenceforward, no goods or commodities whatsoever shall be imported into, or exported out of any lands, islands, plantations, or territories to his Majesty belonging, or in his possession, or which may hereafter belong unto, or be in the possession of his Majesty, his heirs and successors, in *Asia, Africa, or America*, in any other ship or ships, vessel or vessels whatsoever, but in such ships or vessels as do truly and without fraud belong only to the people of *England or Ireland*, dominion of *Wales*, or town of *Berwick upon Tweed*, or are of the built of, and belonging to any the said lands, islands, plantations, or territories, as the proprietors and right owners thereof, and whereof the master and three fourths of the mariners at least are *English*, under the penalty of the forfeiture and loss of all the goods and commodities which shall be imported into, or exported out of any the aforesaid places in any other ship or vessel, as also of the ship or vessel, with all its guns, furniture, tackle, ammunition and apparel; one third part thereof to his Majesty, his heirs and successors; one third part to the Governor of such land, plantation, island, or territory, where such default shall be committed, in case the said ship or goods be there seized, or otherwise that third part also to his Majesty, his heirs and successors; and the other third part to him or them who shall seize, inform, or sue for the same in any court of record, by bill, information, plaint, or other action, wherein no essoin, protection, or wager of law, shall be allowed; and all admirals, and other commanders at sea of any the ships of war, or other ship, having commission from his Majesty, or from his heirs or successors, are hereby authorized and strictly required to seize and bring in as prize all such ships or vessels as shall have offended contrary hereunto, and deliver them to the court of admiralty, there to be proceeded against; and in case of condemnation, one moiety of such forfeitures shall be to the use of such admirals or commanders and their companies, to be divided and proportioned amongst them according to the rules and orders of the sea in case of ships taken prize; and the other moiety to the use of his Majesty, his heirs and successors.

Aliens shall
not exercise
the occupation
of merchants
or factors.

II. And be it enacted, That no alien or person not born within the allegiance of our Sovereign Lord the King, his heirs and successors, or naturalized, or made a free denizen, shall, from and after the first day of *February*, which shall be in the year of our Lord one thousand six hundred sixty-one, exercise the trade or occupation of a merchant or factor in any the said places, upon pain of the forfeiture and loss of all

his goods and chattels, or which are in his possession, one third to his Majesty, his heirs and successors; one third to the Governor of the plantation where such person shall so offend; and the other third to him or them that shall inform or sue for the same in any of his Majesty's courts in the plantation where such offence shall be committed: And all Governors of the said lands, islands, plantations or territories, and every of them, are hereby strictly required and commanded, and all who hereafter shall be made Governors of any such islands, plantations or territories, by his Majesty, his heirs or successors, shall before their entrance into their government take a solemn oath to do their utmost, that every the afore-mentioned clauses, and all the matters and things therein contained, shall be punctually and *bona fide* observed, according to the true intent and meaning thereof: And upon complaint and proof made before his Majesty, his heirs or successors, or such as shall be by him or them thereunto authorised and appointed, that any the said Governors have been willingly and wittingly negligent in doing their duty accordingly, that the said Governor so offending shall be removed from his government.

Governors, &c. of plantations to take an oath for the observance of the aforementioned clauses.

III. And it is further enacted by the authority aforesaid, That no goods or commodities whatsoever of the growth, production, or manufacture of *Africa, Asia, or America*, or of any part thereof, or which are described or laid down in the usual maps or cards of those places, be imported into *England, Ireland, or Wales*, islands of *Guernsey* or *Jersey*, or town of *Berwick upon Tweed*, in any other ship or ships, vessel or vessels whatsoever, but is such as do truly and without fraud belong only to the people of *England* or *Ireland*, dominion of *Wales*, or town of *Berwick upon Tweed*; or of the lands, islands, plantations or territories in *Asia, Africa* or *America*, to his Majesty belonging, as the proprietors and right owners thereof, and whereof the master and three fourths at least of the mariners are *English*, under the penalty of the forfeiture of all such goods and commodities, and of the ship or vessel in which they were imported, with all her guns, tackle, furniture, ammunition, and apparel; one moiety to his Majesty, his heirs and successors; and the other moiety to him or them who shall seize, inform, or sue for the same in any court of record, by bill, information, plaint, or other action, wherein no effoin, protection, or wager in law, shall be allowed.

No goods shall be imported from *Africa, Asia, or America*, but in vessels belonging to His Majesty's subjects. See 19 Geo. III, cap. 48, sect. 2, for explanation.

The penalty.

IV. And it is further enacted by the authority aforesaid, That no goods or commodities that are of foreign growth, production, or manufacture, and which are to be brought into *England, Ireland, Wales*, the islands of *Guernsey* and *Jersey*, or town of *Berwick upon Tweed*, in *English*-built shippings, or other shipping belonging to some of the aforesaid places, and navigated by *English* mariners as above said, shall be shipped or brought from any other place or places, country or countries, but only from those of the said growth, production, or manufacture, or from those ports where the said goods and commodities can only, or are, or usually have been first shipped for transportation, and from none other places or countries, under the penalty of the forfeiture of all such of the aforesaid goods, as shall be imported from any other place or country, contrary to the true intent and meaning hereof, as also of the ship in which they were imported, with all her guns, furniture, ammunition, tackle and apparel, one moiety to his Majesty, his heirs and successors; and the other moiety to him or them that shall seize, inform, or sue for the same in any court of record, to be recovered as is before expressed.

No goods of foreign growth or manufacture shall be brought into *England*, &c. in *English* ships, but only from the places of their said growth, &c.

V. And it is further enacted by the authority aforesaid, That any sort of ling, stockfish, pilchard, or any other kind of dried or salted fish, usually fished for and caught by the people of *England, Ireland, Wales*, town of *Berwick*

All ling, stockfish, &c. oil, &c. whale-fins, &c. imported,

not caught in vessels of the proprietors themselves, &c. shall pay double aliens custom.

Berwick upon Tweed, or any sort of codfish or herring, or any oil or blubber made or that shall be made of any kind of fish whatsoever, or any whale-fins or whale-bones, which shall be imported into *England, Ireland, Wales*, or town of *Berwick upon Tweed*, not having been caught in vessels truly and properly belonging thereunto as proprietors and right owners thereof, and the said fish cured, saved and dried, and the oil and blubber aforesaid (which shall be accounted and pay as oil) not made by the people thereof, and shall be imported into *England, Ireland, or Wales*, or town of *Berwick upon Tweed*, shall pay double aliens custom.

No goods to be laden or carried from one part of *England* to another in the vessel of any alien not denizen'd, &c.

VI. And be it further enacted by the authority aforesaid, That from henceforth it shall not be lawful to any person or persons whatsoever, to load or cause to be laden and carried in any bottom or bottoms, ship or ships, vessel or vessels whatsoever, whereof any stranger or strangers born (unless such as be denizens or naturalized) be owners, part-owners, or master, and whereof three fourths of the mariners at least shall not be *English*, any fish, victual, wares, goods, commodities, or things of what kind or nature soever the same shall be, from one port or creek of *England, Ireland, Wales*, Islands of *Guernsey* or *Jersey*, or town of *Berwick upon Tweed*, to another port or creek of the same, or of any of them, under penalty for every one that shall offend contrary to the true meaning of this branch of this present act, to forfeit all such goods as shall be laden and carried in any such ship or vessel, together with the ship or vessel, and all her guns, ammunition, tackle, furniture and apparel, one moiety to his Majesty, his heirs and successors, and the other moiety to him or them that shall inform, seize, or sue for the same in any court of record, to be recovered in manner aforesaid.

The penalty.

Rates and abatement in the book of rates to extend only where three parts of the mariners be *English*.

VII. And it is further enacted by the authority aforesaid, That where any ease, abatement, or privilege is given in the book of rates to goods or commodities imported or exported in *English*-built shipping, that is to say, shipping built in *England, Ireland, Wales*, islands of *Guernsey* or *Jersey*, or town of *Berwick upon Tweed*, or in any the lands, islands, dominions and territories to his Majesty in *Africa, Asia, or America*, belonging or in his possession, That it is always to be understood and provided that the master and three fourths of the mariners of the said ships, at least, be also *English*; and that where it is required that the master and three fourths of the mariners be *English*, that the true intent and meaning thereof is, that they should be such during the whole voyage, unless in case of sickness, death, or being taken prisoners in the voyage, to be proved by the oath of the master or other chief officer of such ships.

Goods of the growth or manufacture of *Muscovy* or *Russia*.

VIII. And it is further enacted by the authority aforesaid, That no goods or commodities of the growth, production, or manufacture of *Muscovy*, or of any the countries, dominions, or territories to the great Duke or Emperor of *Muscovy* or *Russia*, belonging, as also that no sorts of masts, timber or boards, no foreign salt, pitch, tar, rosin, hemp or flax, raisins, figs, prunes, olive oils, no sorts of corn or grain, sugar, pot-ashes, wines, vinegar, or spirits called *Aquavite* or *Brandy Wine*, shall from and after the first day of *April*, which shall be in the year of our Lord one thousand six hundred sixty-one, be imported into *England, Ireland, Wales*, or town of *Berwick upon Tweed*, in any ship or ships, vessel or vessels whatsoever, but in such as do truly and without fraud belong to the people thereof, or of some of them, as the true owners and proprietors thereof, and whereof the master and three fourths of the mariners at least are *English*, and that no currants nor commodities of the growth, production, or manufacture of any the countries, islands, dominions or territories to the *Osoman* or *Turkish* empire belonging, shall from and after the first day of *September*, which shall be in the year of our Lord one thousand six hundred sixty-one, be imported

Osoman or Turkish empire.

imported into any the forementioned places in any ship or vessel, but which is of *English*-built, and navigated as aforesaid, and in no other; except only such foreign ships and vessels as are of the built of that country or place of which the said goods are the growth, production or manufacture respectively, or of such port where the said goods can only be, or most usually are first shipped for transportation, and whereof the master and three fourths of the mariners at least are of the said country or place, under the penalty and forfeiture of ship and goods, to be disposed and recovered as in the foregoing clause.

IX. Provided always, and be it hereby enacted by the authority aforesaid, That for the prevention of the great frauds daily used in colouring and concealing of aliens goods, all wines of the growth of *France* or *Germany*, which from and after the twentieth day of *October*, one thousand six hundred sixty, shall be imported into any the ports or places aforesaid, in any other ship or vessel than which doth truly and without fraud belong to *England*, *Ireland*, *Wales*, or town of *Berwick upon Tweed*, and navigated with the mariners thereof, as aforesaid, shall be deemed aliens goods, and pay all strangers customs and duties to his Majesty, his heirs and successors, as also to the town or port into which they shall be imported; and that all sorts of malts, timber, or boards, as also all foreign salt, pitch, tar, rosin, hemp, flax, raisins, figs, prunes, olive oils, all sorts of corn or grain, sugar, pot-ashes, spirits commonly called *Brandy Wine* or *Aquavita*, Wines of the growth of *Spain*, the islands of the *Canaries* or *Portugal*, *Madera* or *Western Islands*, and all goods of the growth, production or manufacture, of *Moscovy* or *Russia*, which from and after the first day of *April*, which shall be in the year of our Lord one thousand six hundred sixty-one, shall be imported into any of the aforesaid places in any other than such shipping, and so navigated, and all currants and *Turky* commodities which from and after the first day of *September*, one thousand six hundred sixty-one, shall be imported into any the places aforesaid, in any other than *English*-built shipping, and navigated as aforesaid, shall be deemed aliens goods, and pay accordingly to his Majesty, his heirs and successors, and to the town or port into which they shall be imported.

Frauds in concealing aliens goods how to be prevented.

X. And, for prevention of all frauds which may be used in colouring or buying of foreign ships, be it enacted by the authority aforesaid, and it is hereby enacted, That from and after the first day of *April*, which shall be in the year of our Lord one thousand six hundred sixty-one, no foreign built ship or vessel whatsoever shall be deemed or pass as a ship to *England*, *Ireland*, *Wales*, or town of *Berwick*, or any of them, belonging, or enjoy the benefit or privilege of such a ship or vessel, until such time that he or they claiming the said ship or vessel to be theirs, shall make appear to the chief officer or officers of the customs in the port next to the place of his or their abode, that he or they are not aliens, and shall have taken an oath before such chief officer or officers, who are hereby authorised to administer the same, That such ship or vessel was *bona fide* and without fraud by him or them bought for a valuable consideration, expressing the sum, as also the time, place, and persons from whom it was bought, and who are his part-owners (if he have any), all which part-owners shall be liable to take the said oath before the chief officer or officers of the custom-house of the port next to the place of their abode; and that no foreigner directly or indirectly hath any part, interest, or share therein; and that upon such oath he or they shall receive a certificate under the hand and seal of the said chief officer or officers of the port where such person or persons so making oath do reside, whereby such ship or vessel may for the future pass and be deemed as a ship belonging

How to prevent frauds in colouring and buying foreign ships.

to the said port, and enjoy the privilege of such a ship or vessel, and the said officer or officers shall keep a register of all such certificates as he or they shall so give; and return a duplicate thereof to the chief officers of the customs at *London* for such as shall be granted in *England, Wales,* and *Berwick*, and to the chief officers of the customs at *Dublin* for such as shall be given in *Ireland*, together with the names of the person or persons from whom such ship was bought, and the sum of money which was paid for her, as also the names of all such persons who are part-owners of her, if any such be.

Officers of the customs not to allow any privilege to any foreign built ship until certificate or proof, &c.

XI. And be it further enacted by the authority aforesaid, That if any officer of the customs shall, from and after the said first day of *April*, allow the privilege of being a ship or vessel to *England, Ireland, Wales,* or town of *Berwick*, or any of them, belonging, to any foreign built ship or vessel, until such certificate be before them produced, or such proof and oath taken before them; or if any officer of the customs shall allow the privilege of an *English*-built ship, or other ship to any the aforesaid places belonging, to any *English* or foreign built ship coming into any port, and making entry of any goods, until examination whether the master and three fourths of the mariners be *English*, or shall allow to any foreign built ship, bringing in the commodities of the growth of the country where it was built, the privilege by this act to such ship given, until examination and proof whether it be a ship of the built of that country, and that the master and three fourths of the mariners are of that country; or if any person who is or shall be made Governor of any lands, islands, plantations, or territories in *Africa, Asia,* or *America*, by his Majesty, his heirs or successors, shall suffer any foreign built ship or vessel to load or unload any goods or commodities within the precincts of their governments, until such certificate be produced before them, or such as shall be by them appointed to view the same, and examination whether the master and three fourths of the mariners at least be *English*, that for the first offence such officer of the customs, and governors, shall be put out of their places, offices or governments.

Privile for goods of the Streights or Levant.

XII. Provided always, That this act, or any thing therein contained, extend not, or be meant to restrain and prohibit the importation of any the commodities of the Streights, or *Levant* seas, loaden in *English*-built shipping, and whereof the master and three fourths of the mariners at least are *English*, from the usual ports or places for lading of them heretofore within the said *Streights* or *Levant* seas, though the said commodities be not of the very growth of the said places.

East India commodities.

XIII. Provided also, That this act, or any thing therein contained, extend not, or be meant to restrain the importing of any *East India* commodities, loaden in *English*-built shipping, and whereof the master and three fourths of the mariners at least are *English*, from the usual place or places for lading of them in any part of thoe seas, to the southward and eastward of *Cabo bona Speranza*, although the ports be not the very places of their growth.

Privile for goods imported from Spain, Portugal, Azores, Madera, or Canary Islands.

XIV. Provided also, That it shall and may be lawful to and for any of the people of *England, Ireland, Wales,* islands of *Guernsey* or *Jersey*, or town of *Berwick upon Tweed*, in vessels or ships to them belonging, and whereof the master and three fourths of the mariners at least are *English*, to load and bring in from any of the ports of *Spain* or *Portugal*, or western islands, commonly called *Azores* or *Madera* or *Canary Islands*, all sorts of goods or commodities of the growth, production, or manufacture of the plantations or dominions of either of them respectively.

XV. Provided,

XV. Provided, That this act, or any thing therein contained, extend not to bullion, nor yet to any goods taken, or that shall be *bona fide* taken by way of reprisal by any ship or ships belonging to *England, Ireland, or Wales*, islands of *Guernsey* or *Jersey*, or town of *Berwick upon Tweed*, and whereof the master and three fourths of the mariners at least are *English*, having commission from his Majesty, his heirs or successors.

Provido for bullion, and goods taken by way of reprisal.

XVI. Provided always, That this act, or any thing therein contained, shall not extend, or be construed to extend, to lay aliens duties upon any corn of the growth of *Scotland*, or to any salt made in *Scotland*, nor to any fish caught, saved and cured by the people of *Scotland*, and imported directly from *Scotland* in *Scotch*-built ships, and whereof the master and three fourths of the mariners are of his Majesty's subjects, nor to any seal oil of *Russia*, imported from thence into *England, Ireland, Wales*, or town of *Berwick upon Tweed*, in shipping *bona fide* to some of the said places belonging, and whereof the master and three fourths of the mariners at least are *English*.

Provido concerning goods of *Scotland*.

Goods of *Russia*.

XVII. Provided also, and it is hereby enacted, That every ship or vessel belonging to any the subjects of the *French King*, which from and after the twentieth day of *October*, in the year of our Lord one thousand six hundred and sixty, shall come into any port, creek, harbour, or road, of *England, Ireland, Wales*, or town of *Berwick upon Tweed*, and shall there lade or unlade any goods or commodities, or take in or set on shore any passengers, shall pay to the collector of his Majesty's customs in such port, creek, harbour, or road, for every ton of which the said ship or vessel is of burthen, to be computed by such officer of the customs as shall be thereunto appointed, the sum of five shillings current money of *England*: And that no such ship or vessel be suffered to depart out of such port, creek, harbour or road, until the said duty be fully paid; and that this duty shall continue to be collected, levied, and paid, for such time, as a certain duty of fifty solls *per* ton lately imposed by the *French King*, or any part thereof, shall continue to be collected upon the shipping of *England* lading in *France*, and three months after, and no longer.

The duty payable upon goods in *French* ships.

How long to continue.

XVIII. And it is further enacted by the authority aforesaid, That from and after the first day of *April*, which shall be in the year of our Lord one thousand six hundred sixty-one, no sugars, tobacco, cotton wool, indigoes, ginger, fustick, or other dying wood, of the growth, production or manufacture of any *English* plantations in *America, Asia, or Africa*, shall be shipped, carried, conveyed or transported from any of the said *English* plantations to any land, island, territory, dominion, port, or place whatsoever, other than to such other *English* plantations as do belong to his Majesty, his heirs and successors, or to the kingdom of *England* or *Ireland*, or principality of *Wales*, or town of *Berwick upon Tweed*, there to be laid on shore, under the penalty of the forfeiture of the said goods or the full value thereof, as also of the ship, with all her guns, tackle, apparel, ammunition and furniture, the one moiety to the King's Majesty, his heirs and successors, and the other moiety to him or them that shall seize, inform, or sue for the same in any court of record, by bill, plaint, or information, wherein no essoin, protection, or wager of law, shall be allowed.

Sugars, tobacco, &c. of the growth of *America, Asia, or Africa*.

XIX. And be it further enacted by the authority aforesaid, That for every ship or vessel, which from and after the five and twentieth day of *December*, in the year of our Lord one thousand six hundred and sixty, shall set sail out of or from *England, Ireland, Wales*, or town of *Berwick upon Tweed*, for any *English* plantation in *America, Asia, or Africa*, sufficient bond shall be given with one surety to the chief officers of the

Ships of *England, Ireland, or Wales*, sailing to any *English* plantation in *America, Asia, or Africa*, shall be bound with sureties to

custom-

bring goods there loaded into *England*, &c.

custom-house of such port or place from whence the said ship shall set sail, to the value of one thousand pounds, if the ship be of less burthen than one hundred tons; and of the sum of two thousand pounds, if the ship shall be of greater burthen, that in case the said ship or vessel shall load any of the said commodities at any of the said *English* plantations, that the same commodities shall be by the said ship brought to some port of *England*, *Ireland*, *Wales*, or to the port or town of *Berwick upon Tweed*, and shall there unload and put on shore the same, the danger of the seas only excepted: And for all ships coming from any other port or place to any of the aforesaid plantations, who by this act are permitted to trade there, that the governor of such *English* plantations shall, before the said ship or vessel be permitted to load on board any of the said commodities, take bond in manner and to the value aforesaid for each respective ship or vessel, that such ship or vessel shall carry all the aforesaid goods that be laden on board in the said ship to some other of his Majesty's *English* plantations, or to *England*, *Ireland*, *Wales*, or town of *Berwick upon Tweed*: And that every ship or vessel, which shall load or take on board any of the aforesaid goods, until such bond given to the said governor, or certificate produced from the officers of any custom-house of *England*, *Ireland*, *Wales*, or of the town of *Berwick*, that such bond have been there duly given, shall be forfeited, with all her guns, tackle, apparel and furniture, to be employed and recovered in manner as aforesaid; and the said Governors, and every of them, shall, twice in every year, after the first day of *January*, 1660, return true copies of all such bonds by him so taken to the chief officers of the custom in *London*. St. 13 Car. 2. cap. 14.

Ships coming from other places to any of those plantations.

Bonds to be sent to the custom in *London* twice a year.

13 & 14 CAROLI II. Cap. XXIV.

An Act declaratory concerning Bankrupts.

[So much thereof as relates to the *East India Company*.]

WHEREAS divers noblemen, gentlemen, and persons of quality, no ways bred up to trade or merchandize, do oftentimes put in great stocks of money into the *East India Company* or *Guiney Company*, and the fishing trade, and such other publick societies, and receive the proceeds of those stocks sometimes in ready monies, sometimes in commodities, which they usually sell for money, or exchange again; by which means the trade of those Companies is much encouraged, fishing and navigation increased, and the publick good of the whole kingdom very much advanced:

24 & 35 H. 8.
c. 4.
13 Eliz. c. 7.
1 Jac. 1. c. 15.
21 Jac. 1. c.
29.
March 34.

II. Notwithstanding which great advantages to the publick, there hath been lately some opinion conceived, that such persons may and ought to be made subject to the statutes provided against Bankrupts:

No person, for putting in money to the

III. For the better declaring and explaining the law therein, and to the end such persons may not be discouraged in those honourable endeavours for promoting publick undertakings; (2) be it declared and enacted by the King's most excellent Majesty, with the advice and assent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, That no person or persons whatsoever who have adventured or put in, or who hereafter

hereafter shall adventure or put in, any sum or sums of money in the said *East India* Company or *Guiney* Company, or into any joint stock or stocks of money by them or either of them made or raised, or to be made and raised, for and towards the maintaining and carrying on the trade by the said *East India* Company or *Guiney* Company managed or to be managed, or who have formerly or shall hereafter adventure or put in any sum or sums of money into any stock or stocks of money for the managing and carrying on of the said fishing trade, or the trade now called *The Royal Fishing Trade*; and shall receive and take his or their part or dividend of fish, goods or merchandizes in specie, and shall sell or exchange the same, shall, for or by reason only of such adventure of monies so put into the said *East India* Company or *Guiney* Company, or into any stock or stocks for and towards the said fishing trade, or for or by reason only of the receiving and taking such fish, goods and merchandizes in specie, or selling for money, or exchanging the same again, be adjudged, taken, esteemed or reputed a merchant or trader within any statute or statutes for bankrupts, or be liable to the same:

East India or Guiney Company, or the Fishing trade; shall be esteemed a trader within the statute of bankrupts.

IV. Provided always; and it is hereby declared, That every person or persons who shall trade, traffique or merchandize in any other way or manner than in the said Royal Fishing Trade, or the trade managed by the said *East India* Company or the *Guiney* Company as aforesaid, shall, for and by reason of his and their trading, trafficking and merchandizing, be liable to commission and commissions against bankrupts, as fully to all intents and purposes, and not otherwise, as if this act had never been made; any thing in this act to the contrary notwithstanding.

Provido for other trading.



Año quarto

GULIELMI & MARIÆ

Regis & Reginæ.

C A P. XV.

An Act for continuing certain Acts therein mentioned, and for charging several Joint Stocks.

[So much thereof as relates to the East India Company.]

Five pounds
per cent. upon
East India
Stocks.

X. AND be it further enacted by the authority aforesaid, That the several rates and sums of money herein-after mentioned shall be answered and paid to their Majesties, that is to say, There shall be answered to their Majesties the sum of five pounds for every hundred pounds of the joint stock of the East India Company, the said joint stock being valued at the rate of seven hundred forty-four thousand pounds, the same to be paid by the Governor and Treasurer of the said East India Company, by four equal quarterly payments; the first payment to be made upon the five and twentieth day of March, one thousand six hundred ninety and three, and to be deducted from the several persons interested in the said joint stock, according to their several shares and proportions therein, upon their next dividends.

In default of
payment, char-
ter forfeited.

XII. And be it further enacted, That in case the Governors and Treasurers of the said respective Companies shall make default in payment of the said several sums, or any of them respectively, charged on the stock of the said Companies, at the days and times aforesaid, according to the true intent of this act, the charter of such Company respectively shall be, and is hereby adjudged to be void.

9 & 10 GULIELMI III. Cap. XLIV.

An Act for raising a Sum not exceeding Two millions, upon a Fund for Payment of Annuities, after the Rate of Eight Pounds per centum per annum, and for settling the Trade to the East Indies.

[So much thereof as relates to the East India Company.]

160,000 l. out
of the said ad-
ditional du-
ties, &c. to
be the yearly
fund for an-
swering an-
nuities of 8 l.
per cent. to
the subscri-
bers of
2,000,000 l.
See 9 & 10
W. 3. c. 25.
and 10 Anne,
c. 28.
Weekly pay-
ments not a-
mounting to
so much, then
to be part of
the said fund,
&c.

XLVI. A ND be it enacted by the authority aforesaid, That yearly and every year, reckoning the first year to begin from the nine and twentieth day of September, which shall be in the year of our Lord one thousand six hundred ninety-eight, the full sum of one hundred and sixty thousand pounds, by or out of the monies to arise by the said several duties, as well upon salt, and rock salt, by this act granted, as upon vellum, parchment, and paper, granted by the act aforesaid, and every of them, and to be brought into the receipt of exchequer, by weekly or other payments, as aforesaid (in case the same payments shall extend thereunto), shall be the whole and entire yearly fund; and in case the said weekly or other payments shall not amount to one hundred and sixty thousand pounds per annum, then the said weekly monies or payments, so far as the same will extend, shall be part of the yearly fund, for and towards the answering and paying the several and respective annuities, or yearly payments, in this act hereafter expressed.

XLVII. And be it further enacted, That all the sums of money arising by the said several duties upon salt, rock salt, vellum, parchment, and paper, as aforesaid, which shall be from time to time brought into the receipt of exchequer, or so much thereof as shall be sufficient to make up and compleat the said yearly fund of one hundred and sixty thousand pounds, or the proportionable part thereof, to be payable in respect of the monies which shall be actually advanced in pursuance of this act, shall be appropriated, set apart, and applied, and the same are hereby appropriated for and towards the raising and making good of the said yearly fund, or such proportionable part of the same, and shall be issued and paid out of the said receipt of exchequer, by the respective officers of the same, without any fee or charge, and without any further or other warrant, to be sued for, had, or obtained from his Majesty, his heirs or successors, in that behalf, and shall be applied to and for the uses and purposes in and by this act expressed and intended, and to no other use, intent, or purpose whatsoever; and that the respective officers in the Exchequer, who shall make any delay in issuing or paying the said money to the said uses by this act intended, or shall be guilty of diverting or misapplying any of the said monies to any other use or purpose, contrary to this act, for any such offence shall be forejudged from their respective offices and places, and be rendered incapable to serve his Majesty, his heirs and successors, as aforesaid, and also shall be liable to pay double the value of any sum or sums so delayed to be paid, or so diverted or misapplied, as aforesaid, to any corporation, or other person or persons that shall be grieved thereby, and who shall sue for the same, to be recovered as aforesaid.

Appropriation of these additional duties, etc.

By 1 G. a. c. 20. the aggregate fund is made a collateral security for the annuity.

Penalty on officers of the exchequer not issuing, or misapplying the monies, etc.

XLVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, by commission under the great seal of *England*, to authorize and appoint any number of persons to take and receive all such voluntary subscriptions as shall be made on or before the said nine and twentieth day of *September*, one thousand six hundred ninety-eight, by or for any person or persons, natives or foreigners, bodies politick or corporate (the Governor and Company of the Bank of *England* only excepted), of any sum of money whatsoever, not less than one hundred pounds, for and towards the raising and paying into the said receipt of exchequer the said sum of two millions: which commissioners are hereby ordered and directed, as soon as conveniently they can, to provide and prepare one or more convenient house or houses within the cities of *London* and *Westminster*, or one of them, to be the publick office or place, offices or places, to which all or any persons shall or may resort for the making of the said subscriptions, and to give such publick notice thereof, as they the said commissioners, or any five or more of them, shall think will most conduce to the promoting the said subscriptions: and the said commissioners for taking subscriptions are hereby directed, as soon as conveniently may be, to provide, or cause to be provided, one or more book or books made of vellum or parchment, for the said subscriptions to be made thereupon; which book or books shall from thenceforth lie open every day in the week (*Sundays* only excepted) at the said publick office or offices aforesaid daily, and from the hour of eight to the hour of twelve in the morning, and from the hour of two to the hour of six in the afternoon of each day, until the said nine and twentieth day of *September*, one thousand six hundred ninety-eight, unless the subscriptions for the whole sum of two millions shall be sooner completed; and that it shall and may be lawful for his Majesty, by his commission aforesaid, to direct the commissioners how and in what manner they shall proceed

King may appoint commissioners for taking subscriptions from any persons (except the Bank of *England*) for a millions.

A cashier to be appointed.

proceed to execute the same in all matters and things relating to this service; and by the same commission, or by letters of privy seal, or by any instrument under his Majesty's Royal Sign Manual, to appoint from time to time the said commissioners, or any number of them, by themselves or their cashier or cashiers (the said cashier or cashiers being first approved by his Majesty under his Royal Sign Manual, and giving security to his Majesty for the due performance of his or their trust or trusts) to receive for his Majesty's use the several payments of the monies which shall be so subscribed to be paid by any person or persons, bodies politick or corporate, as aforesaid.

Sums (not less than 100*l.*) may be subscribed,

and answered by ten equal payments.

Each subsequent payment to be made at the end of every 2 months.

Last payment liable to make good any deficiency in the produce of the said duties.

First payment not made at the time of subscribing, such subscription void. Subsequent payments not complied with, the first tenth part to be forfeited, and the annuity reduced according to the money actually paid, etc.

XLIX. And be it enacted by the authority aforesaid, That during the time hereby limited for taking the said subscriptions, it shall and may be lawful to and for all and every person and persons, natives and foreigners, bodies politick and corporate, by and for themselves, or any of them, or by themselves, or any of them, in trust for any other person or persons, bodies politick and corporate, or any of them (except as aforesaid) freely to subscribe any sum of money (not less than one hundred pounds) for or towards the said sum of two millions; and all the monies so to be subscribed shall be answered and paid, by the respective subscribers thereof, to such as shall be appointed to receive the same for his Majesty's use, in manner following; that is to say, one full tenth part (the whole in ten equal parts being divided) of every sum of money so subscribed by or for any person or persons, or by or for any body politick or corporate respectively, shall be paid by him or them to his Majesty's use, as aforesaid, at or before the time of making each subscription respectively; and that one other tenth part of every sum so subscribed shall be paid in like manner, at or before the end of two months next after the time hereby limited for the first payment, as aforesaid (which time of two months shall be reckoned to consist of sixty days), and so onwards at the end of every such two months successively, one full tenth part of every sum so subscribed shall be paid to his Majesty's use, as aforesaid, until the sum of every subscription shall be entirely cleared and paid off; nevertheless the last of the said payments upon every subscription, to be made as aforesaid, shall be subject and liable to make good any deficiency (if such should happen to be) which at any time or times, before the time hereby limited for making such last payment or payments, shall appear to be in the produce of the said duties hereby granted, or appropriated, for answering so much as before the said time hereby limited for such last payment or payments shall incur or grow due for or upon the yearly fund by this act settled or established, and so much out of the said last payments as shall be sufficient to answer and make good such deficiency (if any be) shall and may be defaulted, or otherwise applied to that use, although his Majesty's supply by this act intended be thereby lessened, and any matter or thing herein contained to the contrary notwithstanding.

L. And it is hereby further enacted, That if any person or persons, body politick or corporate, who shall have subscribed as aforesaid, do not pay down the first tenth part upon his or their subscription, or at the time of making thereof, as aforesaid, then every such subscription (without such payment) shall be utterly void and of none effect; and if any person or persons, body politick or corporate, who shall have subscribed as aforesaid, his, her, or their executors, administrators, successors, or assigns, having paid to the King's use any part or parts of the sum or sums so by him, her, or them subscribed, shall make default in any of the subsequent payments, which ought to be made by him, her, or them, upon such subscription respectively, then, and in every such case, the first tenth

tenth part paid down upon every such subscription shall be forfeited and lost to his Majesty; and the respective annuity or yearly sum, which shall be payable out of the said fund, for or in respect of such subscription, after the rate of eight pounds *per centum per annum*, shall be reduced, lessened, or proportioned, according to the money actually paid to his Majesty's use upon every such subscription respectively, after an abatement or deduction shall be made of the first tenth part to be forfeited, as aforesaid; and to the end the said subscription monies so to be payable at several days and times, and by such proportions, as aforesaid, may be the sooner made use of for the supply of his Majesty's extraordinary occasions, the commissioners of his Majesty's treasury, or any three or more of them now being, or the treasurer of the exchequer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and empowered to cause tallies of assignment, or tallies of anticipation for the same, or any part thereof, to be levied upon the commissioners, receiver or receivers general, or cashier, who shall be appointed or authorized to receive the same; and that an interest not exceeding the rate of eight pounds *per centum per annum* shall be annexed to, attend and go along with the principal monies contained in all and every such tally and tallies, to be paid every three months out of such subscription monies, from the date of every such tally, until satisfaction of the principal thereupon, and that the principal upon every such tally shall be paid in course, according to the date thereof respectively.

How tallies of assignment or anticipation may be levied. The said tallies to bear an interest of 8 l. per centum per annum.

Ll. And be it further enacted by the authority aforesaid, That the said commissioners, to be nominated by his Majesty for taking subscriptions, as aforesaid, shall take care that the sums subscribed be written as well in words at length as in figures; and that the day of the month and year, on which every subscription shall be made, be truly set and expressed against the same; and that the subscriptions, so to be made from time to time, be attested under the hands and seals of five or more of the commissioners who shall be present at the making of such subscriptions; and that the said commissioners, or any five or more of them, do, without delay, after the said nine and twentieth day of September, one thousand six hundred ninety-eight, or after the said subscriptions for the said two millions shall be compleated (which shall first happen), make, or cause to be made, true duplicates or copies, fairly written in parchment, of the said whole book or books of subscriptions, and deliver the said duplicate or duplicates of the said book or books, attested by five or more of the said commissioners, into the office of the auditor of the receipt in the exchequer, before the twentieth day of October, one thousand six hundred ninety-eight at farthest; and the said auditor of the receipt is hereby authorized and required forthwith to register or enrol, and the clerk of the pells in the said receipt is hereby required forthwith to record the said duplicate or duplicates, amongst the registers or records of their respective offices, that so it may appear how much shall have been subscribed, and by whom, and likewise how the said yearly fund, or a proportionable part thereof, is to be issued and applied by virtue of this act; and that every person concerned shall have free access at all reasonable times, and liberty to view and peruse the said register, enrolment, or record, without fee or charge; and that true copies of such book or books so enrolled and recorded, under the hands and seals of the said auditor of the receipt and clerk of the pells, shall be delivered by them *gratis* to the said commissioners, or any five or more of them, demanding the same, for the benefit of the said subscribers.

Sums subscribed to be written in words at length, etc.

and attested;

Duplicates of the subscriptions to be returned into the exchequer.

Auditor of the receipt and clerk of the pells to register the said duplicates.

All persons to have free access to the registers.

Copies of the books to be delivered to the commissioners, &c. gratis.

Subscriber to have an annuity after the rate of 8 l. per cent. per ann.

LII. And it is hereby further enacted, ordained, and declared by the authority aforesaid, That every person and body politick, who shall subscribe as aforesaid, and be named or contained in the said book or books, his, her, or their heirs, executors, administrators, successors, and assigns respectively, shall have, receive, and enjoy for ever, out of the fund by this act settled and provided, one annuity or certain yearly sum, for the whole sum by him, her, or them subscribed, according to the rate or proportion of eight pounds *per centum per annum*; that is to say, all and every person and persons, or corporation, subscribing one hundred pounds, shall be intitled to an annuity of eight pounds *per annum* out of the said fund, and so proportionably for higher or larger subscriptions; the same annuities or yearly payments to commence from the feast of *Saint Michael* the archangel, in the year of our Lord one thousand six hundred ninety-eight, and to be paid and payable at the four most usual feasts in the year, that is to say, the feasts of the birth of our Lord *Christ*, the annunciation of the Blessed Virgin *Mary*, the nativity of *Saint John Baptist*, and *Saint Michael* the archangel, by even and equal portions: The first payment thereof to be made at the feast of the nativity of our Lord *Christ*, one thousand six hundred ninety-eight; which said annuities or yearly payments shall nevertheless be subject or liable to the condition and power of redemption hereafter in this act expressed; and also to the clause before in this act contained, for reducing or lessening such annuities, where failure shall be made in some of the payments of the subscription money for the same.

To commence from Michaelmas 1698, and be paid quarterly.

First payment.

Subject nevertheless to redemption, etc.

Allowance to person paying down one tenth part of his subscription for prompt payment, etc.

LIII. And for the further encouragement of the said subscribers, it is hereby also enacted, That every person or body politick, subscribing and paying down one tenth part of his or their subscription money, as aforesaid, shall and may out of the same default and recount, or shall be repaid (in consideration of his or their prompt subscription and payment) so much as an allowance after the rate of ten pounds *per centum per annum* doth amount unto, being computed upon his or their whole subscription money, from the day of making his or their subscription and first payment, until the feast of *Saint Michael* the archangel, one thousand six hundred ninety-eight.

Commissioners or cashier to give receipts for the money they receive,

LIV. And it is hereby further enacted, That the respective commissioners, or such a number of them, or such cashier or cashiers, who shall be authorized by his Majesty to receive all or any the said payments upon the said subscriptions, for his Majesty's use, shall immediately, from time to time, give to the persons or corporations paying the same a receipt in writing for the several sums so received; and shall cause an entry thereof to be made in a book or books, expressing the day on which every payment shall be made, with the names and proper additions of those that make such payments; and deliver a true account, fairly written in parchment, of all the said receipts, attested by five or more of the said commissioners, into the office of the auditor of the receipt of exchequer, on or before the four and twentieth day of *June*, which shall be in the year of our Lord one thousand seven hundred; and the commissioners of his Majesty's treasury, and the treasurer, and under treasurer of the exchequer for the time being, are hereby impowered and commanded, out of any his Majesty's treasure not appropriated by act of parliament, to issue and pay such sums as shall be necessary to be expended or laid out, as incident charges in the execution of such commission.

and enter the same, etc.

Account thereof to be delivered to the auditor of the receipt, etc.

Commissioners of the treasury to issue monies for incident charges, etc.

Commissioners may be subscribers.

LV. Provided always, That any persons, so to be named commissioners, may be subscribers, and their subscriptions and payments shall and

and may be received by the other commissioners, or such of them as shall be appointed in that behalf.

LVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, by letters patents under the great seal of *England*, to incorporate all and every the person and persons, natives and foreigners, bodies politick and corporate, who shall so subscribe, or for whom such subscriptions shall be made, and upon whose subscriptions the first tenth part shall be paid, as aforesaid, and all and every person and persons, bodies politick and corporate, who, as executors, administrators, successors, or assigns, or by any other lawful title, derived or to be derived from, by, or under the said original subscribers, of or towards the said sum of two millions, at any time or times hereafter, shall have or be intitled to any part, share, or interest of or in the yearly fund by this act settled, as aforesaid, so long as they respectively shall have any such part, share, or interest therein, to be one body politick and corporate, by the name of *The General Society intitled to the advantages given by an act of Parliament, for advancing a sum not exceeding two millions, for the service of the crown of England*, and by that name shall have perpetual succession, and a common seal; and that they and their successors, by the name aforesaid, shall be able and capable in law to have, purchase, receive, enjoy, possess, and retain, to them and their successors, lands, rents, tenements, and hereditaments, of what kind, nature, or quality soever, and also to sell, grant, demise, aliene, or dispose of the same, and by the same name to sue and implead, be sued and impleaded, answer and be answered, in courts of record or any other place whatsoever, and to do and execute all and singular other matters and things by the name aforesaid, that to them shall or may appertain to do; subject nevertheless to the proviso or condition of redemption, and to such restrictions and limitations as are hereafter in this act expressed.

King may incorporate the subscribers.

LVII. And it is hereby declared, That the sum total of all the said subscriptions shall be, and be called, *The Principal Stock* of the said General Society; and all and every person and persons, his and their executors, administrators, successors, and assigns, according and in proportion to the sum or sums by him, her, or them respectively subscribed, shall have, and be deemed to have, an interest or share in the said principal stock, and of and in the yearly fund hereby settled.

Sum total of all the subscriptions to be called *The Principal Stock* of the said corporation.

LVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty to empower all and every person or persons, who shall severally or respectively have subscribed in the said book or books any sum or sums not less than five hundred pounds, and shall have severally paid one tenth part of the sum or sums so by them subscribed, their executors, administrators, successors, or assigns, to assemble and meet together at the Guildhall within the city of *London*, at or upon the tenth day of *October*, one thousand six hundred ninety-eight, or within twenty days after the subscription shall be completed (which shall first happen), then and there to elect and choose the first trustees, to manage, govern, and direct the said General Society, and they, or the major part of them so assembled, shall and may choose, by way of balloting, out of the whole number of subscribers (whereof none to have more than one vote), four and twenty persons, each of which shall severally have subscribed, in their own rights, the sum of two thousand pounds at the least, who shall be the first trustees of the said General Society, which elections shall severally be determined by the majority of votes then present, by way of ballot,

Subscribers to elect 24 trustees by way of balloting.

Each trustee to subscribe £,000 l. at least in his own right.

Persons elect-
ed to be in-
serted in
charter of
incorporation.

as aforesaid, and if they be equal, then by his Majesty's commissioners for taking the said subscriptions, or the major part of them then present; which persons, so to be elected, shall afterwards be inserted in his Majesty's charter of incorporation of the said General Society, as the first trustees, for such time, and with such succession, and subject to such further qualifications, as his Majesty in such charter of incorporation shall be pleased to appoint; and that in such charter such further rules, powers, and clauses, for carrying on the said trade, and pursuing the ends and intent of this act, shall and may be inserted, as shall be lawfully and reasonably desired in that behalf.

If two mil-
lions be not
subscribed,
subscribers to
have only a
proportion-
able part of
the yearly
fund.

LIX. Provided always, and it is hereby further enacted, That in case the whole sum of two millions shall not be subscribed, as aforesaid, before the said nine and twentieth day of *September*, which shall be in the year of our Lord one thousand six hundred ninety-eight, that then the subscribers and contributors for and towards raising the said sum of two millions, their executors, administrators, successors, and assigns, shall only have and receive so much, and such part and proportion of the said yearly fund, as shall be after the rate of eight pounds *per centum per annum* for such sum or sums of money as shall be so respectively subscribed.

After charter
is passed,
yearly sum,
or a pro-
portionable
part thereof,
is to be paid
to the Gene-
ral Society,
etc.

LX. And be it further enacted, That from and after the granting of the said letters patents for incorporation of the General Society, as aforesaid, the said yearly sum of one hundred and sixty thousand pounds, as aforesaid, or so much thereof as shall be proportionable to the several sum or sums to be subscribed, as aforesaid, shall be issued and paid to the said General Society and their successors, or to such treasurer or receiver general as they shall appoint by their common seal to receive the same; who shall from time to time have and receive the said monies, in trust for the several and respective members of the said General Society, whether they be bodies politick or natural, according to the proportion of their several shares and interests in the general stock.

If two mil-
lions be sub-
scribed with-
in the time
limited, the
subscribers,
etc. may trade
to the *East
Indies.*

LXI. And be it enacted by the authority aforesaid, That in case the said whole sum of two millions, or one moiety, or any greater part of the said sum of two millions, shall be subscribed, as aforesaid, on or before the said nine and twentieth day of *September*, one thousand six hundred ninety-eight, that then and from thenceforth all and every the person and persons, natives and foreigners, bodies politick and corporate, by or for whom such subscriptions shall be made, and all and every person and persons, bodies politick and corporate, who as executors, administrators, successors, or assigns, or by any other lawful title derived, or to be derived, from, by, or under the said original subscribers, at any time or times hereafter, shall have or be intitled to any part, share, or interest, of and in the yearly fund by this act settled, as aforesaid, and of and in a proportionable part of the principal stock of the said General Society, so long as they respectively shall continue to have any part, share, or interest therein; and all and every person and persons, who for any time shall be licensed by such person or persons, bodies politick or corporate, to trade in the stead of them, or any of them, shall and lawfully may for ever hereafter, by themselves severally, or by such factors, agents, or servants, as they severally shall think fit to intrust, freely traffick and use the trade of merchandize, in such places, and by such ways and passages, as are already frequented, found out, or discovered, or which hereafter shall be found out or discovered, and as they severally shall esteem and take to be fittest or best for them, into and from the *East Indies*, in the countries and parts of *Asia* and *Africa*, and into and from the islands, ports, havens, cities, creeks, towns, and places of *Asia*,
Africa,

Africa, and *America*, or any of them, beyond the cape of *Bona Esperanza*, to the Straights of *Magellan*, where any trade or traffick of merchandize is or may be used or had, and to and from every of them, which trade, traffick, or merchandizing, shall be, and is by virtue of this act for ever limited and restrained, so and in such manner, as that no person or corporation hereby authorized to trade or traffick, as aforesaid, shall in any one year (every year to be reckoned from the said nine and twentieth day of *September*, one thousand six hundred ninety-eight) successively, by him or themselves, or by persons licensed to trade instead of them or any of them, as aforesaid, or by their respective factors, agents, or servants, ship, lade, put on board, send, or cause to be sent, or design to send to or for the *East Indies*, or other parts within the limits aforesaid, from *England*, or any other country or place whatsoever, any quantity of goods, wares, merchandizes, coins, bullion, or commodities whatsoever, of greater value than in this act are expressed; that is to say, the person or persons, or body politick, who shall be intituled to any annuity or yearly payment of eight pounds *per annum*, and consequently to a share of one hundred pounds in the principal stock of the said General Society, for every such stock or share of one hundred pounds, shall or may by himself, or themselves, or others, as aforesaid, ship, lade, put on board, or cause to be sent yearly for the said *East Indies*, or parts within the limits aforesaid, goods, wares, merchandizes, coins, bullion, or other commodities (being such as may lawfully be exported or sent thither) as shall amount in value to the sum of one hundred pounds; and every person and corporation intituled to a larger annuity out of the said yearly fund, and, in that respect, to a greater share than one hundred pounds in the said principal stock, shall and may yearly ship and send to the *East Indies*, and other parts within the limits aforesaid, a proportionable value in goods, or other things, as aforesaid, after the said rate of one hundred pounds for every one hundred pounds stock.

None to trade for more than the amount of his stock.

LXII. And be it further enacted by the authority aforesaid, That if the said whole sum of two millions, or one moiety, or any greater part thereof, shall be subscribed on or before the said nine and twentieth day of *September*, one thousand six hundred ninety-eight, and all or any corporations, or other person or persons, having particular shares or interests in the principal stock of the said General Society, or in proportionable annuities, or yearly payments issuing out of the said yearly fund, shall be willing and desirous to unite or join together such their several shares and interests, and to be incorporated so as they may be able to manage their trade (in proportion to their interests) as a Company, and by a joint stock, that then it shall or may be lawful to and for his Majesty, by letters patents under the great seal of *England*, to incorporate all such persons and corporations by such proper name as his Majesty, his heirs, or successors, shall think fit, to be one Company, with power to manage and carry on their trade to the *East Indies*, and other the limits aforesaid, by a joint stock, and to have a perpetual succession, and a common seal, and with power to grant and take, sue and be sued, and to choose their own managers or directors, and officers, from time to time, and such other powers and clauses, as shall be necessary or requisite for the carrying on of such trade, and shall be reasonable for his Majesty to grant; nevertheless, such Company, so to be created with power to trade with a joint stock, as aforesaid, shall be restrained to such proportion of the trade in the whole, as all the particular members thereof would have been intituled to at the rate before mentioned, in case such new Company were not made; and the

Persons intituled to particular shares in the principal stock, may be incorporated into a company, to trade with a joint stock, &c.

by such proper name as his Majesty shall think fit.

directors or managers, and other members of the same, shall be subject to such further rules, qualifications, and appointments, as his Majesty in their charter shall think necessary or reasonable to be inserted.

After incorporating any such Company, the proportionable part of the yearly fund belonging to the members thereof, is to be paid to the said Company, etc. See to *Anne*, c. 28.

Payments thereof to be made at the exchequer.

Every member of the General Society to take an oath, etc. not to trade for more than by this act is allowed.

Persons trading by licence, to enter their licences, etc. and take an oath, etc.

No member, etc. during his continuance in the said Company, shall trade otherwise than in the joint stock thereof.

Every member, etc. to take an oath not to trade to the *Indies*, &c. on any private account.

LXIII. Provided always, and it is hereby enacted, That after the incorporating of any such Company to trade with a joint stock, as aforesaid, the proportionable part or parts of the said yearly fund issuing out of the exchequer, and belonging to the members of such new Company, shall from time to time (under the like penalties, as aforesaid) be issued at the said receipt of the exchequer, to such Company, or to such treasurer or treasurers, as shall be appointed under their common seal to receive the same, in trust for the several and respective members of such Company, according to their respective proportions or shares in the joint or united stock of such Company; any thing in this act contained to the contrary notwithstanding: And that the payment thereof shall and may be made weekly, or as fast as the said duties shall produce money into the exchequer for the same, so as by such weekly or other payments the whole of the annuities due to such Company at the end of any one quarter be not exceeded.

LXIV. And it is hereby further enacted by the authority aforesaid, That all and every person and persons, who as a member or members of the said General Society, shall have power to trade by or for himself, or themselves, and not in a Company, in such measure or proportion as aforesaid, before he or they shall be allowed to exercise or make use of such power, shall take a corporal oath before two or more of the trustees for the said General Society (who have hereby power to administer the same), that such members shall be faithful to the said General Society, and (according to the best of his or her skill and understanding) give his or her advice, counsel, and assistance, for the support and good government of the said Society; and that he or she will not at any time or times ship, lade, send, direct, or cause to be sent from *England*, or any other country, to the *East Indies*, or other the parts within the limits aforesaid, any goods, coins, or other merchandizes of greater value than such as he or she may lawfully send thither by this act; and that all and every person and persons, who shall be licensed to trade, as aforesaid, before he or they shall be allowed to use or enjoy the benefit of any such licence, shall cause the same to be entered or registered at large in the books of the said General Society, and shall also take a corporal oath, before two or more of the trustees of the said General Society, that such person trading by such licence shall be faithful to the said General Society, and will not at any time or times ship, lade, send, direct, or cause to be sent, to the *East Indies*, or other the parts within the limits aforesaid, any goods, coins, or other merchandizes of greater value than what he or she may lawfully send thither by this act; and that no person or persons, who shall be incorporated, or be a member or members of any company or corporation, having or that shall have power to trade to the *East Indies*, and other the parts within the limits aforesaid, by a joint stock, in pursuance of this act, during such time as he or they respectively shall continue a member or members of such Company or Corporation, shall trade otherwise than in the joint stock of such Corporation, of which he or they are members respectively, and every such member or members, before he or they shall be allowed to receive any benefit, in or by such corporation, or to do, or intermeddle in any of the affairs of the same, shall take a corporal oath before two or more of the trustees, or other persons, who shall have the direction of the affairs of any such Company or Corporation (who have hereby power to administer the same) that he or she shall be faithful to such Company

Company or Corporation, and (according to the best of his or her skill and understanding) give his or her advice, counsel, and assistance, for the support and good government of the said Company or Corporation; and that he or she, during his or her continuance in such Company or Corporation, will not at any time or times ship, lade, send, direct, or cause to be sent from *England*, or any other country, to the *East Indies*, or other parts within the limits aforesaid, for his or their private accounts, any goods, coins, or other merchandizes, contrary to this act; and that no person or persons, that shall have the order, rule, direction, or management of the voyages, or other affairs of the said Company or Corporation, or that shall be intrusted or employed to trade upon the joint stock, or for a Company, as aforesaid, shall be allowed to ship, or cause to be shipped, laded, or put on board, or to send or cause to be sent from the *East Indies*, or other parts, within the limits aforesaid, any goods, foreign coins, or other merchandizes whatsoever, from *England*, or any other country, until he or they respectively shall have taken a corporal oath, before two or more of the trustees, or other directors of such Company, or before the barons of the exchequer for the time being, or some of them, that he or they respectively will be faithful to such Company or Corporation, and (according to the best of his or her skill and understanding) give his or her advice, counsel, and assistance, for the support and good government of the same, and that he or she, during his or her continuance in such Company or Corporation, will not at any time or times ship, lade, send, direct, or cause to be sent from *England*, or any other country for the *East Indies*, or other the parts within the limits aforesaid, any goods, coins, or other merchandizes, but such as he or she may lawfully send thither, for the account of such Company, according to this act.

LXV. Provided always, That such persons as are known, or commonly reputed to be *Quakers*, instead of any oath or oaths by this act prescribed, shall and may make a solemn declaration in writing to the same effect, and in the same manner; and every such declaration in writing shall be of the same validity as if he or they had taken a corporal oath, as aforesaid; any thing herein contained to the contrary notwithstanding.

Quakers may make a solemn declaration.

LXVI. And be it further enacted by the authority aforesaid, That all and every person and persons whatsoever, that shall or may, in pursuance of this act, trade or send, or cause to be sent any goods, foreign coins, or other merchandizes, for the *East Indies*, or other the parts within the limits aforesaid, before such goods, foreign coins, or other merchandizes, or any of them (the goods, foreign coins, or other merchandizes of such Company as shall or may be erected, if any such be, to trade with a joint stock, as aforesaid, only and always excepted), shall be shipped, laded, or put on board any ship, or into any lighter, boat, or other vessel, for that purpose, shall make, or cause to be made, an entry or entries of the same, in a book or books for that purpose, specifying in such entry or entries the true and full quantities, kinds, and values of all the goods, foreign coins, or other merchandizes so intended to be sent for the *East Indies*, or other the parts within the limits aforesaid, from *England*, or from any other country whatsoever, with the name of the ship, and of the commander or master thereof; to the end it may be seen by inspection of such book or books (to which all persons concerned shall have free access at all reasonable times, without fee or charge) from time to time, whether such traders do or do not send more goods, coins, or merchandizes in the said trade than they respectively are allowed to send by this act; and all and every such person and persons, upon such entry or entries made, from time to time, shall make and sign an affirmation in writing, in which he or they shall declare or affirm (upon the oath or solemn declaration which he or they shall

All persons trading in pursuance of this act, etc. shall enter the goods they export, etc.

Persons concerned may view the books, etc.

The said entries to be attested on oath, etc.

Entries and affirmations how to be made.

shall previously have taken or made, as aforesaid, in that behalf) the such entry or entries do contain the true and full value and values of all the goods, coin, or merchandizes, to be shipt by or for him or them, on such ship for that voyage; all which entries and affirmations shall be made before two or more of the trustees for the General Society aforesaid, and in books to be kept by them for that purpose, until a Company with power to trade upon a joint stock shall be erected, as aforesaid; and after such Company shall be erected, then the same shall be made before two or more of the directors or managers of such Company, and in books to be kept by them for that purpose.

General Society, etc. may make by-laws.

LXVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, by the said charter or charters of incorporation, to impower the said General Society, and their successors, and such Company as shall be erected to trade with a joint stock, as aforesaid, and their successors, or either of them, severally, to make reasonable laws, constitutions, orders, and ordinances, from time to time, for the good government of the said trade to the *East Indies*, and other the parts aforesaid, and of the traders, factors, agents, officers, and others concerned in the same, and to inflict reasonable penalties and punishments, by imprisonment, mulcts, fines, or amerciaments, for any breach or breaches thereof, and to levy such mulcts, fines, or amerciaments to the use of such General Society or Company respectively.

Penalty on persons not making true entries.

LXVIII. And it is hereby further enacted, That if any person or persons, who are hereby required to make such entries and affirmations as this act directs, shall neglect so to do, or if any goods, foreign coins, or other merchandizes so entered, shall be of greater value than shall be specified in such entry or entries, that then, and in every such case, the goods, foreign coins, or other merchandizes which shall be shipped or put on board any ship or other vessel designed for the *East Indies*, or any other the parts within the limits aforesaid, or into any lighter, boat, or other vessel, to be put upon any such ship, for which no such entry or affirmation shall be made, or which shall be omitted therein, and the effects and proceed of the same (wheresoever they shall be found), shall be forfeited, and may be seized, and double the value thereof shall and may be sued for and recovered against the respective offenders, and to be divided or distributed in such manner and form as his Majesty by such charter or charters shall appoint.

No Company, etc. to trade before security given, etc. that goods laden in the *Indies* shall be brought to *England*, &c. This clause explained as to the securities to be given, and also breaking bulk, by 6 Ann. c. 3. s. 2.

LXIX. Provided always, and it is hereby enacted, That no Company or particular person or persons who shall have a right, in pursuance of this act, to trade to the *East Indies*, or other the parts within the limits aforesaid, shall be allowed to trade thither, until sufficient security shall be first given (which the commissioners of the customs in *England*, or any three or more of them for the time being, are hereby authorized and required to take, in the name, and to the use of his Majesty, his heirs and successors) that such Company, or particular persons, shall cause all the goods, wares, merchandizes, and commodities, which shall at any time or times afterwards, during the continuance of this act, be laden by or for them, or any of them, or for their or any of their accounts, in any ship or ships whatsoever, bound from the said *East Indies*, or parts within the limits aforesaid, shall be brought (without breaking bulk) to some port of *England* or *Wales*, and there be unladen and put on land (the danger of the seas, enemies, pirates, constraints of princes and rulers, and barratry of seamen, excepted); and in case there be any difficulty or dispute in the acceptance of such security, such difficulty and dispute shall and may be determined by the lord chief baron, and other the barons of the court of the exchequer, or any of them, according to his or their best judgment and discretion; and that all goods and merchandizes, belonging to the Company

Disputes in acceptance of security how to be determined.

to be erected, as aforesaid, or any other traders to the *East Indies*, and which shall be imported into *England or Wales*, as aforesaid, pursuant to this act, shall by them respectively be sold openly and publicly by inch of candle, upon their respective accounts, and not otherwise, upon pain that the same, or the value thereof, shall be forfeited and lost, to wit, one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof to any person or persons that will seize, inform, or sue for the same, by action of debt, or of the case, bill, plaint, or information, as aforesaid.

Goods imported to be sold by inch of candle.

Penalty.

LXX. And be it further enacted, That it shall and may be lawful to and for his Majesty, by any such commission, charters, or letters patents, as aforesaid, under the great seal of *England*, to limit, direct, and appoint, how and in what manner and proportions, and under what rules and directions, the shares of all and every person and persons whatsoever in the said yearly fund, and of and in the stock of the said General Society, or of any Company to be settled or authorized to trade in pursuance of this act, and every or any part or proportion thereof, shall or may be assignable or transferrable, to be assigned or transferred to such person or persons only, as shall freely and voluntarily accept of the same, and not otherwise; and that all assignments and transferences made in such manner shall be good and available in the law.

King's commission, etc. shall direct in what manner the shares in the yearly fund, etc. shall be assigned or transferred.

LXXI. And be it further enacted by the authority aforesaid, That the estates, interests, and stocks of money of the several corporations to be created or established in pursuance of this act, and of each and every particular member thereof, shall be and be adjudged, taken, and accepted, in construction of law, by all judges, and in courts of law and justice, and in all courts and places whatsoever, to be a personal and not a real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, or intitled thereunto, and not to the heirs of such person or persons; any law, statute, usage, or custom, to the contrary notwithstanding.

Stocks esteemed personal estates.

LXXII. And be it further enacted by the authority aforesaid, That the several annuities or payments issuing out of the said yearly fund, or the shares, parts, or interests of any members of the said General Society, or of the said Company to be erected by virtue of this act, of and in the principal or capital stocks of the same, or of or in the benefit of trade to be annexed thereunto, in pursuance of this act, during the continuance of the same, shall be and are hereby exempted from any taxes, rates, assessments, or impositions whatsoever.

Annuities out of the yearly fund, and shares in trade, etc. exempt from taxes.

LXXIII. And be it further enacted, That any guardian or trustee for any infant may, for the benefit of such infant, subscribe, advance, and contribute, upon this act, a sum not exceeding one moiety of the monies within his or her trust, upon the advantages in this act mentioned, and such infant, upon payment of such sum, shall become the contributor thereof, and the guardian or trustee shall be discharged from the same.

Guardian or trustee for an infant may subscribe a moiety of the money in his trust.

LXXIV. And be it enacted, That no member of any Society or Company to be erected in pursuance of this act shall, in respect of his stock therein only, be or be adjudged liable to be a bankrupt, within the intent and meaning of all or any the statutes made against or concerning bankrupts; and that no stock in such Society or Company shall be subject or liable to any foreign attachment by the custom of the city of *London*, or otherwise.

No member, etc. in respect of his stock only, shall be adjudged a bankrupt. Stock not liable to foreign attachment.

LXXV. And whereas by an act of Parliament made in the eighth and ninth years of his Majesty's reign, intituled, *An Act for making good the deficiencies of several funds therein mentioned, and for enlarging the capital stock of the Bank of England, and for raising the public credit*, it is (amongst

8 & 9 W. 3. c. 20.

other things) enacted, That during the continuance of the corporation of the Governor and Company of the Bank of England, no other Bank, or any other corporation, society, fellowship, company, or constitution, in the nature of a Bank, shall be erected or established, permitted, suffered, countenanced, or allowed by act of Parliament, within this kingdom, as in and by the said act more at large may appear: Now, for the better securing the privileges of the said Governor and Company of the Bank of England, granted to them by Parliament, and to prevent the corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this act, from interfering with, or being prejudicial to, the said Governor and Company of the Bank of England: Be it enacted by the authority aforesaid, That it shall not be lawful to or for the corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this act (as a corporation, society, fellowship, company, or constitution) to borrow, owe, or give security for any sum or sums of money, on credit of any publick fund or funds hereby granted, or any part thereof; and that it shall not be lawful for the said corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this act, to borrow, owe, or give security for any other or greater sum or sums of money, than such as shall be really and *bona fide* expended and laid out in and for the buying of goods, bullion, or commodities to be exported for the proper account of the said corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this act, or shall be otherwise employed in their trade; all which sum or sums of money, so to be borrowed for the purpose aforesaid, shall be borrowed only on their common seal, and shall not be made payable, or *bona fide* agreed to be paid, at any time less than six months from the time of the borrowing thereof; and that it shall not be lawful for the corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this act, to discount any bills of exchange or other bills or notes whatsoever, or to keep any books or cash, of or for any person or persons, bodies politick or corporate whatsoever, other than only the proper monies and cash of the said corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this act.

Not lawful for the General Society, &c. to borrow any sums on credit of the funds by this act granted,

nor to borrow any other sums than employed in trade.

Monies shall be borrowed only on their common seal, and not made payable in less than 6 months. Company may not discount bills of exchange, &c. or keep cash for any person whatsoever.

LXXXVI. *And the said Commons of England in Parliament assembled, for the ends and purposes in this act expressed, have also given and granted unto his Majesty, his heirs and successors, the further rates and duties herein after mentioned; and it is hereby further enacted by the authority aforesaid, That for and upon all goods, wares, and merchandizes whatsoever, of the growth, produce, or manufacture of the East Indies, or any other countries or places within the limits aforesaid, to wit, beyond the said Cape to the Streights of Magellan, which from and after the said nine and twentieth day of September, one thousand six hundred ninety-eight, at any time or times shall be imported or brought into the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, by any corporation, person or persons, trading within the limits aforesaid, by virtue or in pursuance of this act, there shall be yielded and paid to his Majesty, his heirs and successors (over and above all other duties payable for the same) a duty after the rate of five pounds for every one hundred pounds of the true and real value of the said goods; to be paid over from time to time to*

An additional duty of 5l. per cent. laid on all East India goods imported, &c. Repealed by 6 Annæ, c. 17. s. 8 as to goods imported by the Company.

the said General Society of subscribers, and their successors, or such treasurer or treasurers as such society shall appoint to receive the same, unless a Company, upon the desire of the subscribers or any of them, shall be erected in pursuance of this act, to trade with a joint stock, as aforesaid; and from and after the erecting or settling of such Company, then the said duty of five pounds per centum shall be paid over to such Company, and their successors, or to their treasurer, to the end that the said General Society, and the said Company respectively, may out of the produce of the said duty of five pounds per centum maintain such ambassadors, or other ministers, as his Majesty, his heirs or successors (at the nomination of the trustees, directors, or managers of or for the General Society aforesaid, or of such Company so to be empowered to trade with a joint stock, as aforesaid) shall be pleased to send to any emperor, prince, or state within the parts aforesaid, and defray any other extraordinary or necessary expenses, in carrying on the said trade; and if at any time or times there be an overplus of the produce of the said duty, to dispose the same, from time to time, to and for the benefit of all the members of the said General Society, until a Company to trade with a joint stock shall be erected, as aforesaid; and after such Company shall be erected, then to and for the benefit of all the members thereof, according to their respective shares or interests in the principal or capital stock of the same.

To be paid over to the General Society, etc. for maintaining ambassadors, etc.

Overplus, if any, how to be disposed.

LXXVII. And for the better raising, levying, and securing the said duty, after the rate of five pounds in the hundred, it is hereby further enacted, That upon the importation of any such goods, as aforesaid, liable thereunto, an entry or entries thereof shall be made in the custom-house where such goods shall be imported, and before the landing thereof the importer or importers of the same shall give security (which the commissioners or proper officers of the customs are hereby required and empowered to take) for payment of the said duties, after the rate of five pounds in the hundred upon the said goods, as soon as the same shall be sold, the value thereof to be reckoned according to the gross price at which such goods shall be sold; and that in case any such goods shall be landed or put on shore out of any ship or vessel, before due entry be made thereof at the custom-house in the port or place where the same shall be imported, and the duties hereby imposed shall be secured, or without a warrant for the landing or delivering of the same, first signed by the commissioners, collectors, or other proper officer or officers of the customs respectively, that all such imported goods as shall be so landed, or put on shore, or taken out of any ship or vessel, contrary to the true meaning hereof, or the value of the same, shall be forfeited, and shall and may be recovered of the importer or proprietor thereof; to wit, one moiety of the same to the use of his Majesty, his heirs and successors, and the other moiety to the use of such person or persons as will seize the said goods, or sue for the same, or the value thereof, by action, bill, suit, or information, as aforesaid.

Security to be given for payment of the said additional duty, etc. See also 6 Ann. c. 3. 10 Ann. c. 29. and 13 Geo. 3. c. 44. l. 4.

Goods landed before duty secured, etc. shall be forfeited.

LXXVIII. And it is hereby further enacted, That the said duty of five pounds in the hundred shall be from time to time under the management and government of the commissioners of the customs for the time being, who shall cause the same to be raised, levied, collected, and paid, to the hands of the receiver or receivers general of the revenue of the customs for the time being, and such receiver or receivers general for the time being shall answer and pay over all the monies arising thereby (the necessary charges of raising, collecting, and answering the same, only excepted) in such manner, and for such purposes, as are before in this act appointed.

These duties to be managed by the commissioners of the customs.

LXXIX. Provided always, and it is hereby declared and enacted, That at any time, upon three years notice, after the nine and twentieth day

On 3 years notice, after the 29 Sept. 1721, and re-

payment by Parliament of the said 2,000,000 l. etc. this act to cease and determine.
 Extended by 6 Ann. c. 17.
 10 Ann. c. 28.
 3 Geo. 2. c. 14.
 17 Geo. 2. c. 17.
 19 Geo. 3. c. 61.
 20 Geo. 3. c. 56.
 and 21 Geo. 3. c. 65.

day of *September*, one thousand seven hundred and eleven, upon repayment by Parliament of the said sum of two millions, or such part thereof as shall be paid or advanced, as aforesaid, unto the respective subscribers, and contributors of the same, or to such person or persons as by, from, or under them shall be intitled to the said annuities or shares of the said yearly fund or capital stock, in respect of the same, and of all arrears of the said annuities or yearly payments, then and from thenceforth as well the said duties upon salt, and rock-salt, as the said duties upon stamped vellum, parchment, and paper, and also the said yearly fund charged thereupon, and the said annuities issuing out of the same, and the said duty of five pounds in the hundred, for the said imported goods, and also all the corporations to be erected by or in pursuance of this act, and the benefit of trade hereby given, or intended to be given, to them or any of them, shall absolutely cease and determine; any thing herein contained to the contrary notwithstanding.

Additional duty of 1 s. 10 d. per lb. wt. on all wrought silks imported from the *East Indies*.

LXXX. And the said Commons of *England* in Parliament assembled, as a further supply to his Majesty's extraordinary occasions, have moreover freely given and granted unto his Majesty, his heirs and successors, the further rates and duties herein-after mentioned: And it is hereby further enacted by the authority aforesaid, That for and upon all wrought silks, which from and after the said nine and twentieth day of *September*, one thousand six hundred ninety-eight, at any time or times shall be imported or brought from the *East Indies*, or from *Persia*, or from any other the countries or places within the limits before mentioned, into the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, there shall be yielded and paid to his Majesty, his heirs and successors (over and above all other duties payable for the same) the sum of one shilling and ten-pence for every pound weight, reckoning sixteen averdupoize ounces to the pound, to be paid by the importers or importers thereof, and to be raised, levied, collected, and paid, to the use of his Majesty, his heirs and successors, by such ways, rules, and methods, and under such penalties and forfeitures, and in such manner and form, as any other duties upon silks imported by the act of tunnage and poundage, made in the twelfth year of the reign of King *Charles* the second, or by any other subsequent act for continuing the same, or by any other law now in force relating to the customs, are to be raised, levied, collected, and paid.

22 Car. 2. c. 4.

Persons who may trade pursuant to this act, shall have the sole trade to the *East Indies*, &c.

LXXXI. And be it further enacted by the authority aforesaid, That such persons or corporations, as in pursuance of this act shall have a right and power to trade to the *East Indies*, and other the parts aforesaid, according to such provisions, proportions, and restrictions as are in this act contained, and subject to the condition or power of redemption before mentioned, from and after the said nine and twentieth day of *September*, one thousand six hundred ninety-eight, shall have, use, and enjoy the whole and sole trade and traffick, and the only liberty, use, and privilege of trading, trafficking, and exercising the trade or business of merchandize to and from the said *East Indies*, and to and from all the islands, ports, havens, cities, towns, and places, within the limits before mentioned; and that the said *East Indies*, or the islands, havens, forts, cities, towns, or places within the limits aforesaid, or any of them, shall not, after the said nine and twentieth day of *September*, one thousand six hundred ninety-eight, be visited, frequented, or haunted by any other of the subjects of his Majesty, his heirs or successors, during such time as the benefit of trade hereby given, or intended to be given, to the subscribers or others, as aforesaid, ought to continue

Enforced by 5 Geo. 1. c. 21.

by virtue of this act; and if any of the subjects of his Majesty, his heirs or successors, of what degree or quality soever they be, other than such as may lawfully go and trade to the *East Indies*, and other the parts aforesaid, by virtue of this act, and their factors, agents, and servants respectively, who shall be employed according to the true meaning hereof, shall directly or indirectly visit, haunt, frequent, trade, traffick, or adventure into or from the said *East Indies*, or other the parts before mentioned, contrary to the true meaning hereof, all and every such offender and offenders shall incur the forfeiture and loss of all the ships and vessels which shall be employed in such trade, with the guns, tackle, apparel, and furniture thereunto belonging, and also all the goods and merchandize laden thereupon, and all the proceed and effects of the same, and also double the value thereof; (to wit) one fourth part thereof to such person or persons as will seize, inform, or sue for the same, to be recovered in any court of record, as aforesaid, and the other three fourth parts to the use of the said General Society, until a Company shall be erected, as aforesaid, and after the erecting thereof (if any such be) then to the use of the said Company, without account, the charges of prosecution being borne by the said Society or Company.

Penalty on other persons trading to the *East Indies*, than such as are empowered by this act.

LXXXII. And be it further enacted by the authority aforesaid, That in case the said duties, arising or appropriated by this act, shall at any time or times appear to be so deficient in the produce of the same, as that within any one year, to be reckoned as aforesaid, from and after the nine and twentieth day of *September*, which shall be in the year of our Lord one thousand six hundred ninety-nine, the weekly payments upon the same rates or duties shall not amount to so much as shall be sufficient to discharge and satisfy the several and respective benefits, yearly payments, or advantages, by this act appointed or intended to be paid within or for the same year respectively, that then, and so often, and in every such case, it is hereby declared, that every such deficiency and deficiencies shall be provided for, answered, and made good, by or out of the next aids to be raised and granted by Parliament, *for* and towards the discharging or paying off the said benefits, yearly payments, or advantages appointed by this act, as, together with the monies which shall have been brought into the said receipt of the exchequer, or for the said several rates and duties hereby granted or appropriated, shall be sufficient to pay off and discharge all the monies which shall within the same year respectively be grown due, or ought to be paid for the recompences, yearly payments, and advantages hereby provided, according to the true intent and meaning of this act.

If duties by this act appropriated be not sufficient to satisfy the payments appointed, deficiency to be made good out of the next aids.

LXXXIII. Provided also, and be it enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to extend, to hinder or restrain the Governor and Company of Merchants of *London* trading into the *East Indies*, to continue to trade within the limits aforesaid, until the nine and twentieth day of *September*, one thousand seven hundred and one; any thing in this act contained to the contrary notwithstanding.

The present *East India* Company may trade till 29 Sept. 1701.

LXXXIV. Provided also, and be it enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to extend, to make any ships (not in the service of the said Governor and Company of Merchants of *London* trading into the *East Indies*), which were cleared outwards from *England*, or elsewhere, for the *East Indies*, or limits aforesaid, before the first day of *July*, one thousand six hundred ninety-eight, or the lading thereof (so as they return into some port of this kingdom without breaking bulk in any part of *Europe*) to be liable to any

Ships not in the Company's service, etc. before 1 July, 1698, shall not be liable to forfeitures.

any of the penalties or forfeitures in this act; any thing herein contained to the contrary notwithstanding,

Present *East India* Company to pay their just debts, and their estates made liable thereunto.

LXXXV. And be it enacted by the authority aforesaid, That the Governor and Company of Merchants of *London* trading into the *East Indies* shall pay and discharge all just debts whatsoever, which the said Governor and Company do owe, or are subject to; and that all and singular the manors, lands, tenements, goods, wares, merchandizes, chattels real and personal, as well granted and confirmed to them and their successors by any letters patents under the great seal of *England* heretofore made, or by the concessions and grants of any person or persons whatsoever, or of which they now are or hereafter shall be seized or possessed, by any manner, ways, or means whatsoever, shall be and are hereby declared to be subject unto and chargeable with the payment of the said just debts; and if at any time, from and after the four and twentieth day of *June*, one thousand six hundred ninety-eight, the said Governor and Company, or any other person or persons, shall make any dividend or dividends of their stock and estates, or any part thereof, or of any the effects or produce of the same, before the full payment and satisfaction of their said just debts, in every such case, the particular members, and every of them respectively, who in their private or personal capacities shall receive any share of such dividend or dividends, shall be severally liable, and they are hereby made liable, so far as their respective shares, so by them respectively received upon such dividend or dividends, shall extend, to pay and satisfy the said debts, or such of them which shall remain due and unpaid, to any other person or persons, bodies politick or corporate, who by virtue of this act are severally enabled to sue for and recover the same, besides double costs of suit, by action of debt, or of the case, as is before mentioned; any thing in this act, or any law, statute, usage, or prescription to the contrary notwithstanding.

If they make any dividends before payment of their debts, members to be liable, so far as their shares shall extend, to pay, etc.

Society, etc. not to owe more than the value of their capital stock undivided, etc.

LXXXVI. Provided always, and be it enacted, That every Society, Company, or Corporation whatsoever, which shall be erected or established in pursuance of this act, and their successors respectively, shall take care, that the sum total of all the debts which such society, company, or corporation respectively, shall owe at any one time, to any other person or persons, bodies politick or corporate, do not exceed the value of the principal or capital stock or stocks, which at any such time shall be and remain to such Society, Company, or Corporation, undivided; and that in case any such Society, Company, or Corporation, by any dividend or dividends whatsoever, to be made amongst themselves, or in their private or personal capacities, shall reduce or lessen their joint stock, principal or capital, without limiting, paying off, or proportionably reducing the total sum of the said debts which they shall owe to others, as aforesaid, so that the value of their joint stock, principal or capital undivided, shall not be sufficient to answer their just debts then remaining unpaid, in every such case the particular members, and every of them respectively, who in their private or personal capacities shall receive any share of such dividend, shall be severally liable, and they are hereby made liable, so far as the respective shares, so by them respectively received upon such dividend or dividends, shall extend, to pay and satisfy the debts which shall remain due and unpaid by such Society, Company, or Corporation respectively, to any other persons or bodies politick or corporate, as aforesaid, who by virtue of this act shall and may sue for, and recover the same, besides costs of suit, by action of debt, or of the case, as is before mentioned; any thing in this act, or any other act, law, usage, or custom to the contrary notwithstanding.

If their debts exceed their capital stock, members liable to pay so far as the shares will extend, etc.

11 & 12 GULIELMI III. Cap. III.

An act for laying further duties upon wrought silks, muslins, and some other commodities of the East Indies, and for enlarging the time for purchasing certain reverfionary annuities therein mentioned.

[So much thereof as relates to the *East India Company*.]

MAY it please your most excellent Majesty, we your Majesty's most dutiful and loyal subjects, the Commons of *England* in Parliament assembled, as a further supply for your Majesty's occasions in this act mentioned, have cheerfully and unanimously given and granted, and do hereby give and grant to your Majesty the further rates, payments, duties, and sums of money herein-after mentioned; 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 authority of the same, That, for and upon all wrought silks, and for and upon all Bengals and stuffs made of or mixed with silk or herba of the manufacture of *Persia*, *China*, or the *East Indies*, and for and upon all callicoes painted, dyed, printed, or stained there, which, from and after the five and twentieth day of *March*, one thousand seven hundred, and before the thirtieth day of *September*, which shall be in the year of our Lord one thousand seven hundred and one, shall be imported or brought into the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, by any person or persons, or bodies politick or corporate whatsoever, there shall be yielded and paid to his Majesty (over and above all customs, subsidies, impositions and duties already due and payable for the same) a further duty after the rate of fifteen pounds for every one hundred pounds of the true and real value of the said goods, to be ascertained as is herein-after mentioned; and for and upon all muslins which from and after the said five and twentieth day of *March*, one thousand seven hundred, and before the thirtieth day of *September*, one thousand seven hundred and one, shall be imported or brought into the kingdom, dominion or town aforesaid, there shall be yielded and paid to his Majesty (over and above all other duties now payable for the same) a further duty after the rate of fifteen pounds for every one hundred pounds of the true and real value of the said muslins, to be also ascertained as is herein-after mentioned.

Preamble,

Further duties laid on wrought silks, Bengals, and stuffs, and on callicoes, from 25 March 1700 to 30 Sept. 1701.

15 l. per cent.

the like duty on muslins.

II. And for the better raising, levying and securing the said duties, after the rate of fifteen pounds in the hundred, it is hereby further enacted, That upon the importation of any such goods, as aforesaid, liable thereunto, an entry or entries thereof shall be made in the custom-house where such goods shall be imported, and before the landing thereof the importer or importers of the same shall give security by bond, with two or more sufficient sureties (which the commissioners or proper officers of the customs are hereby required or impowered to take) for payment of the said duties after the rate of fifteen pounds in the hundred, upon the said goods, as soon as the same shall be sold, and for exposing the goods so imported to sale openly and fairly, by way of auction, or by inch of candle, within the city of *London*, within the time of twelve months after the importation thereof.

Goods to be entered at the custom house where imported,

and importer to give security for payment of duty.

III. And it is hereby enacted and declared, That the value of the said goods, according to which the said rate is to be paid, shall be reckoned according to the gross price at which such goods shall be sold; and

How goods shall be valued.

and

Penalty on
landing goods
before entry.

and that in case any such goods shall be landed or put on shore out of any ship or vessel before due entry be made thereof at the custom-house, in the port or place where the same shall be imported, and the duties hereby imposed shall be secured, as aforesaid, or without a warrant for the landing or delivering of the same, first signed by the commissioners, collectors, or other proper officer or officers of the customs respectively, that all such imported goods as shall be so landed or put on shore, or taken out of any ship or vessel, contrary to the true meaning hereof, or the value of the same, shall be forfeited, and shall and may be recovered of the importer or proprietor thereof, (to wit) two third parts of the same to the use of his Majesty, his heirs and successors, and the other third part to the use of such person or persons as will seize the said goods, or sue for the same, or the value thereof, by action, bill, suit, or information, wherein no essoin, protection, or wager of law, shall be allowed.

Commission-
ers of the
customs to
manage the
duties.

IV. And it is hereby further enacted, That the said duties of fifteen pounds in the hundred shall be from time to time under the management and government of the commissioners of the customs for the time being, who shall cause the same to be raised, levied, collected and paid to the hands of the receiver or receivers general of the revenue of the customs for the time being; and such receiver or receivers general for the time being shall answer and pay over all the monies arising thereby (the necessary charges of raising, collecting and answering the same only excepted) into the receipt of his Majesty's exchequer, for the purposes in this act mentioned.

Goods ex-
ported again,
duty to be
repaid.

V. Provided always, and it is hereby enacted and declared by the authority aforesaid, That in case the goods or merchandizes upon which the said further duties of fifteen pounds in the hundred are paid, or secured to be paid, as aforesaid, be again exported at any time or times, within twelve months after the importation thereof, and that due proof be first made upon oath, that the goods or merchandizes so exported be the same for which the said duties are paid, or secured to be paid, as aforesaid, then and in such case (and not otherwise) the same duties shall, without any delay or reward, be wholly repaid by the receiver general of his Majesty's customs for the time being, out of such monies as shall be in his hands of the said duties of fifteen *per cent.* arising by this act, unto the person or persons, bodies politick or corporate, making the said exportations, or the said security shall be vacated, as to so much of the said goods or merchandizes as shall be so exported; any thing in this act, or in any former act or acts of Parliament contained to the contrary notwithstanding.

Allowance on
prompt pay-
ment.

VI. Provided also, and it is hereby enacted, That in case any of the said goods which shall have been entered, and for which security shall have been given, as aforesaid, shall, within the time hereby limited, be fairly sold by way of auction, as aforesaid, that then the importer paying down, in ready money, his Majesty's said duties of fifteen pounds *per cent.* for such goods, within twenty days after such sale, shall have an allowance for such prompt payment, after the rate of five pounds for every hundred pounds of the duties so paid.

11 & 12 GULIELMI III. Cap. VII.

An Act for the more effectual Suppression of Piracy.

WHEREAS by an act of Parliament made in the twenty-eighth year of the reign of King *Henry* the Eighth, it is enacted, That treasons, felonies, robberies, murders, and confederacies committed on the sea, shall be enquired of, tried, and determined according to the common course of the laws of this land used for such offences upon the land within this realm; whereupon the trial of those offenders before the admiral, or his lieutenant, or his commissary, hath been altogether disused: And whereas, that since the making of the said act, and especially of late years, it hath been found by experience, that persons committing piracies, robberies, and felonies on the seas, in or near the *East* and *West Indies*, and in places very remote, cannot be brought to condign punishment without great trouble and charges in sending them into *England* to be tried within the realm, as the said statute directs, inso-much that many idle and profligate persons have been thereby encouraged to turn pirates, and betake themselves to that sort of wicked life, trusting that they shall not, or at least cannot easily be questioned for such their piracies and robberies, by reason of the great trouble and expence that will necessarily fall upon such as shall attempt to apprehend and prosecute them for the same: And whereas the numbers of them are of late very much increased, and their insolencies so great, that unless some speedy remedy be provided to suppress them, by a strict and more easy way for putting the ancient laws in that behalf in execution, the trade and navigation into remote parts will very much suffer thereby; be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all piracies, felonies, and robberies committed in or upon the sea, or in any haven, river, creek, or place, where the admiral or admirals have power, authority, or jurisdiction, may be examined, inquired of, tried, heard and determined, and adjudged, according to the directions of this act, in any place at sea, or upon the land, in any of his Majesty's islands, plantations, colonies, dominions, forts, or factories, to be appointed for that purpose by the King's commission or commissions under the great seal of *England*, or the seal of the admiralty of *England*, directed to all or any of the admirals, vice-admirals, rear-admirals, judges of vice-admiralties, or commanders of any of his Majesty's ships of war, and also to all or any such person or persons, officer or officers, by name, or for the time being, as his Majesty shall think fit to appoint; which said commissioners shall have full power jointly or severally, by warrant under the hand and seal of them, or any one of them, to commit to safe custody any person or persons, against whom information of piracy, robbery, or felony upon the sea, shall be given upon oath (which oath they or any one of them shall have full power, and are hereby required to administer), and to call and assemble a court of admiralty on ship-board, or upon the land, when and as often as occasion shall require; which court shall consist of seven persons at the least.

II. And if so many of the persons aforesaid cannot conveniently be assembled, be it further enacted by the authority aforesaid, That any three of the aforesaid persons (whereof the president or chief of some *English* factory, or the governor, lieutenant governor, or member of his Majesty's councils in any of the plantations or colonies aforesaid, or commander of

28 H. 8. c. 15.
Amended by
18 Geo. 2. c.
30.

1 Hale's P. C.
355.
Vin. v. 16. 352a

How and where piracies, &c. committed on the sea may be tried.

By 4 Geo. 1. c. 11. sect. 7. Offenders against this act may be tried as directed by 28 H. 8. c. 15.

Admiralty court to consist of seven persons.

one of his Majesty's ships, is always to be one), shall have full power and authority, by virtue of this act, to call and assemble any other persons on ship-board, or upon the land, to make up the number of seven.

Persons qualified to sit and vote, &c.

III. Provided, That no persons but such as are known merchants, factors, or planters, or such as are captains, lieutenants, or warrant officers in any of his Majesty's ships of war, or captains, masters, or mates of some *English* ship, shall be capable of being so called, and sitting and voting in the said court.

Power of court so called in case of trial of pirates, &c.

IV. And be it enacted by the authority aforesaid, That such persons called and assembled as aforesaid shall have full power and authority, according to the course of the admiralty, to issue warrants for bringing any persons accused of piracy or robbery before them to be tried, heard, and adjudged; and to summon witnesses, and to take informations and examinations of witnesses upon their oath; and to do all things necessary for the hearing and final determination of any case of piracy, robbery, and felony; and to give sentence and judgment of death, and to award execution of the offenders convicted and attainted as aforesaid, according to the civil law, and the methods and rules of the admiralty; and that all and every person and persons so convicted and attainted of piracy or robbery, shall have and suffer such losses of lands, goods and chattels, as if they had been attainted and convicted of any piracies, felonies, and robberies, according to the aforementioned statute made in the reign of King *Henry* the Eighth.

King's commission to be first read.

V. Provided always, and be it further enacted by the authority aforesaid, That so soon as any court shall be assembled as aforesaid, either on ship-board or upon the land, the King's commission shall first be openly read, and the said court then and there shall be solemnly and publicly called and proclaimed; and then the president of the court shall, in the first place, publicly in open court take the following oath, *viz.*

President to take the following oath;

‘ **I** *A. B.* do swear, in the presence of Almighty God, That I will truly and impartially try and adjudge the prisoner or prisoners which shall be brought upon his or their trials before this court, and honestly and duly, on my part, put his Majesty's commission for the trying of them in execution, according to the best of my skill and knowledge: and that I have no interest, directly or indirectly, in any ship or goods, for the piratically taking of which any person stands accused, and is now to be tried:

‘ *So help me God.*’

and then to administer the same to the other members. How prisoners shall be brought before them and tried.

VI. And he having taken the oath in manner aforesaid, shall immediately administer the same oath to every person who shall sit, and have and give a voice in the said court upon the trial of such prisoner or prisoners as aforesaid; and immediately thereupon the said prisoner or prisoners shall be formally brought before them; and then the register of the said court shall openly and distinctly read the articles against such prisoner or prisoners, upon which they or any of them is or are to be tried; wherein shall be set forth the particular fact or facts of piracy, robbery, and felony, with the time and place when and where, and in what manner it was committed; and then each prisoner shall be asked, whether he be guilty of the said piracy and robbery, or felony, or not guilty? Whereupon every such prisoner shall immediately plead thereunto, Guilty, or Not guilty, or else it shall be taken as confessed, and he shall suffer such pains of death, loss of lands, goods and chattels, and in like manner, as if he or they had been attainted or convicted upon the oath of witnesses, or his own confession; but if any prisoner shall plead Not guilty, witnesses shall be produced

duced by the register, and duly sworn and examined openly, *viva voce*, in the prisoner's presence; and after a witness hath answered all the questions proposed by the president of the court, and given his evidence, it shall and may be lawful for the prisoner to have the witness cross-examined, by first declaring to the court what questions he would have asked, and thereupon the president of the court shall interrogate the witness accordingly; and every prisoner shall have liberty to bring witnesses for his defence, who shall be sworn, and examined upon oath, as the witnesses were that testified against him; and afterwards the prisoner shall be fairly heard what he can say for himself; all which being done, the prisoner shall be taken away and kept in safe custody, and all other persons, except the register, shall withdraw from the said court, and then the court shall consider of the evidence which hath been given, and debate the matters and circumstances of the prisoner's case, and the president of the court shall collect all the votes of the persons who do sit and have voices in the said court, beginning at the junior first, and ending with himself, and according to the plurality of voices, sentence and judgment shall be then given and pronounced publickly in the presence of the prisoner or prisoners, being called in again; and according to such sentence and judgment the person or persons attainted shall be executed and put to death, at such time, in such manner, and in such place upon the sea, or within the ebbing or flowing thereof, as the president, or the major part of the court, by warrant directed to a provost marshal (which the president or said major part shall have power to constitute) shall appoint.

Prisoners pleading Not guilty, witnesses shall be examined *viva voce*.

How sentence shall be executed.

VII. And be it further enacted by the authority aforesaid, That some person, being a publick notary, shall be register of the court; and in case of his absence, death, or incapacity, or for want of a person so qualified, the president of the court shall and may appoint a register, giving him an oath (which he is hereby impowered to administer), duly, faithfully, and impartially to execute his office; which register shall prepare all warrants and articles, and take care to provide all things requisite for any trial, according to the substantial and essential parts of proceedings in a court of admiralty, in the most summary way; and shall take minutes of the whole proceedings, and enter them duly in a book by him to be kept for that purpose; and shall from time to time, as opportunity offers, transmit the same, with the copies of all articles and judgments given in any such cases, in any court whereof he shall be register, unto the High Court of Admiralty of England.

Register of the court to be a publick notary.

VIII. And be it further enacted by the authority aforesaid, That if any of his Majesty's natural-born subjects, or denizens of this kingdom, shall commit any piracy or robbery, or any act of hostility, against others his Majesty's subjects upon the sea, under colour of any commission from any foreign prince or state, or pretence of authority from any person whatsoever, such offender and offenders, and every of them, shall be deemed, adjudged, and taken to be pirates, felons, and robbers; and they and every of them being duly convicted thereof, according to this act, or the aforesaid statute of King Henry the Eighth, shall have and suffer such pains of death, loss of lands, goods, and chattels, as pirates, felons, and robbers upon the seas ought to have and suffer.

Subjects committing piracy on others of the King's subjects by commission from any foreign prince, shall be adjudged pirates.

IX. And be it further enacted, That if any commander or master of any ship, or any seaman or mariner, shall in any place where the admiral hath jurisdiction, betray his trust, and turn pirate, enemy, or rebel, and piratically and feloniously run away with his or their ship or ships, or any barge, boat, ordnance, ammunition, goods, or merchandizes, or yield them up voluntarily to any pirate, or shall bring any seducing messages from any pirate, enemy, or rebel, or consult, combine, or confederate

Commander or mariner who shall betray his trust, or turn pirate, &c.

rate

rate with, or attempt or endeavour to corrupt any commander, master, officer, or mariner to yield up or run away with any ship, goods, or merchandizes, or turn pirate, or go over to pirates; or if any person shall lay violent hands on his commander, whereby to hinder him from fighting in defence of his ship and goods committed to his trust, or that shall confine his master, or make, or endeavour to make a revolt in the ship, shall be adjudged, deemed, and taken to be a pirate, felon, and robber, and being convicted thereof, according to the directions of this act, shall have and suffer pains of death, loss of lands, goods, and chattels, as pirates, felons, and robbers upon the seas ought to have and suffer.

Or person laying violent hands on his commander, etc. shall be adjudged a pirate, and suffer death.

X. And whereas several evil-disposed persons, in the plantations and elsewhere, have contributed very much towards the increase and encouragement of pirates, by setting them forth, and by aiding, abetting, receiving, and concealing them and their goods, and there being some defects in the laws for bringing such evil-disposed persons to condign punishment; be it enacted by the authority aforesaid, That all and every person and persons whatsoever, who, after the twenty-ninth day of *September*, in the year of our Lord one thousand seven hundred, shall either on the land, or upon the seas, knowingly or wittingly set forth any pirate, or aid and assist, or maintain, procure, command, counsel or advise any person or persons whatsoever, to do or commit any piracies or robberies upon the seas, and such person and persons shall thereupon do or commit any such piracy or robbery, then all and every such person or persons whatsoever, so as aforesaid setting forth any pirate, or aiding, assisting, maintaining, procuring, commanding, counselling or advising the same, either on the land or upon the sea, shall be, and are hereby declared, and shall be deemed and adjudged to be accessory to such piracy and robbery done and committed; and further, that after any piracy or robbery is or shall be committed by any pirate or robber whatsoever, every person and persons, who knowing that such pirate or robber has done or committed such piracy and robbery, shall on the land, or upon the sea, receive, entertain or conceal any such pirate or robber, or receive or take into his custody any ship, vessel, goods or chattels which have been by any such pirate or robber piratically and feloniously taken, shall be and are hereby likewise declared, deemed and adjudged to be accessory to such piracy and robbery; and that after the said nine and twentieth day of *September*, all such accessories to such piracies and robberies shall and may be enquired of, tried, heard, determined and adjudged after the common course of the laws of this land, according to the said statute made in the twenty-eighth year of King *Henry* the Eighth, as the principals of such piracies and robberies may and ought to be, and no otherwise; and being thereupon attainted, shall suffer such pains of death, losses of lands, goods and chattels, and in like manner, as the principals of such piracies, robberies and felonies ought to suffer, according to the said statute of King *Henry* the Eighth, which is hereby declared to be and continue in full force; any thing in this present act contained to the contrary notwithstanding.

Persons setting forth, or aiding or assisting any pirate, etc.

shall be adjudged accessories;

the like for concealing pirates, etc.

and suffer as principals.

Encouragement for commanders and mariners to defend their ships against pirates, etc.

XI. And soasmuch as it will also conduce to the suppressing of robberies on the sea, if due encouragement be given, and rewards allowed to such commanders, masters, and other officers, seamen, and mariners, as shall either bravely defend their own ships, or take, seize and destroy pirates, sea rovers, and enemies; be it further enacted by the authority aforesaid, That when any *English* ship shall have been defended against any pirates, enemies, or sea rovers by fight, and brought to her designed port, in which fight any of the officers or seamen shall have been killed or wounded, it shall and may be lawful to and for the judge of his Majesty's High Court of Admiralty, or his surrogate in the port of *London*,

or

or the mayor, bailiff, or chief officer in the several out-ports of this kingdom, upon the petition of the master or seamen of such ship, so defended as aforesaid, to call unto him four or more good and substantial merchants, and such as are no adventurers or owners of the ship or goods so defended, and have no manner of interest therein, and by advice with them to raise and levy upon the respective adventurers and owners of the ship and goods so defended, by process out of the said court, such sum or sums of money as himself and the said merchants, by plurality of voices, shall determine and judge reasonable, not exceeding two pounds *per centum* of the freight, and of the ship and goods so defended, according to the first costs of the goods; which sum or sums of money so raised, shall be distributed among the captain, master, officers, and seamen of the said ship, or widows and children of the slain, according to the direction of the judge of the said court, or his surrogate in the port of London, or the mayor, bailiff or chief officer in the several out-ports of this kingdom, with the approbation of the merchants aforesaid, who shall proportion the same, according to their best judgment, unto the ship's company as aforesaid, having special regard unto the widows and children of such as shall have been slain in that service, and such as have been wounded or maimed.

XII. And for the better and more effectual prevention of combinations and confederacies, for the running away with or destroying of any ship, goods or merchandizes; be it further enacted by the authority aforesaid, That a reward of ten pounds for every ship or vessel of one hundred tons or under, and fifteen pounds for every ship or vessel of a greater burthen, shall be paid by the captain, commander, or master of every ship or vessel, wherein any such combination or confederacy shall be set on foot, for the running away with or destroying any such ship, or the goods and merchandizes therein laden, to such person as shall first make a discovery thereof, upon due proof of such combination or confederacy; the same to be paid at the port where the wages of the seamen of the said ship are or ought to be paid, after such discovery and proof made.

Reward to discover any combination for running away with ship, &c.

and how to be paid.

XIII. Provided also, That this act shall be in force for seven years, and to the end of the next session of parliament after the expiration of the said seven years, and no longer.

Act to be in force for seven years. Made perpetual by 6 Geo. 1. c. 19. and enforced by 8 Geo. 1. c. 24.

XIV. And for the more effectual prosecution and punishment of piracies, felonies and robberies upon the sea, and of all other offences aforesaid; be it declared and enacted by the authority aforesaid, That the commissioners appointed or to be appointed by the aforesaid statute of king Henry the Eighth, or the commissioners for trial of pirates appointed by this act, shall, from and after the said nine and twentieth day of September, one thousand seven hundred, have the sole power and authority of trying, hearing, and determining the said crimes and offences, within all or any of the colonies and plantations in America, governed by proprietors, or under grants or charters from the crown, and of bringing the offenders to condign punishment; and shall and may issue forth their warrant or warrants for the seizing and apprehending of any pirates, felons, or robbers upon the sea, or their confederates or accessaries, being within any of the said colonies and plantations, in order to their being brought to trial within the same, or any other plantation in America, according to this act, or sent into England to be tried there; and that all and every governor and governors, person and persons in authority in the said colonies and plantations governed by proprietors, or under charters as aforesaid, shall assist the commissioners and their subordinate officers in doing their duty, and also in the execution of such warrants, and otherwise, and shall deliver up to such commissioner or commissioners, officer or officers, any pirates, felons and robbers upon the sea, and their confederates

Commissioners, etc. shall have power to try the aforesaid crimes in the colonies in America.

Governors of the said colonies, etc. to assist commissioners, etc. and deliver up pirates, etc.

derates and accessories, in order to their being tried or sent into *England* as aforesaid; any letters patents, grants or charters of government, in and about the said plantations, or other usages heretofore had or made, to the contrary notwithstanding.

Penalty on governor, &c. not yielding obedience to this act.

XV. And be it hereby further declared and enacted, That if any of the governors in the said plantations, or any person or persons in authority there, shall refuse to yield obedience to this act, such refusal is hereby declared to be a forfeiture of all and every the charters granted for the government or propriety of such plantation.

How commissions for trying of offences within the jurisdiction of the cinque ports shall be directed, and inquisition made.

XVI. Provided always, and be it enacted by the authority aforesaid, That whensoever any commission for the trial and punishment of the offences aforesaid, or any of them, shall be directed or sent to any place within the jurisdiction of the cinque ports, that then every such commission shall be directed unto the lord warden of the cinque ports for the time being, or to his lieutenant, and unto such other persons as the lord high chancellor, or keeper of the great seal of *England* for the time being, or commissioners for the custody of the great seal, shall name and appoint; and likewise that every inquisition and trial, to be had by virtue of such commission so directed and sent to any place in the said cinque ports, shall be made and had by the inhabitants of the said cinque ports, or the members of the same; any thing in this act to the contrary thereof notwithstanding.

Seamen deserting merchant ships to lose wages.

XVII. And, for the prevention of seamen deserting of merchant ships abroad in parts beyond the seas, which is the chief occasion of their turning pirates, and of great detrimment to trade and navigation in general; be it enacted by the authority aforesaid, That all such seamen, officers or sailors, who shall desert the ships or vessels wherein they are hired to serve for that voyage, shall for such offence forfeit all such wages as shall be then due to him or them.

Penalty on master, &c. forcing seaman on shore, or refusing to bring him home.

4 Ann. c. 34.
1 Geo. 1. c. 25.
9 Geo. 1. c. 8.
6 Geo. 1. c. 19.
and see 8 Geo. 1. c. 24. for the more official suppressing of piracy.

XVIII. And be it further enacted by the authority aforesaid, That in case any master of a merchant ship or vessel shall, after the nine and twentieth day of *September*, one thousand and seven hundred, during his being abroad, force any man on shore, or wilfully leave him behind in any of his Majesty's plantations, or elsewhere, or shall refuse to bring home with him again all such of the men which he carried out with him, as are in a condition to return, when he shall be ready to proceed in his homeward-bound voyage, every such master shall, being thereof legally convicted, suffer three months imprisonment without bail or mainprize.

11 & 12 GULIELMI III. Cap. XII.

An Act to punish Governors of Plantations in this Kingdom, for Crimes by them committed in the Plantations.

25 Car. 2. c. 7.

WHEREAS a due punishment is not provided for several crimes and offences committed out of this his Majesty's realm of *England*, whereof divers governors, lieutenant governors, deputy governors, or commanders in chief of plantations and colonies within his Majesty's dominions beyond the seas, have taken advantage, and have not been deterred from oppressing his Majesty's subjects within their respective governments and commands, nor from committing several other great crimes and offences, not deeming themselves punishable for the same here, nor accountable for such their crimes and offences to any person within their respective

respective governments and commands. For remedy whereof, 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 Parliament assembled, and by the authority of the same, That if any governor, lieutenant governor, deputy governor, or commander in chief of any plantation or colony within his Majesty's dominions beyond the seas, shall after the first day of August, one thousand seven hundred, be guilty of oppressing any of his Majesty's subjects beyond the seas, within their respective governments or commands, or shall be guilty of any other crime or offence, contrary to the laws of this realm, or in force within their respective governments or commands, such oppressions, crimes, and offences, shall be enquired of, heard and determined in his Majesty's court of King's Bench here in *England*, or before such commissioners, and in such county of this realm, as shall be assigned by his Majesty's commission, and by good and lawful men of the same county, and that such punishments shall be inflicted on such offenders, as are usually inflicted for offences of like nature committed here in *England*.

Oppression of
governors,
etc. of any
colony, etc.
beyond sea,

may be tried
in *England*.

12 GULIELMI III. No. XXVIII.

An Act for continuing the Governor and Company of Merchants of London trading to the East Indies, a Corporation.

WHEREAS by an act made in the ninth year of his present Majesty's reign, intituled, *An act for raising a sum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies, several duties upon salt, and other duties therein mentioned, are subject to the payment of annuities after the rate of eight pounds per centum per annum, for ever (redeemable nevertheless by Parliament upon the terms mentioned in the said act) to such person or persons, natives or foreigners, bodies politick or corporate, who should subscribe any sum or sums of money not exceeding two millions, by and for themselves, or any of them, or by themselves, or any of them, in trust for any other person or persons, bodies politick and corporate, or any of them (the Governor and Company of the Bank of England only excepted), according to the direction of the said act: And for the further encouragement of the said subscribers, the sole trade and liberty of traffick and merchandize to and from the said East Indies, and all ports and places beyond the Cape de bona Esperanza to the Streights of Magellan, is also by the said act granted to the said subscribers, under a proviso or clause nevertheless contained in the said act, that the same should not extend to restrain the Governor and Company of Merchants of London trading into the East Indies, to continue to trade within the limits aforesaid, until the nine and twentieth day of September; one thousand seven hundred and one: And whereas John Dubois of London, merchant, hath, by the direction of and in trust for the Corporation of the said Governor and Company of Merchants of London trading into the East Indies, subscribed and paid the sum of three hundred and fifteen thousand pounds, as part of the said sum of two millions, in order to entitle the said Governor and Company to the several benefits of the said act; of which*

Cap. 441.

said benefits, they will notwithstanding be deprived, should they cease to be a corporation: And for that several hundred persons are interested in the said subscription of three hundred and fifteen thousand pounds, they cannot manage the same, and the benefit of trade accruing thereby, but in a Corporation; 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 the said Governor and Company of Merchants of *London* trading into the *East Indies*, shall remain, continue and be one body corporate and politick, by the name aforesaid, subject nevertheless to be determined upon redemption of the fund by the said act granted, any condition or proviso contained in any letters patents granted to the said Governor and Company for determining their Corporation, or any thing done or to be done in pursuance thereof, to the contrary in anywise notwithstanding.



Anno primo

A N N Æ Reginae.

C A P. XII.

An Act for granting an Aid to her Majesty by divers Subsidies and a Land Tax.

[So much thereof as relates to the *East India Company*.]

CXII. **A**ND whereas the General Society intituled to the advantages given by an act of Parliament for advancing a sum nor exceeding two millions, for the service of the crown of *England*, by a covenant in the charter to them granted by his late Majesty King *William* the Third, bearing date the third day of *September*, in the tenth year of his reign, is obliged to furnish into her Majesty's stores (if demanded) five hundred tons of saltpetre yearly for the first cost, freight, duties, and other charges thereupon to be ascertained in the manner therein mentioned; and the *English* Company trading to the *East Indies*, as a member of the said General Society, is by a covenant in the charter granted to the said Company, bearing date the fifth day of *September*, in the tenth year of the reign of his said late Majesty King *William*, obliged to furnish yearly proportionable part of the said five hundred tons (if demanded), and the Governor and Company of Merchants of *London* trading into the *East Indies*, also as a member of the said General Society, are obliged to furnish yearly another proportion of the said five hundred tons (if demanded), and the particular members of the said General Society (other than the said Companies) are obliged to furnish yearly the remainder of the said five hundred tons (if demanded), for the cost, freight, duties, and other charges aforesaid: And whereas the said Governor and Company of Merchants of *London*, trading into the *East Indies*, and the said *English* Company, have agreed to unite their capital stock in the said two millions, and trade to the *East Indies*, and other parts within the limits of their charters whereunto they severally are intituled, under the act of Parliament of the ninth year of his said late Majesty's reign, intituled, *An act for raising a sum not exceeding two millions, upon a fund for payment of annuities after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies*, whereupon a new charter is intended to be passed: Now it is hereby provided and enacted by the authority aforesaid, That from the twentieth day of *September*, one thousand seven hundred and one, until the said union shall be perfected, under the great seal of *England*, four hundred ninety-four tons and one quarter of good, clean, and merchantable saltpetre, shall yearly (if it be demanded) be delivered into the stores of her Majesty, her heirs and successors, at the certain price herein-after limited; (that is to say), by the said Governor and Company of Merchants of *London* trading into the *East Indies*, for their proportion, seventy-eight tons and three quarters; and by the said *English* Company, four hundred and fifteen tons and a half; and that after the perfecting of the said union, and during the continuance thereof in a Company of 96 tons and three quarters, and the new Company 415 tons and a half; and after and during the continuance thereof, 494 tons and a quarter yearly.

Recital of the obligation of the Company by charters to furnish government with saltpetre.

Recital that a new charter is intended to be granted.

After 19 Sept. 1701, until the union between the two *East India* Companies be perfected under the great seal, 494 tons and a quarter of saltpetre shall (if demanded) be delivered into her Majesty's stores; viz. the old and the said union,

L

joint

And after the determination of such union, then by the said new or English Company singly.

And from the said 29 Sept. 1701, 5 tons and three quarters of saltpetre to be delivered in like manner by the other members of the said General Society.

Directions relative to the refraction of such saltpetre.

In any charter to be granted to the said Companies they shall be obliged to deliver their proportions at the prices aforesaid.

joint management, the like quantity of four hundred ninety-four tons and one quarter of such saltpetre shall yearly (if demanded) be delivered into the said stores by the said English Company, and its successors, out of the said united trade: And after the determination of such joint management, then by the said English Company singly, during so long time as the said English Company shall have right and power to trade to the East Indies, under the said act of Parliament in that behalf; and that in like manner from the twenty-ninth day of September, one thousand seven hundred and one, the quantity of five tons and three quarters of good, clean and merchantable saltpetre, shall yearly (if demanded) be delivered into the said stores at the same certain price by the other members of the said General Society for the time being.

other members of the said General Society.

CXIII. And it is hereby enacted and declared, That the price of all the said saltpetre, to be served in time of peace, shall be five and forty pounds per ton, and in time of war shall be fifty-three pounds per ton; and that upon the refining the said saltpetre, whether it be brown or white, if the refraction be above fifteen pounds in every one hundred and twelve pounds weight, then the overplus of such refraction, at the rate aforesaid, shall be repaid to her Majesty by the said Companies and Members respectively out of the said price; and if the refraction be under fifteen pounds in every one hundred and twelve pounds weight, then the said Companies, and other members of the said General Society, shall be allowed and paid at the price aforesaid so much more as the difference between the real refraction of their petre, and the said stated refraction of fifteen pounds per centum, shall amount to.

CXIV. And it is hereby further declared, That in any charter to be granted to the said Companies, or either of them, they shall be obliged by covenant to deliver their proportions of the said saltpetre, being paid for the same at the certain prices aforesaid, according to this act, instead of the quantities which the said two Companies, or either of them, or the said particular Members, by the said former charters are obliged to furnish for the first cost, freight, duties, and other charges, as aforesaid; any thing in the said former charters, or any of them, contained to the contrary notwithstanding.

2 & 3 A N N Æ. Cap. IX. *

An Act for granting to her Majesty an additional Subsidy of Tonnage and Poundage for Three Years; and for laying a further Duty upon French Wines condemned as lawful Prize; and for ascertaining the Values of unrated Goods imported from the East Indies.

[So much thereof as relates to the East India Company.]

Unrated goods of East India and China,

VI. AND whereas several goods, wares and merchandizes, of the growth, product or manufacture of the East Indies or China, or of other parts within the limits of the charters granted to the Companies; and other traders who are allowed to trade to the East Indies, are not particularly rated in the book of rates established by law, but are by several laws and statutes now in force charged, upon the importation thereof, with several duties to be paid according to the values of the said

said goods, wares and merchandizes, respectively: Now, for the better securing such duties, and ascertaining the values according to which such duties shall be paid for the future, it is hereby further enacted by the authority aforesaid, That, from and after the said eighth day of *March*, one thousand seven hundred and three, upon the importation of any such unrated goods, wares and merchandizes, of the growth, product or manufacture of the *East Indies, China*, or other the parts within the limits aforesaid, now liable to pay duties *ad valorem*, as aforesaid, by any act or acts of Parliament already made in that behalf, during the continuance of the same act and acts of Parliament, or any of them, an entry or entries thereof shall be made in the custom-house, where such goods, wares or merchandizes shall be imported, and before the landing thereof, the importer or importers of the same shall give security by bond, with two or more sufficient sureties (which the commissioners or proper officers of the customs are hereby impowered to take) for payment of the said duties, according to the real values of the said goods, to be ascertained according to this act (except coffee, the duties whereof are to be regulated according to the former acts concerning the same), as soon as the said goods shall be sold; and also for exposing the goods so imported to sale, openly and fairly by way of auction, or by inch of candle, within the city of *London*, within the time of twelve months after the importation thereof.

to be entered in the custom-house.

Importer to give security for paying the duties, etc.

(except coffee)

and for exposing them to sale, etc.

How such goods shall be valued.

VII. And it is hereby enacted and declared, That the value of such goods, according to which the said duties are to be paid (except coffee, as aforesaid) shall be reckoned according to the gross price at which such goods shall be so sold, making such allowances only out of the same as are herein-after mentioned; (that is to say) it is hereby enacted, That out of the values of the said goods so to be ascertained by the price at the candle, as aforesaid, there shall be a deduction and allowance made of so much as the net duties, payable to her Majesty for the same goods respectively, do amount unto (except the duty of five pounds *per centum*, payable to the Queen for the use of the said Companies), and so much as the respective Companies or traders aforesaid shall *bona fide* allow for prompt payment, to the persons who at such sales shall buy the said goods at time: and also upon the whole values of the said goods so to be ascertained by the price at the candle, there shall be deducted and allowed six pounds for every hundred pounds to the said Companies and traders respectively, for their charges in keeping the said goods, from the time such goods are imported till the sale by the candle, and in that proportion for a greater or lesser value.

and what deductions and allowances.

VIII. And be it further enacted by the authority aforesaid, That in case any such unrated goods of the growth, product or manufacture of the *East Indies, China*, or other the parts within the limits aforesaid, shall be landed or put on shore out of any ship or vessel, before due entry thereof be made at the custom-house, in the port or place where the same shall be imported, and the said duties shall be secured, as aforesaid, or without a warrant for the landing or delivering the same, first signed by the commissioners, collectors, or other proper officer or officers of the customs respectively, that all such imported goods as shall be so landed and put on shore, or taken out of any ship or vessel, contrary to the true meaning hereof, or the value of the same, shall be forfeited, and shall and may be seized or recovered of the importer or proprietor thereof, (to wit) two thirds of the same to the use of her Majesty, her heirs and successors (he or they bearing the charge of prosecution), and the other third part to the use of such person or persons as will seize, inform, or sue for the same, or the value thereof, by action, bill, suit,

Such unrated goods landed before due entry, etc.

to be forfeited, etc.

or

Duties how
to be applied.

or information, wherein no effoin, protection, or wager of law, shall be allowed: Nevertheless the said duties, so to be paid upon the values so ascertained of the said unrated goods, wares and merchandizes (except the necessary charges of raising, collecting, and answering the same) shall be applied and disposed to the same uses and purposes to which the respective duties, upon the same goods payable in any other manner by any former act or acts, were appropriated or applicable.

The like
drawbacks as
by former
acts.

IX. Provided always, and it is hereby enacted, That in all cases where by the said former acts concerning the said duties of unrated goods, or any of them, any drawbacks or allowances were to be made of all or any part of the duties, upon the exportation thereof, within the respective time or times thereby limited, there shall be the like drawbacks or allowances made of or out of the duties of the same goods, to be ascertained by this act.

18 months
allowed from
entry inwards
to export
tobacco, &c.

XIII. And whereas the time for exportation of tobacco, sugar, ginger, pepper, bugles *alias* beads, cast and bar-iron, dying-wood, all dying-wares, and all drugs, by *English* merchants, in order to drawback, is limited to twelve months, which by experience is found to be too short, and very inconvenient to trade; be it therefore enacted by the authority aforesaid, That all *English* merchants shall, from the said eighth day of *March*, have eighteen months time from the entry inwards of all tobacco, sugar, ginger, pepper, bugles *alias* beads, cast and bar-iron, all dying wood, dying wares, and all drugs, to export the same; and shall have the like benefit and drawback by such exportation, as if the same had been exported within twelve months, according to the second rule in the book of rates; the said rule, or any other law or custom now in force relating thereunto, notwithstanding: Provided certificates be taken forth, and oath made, and all other requisites performed according to the laws now in being.

Proviso.

Oath of the
agent or hus-
band of any
Company, &c.

XIV. And be it further enacted, That in all cases where the oath of merchants, importing and exporting, is by law required to obtain any drawback or allowance upon the exportation of any foreign goods, the making of such oath by the agent or husband of any Corporation, or Company, trading by a joint stock, affirming the truth of the officers certificate of the entry and due payment of the duties of such foreign goods by any such Company or Corporation; and the making of such oath by the known servant of any merchant usually employed in the making his entries, and paying his customs, for any goods of a merchant so to be exported, shall be of the like effect as if the said oaths were made by any particular merchant or merchants themselves.

or servant of
merchant, &c.

Unrated
goods how to
be ascertain-
ed.

XV. And, for ascertaining the values of any unrated goods imported before the said eighth day of *March*, one thousand seven hundred and three, from the *East Indies* and *China*, or any other parts within the limits aforesaid, by the two Companies impowered to trade thither, or either of them; it is hereby further enacted, That the oath of two directors or members of the committee of the said Companies, shall be admitted to affirm the value of such goods so already imported, according to which the duties *ad valorem* for the same are to be paid; any former act or acts of Parliament or usage to the contrary notwithstanding.

An Act for better securing the Duties of East India Goods.

WHEREAS by an act of Parliament made in the ninth year Preamble.
of the reign of his late Majesty King *William the Third*, of
glorious memory, intituled, *An act for raising a sum not exceeding two* Cap. 44.
millions, upon a fund for payment of annuities, after the rate of eight
pounds per centum per annum, and for settling the trade to the East
Indies, it was enacted, That no Company, or particular person or
persons who should have a right, in pursuance of the said act, to trade
to the *East Indies*, or other the parts within the limits in the said act
mentioned, should be allowed to trade thither, until sufficient security
was first given (which the commissioners of the customs in *England*, or
any three or more of them for the time being, were thereby authorized
and required to take, in the name and to the use of his said late Ma-
jesty, his heirs and successors) that such Company or particular per-
sons should cause all the goods, wares, merchandizes and commodities,
which at any time or times afterwards, during the continuance of the
said act, should be laden by or for them or any of them, or for their or
any of their accounts, in any ship or ships whatsoever bound from the
East Indies, or parts within the limits mentioned in the said act, should
be brought (without breaking bulk) to some port of *England* or *Wales*,
and there be unladen and put on land (the danger of the seas, enemies,
pirates, restraints of princes and rulers, and barratry of seamen, ex-
cepted): And whereas the said act, and the security to be given in
pursuance thereof, have been by experience found not to be sufficient
to hinder and prevent the unloading or putting on shore in divers places
and countries other than the kingdom of *England* or dominion of
Wales, great quantities of goods brought from the *East Indies*, or some
port or places within the limits mentioned in the said recited act, to the
great loss of her Majesty's customs, and the trade and navigation of this
kingdom in general; and whereas some difficulties have arisen touching
the acceptance of the security directed by the said act: Be it enacted by
the Queen's most excellent Majesty, by and with the advice and con-
sent of the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the authority of the same, That the
security to be hereafter given in pursuance of the said act, shall be after
the rate of two thousand five hundred pounds for every hundred ton the
ships or vessels shall be respectively let for, that shall be sent to the said
East Indies, or other parts within the limits in the said act mentioned, and
so proportionably for any lesser part than an hundred tons; and that the
English Company trading to the *East Indies* shall for each ship or vessel
which shall be sent out from *Great Britain*, and employed by them, or
for their account, give security as aforesaid, by their common seal; the
condition whereof shall be in the form following; viz.

2,500 l. se-
curity to be
given for
every hun-
dred ton that
ships sent to
the *East Indies*
shall be let
for.
Company to
give such se-
curity.
See 10 Ann. c.
29. 13 Geo. 3.
c. 44. sect. 4.

WHEREAS, in pursuance of an act of Parliament made in the ninth
year of his late Majesty's reign, intituled, *An act for raising a sum not*
exceeding two millions, upon a fund for payment of annuities after the
rate of eight pounds per centum per annum, and for settling the trade to
the East Indies, the ship whereof captain
is master, of the burthen of tons, is, under the
regulation of the said act, bound out upon a voyage to the *East Indies*, or
other parts within the limits prescribed by the said act, with a cargo or lading
of goods, upon account of the above bound *English* Company trading to the
M East

Form of the
condition.

East Indies: *The condition of this obligation is such, that if all the goods, wares, merchandizes and commodities which shall at any time or times hereafter, during the continuance of this present intended voyage, be laden by or for the said Company, or any of them, or for their, or any of their accounts in the said ship, from the said East Indies, or parts aforesaid, shall be, without breaking bulk, brought to some port of Great Britain, and there be unladen, and put on land (the danger of the seas, enemies, pirates, constraint of princes and rulers, barratry of seamen, and necessary provisions, stores, and merchandizes for the people and garrison of St. Helena, only for their own proper consumption, excepted) then this obligation shall be void, or else remain in full force, effect and virtue.*

All goods
shipt in *India*,
&c. to be un-
laden in *Great*
Britain,

except neces-
saries for *St.*
Helena.

Penalty on
landing else-
where.

II. And that besides the several and respective securities to be given by this or the said former act against breaking bulk, all the goods, wares, merchandizes and commodities which shall be loaden in the *East Indies*, or other the parts within the limits mentioned in the said act, upon any ship or vessel belonging to any of her Majesty's subjects, with intent to be transported out of and from the said *East Indies*, or other the parts within the limits aforesaid, the same shall be brought to some port of *Great Britain*, and there shall be unladen and put on shore (necessary provisions, stores, and merchandizes for the people and garrison of *St. Helena*, for their own proper consumption only, excepted); and except also where the breaking of bulk or landing of goods in breach of this or the said former act shall happen to be by the danger of the seas, enemies, pirates, restraints of princes or rulers, or barratry of seamen, on pain of forfeiting all such goods, which contrary to this act shall be landed elsewhere than in some port of *Great Britain*, or the value thereof, to be recovered, one moiety thereof to her Majesty, her heirs and successors, and the other moiety thereof to the person or persons who shall seize, inform, or sue for the same in any of her Majesty's courts of record at *Westminster*, wherein no esoin, protection, or wager of law, shall be allowed.

6 A N N Æ. Cap. XVII.

An Act for assuring to the English Company trading to the East Indies, on Account of the United Stock, a longer Time in the Fund and Trade therein mentioned, and for raising thereby the Sum of Twelve hundred thousand pounds for carrying on the War, and other her Majesty's Occasions.

Preamble, re-
citing 9 W. 3.
c. 44. for
establishing
the *East India*
Company.

MOST gracious Sovereign: Whereas in and by an act made in the ninth year of the reign of our late Sovereign Lord King *William the Third* (of glorious memory), intituled, *An Act for raising a sum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds per centum per annum, and for settling the Trade to the East Indies*, it is, amongst other things, enacted, That all the monies arising by the several duties upon salt and rock-salt, and upon stamp vellum, parchment and paper, in the said act mentioned, should be brought and paid into the receipt of the exchequer yearly and every year, reckoning the first year to begin from the nine and twentieth day of *September*, one thousand six hundred ninety-eight, and that one hundred and sixty thousand pounds per annum, of the monies to arise by the said several duties, and to be brought into the exchequer by weekly

or

or other payments, in case the same payments should extend thereunto, should be the whole and entire yearly fund; and in case the same weekly or other payments should not extend to one hundred and sixty thousand pounds *per annum*, then the said weekly monies or payments, so far as the same should extend, should be part of the yearly fund for and towards the answering and paying of the annuities of eight pounds *per centum per annum*, to such persons or corporations as should subscribe and pay in their monies upon the terms of the said act: And it is thereby further enacted, That it should and might be lawful for his Majesty, by commission under the then great seal of *England*, to authorise and appoint any number of persons to take and receive all such voluntary subscriptions as should be made on or before the said nine and twentieth day of *September*, one thousand six hundred ninety-eight, by or for any person or persons, natives or foreigners, bodies politick or corporate (the Governor and Company of the Bank of *England* only excepted) of any sum of money whatsoever, not less than one hundred pounds, for and towards the raising and paying into the receipt of the exchequer the sum of two millions of pounds sterling: And it was therein further enacted, That during the time thereby limited for taking the said subscriptions, it should and might be lawful to and for all and every person and persons, natives and foreigners, bodies politick and corporate, by or for themselves, or any of them, or in trust for any other person or persons, bodies politick or corporate, or any of them (except as aforesaid), freely to subscribe any sum of money, not less than one hundred pounds, for or towards the said sum of two millions; and that all monies so to be subscribed should be answered and paid in such manner and form as in the said act is expressed: And it was thereby further enacted, ordained, and declared, That every person and body politick, who should subscribe as aforesaid, and be named or contained in such book or books as are therein mentioned, his, her, or their heirs, executors, administrators, successors and assigns respectively, should have, receive and enjoy for ever, out of the fund by the said act settled and provided, one annuity or certain yearly sum, for the whole sum by him, her, or them subscribed, according to the rate or proportion of eight pounds *per centum per annum*, in the manner thereby prescribed: And it is thereby further enacted, That it should and might be lawful to and for his said late Majesty, by letters patents under the then great seal of *England*, to incorporate all and every person and persons, natives and foreigners, bodies politick and corporate, who should subscribe, or for whom subscription should be taken, and upon whose subscriptions such payment should be made, as is therein expressed, and all and every person and persons, bodies politick and corporate, who as executors, administrators, successors or assigns, or by any other lawful title, derived or to be derived from, by, or under the the said original subscribers, at any time or times thereafter, should have or be intitled to any part, share, or interest, of or in the said yearly fund, so long as they respectively should have any such part, share, or interest therein, to be one body politick and corporate, by the name of, *The General Society entitled to the advantages given by the act of Parliament, for advancing a sum not exceeding two millions, for the service of the crown of England*, with such succession, capacity, and powers as in the said act is mentioned; and in such charters or letters patents, such further rules, powers and clauses for carrying on trade; and pursuing the ends and intent of the said act, were to be inserted, as should be lawfully and reasonably desired in that behalf: And it was thereby further enacted, That in case the said whole sum of two millions, or one moiety or any greater part of the said sum of two millions, should be subscribed, as aforesaid,

on

on or before the said nine and twentieth day of *September*, one thousand six hundred ninety-eight, that then, and from thenceforth, all and every the person and persons, natives and foreigners, bodies politick and corporate, by or for whom such subscriptions should be made, and all and every person and persons, bodies politick and corporate, who as executors, administrators, successors or assigns, or by any other lawful title, derived or to be derived from, by or under the said original subscribers at any time or times thereafter, should have or be entitled to any part, share, or interest of and in the said yearly fund, and of and in a proportional part of the principal stock of the said General Society, so long as they respectively should continue to have any part, share, or interest therein; and all and every person and persons, who for any time should be licensed by such person or persons, bodies politick or corporate, to trade in the stead of them, should, or lawfully might for ever thereafter, by themselves severally, or by such factors, agents or servants as they severally should think fit to entrust, freely traffick, and use the trade of merchandise into and from the *East Indies*, and parts or limits in the said act mentioned, in such manner, and by such proportions, and subject to such restrictions, as in the said act are expressed. And it was further thereby enacted, That if the said whole sum of two millions, or one moiety, or any greater part thereof, should be subscribed on or before the said nine and twentieth day of *September*, one thousand six hundred ninety eight, and all or any corporations, or other person or persons, having particular shares or interests in the said principal stock of the said General Society, or in proportionable annuities or yearly payments issuing out of the said yearly fund, should be willing and desirous to unite and join together such their several shares and interest, and to be incorporated, so as they might be able to manage their trade (in proportion to their interests) as a Company, and by a joint-stock, that then it should and might be lawful for his said late Majesty, by letters patents under the then great seal of *England*, to incorporate all such persons and corporations, by such proper names as he should think fit, to be one Company, with power to manage and carry on their trade to the *East Indies*, and other the limits in the said act mentioned, by a joint-stock, and to have perpetual succession, and a common seal, with power to grant and take, sue and be sued, and to choose their own managers, directors and officers from time to time, and such other powers and clauses as should be necessary or requisite for the carrying on of such trade, and should be reasonable for his said late Majesty to grant, nevertheless with such restrictions as in the said act is mentioned; and the directors and managers, and other members of such Company, were to be subject to such further rules, qualifications and appointments, as his said late Majesty in such charter should think necessary or reasonable to be inserted: And in the said act there is contained a proviso or condition of redemption, in such manner and form as therein, and hereafter in this present act are expressed. And it is also thereby enacted, That in case the duties arising or appropriated by the said act, should at any time or times appear to be so deficient in the produce of the same, as that within any one year, to be reckoned from the nine and twentieth day of *September*, which should be in the year of our Lord one thousand six hundred ninety and nine, the weekly payments upon the same duties should not amount to so much as should be sufficient to discharge and satisfy the several and respective benefits, yearly payments or advantages by the said act appointed or intended to be paid, within or for the same year respectively, in every such case, every such deficiency should be answered by or out of the next aids to be raised and granted by Parliament in the manner therein mentioned, as by the said act of Parliament, in which are contained divers other powers, provisos,

authorities, privileges, and clauses (relation being thereunto had) more fully and at large it doth and may appear: And whereas, in pursuance of the said act, his said late Majesty, by a commission under the then great seal of *England*, bearing date at *Westminster* the fourteenth day of *July*, in the tenth year of his reign, did authorise several persons therein named to be commissioners, with power to take subscriptions for and towards the raising and paying the said sum of two millions, as by the said commission, relation being thereunto had, may more fully appear: And whereas it appeared by duplicates transmitted into the office of the auditor of the receipt of his said late Majesty's Exchequer, that several sums, amounting in the whole to the said sum of two millions of pounds sterling, were subscribed pursuant to the said act: And whereas the said whole sum of two millions was entirely answered to his Majesty's use: And whereas by a charter under the great seal of *England*, bearing date at *Westminster* the third day of *September*, in the tenth year of his said late Majesty's reign, his Majesty created and established the said corporation, or body politick, called *The General Society entitled to the advantages given by an act of Parliament, for advancing a sum not exceeding two millions, for the service of the crown of England*, with such powers, privileges and benefits as are therein expressed: And whereas by letters patents under the great seal of *England*, bearing date at *Westminster* the fifth day of *September*, in the said tenth year of his said late Majesty's reign, reciting, that the subscribers towards the said sum of two millions therein particularly named and expressed, were willing and desirous to unite or join together their several shares or interests in the principal stock of the said General Society, or in their proportionable annuities, or yearly payments issuing out of the said yearly funds, and to be incorporated so as they might be able to manage their trade in proportion to their interest as a Company, and by a joint-stock, his said late Majesty did grant, ordain, and establish, that the subscribers therein particularly named, and every of them, and all and every person and persons, bodies politick and corporate, who as executors, administrators, successors or assigns, or by any other lawful title, derived or to be derived from, by or under the same subscribers, should have and be entitled to any part, share or interest of or in the said yearly fund by the said act settled, as aforesaid, or of or in the proportionable annuities or yearly payments issuing out of the said yearly fund, so long as they respectively should have any such part, share, or interest therein, to be one body politick and corporate, by the name of *The English Company trading to the East Indies*, with such benefit of trade, powers, privileges, and advantages, and subject to such restrictions, conditions, covenants and agreements, as are therein expressed: And whereas, by another act of Parliament made in the eleventh year of his said late Majesty's reign, reciting, that *John Dubois of London*, merchant, had by direction of, and in trust for the corporation of the Governor and Company of merchants of *London* trading into the *East Indies*, subscribed and paid the sum of three hundred and fifteen thousand pounds, as part of the said sum of two millions, it was enacted, That the said Governor and Company of merchants of *London* trading into the *East Indies*, should remain, continue and be one body corporate and politick by the name aforesaid, subject nevertheless to be determined upon redemption of the fund by the said act granted: And whereas, by an indenture tripartite, bearing date the two and twentieth day of *July*, in the year of our Lord one thousand seven hundred and two, made between your Majesty of the first part, the Governor and Company of merchants of *London* trading into the *East Indies* of the second part, and the *English Company trading to the East Indies* of the third part, it was (amongst other things) agreed,

Charter dated
3 Sept. 10 W. 3.

The General
Society.

Charter 5 Sept.

English Com-
pany trading to
the East Indies.

union of

with your Majesty's approbation, that the said Governor and Company of merchants of *London* trading into the *East Indies* should purchase from the members of the said *English* Company so much of their capital stock as would make the property of the said Governor and Company of merchants of *London* trading into the *East Indies* equal to the property which would then remain to the other members of the said *English* Company trading to the *East Indies*; and that the whole trade which might or should be carried on during the term of seven years, to be reckoned from the date of that indenture, to and from the *East Indies*, and other the parts within the limits aforesaid, for or in respect of their several stocks and funds thereby agreed to be united, should be for the benefit and behoof of all the members of the said *English* Company trading to the *East Indies*, proportionable to their shares in the capital or principal stock thereof; and that the said Governor and Company of merchants of *London* trading to the *East Indies* should have a right and power equal to the rest of the members of the said *English* Company, in the direction, management, and carrying on of the said trade, during the said term of seven years; and that, after the end or expiration of the said term of seven years, the whole trade to the *East Indies*, and other the parts within the limits aforesaid, for or in respect of their united stock and fund, should for ever (subject to the redemption of the said fund by Parliament) be wholly managed and carried on by the said *English* Company trading to the *East Indies*, (by whatsoever name the same should then be called), according to the said charter of the fifth of *September* in the said tenth year of his said late Majesty's reign, and not otherwise; and to that end and purpose, many covenants, conditions and agreements were contained in the said indenture, as by the same, relation being thereunto had, may more fully appear: And whereas the united stock of the said Governor and Company of merchants of *London* trading into the *East Indies*, and of all the rest of the members of the said *English* Company trading to the *East Indies*, in their own names, or in the names of others in trust for them, doth at this time amount to one million nine hundred ninety-two thousand eight hundred pounds, part of the sum of two millions before mentioned; and their united fund doth amount to one hundred fifty-nine thousand four hundred twenty-four pounds *per annum*, part of the sum of one hundred and sixty thousand pounds *per annum* before mentioned: And as well the said Governor and Company of merchants of *London* trading into the *East Indies*, as the rest of the members of the said *English* Company trading to the *East Indies*, are willing to advance to your Majesty, in manner herein after mentioned, for carrying on the present war, and other your Majesty's necessary occasions, a further sum of twelve hundred thousand pounds of lawful money of *Great Britain*, upon such terms, conditions and advantages as are herein-after expressed and set down: Now we your Majesty's most dutiful and loyal subjects, the Commons of *Great Britain* in Parliament assembled, being desirous not only to supply your Majesty with such aids as may enable your Majesty to carry on the said war with vigour, but also to raise the same in such a manner as may create no new charge upon your subjects, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the said *English* Company trading to the *East Indies*, as well for and on the behalf of the said Governor and Company of merchants of *London* trading into the *East Indies*, as for and on the behalf of all other the members of the said *English* Company, shall advance and actually pay into the receipt of her Majesty's exchequer,

English Company to advance
1,200,000*l.*

exchequer, for her Majesty's use, the said sum of twelve hundred thousand pounds, by such proportions and at such times as are herein after appointed for the payment thereof; (that is to say) two hundred thousand pounds, part thereof, on or before the twelfth day of *May*, which shall be in the year of our Lord one thousand seven hundred and eight; two hundred thousand pounds more thereof, on or before the twelfth day of *July*, one thousand seven hundred and eight; two hundred thousand pounds more thereof, on or before the eleventh day of *September*, one thousand seven hundred and eight; two hundred thousand pounds more thereof, on or before the twelfth day of *November*, one thousand seven hundred and eight; two hundred thousand pounds more thereof, on or before the twelfth day of *January*, one thousand seven hundred and eight; and two hundred thousand pounds more thereof, and in full satisfaction of the said twelve hundred thousand pounds, on or before the tenth day of *March*, which shall be in the year of our Lord one thousand seven hundred and eight; and in case the said *English* Company trading to the *East Indies*, shall make failure in any of the said payments hereby appointed to be made, at or before the respective days or times before limited in that behalf, the monies whereof such failure in payment shall be made, shall and may be recovered to her Majesty's use, by action of debt, or upon the case, bill, suit or information, in any of her Majesty's courts of record at *Westminster*, wherein no escoin, protection, privilege, or wager of law, shall be allowed, or any more than one imparlance; in which action, bill, suit or information, it shall be lawful to declare, that the said *English* Company trading to the *East Indies*, are indebted to her Majesty the monies of which they shall have made default in payment, according to the form of the statute, and have not paid the same, which shall be sufficient; and in or upon such action, bill, suit or information, there shall be further recovered to her Majesty's use, against the said *English* Company trading to the *East Indies*, damages after the rates of twelve pounds *per centum*, for the monies so unpaid contrary to this act, besides full costs of suit; and the said *English* Company trading to the *East Indies*, and their successors, and the said united stock and fund, shall be and are hereby made subject and liable thereunto.

Times of payment.

On nonpayment, Company may be sued, etc.

II. And, for the better enabling the said *English* Company trading to the *East Indies*, to raise and pay the said sum of twelve hundred thousand pounds to her Majesty's use, as aforesaid, it is hereby declared and enacted by the authority aforesaid, That the common seal of the said *English* Company, now in the hands of the managers for the united trade of the *English* Company trading to the *East Indies*, shall and may be made use of to borrow any sum or sums of money from time to time, upon account of the said united stock and fund, so as the sum total of all the principal monies which at any one time shall be owing upon the security of the said seal, do not exceed one million five hundred thousand pounds, over and above the monies which might lawfully be borrowed thereupon before the making of this present act.

Company may borrow 1,500,000 l. on their common seal.

III. And it is hereby enacted by the authority aforesaid, That in case the general court of the said Governor and Company of merchants of *London* trading into the *East Indies*, and the general court of the said *English* Company trading to the *East Indies*, at any time or times whilst they shall separately continue, shall think fit, or if the general court of the said *English* Company, after the determination of the other general court aforesaid, shall think fit to call in monies from their respective adventurers or members, for or towards the raising the said sum of twelve hundred thousand pounds to be advanced to her Majesty's use, or any part thereof, or for repaying the monies borrowed for that purpose,

The two Companies may call in monies for advancing 1,200,000 l.

or for repaying the monies borrowed.

or the interest thereof, that then it shall and may be lawful to and for the said Governor and Company of merchants of *London* trading into the *East Indies*, and the said *English* Company trading to the *East Indies*, respectively, at any time or times, during the separate continuance of their general courts, as aforesaid, and afterwards to and for the said *English* Company trading to the *East Indies*, by whatsoever name or names the same shall then be called or known, to call in, or direct to be paid unto them respectively, from and by their respective adventurers and members for the time being, proportionably, any sum and sums of money which shall from time to time be so thought fit, for or towards the making up the said sum of twelve hundred thousand pounds to be advanced to her Majesty's use, as aforesaid, or for repaying the monies borrowed for that purpose, or the interest thereof; and that all executors, administrators, guardians, and trustees, shall be indemnified in paying the same; and in case any adventurers or members of the said respective corporations, shall neglect or refuse to pay his, her or their shares of the monies so called in, at the time or times appointed for that purpose, by notice to be fixed upon the Royal Exchange in *London*, or in case any adventurer or adventurers, member or members of the said respective corporations, shall neglect or refuse to pay his, her or their shares of the monies which the said companies, or either of them, shall (in pursuance of the said first recited act, and their respective charters, or any or either of them) call in, for the carrying on of their trade, at the time or times appointed for that purpose, by the like notice, as aforesaid; then, and in either of the said cases, it shall and may be lawful for the said Governor and Company of merchants of *London* trading into the *East Indies*, and the said *English* Company trading to the *East Indies*, respectively, and their respective successors, not only to stop the share or dividends which shall from time to time become payable to such adventurer or adventurers, member or members, so neglecting or refusing, of the fund, stock, or profits of the said respective companies, and to apply the same from time to time for or towards payment of the share of the money so called in, and which ought to have been paid by such adventurer or adventurers, member or members so neglecting or refusing to pay the same, until the same shall be satisfied, but also to stop the transfers of the shares of every such defaulter, and to charge such defaulter and defaulters with an interest after the rate of six pounds *per centum per annum* for the monies so by him and them neglected to be paid, from the time the same were appointed to be paid until the payment thereof; and the share and stock of such defaulter and defaulters shall be liable to make good and answer the said monies so appointed to be paid, and the interest thereof; and that in case the principal and interest shall not be paid within the space of three months, then the said Governor and Company, and the said *English* Company, and their successors respectively as aforesaid, shall have power to sell so much of the stock of such defaulter or defaulters as will satisfy and pay the same.

Executors,
etc. indemnified.

Members refusing to pay. Company may stop their dividends, etc.

and the transfers of such defaulters, and charge them with an interest at 6l. per cent.

Shares not paid in three months, Company may sell.

The said 1,200,000l. to be a further addition to the capital stock, and tax-free.

The united stock liable to all debts contracted, etc.

IV. And be it further enacted by the authority aforesaid, That the said sum of twelve hundred thousand pounds agreed to be advanced and paid, as aforesaid, shall be, and be called, deemed and taken to be a further addition to the capital stock of the said *English* Company, and shall be, and is hereby exempted from any taxes, rates, impositions or assessments whatsoever.

V. And be it further enacted by the authority aforesaid, That the united stock and fund of the said *English* Company, and their successors, by whatsoever name or names they shall be called or known, shall be and are by this present act made subject and liable to the payment and satisfaction

faction of all such debts as are or shall be contracted by the same Company, for or upon account of the said united stock or trade.

VI. And whereas by the said former acts and charters it was provided, That at any time, upon three years notice, after the nine and twentieth day of *September*, one thousand seven hundred and eleven, upon re-payment of the said two millions, and all arrears of the said annuities or yearly payments, the said duties upon salt and rock salt, and the said duties upon stamp vellum, parchment and paper, and the said yearly fund charged thereupon, and the said annuities issuing out of the same, and the duty of five pounds in the hundred on imported goods therein expressed, and all the corporations to be erected by or in pursuance of that act, and the benefit of trade thereby given or intended to be given to them or any of them, should absolutely cease and determine: now, to the intent that the said *English Company*, and their successors, may be encouraged to proceed in their trade, and may have time to settle factories, and perform such other matters and things as are necessary for carrying on the said trade to their best advantage and profit, it is hereby declared and enacted by the authority aforesaid, That the last mentioned proviso for redemption, and determination of the said several duties, yearly fund, annuities, corporations, and benefit of trade, shall be, and is hereby repealed and made void; and that the said duties upon salt and rock salt, and the said duties upon stamp vellum, parchment and paper, and the said duty of five pounds in the hundred upon imported goods, shall continue, and the said *English Company* trading to the *East Indies*, and their successors, by whatsoever name or names they shall be called or known, shall have and enjoy the said yearly sum of one hundred fifty-nine thousand four hundred twenty-four pounds *per annum*, and all the benefit of trade, franchises, privileges, profits and advantages whatsoever, in respect thereof given and granted, or intended to be given or granted, unto them by the said act of the ninth year of his said late Majesty's reign, or by the said charter of the fifth day of *September*, in the tenth year of his said late Majesty's reign, or by the said indenture tripartite of the two and twentieth day of *July*, one thousand seven hundred and two, and every or any of them, freed and discharged of and from the said former proviso, or condition of redemption, and all other provisos, powers, acts, matters or things heretofore had, made, done or committed, for redeeming, determining or making void the said duties, yearly fund, benefit of trade, franchises, privileges, profits and advantages, or any of them; subject nevertheless to the restrictions, covenants and agreements in the said act first recited, and the said recited charters and indenture tripartite, or any of them, contained, now in force, and also subject to the general provisos or condition of redemption hereafter in this act contained.

VII. And whereas several persons who did subscribe, or do derive under persons who did subscribe several sums, amounting in the whole to seven thousand two hundred pounds, part of the said two millions, are in respect thereof entitled to five hundred seventy-six pounds *per annum*, part of the said sum of one hundred and sixty thousand pounds *per annum*, and to a proportional part of the trade to the *East Indies*, and other the parts aforesaid, have not united their stock and fund to the stock and fund of the said corporations impowered to trade by a joint-stock, as aforesaid, but do by themselves, or others by them licensed, carry on their trade for their own separate use and accounts; it is hereby provided and enacted by the authority aforesaid, That the several persons entitled to the said stock, amounting to seven thousand two hundred pounds, their executors, administrators and assigns, shall and may peaceably and quietly have, hold and enjoy their said proportion of the said yearly fund and trade, as fully

For encouraging the *English Company* to carry on their trade.

Former proviso for redemption repealed.

Subject nevertheless, etc.

Separate stock confirmed.

But after 29
September,
1718, upon
three years
notice and re-
payment, etc.

the said sepa-
rate stock shall
be vested in
the English
Company.

Duty of 5 per
cent. after 29
Sept. 1714, to
cease.
Sec 9 W. 3. c.
44. l. 76.

After 25
March, 1726,
upon 3 years
notice, and
repayment,
etc. Corpora-
tion to cease.

Not to repeal
II W. 3. c. 10.

and effectually as they might have done if this act had never been made; nevertheless it shall and may be lawful to and for the said *English* Company and their successors, at any time after the nine and twentieth day of *September*, one thousand seven hundred and eleven, by writing to be signed by their secretary, and to be affixed upon the *Royal Exchange* in *London*, to give notice of their intention to repay the said sum of seven thousand two hundred pounds to the persons who shall be interested therein, or entitled thereunto, at the end of three years after such notice given; and in case the said *English* Company, at the end of the said three years, do fully pay and satisfy to such persons the said sum of seven thousand two hundred pounds, at the *Guildhall* of *London*, together with all arrears (if any) of the said yearly sum of five hundred seventy-six pounds, which shall be then due to the said persons respectively, then, and upon such payment, or lawful tender thereof, the said stock of seven thousand two hundred pounds, and the proportional trade and fund belonging thereunto, shall be, and are by virtue of this act, vested and settled in the said *English* Company, and their successors; subject nevertheless to the general proviso or condition of redemption hereafter in this act contained, and to no other proviso or condition of redemption whatsoever; any thing in this act contained, or any other matter or thing to the contrary notwithstanding.

VIII. Provided always, and it is hereby further enacted by the authority aforesaid, That the before-mentioned duty of five pounds *per centum* for or in respect only of such goods and merchandizes as shall be imported into *Great Britain* by the said *English* Company trading to the *East Indies*, from and after the nine and twentieth day of *September*, one thousand seven hundred and fourteen, shall cease, determine, and be no longer collected or paid; any thing in this, or in the said first recited act, to the contrary in any wise notwithstanding.

IX. Provided always, and it is hereby declared and enacted by the authority aforesaid, That at any time upon three years notice, after the five and twentieth day of *March*, which shall be in the year of our Lord one thousand seven hundred and twenty-six, upon the expiration of the said three years, and upon repayment by parliament, as well of the said sum of two millions formerly advanced, as of the said sum of twelve hundred thousand pounds to be advanced, as aforesaid, making in the whole three millions and two hundred thousand pounds, unto such Companies, corporations or persons as shall be then entitled thereunto, and of all arrears which at the end of the said three years shall be due for or upon the said yearly fund of one hundred and sixty thousand pounds *per annum*, then, and from thenceforth, as well the said duties upon salt and rock salt, as the said duties upon stamp vellum, parchment and paper, and also the said yearly fund of one hundred and sixty thousand pounds, and all the corporations erected by or in pursuance of this or the said former acts, and the benefit of trade by this and the said former acts and charters, or any of them, given, or intended to be given to them or any of them, shall absolutely cease and determine; any thing herein contained to the contrary notwithstanding.

X. Provided always, and be it enacted by the authority aforesaid, That this act, or any thing herein contained, shall not be deemed, taken or construed to repeal or alter an act made in the eleventh and twelfth years of the reign of the late King *William* the Third, of glorious memory, intituled, *An act for the more effectual employing the poor, by encouraging the manufacturèrs of this kingdom*, or any clause, matter or thing therein contained; but that the said act, and every clause, matter or thing therein contained, shall stand, remain and be in full effect and force, to all intents

tents and purposes whatsoever, as if this act had never been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

XI. Provided also, and it is hereby further enacted and declared by the authority aforesaid, That, from and after the five and twentieth day of *March*, one thousand seven hundred and eight, upon any importation of any goods or merchandizes by the said *English* Company trading to the *East Indies*, it shall and may be lawful for the commissioners and officers of the customs for the time being, and they are hereby required from time to time to take one or more bond or bonds, under the common seal of the said *English* Company, for all such of the customs and duties chargeable and to be charged on the goods and merchandizes so to be imported, as are bondable, or for which bonds have usually been given; any law, statute or provision to the contrary thereof in any wise notwithstanding.

From 25
March, 1708,
custom-house
may take
Companies
sealed bonds
for goods im-
ported.

XII. And whereas the Governor and Company of merchants of *London* trading into the *East Indies*, and the rest of the members of the *English* Company trading to the *East Indies*, are desirous that a speedy and complete union may be had and perfected, pursuant to the before-mentioned indenture tripartite, and have agreed to refer all matters in difference concerning the same, and the completing the said union, unto the final determination of the right honourable *Sidney* Earl of *Godolphin*, Lord high treasurer of *Great Britain*; be it therefore enacted by the authority aforesaid, That the said matters in difference between the said Governor and Company of merchants of *London* trading into the *East Indies*, and the rest of the members of the said *English* Company, and the settling the terms of, and perfecting and completing the said union, shall be, and is hereby referred to the judgement, award, and final determination of the said *Sidney* Earl of *Godolphin*, to proceed upon and settle the terms and conditions of the same, as his lordship shall think fit, so as the whole be made, settled, perfected and completed on or before the twenty-ninth day of *September*, in the year one thousand seven hundred and eight; by writing attested under his lordship's hand and seal; which said award, being so made and settled within the time aforesaid, shall in all parts thereof be binding and conclusive, as well to the said Governor and Company of merchants of *London* trading into the *East Indies*, as to the rest of the said members of the said *English* Company, and shall be by them complied with, and submitted to accordingly.

In order to a
complete
union.

all differences
referred to the
Earl of *Godol-
phin*.

His award to
be binding.

XIII. Provided always, and it is hereby further enacted by the authority aforesaid, That from and after the making of the said award and surrender of the charter of the said Governor and Company of merchants of *London* trading into the *East Indies*, in pursuance of the said indenture tripartite, then the persons who, at the time of such surrender, shall in pursuance of the same indenture be the managers for the united trade of the *English* Company trading to the *East Indies*, and none others, shall be the directors of the said *English* Company (which Company shall then be called; *The United Company of Merchants of England trading to the East Indies*) until such time as new directors shall be chosen for the same, in pursuance of the said charter, bearing date the fifth day of *September*, in the tenth year of his said late Majesty's reign.

After such
award, etc.
managers for
the united
trade shall be
directors, etc.
till new ones
be chosen.

XIV. And be it further enacted by the authority aforesaid; That this present act, and the acts herein before recited, and all parts thereof, shall be construed, adjudged, and taken to be publick acts to all intents and purposes whatsoever.

Acts, etc. to be
publick acts.

9 ANNÆ. Cap. VII.

An Act for enabling and obliging the Bank of England, for the Time therein mentioned, to exchange all Exchequer Bills for ready Money upon Demand; and to disable any Person to be Governor, Deputy Governor, or Director of the Bank of England, and a Director of the East India Company, at the same Time.

[So much thereof as relates to the *East India Company*.]

None may be Governor, etc. of the Bank and East India Company at the same time.

XI. AND be it enacted by the authority aforesaid, That in all future elections of Governor, Deputy Governor, or Directors, of the respective corporations of the Bank of *England*, and of the United Company of Merchants of *England* trading to the *East Indies*, all and every person or persons, who shall be elected Governor, Deputy Governor, or Director of the Bank of *England*, shall, during the year for which he or they shall be elected, be incapable of being chosen a Director or Directors for the management of the affairs of the said United Company; and all and every person or persons, who shall be elected a Director or Directors of the said United Company, shall, during the year for which he or they shall be so elected, be incapable of being chosen a Governor, or Deputy Governor, or Director or Directors of the Bank of *England*.

10 ANNÆ. Cap. XXVIII.

An Act for continuing the Trade and Corporation-capacity of the United East India Company, although their Fund should be redeemed.

9 & 10 W. 3. c. 44.

WHEREAS in and by an act made in the ninth year of the reign of our late Sovereign Lord King *William the Third*, of glorious memory, intituled, *An act for raising a sum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies*, it is amongst other things enacted, That the sum of one hundred and sixty thousand pounds *per annum*, arising by the several duties upon salt, and upon stamp vellum, parchment and paper, in the said act mentioned, should be applied for the paying of annuities of eight pounds *per centum per annum*, to such persons or corporations as should subscribe and pay the sum of two millions of money, upon the terms of the said act; and that the persons and corporations who should so subscribe and pay the said monies, should have the sole trade to the *East Indies*, and the other places mentioned in the said act, subject nevertheless to a proviso or condition of being redeemed by Parliament at any time, upon three years notice, after the nine and twentieth day of *September*, one thousand seven hundred and eleven, upon repayment of the said two millions; and of the arrears of the said annuities of eight pounds *per centum*, in the manner directed by the said act; and it was by the said act likewise provided, That his said late Majesty might constitute a corporation to trade with a joint stock to the said *East Indies*, with such powers and authorities, and under such limitations as in the said act are for that purpose set forth: And his said late Majesty

Majesty did, in pursuance of the said act, by his letters patents, under the great seal of England, bearing date the fifth day of September, in the tenth year of his reign, constitute a corporation or body politick, by the name of *The English Company trading to the East Indies*, with such benefit of trade, powers, privileges, and advantages, and subject to such restrictions, conditions, and agreements, as are in the said letters patents set forth: And whereas, in and by one other act made in the sixth year of her present Majesty's reign, intituled, *An act for assuring to the English Company trading to the East Indies, on account of the united stock, a longer time in the fund and trade therein mentioned; and for raising thereby the sum of one million two hundred thousand pounds, for carrying on the war, and other her Majesty's occasions*; it was enacted, That upon payment to her Majesty of the sum of one million two hundred thousand pounds, at the times, and upon the terms in the said act mentioned, they the said English Company, trading to the East Indies, now called *The United Company of Merchants of England trading to the East Indies*, should have such further time and interest in the said fund and trade to the East Indies, as in the last mentioned act is particularly set forth, but subject to the proviso or condition of redemption in the said last mentioned act, and herein set forth; that is to say, it was thereby declared and enacted, That at any time, upon three years notice, after the five and twentieth day of March, which shall be in the year of our Lord one thousand seven hundred and twenty-six, upon the expiration of the said three years, and upon repayment by Parliament, as well of the said sum of two millions then before advanced, as of the said sum of one million two hundred thousand pounds then to be advanced, and since advanced and paid accordingly, making in the whole three millions two hundred thousand pounds, and of all arrears which, at the end of the said three years, shall be due for and upon the said fund of one hundred and sixty thousand pounds, then and from thenceforth, as well the said duties upon salt, as the said duties upon stamp vellum, parchment and paper, and also the said yearly fund of one hundred and sixty thousand pounds, and all the Corporations erected in pursuance of the said acts, or the benefit of trade granted by them, or by any charters made in pursuance thereof, should absolutely cease and determine: Now, to the intent that the said United Company of Merchants of England trading to the East Indies, and their successors, may be the better encouraged to proceed in their trade, and to make such lasting settlements for the support and maintenance thereof for the benefit of the British nation, may it please your Majesty, at the humble petition of the said United Company of Merchants of England trading to the East Indies, that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the last mentioned proviso for redemption and determination of the said several duties, yearly fund, annuities, corporations, and benefit of trade, shall be, and is hereby repealed and made void; and that the said duties upon salt, and the said duties upon stamp vellum, parchment and paper, and the duty of five pounds in the hundred, charged by the said acts upon goods imported from the East Indies, shall continue, and the said United Company of Merchants of England trading to the East Indies, and their successors, shall have and enjoy the said yearly sum of one hundred and sixty thousand pounds per annum, or such part thereof as they now are or hereafter shall be entitled unto, and all the benefit of trade, franchises, privileges, and profits, and advantages whatsoever, in respect thereof

Charter 10 W.

Act 6 Ann. c1

17.

Proviso of redemption in Act 6 Ann, repealed, and salt duties continued.

See further 3 Geo. 2. c. 10.

Exclusive trade continued by

3 G. 1. c. 14.

17 G. 2. c. 17.

19 G. 3. c. 62.

20 G. 3. c. 26.

21 G. 3. c. 65.

thereof given and granted, or intended to be given or granted unto them by the said act of the ninth year of his said late Majesty's reign, or by the said charter of the fifth day of *September*, in the tenth year of his said late Majesty's reign, or by the said act of the sixth year of her present Majesty's reign, or by any of them, freed and discharged of and from the said former proviso or condition of redemption contained in the said last recited act, and all other provisos, powers, acts, matters or things, heretofore had, made, done, or committed, for redeeming, determining, or making void the said duties, yearly fund, benefit of trade, franchises, privileges, profits, and advantages, or any of them, subject nevertheless to the restrictions, covenants, and agreements in the said recited acts, and letters patents, or any of them, contained, now in force, and also subject to the general provisos or condition of redemption herein-after contained; that is to say, Provided always, and it is hereby declared and enacted by the authority aforesaid, That at any time, upon three years notice, after the five and twentieth day of *March*, which shall be in the year of our Lord one thousand seven hundred and thirty-three, and upon repayment by Parliament as well of the said sum of two millions, as of the said sum of twelve hundred thousand pounds, making in the whole three millions two hundred thousand pounds, unto such Companies, Corporations, and persons, as shall be then intitled thereto, and of all arrears which, to the end of the said three years, shall be due for or upon the said yearly fund of one hundred and sixty thousand pounds *per annum*, then and from thenceforth the said duties upon salt, and the said duties upon stamp vellum, parchment, and paper, and the said yearly fund of one hundred and sixty thousand pounds, shall absolutely cease and determine.

New proviso
of redemption
on 3 years notice,
after 25
March, 1733.

10 ANNÆ. Cap. XXIX.

An Act for better ascertaining and securing the Payments to be made to her Majesty for Goods and Merchandizes to be imported from the East Indies, and other Places within the Limits of the Charter granted to the East India Company.

Preamble.
See 9 & 10 W.
3. c. 44. l. 77.
6 Ann. c. 3.
13 G. 3. c. 44.
l. 4.

WHEREAS the United Company of Merchants of *England* trading to the *East Indies*, do yearly import great quantities of goods, the species and quantities whereof cannot be known, nor due entries made, so as to ascertain the customs, without having them first landed and examined, to bring the contents thereof into a method fit for the computation of the customs and other duties payable for the same; for which reason it hath been the constant practice of all Companies trading to the *East Indies*, to enter and land their goods and merchandizes by bills at sight, or sufferance, and to give security for payment of the customs, and other duties thereof, at two six months time from the importation: And whereas some doubts have lately arisen concerning the legality of the said practice; be it therefore enacted and declared by the Queen'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 for the said Company, and their successors, from time to time, to enter such goods

East India
Company may

goods as are or shall be imported by them at the custom-house by bills at sight, or sufferance, and to give security under their common seal for the payment of the customs, and other duties laid, or to be laid, upon all such goods as are rated in the book of rates, and upon coffee, which is to be ascertained by the oath of the importer, (*vide licet*) for the payment of one half-part thereof at the end of six kalendar months next after the time within which the report of the master or purser of the ship, in which they shall be imported, shall or ought to have been made; and for the payment of the other half-part thereof, at the end of twelve kalendar months next after the time within which such report shall or ought to be made; as aforesaid; and the commissioners, and principal officers of the customs, are hereby authorised and required to grant to the said Company such bills at sight, or sufferance, and take such security, as aforesaid, and to make them such allowances and deductions as are to be made to other merchants, paying their customs and other duties at or before the landing of their goods.

enter the goods they import, by bills at sight, and give security for payment of the customs, &c.

II. Provided always, and be it further enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend, or be construed to extend, to alter the method or manner of paying the duties of fifteen *per cent.* on muslins and calicoes, or the duties upon any other goods, which are to be ascertained by sale at the candle.

Not to alter the manner of paying the duties on muslins, &c.



Anno quarto

GEORGII Regis.

C A P. XI.

An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exporters of Wool, and for declaring the Law upon some Points relating to Piracy.

[So much thereof as relates to Piracy.]

Offenders
against 11 & 12
W. 3. c. 7.
may be tried
as by 28 Hen.
8. c. 15.

See farther,
6 Geo. 3. c. 19.
and 8 Geo. 3.
c. 24.

Not to extend
to Scotland;
but to Ame-
rica.

VII. AND it is hereby declared, That all and every person and persons, who have committed or shall commit any offence or offences, for which they ought to be adjudged, deemed and taken to be pirates, felons or robbers, by an act made in the Parliament holden in the eleventh and twelfth years of the reign of his late Majesty King *William* the Third, intituled, *An act for the more effectual suppression of Piracy*, may be tried and judged for every such offence in such manner and form as in and by an act made in the twenty-eighth year of the reign of King *Henry* the Eighth is directed and appointed for the trial of pirates, and shall and ought to be utterly debarred and excluded from the benefit of clergy for the said offences; any law or statute to the contrary thereof in any wise notwithstanding.

VIII. Provided always, That nothing in this act contained shall extend or be construed to extend to such persons as shall be convicted or attainted in that part of *Great Britain* called *Scotland*.

IX. And be it also enacted, That this act shall extend to all his Majesty's dominions in *America*, and shall be taken as a publick act.

5 GEORGII. Cap. XI.

An Act against clandestine Running of uncustomed Goods, and for the more effectual preventing of Frauds relating to the Customs.

[So much thereof as relates to the East India Company.]

After 5 May,
no East India
goods to be
imported into
Ireland from
foreign parts.

Penalty.

XII. AND whereas great quantities of wrought silks, bengals, and stuffs mixed with silk and herba, as also muslins, and other callicoes, of the manufacture of *Persia*, *China*, or *East India*, are, notwithstanding the laws already made to the contrary, frequently imported from foreign parts, and landed in *Ireland*, to the prejudice of fair traders: for the better preventing the same for the future, be it declared and enacted by the authority aforesaid, That none of the before-mentioned goods shall, from and after the first day of *May*, one thousand seven hundred and nineteen, be imported into the said kingdom of *Ireland*, from any place or places whatsoever, contrary to the true intent and meaning of this and the former acts (other than from *Great Britain*), under the penalty and forfeiture of all such of the aforesaid goods so imported, or the value thereof, as also of the ship or vessel importing the same, with all

her guns, furniture, ammunition, tackle, and apparel, one moiety to his Majesty, his heirs and successors, and the other moiety to him or them that shall seize, inform, or sue for the same, in any of his Majesty's courts of record in *Dublin*, in the said kingdom of *Ireland*; and if any officer or officers of the customs in *Ireland*, shall willingly or knowingly connive at the fraudulent importation of any of the goods afore-mentioned, contrary to the true meaning hereof, or if any such officer or officers shall take upon him or them to seize any of the said goods, and shall, by fraud or collusion, desist or delay the prosecution thereof to condemnation, he or they so conniving, desisting, or delaying, shall forfeit and lose the sum of five hundred pounds, to be sued for and divided in the manner afore-said; and such officer or officers shall also be incapable of holding any office or employment under his Majesty, his heirs and successors.

Penalty on officer conniving, etc.

5 GEORGII. Cap. XXI.

An Act for the better securing the lawful Trade of his Majesty's Subjects to and from the East Indies; and for the more effectual preventing all his Majesty's Subjects trading thither under foreign Commissions.

WHEREAS it is of great importance to the welfare of this kingdom, that the trade and traffick to and from the *East Indies* in the countries and parts of *Asia* and *Africa*, and to and from such places of *Asia*, *Africa*, and *America*, or any of them, beyond the cape of *Bona Esperanza* to the streights of *Magellan*, where any trade or traffick of merchandize is or may be used or had, be regulated according to the acts of Parliament relating thereto, and the royal charters or grants made in pursuance thereof: And whereas in and by an act of Parliament of the ninth year of the reign of his late Majesty King *William* the Third, of glorious memory, it is enacted and provided, That the said *East Indies*, or the islands, havens, forts, cities, towns or places within the limits afore-said, should not be visited, frequented or haunted by any of the subjects of his Majesty, other than such as might lawfully go and trade there; and that if any of the subjects of his said late Majesty, his heirs or successors, of what degree or quality soever, other than such as might or may lawfully go and trade to the *East Indies*, or other the parts in the same act mentioned, by virtue thereof, should directly or indirectly visit, haunt, frequent, trade, traffick or adventure into or from the said *East Indies*, or other the parts afore-said, all and every such offender and offenders should incur such forfeitures and losses, as in the said act is and are for that purpose appointed: And it is also provided by the same act, and by subsequent laws, That all the goods, wares, merchandizes and commodities to be laden upon any ship or ships bound from the said *East Indies*, or parts within the limits afore-said, should be brought without breaking bulk to some port of *Great Britain*, and there be unladen and put on land; notwithstanding which just and reasonable provisions and restrictions, several of his Majesty's subjects, not entitled under the said acts of Parliament, have presumed to trade into and visit the said *East Indies* and other the places afore-said in foreign and other ships, intending there to load goods, and to bring them into *Europe*, and land them in foreign parts out of his Majesty's dominions, to the great prejudice of the trade of this kingdom, and the diminution of his Majesty's customs and other duties; all which practices being considered, his Royal Highness *George* Prince of

N. B. Offenders against this act excepted in the general pardon of 20 Geo. 3. Cap. 1. 49.

9 & 10 W. 3. c. 44.

Q

Wales,

Wales, then guardian of the realm of *Great Britain*, and his Majesty's lieutenant within the same, was pleased, on the eighteenth day of *October* which was in the year of our Lord one thousand seven hundred and sixteen, to issue forth a proclamation (amongst other things) strictly charging and commanding all his Majesty's subjects not to serve on board any foreign or other ships, with foreign commissions and colours, bound to or from the *East Indies*, or any the parts aforesaid; or directly or indirectly to visit, haunt, frequent, trade, traffick or adventure into or from the said *East Indies*, or other the parts before mentioned, contrary to law: But notwithstanding the prohibitions contained in the said acts of Parliament and proclamation, and in defiance of the same, several evil-disposed persons have gone on to procure and obtain several foreign commissions or passes, and under colour thereof or otherwise have fitted out and manned several *English* and other ships or vessels, and have sailed with or sent out the same to trade and traffick in the *East Indies*, or other the parts aforesaid: Now, to the intent that such collusive, fraudulent and illegal trade and practices may be prevented, and that so considerable and beneficial a branch of trade may be secured to this kingdom; be it enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in Parliament assembled, and by the authority of the same, That if any of his Majesty's subjects shall, from and after the twentieth day of *February* in the year of our Lord one thousand seven hundred and eighteen, sail, go or repair to or be in the *East Indies*, or parts afore-mentioned, or any of them, contrary to the laws now in being, or contrary to the tenor of this act, every such person and persons so offending shall be liable to such punishment, as by any law or laws now in being may be inflicted for such offence.

After Feb. 20, 1718, none shall go to the *East Indies*, &c. contrary to the laws now in being.

The *East India* Company may seize such persons, and send them to *England*, there to answer for the offence.

II. And, to the intent that such offender and offenders may be brought to justice, it is hereby enacted, That it shall and may be lawful, to and for the United Company of merchants of *England* trading to the *East Indies*, and their successors, to take, arrest and seize, or cause to be taken, arrested and seized, such person or persons, being a subject or subjects of his Majesty, his heirs or successors, at any place or places, or where he or they shall be found within the limits or places aforesaid; and the person and persons so taken, arrested and seized, to send and remit to *England*, there to answer for the offence aforesaid, according to due course of law.

After Feb. 5, 1718, persons procuring, &c. any commission from any foreign prince, &c. to trade to the *East Indies*, &c. shall forfeit sool.

III. And it is hereby further enacted by the authority aforesaid, That all and every person and persons, who from and after the fifth day of *February*, one thousand seven hundred and eighteen, shall procure, solicit for, obtain, or act under any commission, authority, or pass from any foreign prince, state or potentate whatsoever, to sail or go, or trade in or to the *East Indies*, or any the parts aforesaid, every such person or persons so offending herein, shall incur and forfeit for every such offence the sum of five hundred pounds.

Forfeitures, how to be recovered and disposed.

IV. And it is hereby enacted, That all the said penalties and forfeitures shall or may be sued for and recovered in any of his Majesty's courts of record at *Westminster*, by bill, plaint, information, or otherwise, wherein no essoin, wager of law, or protection, shall be allowed, nor any more than one imparlance; one half part of which said penalties and forfeitures shall be to the use of such person or persons as will inform or sue for the same; and the other half-part to his Majesty, his heirs and successors.

Not to prejudice the *South Sea* Company.

V. Provided always, That this act, or any thing herein contained, shall not extend, or be construed, deemed, or taken to extend, to restrain or prejudice such trade or right of trade or navigation within any part of the limits aforesaid, as the Governor and Company of merchants of *Great Britain* trading to the *South-Seas*, and other parts of *America*, and for encouraging

encouraging the fishery, now are intitled unto; any thing herein contained to the contrary in any wise notwithstanding.

VI. Provided nevertheless, and it is hereby enacted, That this act shall continue in force for five years, and from thence to the end of the next session of Parliament, and no longer.—[Continued by 9 Geo. 1. c. 26. sect. 10. for seven years, from March, one thousand seven hundred twenty-three, and further continued by 5 Geo. 2. c. 29. for seven years, from May, one thousand seven hundred thirty-two, and by 20 Geo. 2. c. 47. and 20 Geo. 3. c. 19. to 25 March, 1800.]

Continuance of this Act. See further, 9 Geo. 1. c. 26. § 9.

6 GEORGII. Cap. XVIII.

An Act for better securing certain Powers and Privileges intended to be granted by his Majesty by two Charters for Assurance of Ships and Merchandizes at Sea, and for lending Money upon Bottomry; and for restraining several extravagant and unwarrantable Practices therein mentioned.

[So much thereof as relates to the *East India Company*.]

XXVI. PROVIDED nevertheless, That it shall and may be lawful to and for the Governor and Company of merchants of *Great Britain* trading to the *South Seas*, and other parts of *America*, and for encouraging the fishery, and for the United Company of merchants of *England* trading to the *East Indies*, and they, and either of them, have respectively hereby liberty, at any time or times hereafter, to advance or lend, on the bottom of any ship or vessel, ships or vessels, and on goods and merchandizes on board any ship or vessel, ships or vessels, of the said respective Companies, or that is, are, or shall be employed in the service of the said Companies respectively, to any captains or commanders, agents, sailors, servants, or other person or persons, which shall at any time or times be employed in the service of the said respective Companies, any sum or sums of money whatsoever by way of bottomry; any thing in this act contained to the contrary notwithstanding.

South Sea and East India Companies may advance money on bottomry to their captains, etc.

XXVII. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to any corporation formerly created for the carrying on a trade, which they have publickly continued to exercise from the time of their establishment; or to any subscriptions made or to be made for enlarging the capital stock of the Governor and Company of merchants of *Great Britain* trading to the *South Seas*, and other parts of *America*, and for encouraging the fishery (by or by order of the general court, or court of directors of the same Company), or to any receipts made out and given, or to be made out or given, in respect of such subscriptions, but that all such subscriptions made and to be made, shall be firm and valid, and all receipts made out and given, or to be made out or given, concerning the same, shall be assignable at law by endorsement made or to be made thereon; any thing in this or any other act, or any law, usage, or custom to the contrary notwithstanding.

Not to extend to corporations formerly created,

or to any subscriptions to be made to the capital of the *South Sea*.

XXVIII. Provided also, That any thing in this act contained shall not extend, or be construed to extend, to hinder or deprive the Corporation of the United Company of merchants of *England* trading to the *East Indies*, from having and enjoying all and every such powers, privileges, franchises, benefits, matters, and things, as do or shall belong to them, or which they could or might enjoy in any manner of wise if this act had not been made; any thing in this act to the contrary notwithstanding.

Salvo for *East India Company's* privileges.

An Act to enable the South Sea Company to ingraft Part of their Capital Stock and Fund into the Stock and Fund of the Bank of England, and another Part thereof into the Stock and Fund of the East India Company; and for giving further Time for Payments to be made by the said South Sea Company, to the Use of the Publick.

6 Geo. 1. c. 4.

Farther provisions concerning the matters in this Act.
7 Geo. 1. stat.
2. 8 Geo. 1.
c. 20.

MAY it please your most excellent Majesty; Whereas the capital or joint stock of the corporation, called by the name of The Governor and Company of merchants of *Great Britain* trading to the *South Seas*, and other parts of *America*, and for encouraging the fishery, did, at the time of making the act of Parliament of the sixth year of your Majesty's reign, intituled, *An act for enabling the South Sea Company to increase their present capital stock and fund by redeeming such publick debts and incumbrances as are therein mentioned; and for raising money to be applied for lessening several of the publick debts and incumbrances; and for calling in the present exchequer bills remaining uncanceled; and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand at or near the exchequer*, by computation amount in the whole to eleven millions seven hundred forty-six thousand eight hundred forty-four pounds eight shillings and ten-pence, or thereabouts: And whereas it hath been represented unto us, your Majesty's most dutiful and loyal subjects, the Commons of *Great Britain* in Parliament assembled, that by virtue and in pursuance of the said act, several annuities, debts and incumbrances have been subscribed and redeemed, or taken in, which (being computed at the respective values in and by the said act prescribed) will make in the whole twenty-six millions fifty-five thousand seven hundred and seventy-four pounds five shillings and two-pence, or thereabouts, to be added to the said capital or joint stock; and that both the said sums will make the increased capital or joint stock of the said corporation (which is commonly called *The South Sea Company*) to amount in the whole to thirty-seven millions eight hundred and two thousand six hundred and eighteen pounds fourteen shillings, or thereabouts: And that in respect of several of the said sums comprehended in the said increased capital or joint stock, the said corporation is and will be entitled to several annuities or yearly funds, after the rate of five pounds *per centum per annum*, to be paid and payable at the receipt of your Majesty's exchequer by weekly or other payments, out of several duties, revenues and other provisions settled by the said act for that purpose, until and for the feast of the nativity of *Saint John Baptist* which shall be in the year of our Lord one thousand seven hundred and twenty-seven; and afterwards at the rate of four pounds *per centum per annum*, until the redemption thereof according to the said act: And that in respect of several other of the said sums comprehended in the said increased capital or joint stock, the said corporation is and will be entitled to several annuities or yearly funds, after the rate of four pounds *per centum per annum*, to be paid and payable at the said receipt by weekly or other payments, out of several duties, revenues and other provisions settled by the said act for payment thereof, until and for the said feast of the nativity of *Saint John Baptist*, one thousand seven hundred and twenty-seven, and afterwards at the same rate, until the redemption thereof by Parliament according to the said act; which said annuities or yearly funds so payable at the said receipt of exchequer are nevertheless liable to such charges and incumbrances, as in and by the said act are expressed or mentioned concerning the same: And whereas in and by the said act provision was made, that nine thousand three hundred ninety-seven pounds nine shillings and sixpence *per annum*, therein mentioned, and several other sums which were thereby directed to be computed and added thereunto, for charges of management, should from time

time to time be paid and payable to the said Company in the manner thereby prescribed; as in and by the said act (relation being thereto had) may more fully appear: And whereas the said *South Sea Company*, in and by a proposition agreed to in a general court of the same holden on or about the second day of *January*, one thousand seven hundred and twenty, and since presented to us your Majesty's said dutiful and loyal subjects, have humbly offered, that a sum not exceeding nine millions of the capital stock of the said *South Sea Company*, together with an annuity of five pounds *per centum per annum* issuing from the exchequer, and payable weekly, be ingrafted into the capital stock of the Governor and Company of the Bank of *England*, and be added to their present capital stock of five millions five hundred fifty-nine thousand nine hundred ninety-five pounds fourteen shillings and eight-pence; and that every proprietor of the said sum so to be ingrafted be entitled to a share in the capital of the said Governor and Company of the Bank of *England*, at the rate of one hundred and twenty pounds *per centum*, that is to say, for every one hundred and twenty pounds in the said sum not exceeding nine millions to be ingrafted, each proprietor to have one hundred pounds stock in the bank; that the remaining twenty pounds *per centum*, part of the said sum not exceeding nine millions, (which, if the whole be ingrafted, would make one million and an half), be reserved for the common benefit and advantage of the proprietors of the whole capital so increased; and that a certain sum be annually allowed to the Governor and Company of the Bank of *England* towards their charges of management; and the said *South Sea Company* in the said proposition have also humbly offered, that a sum not exceeding nine millions of the capital stock of the said *South Sea Company*, together with an annuity of five pounds *per centum per annum* issuing from the exchequer, and payable weekly, be ingrafted into the stock of the United Company of merchants of *England* trading to the *East Indies*, and added to their present capital stock of three millions two hundred thousand pounds; and that every proprietor of the said sums so to be ingrafted into the capital of the United Company of merchants of *England* trading to the *East Indies* be entitled to a share in the capital stock of the same Company, at the rate of one hundred and twenty pounds *per centum*, that is to say, for every one hundred and twenty pounds in the last mentioned sum not exceeding nine millions so to be ingrafted, each proprietor to have one hundred pounds stock in the said *East India Company*; and that the remaining twenty pounds *per centum*, part of the last mentioned sum not exceeding nine millions, (which, if the whole be ingrafted, will make one million and an half), be disposed and distributed in the manner therein mentioned; and that a certain sum be annually allowed to the said *East India Company* towards their charges of management: And whereas the said Governor and Company of the Bank of *England*, in and by a proposition agreed to in a general court of that corporation holden on or about the twenty-ninth day of *December*, one thousand seven hundred and twenty, and since presented to us your Majesty's said dutiful and loyal subjects, have declared their willingness to admit, that nine millions of the capital of the *South Sea Company*, together with an annuity of five pounds *per centum per annum* issuing from the exchequer, payable weekly, and free from all incumbrances, be ingrafted into the capital stock of the bank of *England*, and be added unto their present capital stock of five millions five hundred fifty-nine thousand ninety-five pounds fourteen shillings and eight-pence; and that every proprietor of the said sums so to be ingrafted be entitled to a share in the capital of the bank of *England*, at the rate of one hundred and twenty pounds *per centum*, that is to say, for every one hundred and twenty pounds in the same sum so to be ingrafted, each proprietor to have one hundred pounds stock in the bank; the remaining

twenty pounds *per centum*, part of the same sum not exceeding three millions, (which, if the whole be ingrafted, would make one million and an half) to be reserved for the common benefit and advantage of the proprietors of the whole capital so increased; and that a certain sum be annually allowed to the said Governor and Company of the Bank of *England* towards their charges of management: And whereas the said United Company of merchants of *England* trading to the *East Indies*, in and by a proposition agreed to in a general court of that corporation holden on or about the third day of *January*, one thousand seven hundred and twenty, and since presented to us your Majesty's said dutiful and loyal subjects, have declared their willingness to admit, that a sum not exceeding nine millions of the capital of the said *South Sea* Company, together with an annuity of five pounds *per centum per annum* issuing from the exchequer, payable weekly, and free from all incumbrances, be ingrafted into the stock of the said *East India* Company, and added to their present capital stock of three millions two hundred thousand pounds; and that every proprietor of the same sum so to be ingrafted be entitled to a share in the capital stock of the said *East India* Company, at the rate of one hundred and twenty pounds *per centum*, that is to say, for every one hundred and twenty pounds in the same sum so to be ingrafted, each proprietor to have one hundred pounds stock in the *East India* Company; the remaining twenty pounds *per centum*, part of the same sum not exceeding nine millions, (which, if the whole be ingrafted, would make one million and an half), to be disposed and distributed in manner following, that is to say, six hundred and forty thousand pounds thereof, being after the rate of twenty pounds *per centum*, upon the said sum of three millions two hundred thousand pounds, to the then proprietors of the same capital of three millions two hundred thousand pounds; and the remainder of the said twenty pounds *per centum* to and for the common benefit and advantage of all the proprietors of the whole capital of the said *East India* Company so increased, which remainder (if the whole nine millions be ingrafted) will amount to eight hundred and sixty thousand pounds; and that a certain sum be annually allowed to the said *East India* Company towards their charges of management: And whereas it is judged, that an ingraftment of part of the capital of the *South Sea* Company into the capitals of the Bank of *England* and the *East India* Company, pursuant to the said several proposals of the said respective Companies, will contribute very much to the restoring and establishing publick credit: We your Majesty's said dutiful and loyal subjects, the Commons of *Great Britain* in Parliament assembled, do most humbly beseech your Majesty that it may be enacted, &c. EXP.

* Between 24 *June* and 25 *Dec.* 1711, *South Sea* Company may, under their common seal, and at their own charges, transfer to the Bank such share of their capital stock at 5*l.* *per cent.* as shall be agreed on between them, together with so much of their annuities as shall bear proportion to the stock transferred, not exceeding 9,000,000*l.* The shares so transferred shall be added to the capital stock of the Bank. *South Sea* Company may, between the same times, also transfer to the *East India* Company such share of their capital stock at 5*l.* *per cent.* as shall be agreed upon between them, together with so much of their annuities as shall bear proportion to the stock transferred, not exceeding 9,000,000*l.* The share so transferred shall be added to the capital stock of the *East India* Company. After such transfers, the two Companies shall lawfully enjoy their respective shares in stock. *South Sea* Company may enjoy their whole capital, &c. till the transfers be made, and afterwards may hold all their unassigned stock, &c. till redemption by Parliament.

liament. *South Sea Company* may hold 9,397^l 9s. 6d. per annum for charges of management, till a transfer of part of their capital stock, and afterwards the two Companies shall receive a proportional part thereof for charges of management. Annuities payable quarterly at 5*l.* per cent. till the 24 June, 1727, and afterwards at 4*l.* per cent. All persons entitled to any shares in the *South Sea Company* at the time of transferring, shall have a proportional share in the stock transferred to the Bank, &c. The same for shares transferred to the *East India Company*, &c. Unassigned shares in the *South Sea Company* may be transferred in the books of the Company, or devised by will, as formerly. Members of the Bank may transfer or devise their increased stock, as formerly; and also the members of the *East India Company*. All privileges, &c. founded on former acts or charters, continued, &c.

XXIII. Provided always, and it is hereby enacted by the authority aforesaid, That at any time after the feast of the nativity of Saint *John Baptist*, which shall be in the year of our Lord one thousand seven hundred and twenty-seven, upon repayment by Parliament to the said corporation, commonly called The *South Sea Company*, of the sum of the capital stock, or of that part of the capital stock which shall then belong to that corporation according to this act, without any deduction, defalcation or abatement whatsoever, to be made out of the same sum, or any part thereof; and upon payment of all arrears which shall be then due at the respective rates aforesaid; or either of them, for or upon their then annuities or yearly funds payable in respect thereof; and upon payment of all arrears of the said yearly sums, or of such proportions thereof as shall be payable to them for charges of management; all which arrears (if any such be) shall be computed and paid to the quarterly feast-day then next preceding, and from thence shall be computed and paid by the day, till the time of such full payment of their capital sum; then the same annuities or yearly funds, and the yearly sums to be allowed to them for charges of management as aforesaid, and every of them, shall from thenceforth cease and determine; any thing herein contained to the contrary notwithstanding.

After 24 June, 1727, on repayment to the *South Sea Company* of their capital stock, etc. their annuities to cease.

• After 24 June, 1727, on repayment to the Bank of the whole sum transferred from the *South Sea Company*, &c. the yearly funds; &c. to cease. The same clause for the *East India Company*.

XXVI. And in regard it is intended, That at any time or times after the said feast of the nativity of Saint *John Baptist* one thousand seven hundred and twenty-seven, the principal or sum total of the capital stock, or so much thereof as shall then belong to the said *South Sea Company*, may be satisfied to them by any payments (not being less than five hundred thousand pounds of lawful money of *Great Britain* at a time), and that as the same principal monies shall be paid off, the annuities or yearly funds of the said *South Sea Company* payable in respect thereof, shall from time to time proportionably sink and be abated: Be it therefore further provided and enacted by the authority aforesaid, That at any time or times after the said feast of the nativity of Saint *John Baptist*, one thousand seven hundred and twenty-seven, upon repayment by Parliament to the said *South Sea Company* of any sum or sums of money (not being less than five hundred thousand pounds at a time) in part of the principal monies of the said capital stock which shall then belong to the said *South Sea Company*; and upon payment of all arrears then due to them at the respective rates aforesaid, for or upon their said annuities or yearly funds, or so much of those arrears as shall bear a proportion to their principal sums, from time to time,

After 24 June, 1727, on repayment to the *South Sea Company* of any sum not less than 500,000*l.* at a time, a proportional part of their annuities shall cease.

time, remaining unsatisfied, being computed by the day, until the time of every such payment of part of the principal respectively; and upon payment of all arrears then due for or upon the said yearly sums, or their part of the said yearly sums for charges of management; then from and after every such payment so made to the said *South Sea* Company, so much of their said annuities or yearly funds, as shall bear proportion to the monies so paid in part of the said principal, shall cease, determine, and be abated; any thing in this or any former act or acts of Parliament contained, or other matter or thing whatsoever to the contrary notwithstanding.

‘ And on repayment to the Bank of any sum not less than 250,000 £. at a time, a proportional part of their annuities to cease. The like clause for the *East India* Company. After such redemption the duties applicable thereto shall be understood to be redeemed by Parliament. Bank to continue a corporation till all the shares transferred to them by the *South Sea* Company be redeemed. After the ingraftments; shares not exceeding 100 £. in the whole, may be transferred without stamp or other charges for such transfers.’

East India
Company may
take up mo-
nies on their
common seal,
etc. not ex-
ceeding the
sum due from
the publick to
them.

XXXII. And it is hereby enacted by the authority aforesaid, That it shall and may be lawful to and for the said United Company of Merchants of *England* trading to the *East Indies*, and their successors, and they are hereby enabled from time to time, or at any time or times to their own good liking, to borrow or take up money upon any contracts, bonds, bills or obligations under their common seal, for carrying on their trade, or for lending or advancing money by way of bottomry, as is herein-after prescribed, so as by the monies already borrowed by them, and by the monies which they shall hereafter borrow pursuant to this act, the whole sum which they shall owe at any one time do not exceed the sum due at that time from the publick to the said Company, or the sum of five millions of pounds sterling in the whole.

East India
Company may
not borrow
money on
credit of their
capital stock,
nor for a
greater sum
than shall
be employed
in their trade,
etc.

XXXIII. And it is hereby provided and enacted by the authority aforesaid, That it shall not be lawful to or for the same United Company, or their successors, to borrow, owe or give security for any sum or sums of money on credit of their capital stock, or yearly fund, or upon any increase thereof to be made in pursuance of this act, or any part thereof; and that it shall not be lawful to or for the same United Company, or their successors, to borrow, owe or give security for any other or greater sum or sums of money, than such as shall be really and *bona fide* expended and laid out in and for the buying of goods, bullion or commodities to be exported for the proper account of the same Company, or shall be otherwise employed in their trade, or shall be really and *bona fide* advanced or lent on the bottom of any ship or vessel, ships or vessels, or on goods or merchandizes on board any ship or vessel, ships or vessels, of the same United Company, or that is, are or shall be employed in the service of the same United Company, to any captains or commanders, agents, sailors, servants, or other person or persons, which shall at any time or times be employed in the service of the same United Company; all which sum or sums of money so to be borrowed for the purposes aforesaid, or any of them, shall be borrowed only on their common seal, and shall not be made payable or be *bona fide* agreed to be paid on demand, or at any time less than six months from the time of borrowing thereof; and that it shall not be lawful for the said United Company of Merchants of *England* trading to the *East Indies*, or their successors, to discount any bills of exchange, or other bills or notes whatsoever,

and may not
discount bills
or keep cash
for others.

whatsoever, or to keep any books or cash of or for any person or persons, bodies poliitick or corporate whatsoever, other than only the proper monies and cash of the same United Company; any thing in this act contained to the contrary notwithstanding.

XXXIV. And whereas in and by the said act of the sixth year of his Majesty's reign it was enacted, That the said Corporation of the Governor and Company of Merchants of *Great Britain*, commonly called *The South Sea Company*, should pay into the receipt of his Majesty's exchequer the sum of four millions one hundred fifty-six thousand three hundred and six pounds, four shillings, and eleven-pence, by such proportions and at such times as are thereby appointed for the payment thereof, and such further sums to be computed after the rate of four years and an half's purchase, and such further sums to be computed after the rate of one year's purchase, as are therein mentioned, by quarterly payments, at such feast days as were thereby limited for the payment thereof; and in case any failure in payment should be made of the said sum of four millions one hundred fifty-six thousand three hundred and six pounds, four shillings, and eleven-pence, or of the said sums to be paid after the rate of four years and an half's purchase, or after the rate of one year's purchase, or any of them, or any part thereof, a remedy is by the said act provided for recovery of the money, whereof such failure in payment should be made, with damages after the rate of five pounds *per centum per annum*, and the same Corporation, and their stock and fund, were thereby made subject and liable thereunto: And it was thereby provided, enacted, and declared, That the said sum of four millions one hundred fifty-six thousand three hundred and six pounds, four shillings, and eleven-pence, and the said several sums to be paid after the said rates of four years and an half's purchase, and one year's purchase, and every of them, and every part thereof, as fast as the same should be paid into the same receipt, should be applied in manner following, (that is to say), That out of the first monies arising of or for the said several sums so to be paid into the said receipt, every or any of them, such publick debts and incumbrances, carrying interest or annuities after the rate of five pounds *per centum per annum*, or more, incurred before the twenty-fifth day of *December*, one seven hundred and sixteen, founded upon any former act or acts of Parliament in that behalf (not being part of the capital stock or fund of the said *South Sea Company*) as were then redeemable, or might be redeemed at any time or times on or before the twenty-fifth of *December*, one thousand seven hundred and twenty-two, should be redeemed and paid off in the first place; and that after the same should be redeemed and paid off, or money sufficient should be reserved in the exchequer for redeeming and paying off the same, according to the true meaning of that act, then all the rest, residue and remainder of the said sum of four millions one hundred fifty-six thousand three hundred and six pounds, four shillings, and eleven-pence, and of the said sums to be computed after the said several rates of four years and an half's purchase, and one year's purchase, and of every of them, and of every part thereof, and as the same residues and remainders, from time to time, should grow due from the said *South Sea Company*, and as the same should or ought to be paid into the said receipt of exchequer, should be applied for or towards paying off so much of the capital stock, and increased capital stock of the same *South Sea Company*, as should then carry annuities after the rate of five pounds *per centum per annum*; and that upon every such payment, or reserving money as aforesaid to make such payment to the said *South Sea Company*, a proportional part of their annuities or yearly fund, or of their annuities or

S yearly

South Sea Company to pay into the exchequer 4,156,306l. 4 s. 11 d. and further sums to be computed at 4 years and an half's purchase, and 1 year's purchase.
 Discharged by 7 Geo. 1. stat. 2.
 9 Geo. 1. c. 6.
 Times of payment.

And their stock and funds are made liable to the payment.

On default of payment, the exchequer may stop their weekly payments, &c.

yearly fund to be increased by that act, for which that rate is or should be payable, should cease and determine, as by the same act (relation being thereunto had) may more fully appear: Now it is by this present act provided, declared and enacted by the authority aforesaid, That the said corporation of the *South Sea Company* shall pay, and be obliged, by force and virtue of this act (as well before as after the making any assignment or assignments, in pursuance of this act, to the said Governor and Company of the Bank of *England*, and the said *East India Company*, or either of them), to pay into the receipt of his Majesty's exchequer the said sum of four millions one hundred fifty-six thousand three hundred and six pounds, four shillings, and eleven-pence, and the said sums after the rates of four years and an half's purchase, and one year's purchase; and that the same shall be payable by such proportions, and at or by such respective days or times of payment, as in and by this present act are limited and appointed for the payment thereof, and not otherwise; that is to say, One full and equal fourth part of the respective sums so payable shall be paid on or before the feast of the annunciation of the Blessed Virgin *Mary*, which shall be in the year of our Lord one thousand seven hundred and twenty-two; one other full and equal fourth part thereof on or before the feast of the nativity of Saint *John Baptist*, which shall be in the year of our Lord one thousand seven hundred and twenty-two; one other full and equal fourth part thereof on or before the feast of Saint *Michael* the archangel, which shall be in the year of our Lord one thousand seven hundred and twenty-two; and the remaining full and equal fourth part of the said respective sums so payable on or before the feast of the birth of our Lord *Christ*, which shall be in the said year of our Lord one thousand seven hundred and twenty-two; in full payment and satisfaction as well of the said sum of four millions one hundred fifty-six thousand three hundred and six pounds, four shillings, and eleven-pence, as of the said several sums to be paid after the said rates of four years and an half's purchase and one year's purchase respectively; and that the said *South Sea Company*, and their stock and funds (except such parts thereof as shall be assigned to the said Governor and Company of the Bank of *England*, and *East India Company*, or either of them, pursuant to this act) are and shall be subject and liable to the payment of the said several sums at or before the said respective days and times by this act appointed for the payment thereof, without any deduction, defalcation or abatement whatsoever; any thing in the said former act contained to the contrary notwithstanding.

XXXV. And be it further enacted by the authority aforesaid, That in case default shall be made by the said *South Sea Company* in the payment of all or any part or parcel, parts or parcels of the said several sums of four millions one hundred fifty-six thousand three hundred and six pounds, four shillings, and eleven-pence; and of the said sums to be paid after the rate of four years and an half's purchase and one year's purchase, or any of them, at the respective days or times by this act limited for the payment thereof; then the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, or the officers of the exchequer for the time being, shall, and they respectively are hereby authorized, enjoined and required to cause the money whereof such default in payment shall be made, with interest for the same, after the rate of five pounds *per centum per annum*, (such interest to be computed upon the monies whereof such failure in payment shall be made, from the respective days and times on which the same ought to have been so paid, until satisfaction of the principal), to be

stopt

stopt out of the monies which, weekly or otherwise, shall be payable to the said Corporation of the *South Sea* Company at the exchequer for or upon their annuities or yearly funds (except such parts thereof as shall be assigned or transferred to the said other corporations, or either of them, as aforesaid), and to cause the principal and interest so stopt to be applied as is herein-after directed in that behalf.

XXXVI. And be it further enacted by the authority aforesaid, That all the monies to be paid into the exchequer, as aforesaid, by the said *South Sea* Company, or to be stopt as aforesaid, of or for the said sum of four millions one hundred fifty-six thousand three hundred and six pounds, four shillings, and eleven-pence, and the said several sums to be computed after the said respective rates of four years and an half's purchase and one year's purchase, or for interest of the same, or any part thereof, and every of them, and every part thereof, as fast as the same shall be paid into the same receipt, pursuant to this act, shall be applied in manner following; (that is to say), That out of the first monies arising of or for the said several sums so to be paid or stopt, every or any of them, such publick debts and incumbrances, carrying interest or annuities after the rate of five pounds *per centum per annum*, or more, incurred before the twenty-fifth day of *December*, one thousand seven hundred and sixteen, founded upon any former act or acts of Parliament in that behalf (not being part of the capital stock or fund of the said *South Sea* Company, or by them to be assigned or transferred, as aforesaid) as were redeemable on the said twenty-fifth of *December*, one thousand seven hundred and sixteen, or might be redeemed at any time or times, on or before the twenty-fifth of *December*, one thousand seven hundred twenty-two, shall be redeemed and paid off in the first place: And that after the same shall be redeemed and paid off, or money sufficient shall be reserved in the exchequer for redeeming and paying off the same, according to the true meaning of this act, then all the rest, residue and remainder of the said sum of four millions one hundred fifty-six thousand three hundred and six pounds, four shillings, and eleven-pence, and of the said sums to be computed, after the said several rates of four years and an half's purchase, and one year's purchase, and of the monies payable for interest, as aforesaid, and of every of them, and of every part thereof, as the same residues and remainders, from time to time, shall grow due from the said *South Sea* Company, and as the same shall or ought to be paid into the said receipt of exchequer, shall from time to time be applied (so far as the same from time to time will extend) towards paying off and discharging so much and such parts of the capital stock which shall then belong to the said *South Sea* Company, and to the said Governor and Company of the Bank of *England*, and to the said *East India* Company, and every or any of them respectively, as by the tenor and true meaning of this and the said former act were to carry annuities payable at the exchequer after the rate of five pounds *per centum per annum*, till the twenty-fourth day of *June*, one thousand seven hundred and twenty-seven, and afterwards at the rate of four pounds *per centum per annum*, till redemption by Parliament, and towards paying off and redeeming so much of the same annuities which shall then be payable at the exchequer in respect of the capital stock which shall be so paid off and discharged; which application of the monies last mentioned shall be made in proportion to the respective quantities of capital stock, which in pursuance of this or the said former acts shall then appear to belong to the said *South Sea* Company, and to the said Bank of *England*, and to the said *East India* Company, and every of them respectively, and not otherwise; and the commissioners of the

How the monies to be paid into the exchequer shall be applied.

treasury,

treasury, or any three or more of them, and the high treasurer for the time being, are hereby directed and authorised to cause all the monies arising of or for the said sum of four millions one hundred fifty-six thousand three hundred and six pounds, four shillings, and eleven-pence, and the said sums to be paid after the said rates of four years and an half's purchase, and one year's purchase, and of or for such interest as aforesaid, and every of them, and every part thereof, to be applied in the manner and form by this present act prescribed touching or concerning the same, and not otherwise.

On every such payment a proportional part of the annuities shall cease.

XXXVII. And it is hereby enacted, That upon every such payment, or reserving such money in the exchequer to make such payment to the said *South Sea* Company, and to the said Governor and Company of the Bank of *England*, and the said *East India* Company, every or any of them respectively, a proportional part of the annuities or yearly funds then belonging to them, and every or any of them respectively, for which the said rate of five pounds *per centum per annum* is payable, as aforesaid, and for which so much of their capital stock shall be paid off, or for which money shall be so reserved, from time to time, shall cease and determine; any thing in this or any former act or acts of Parliament contained, or other matter or thing whatsoever to the contrary notwithstanding.

6 Geo. 1. c. 4. Recital of the acts about exchequer bills of the sixth of King George.

XXXVIII. And whereas, by virtue of the aforesaid act of the sixth year of his Majesty's reign, certain bills, commonly called *Exchequer Bills*, then standing out, which were therein estimated to amount to eight hundred ninety-six thousand six hundred sixty-two pounds, and ten shillings, or thereabouts, in principal money, were appointed to be called or brought in, and to be changed for new bills to be made forth in the method which was thereby prescribed, and in pursuance of the same act several new bills have been made forth for several sums of money, whereof the principal hath not exceeded the said sum of eight hundred ninety-six thousand six hundred sixty-two pounds, and ten shillings, adding thereunto the interest that was due upon the old bills, as by the said act was directed; and by the same act the said *South Sea* Company, and their successors, or their court of directors on their behalf, were enjoined during the term of seven years, reckoned from the feast of the nativity of Saint *John Baptist*, one thousand seven hundred and twenty, to furnish ready money for exchanging and circulating the new exchequer bills which should be made forth by virtue of that act; and in case any other act should be made for making forth any further sum or sums in exchequer bills to be current at any time or times within or during the said term of seven years, as is therein mentioned, then the said *South Sea* Company, and their successors, were by the said first mentioned act (in part before recited) enjoined and required (during so much of the said term of seven years as the bills to be made forth by such other act should have a joint currency with the bills to be made forth by the said first mentioned act) to furnish a proportional part or parts of such ready money as should be sufficient for exchanging and circulating all the bills so current, which proportional parts were to be ascertained and determined as by the same act is prescribed: And whereas, by virtue of another act of the sixth year of his Majesty's reign, intituled, *An act for making forth new exchequer bills, not exceeding one million, at a certain interest, and for lending the same to the South Sea Company at an higher interest, upon security of repaying the same and such high interest into the exchequer, for uses to which the fund for lessening the publick debts, called The Sinking Fund, is applicable, and for circulating and exchanging upon demand, the said bills at or near the exchequer, several other new exchequer bills,*

8 Geo. 1. c. 10.

bills, amounting to one million in principal monies, were made forth for the purpose in that act mentioned; and by the same last mentioned act the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, are enjoined and required (so long as the exchequer bills, made forth by virtue of that act, should have a joint currency, or be current, at the same times with the bills to be made forth by virtue of the said first mentioned act) to furnish, out of the monies of the fund or security herein-after mentioned, or out of loans to be made thereupon, a proportional part of the ready money which should be sufficient for exchanging and circulating all the bills, which should be jointly current; which proportional part so to be furnished on behalf of the publick, was thereby prescribed to be so much as, together with a proportional part which, from time to time, should or ought to be furnished by the said *South Sea* Company, should be sufficient to support the currency of all the said bills; and by the act last mentioned, the sum of three hundred twenty-eight thousand six hundred seventy-three pounds, four shillings, and ten-pence halfpenny, then remaining in the exchequer, and in the same act particularly specified, and the monies which (from and after the application of a certain sum of five hundred and twenty thousand pounds therein also particularly specified) should arise of or for the surplusses, excesses, and overplusses, commonly called *The Sinking Fund*, therein also mentioned, are declared and enacted to be a fund or security for furnishing such proportions of ready money as are last before mentioned, for or towards exchanging and circulating all the said exchequer bills, during their joint currency: And whereas in and by the act last in part before recited, the commissioners of his Majesty's treasury were impowered to issue or cause to be issued by way of loan or advance the said bills not exceeding one million to the *South Sea* Company, the same Corporation giving security upon their annuity or yearly fund for repayment of the principal sum so lent, with interest, within such time as by that act was limited; and the commissioners of the treasury, and high treasurer for the time being, are by that act directed and required to take especial care that upon repayment of the principal monies so to be lent, the same, with the interest or increase accruing thereupon, should be received and applied in the first place to the paying off and discharging the said exchequer bills for one million; and that the surplus thereof, after paying off and discharging the same bills, should be placed at the receipt of exchequer to and for the same uses to which the monies of the surplusses, excesses and overplusses, commonly called *The Sinking Fund*, are applicable; and that the said *South Sea* Company shall make just account of the principal so borrowed, and the interest and increase thereof, and of the repayment of the same principal, with the said interest or increase thereof, into the exchequer in manner as aforesaid; and in default of paying the said monies, with the said interest or increase thereof, then the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, were thereby authorised and required to cause the monies so lent to be stoop out of the monies which weekly or otherwise should be payable to the *South Sea* Company at the exchequer, for or upon their annuities or yearly fund, together with so much more as the interest of the said monies so unpaid shall amount unto, and to cause the principal and interest so stoop, to be applied and placed in the exchequer, as aforesaid; as by the said several acts (hereinbefore in part recited) relation being thereunto severally had, doth more fully appear: And whereas the said sum of five hundred and twenty thousand pounds, since the making of the act last before in part recited, is completely satisfied, or sufficient money is reserved in the exchequer for

for that purpose, and, pursuant to the same act, the said exchequer bills, amounting to one million, were on the seventh day of June, one thousand seven hundred and twenty (as by a certificate signed by the auditor of the receipt of the exchequer doth appear) issued by way of loan or advance to the said South Sea Company, upon a security under their common seal, by an instrument or writing, bearing date the fourth day of June, one thousand seven hundred and twenty, for repayment of the same in good and lawful money of Great Britain into the exchequer at Westminster at the end of one year, to be reckoned from the time of issuing the said bills, with interest after the rate of four pounds *per centum per annum*, as by the same instrument or writing, relation being thereunto had, may also appear: Now, to the end that all the exchequer bills for the said sum of one million, and the interest thereof, may effectually be discharged out of the monies to be repaid by the same Company, with the interest thereof as aforesaid, at or before the time herein-after limited in that behalf, whereby the said joint currency may cease, and the publick may be eased of the burthen and charge of contributing thereunto; and to the end the said excesses, surplusses and overplus monies, called *The Sinking Fund*, and other the publick monies aforesaid, after their being freed from the incumbrance of the exchequer bills last mentioned, may be at liberty to be applied towards lessening or reducing the publick debts and incumbrances, according to the true intent and meaning of this present act; it is hereby provided, enacted and declared by the authority aforesaid, That the said Corporation, called *The South Sea Company*, or their successors, at their own costs and charges, on or before the seventh day of June, which shall be in the year of our Lord one thousand seven hundred twenty-two (although any assignment or assignments before that time shall or shall not have been made to the said other Companies, or either of them, in pursuance of this act, as aforesaid) shall well and truly repay or cause to be repaid into the said receipt of exchequer the said sum of one million, together with interest then due for the same; and that upon such repayment the monies so repaid, with the interest or increase accruing thereupon, shall be applied in the first place to the paying off and discharging the said exchequer bills amounting to one million, with such interest as shall be due thereupon; and that the surplus thereof, after paying off and discharging the bills last mentioned, shall be placed and applied to the same uses to which the monies of the said Sinking Fund are to be applied; and that an account of the monies so borrowed and repaid, and of the interest thereof, shall be made, as by the said former act was prescribed; and in default of repaying the said sum of one million, with the interest or increase thereof, according to this act, then the annuity and annuities which shall be then payable at the receipt of the exchequer to the said South Sea Company (except so much thereof as in the mean time shall or may have been assigned or transferred to the said other Companies, or either of them, as aforesaid) shall and may be stopt by the commissioners of the treasury, or any three of them, or by the high treasurer for the time being, or by the officers of the exchequer for the time being; and the said exchequer bills amounting to one million shall and may be called in and cancelled by and with the monies so stopt, in the manner prescribed by the said former act in that behalf.

South Sea Company shall repay into the exchequer by 7 June, 1722, 1,000,000 l. with interest,

to be applied to paying off the exchequer bills, etc.

In default, their annuities may be stopt.

After discharging those bills, etc.

XXXIX. And be it further enacted by the authority aforesaid, That after discharging the said exchequer bills amounting to one million, with all the interest which shall be due thereupon, and after paying off such publick debts and incumbrances carrying interest or annuities after the rate of five pounds *per centum per annum*, or any higher interest or annuity founded

founded upon any former act or acts of Parliament in that behalf, as may be redeemed before the said feast of the nativity of Saint *John Baptist*, one thousand seven hundred and twenty-seven, or reserving money sufficient in the exchequer for those purposes; then all the monies of the said sum of three hundred twenty-eight thousand six hundred seventy-three pounds, four shillings, and ten-pence halfpenny, and of the said surplusses, excesses and overplus monies; commonly called *The Sinking Fund*, which then shall or ought to remain in the receipt of the exchequer, and all the said overplus (if any be) of the said interest-monies; which shall be paid by the said *South Sea Company* for the said million lent as aforesaid, shall immediately, or as soon as the monies then resting of the said sinking fund can be computed, shall be applied (so far as the same will extend) towards paying off and discharging so much and such parts of the capital stock, which shall then belong to the said *South Sea Company*, and to the said Governor and Company of the Bank of *England*, and to the said *East India Company*, and to every or any of them respectively, as by the tenor and true meaning of this and the said former act in that behalf are to carry annuities payable at the exchequer, after the rate of five pounds *per centum per annum*, till the twenty-fourth of *June*; one thousand seven hundred and twenty-seven, and afterwards at the rate of four pounds *per centum per annum*, till the redemption by Parliament, and towards paying off and redeeming so much of the same annuities which shall then be payable at the exchequer, in respect of the capital stock which shall be so paid off and discharged; which application of the monies last mentioned shall be made in proportion to the respective quantities of capital stock, which in pursuance of this and the said former acts shall then appear to belong to the said *South Sea Company*, and to the said Bank of *England*, and to the said *East India Company*, and every of them respectively, and not otherwise.

Then all the sinking fund, &c. shall be applied towards paying off part of the capital stock of the three companies, etc.

XL. And it is hereby further enacted by the authority aforesaid, That all the monies of the said surplusses, excesses and overplus monies, commonly called *The Sinking Fund*, which after the application of so much thereof as is in and by this act before directed to be applied or reserved as aforesaid, shall arise and be brought into the exchequer, at any time or times before the said feast of the nativity of Saint *John the Baptist* which shall be in the year of our Lord one thousand seven hundred and twenty-seven, shall and may be applied, at the end of every year, so far as the same will from time to time extend, by even sums of one hundred thousand pounds at a time, for or towards paying off and discharging part of the said capital stocks of the said *South Sea Company*, and of the Bank of *England*, and of the said *East India Company* respectively, in proportion to the respective quantities of the said stock which shall then belong to those corporations respectively; and upon every payment to be made in pursuance of this act to the said *South Sea Company*, and to the Governor and Company of the Bank of *England*, and to the said *East India Company*, and every or any of them respectively, of any part of their said capital stock, a proportional part of their annuities or yearly funds, payable at the said rate of five pounds *per centum per annum*, for so much of the said capital stock as shall be so paid off from time to time, shall cease and determine: and the said commissioners of the treasury, or any three of them, and the high treasurer for the time being, are hereby directed and authorized to cause the monies of the said sum of three hundred twenty-eight thousand six hundred seventy-three pounds, four shillings, and ten-pence halfpenny, and of the said surplusses, excesses and overplusses, called *The Sinking Fund*, and the said overplus of the said interest-monies, to be applied for or towards paying off the said publick debts and incumbrances, and for or towards paying off the said capital stock of the

All the monies of the sinking fund before 24 June, 1750, shall be applied by even sums of 100,000 l. for discharging part of the capital stock of the said Companies,

and thereupon a proportional part of their annuities shall cease.

the said *South Sea Company*, and (in case of such assignment or assignments as aforesaid) of the said capital stock of the said other Companies, and reducing a proportional part of their annuities or yearly funds, as this act directs; any former law or statute, or any other matter or thing whatsoever, to the contrary notwithstanding.

Proviso for paying off and discharging the exchequer bills.

§ Geo. 1. c. 10.

XLI. Provided always, and it is hereby enacted, That if at any time or times hereafter provision shall be made by authority of Parliament, in the lawful coins of this realm, placed in the exchequer, for paying off and discharging the said exchequer bills for the said sum of one million, the bills themselves which shall be so paid off, or for which such coined monies shall be reserved in the exchequer, as is prescribed in the act (last in part before recited) shall be discharged therewith and cancelled, as is thereby directed: and if before the first day of *March*, one thousand seven hundred and twenty-one, or before the end of the session of Parliament then next ensuing, coined monies shall not be raised and brought into the exchequer, for discharging the bills last mentioned; then all or any of the monies which shall then remain in the exchequer, of the said sum of three hundred twenty-eight thousand six hundred seventy-three pounds, four shillings, and ten-pence half-penny (if any such be), and all the monies which from and after such session of Parliament shall quarterly arise of or for the said surplusses and overplus monies, called *The Sinking Fund*, or otherwise, as is mentioned in the act last in part before recited, shall be applied for or towards discharging the said exchequer bills amounting to one million, till they shall be all completely paid off and cancelled in the manner and form by the same act prescribed and intended; this present act, or any thing therein contained, to the contrary notwithstanding.

7 GEORGE II. Cap. XXI.

An Act for the further preventing his Majesty's Subjects from trading to the East Indies under foreign Commissions; and for encouraging and further securing the lawful Trade thereto; and for further regulating the Pilots of Dover, Deal, and the Isle of Thanet.

Further provisions concerning the matters in this act,
9 Geo. 1. c. 26.
9 & 10 W. 3.
c. 44.
6 Ann. c. 17.
10 Ann. c. 28.
5 Geo. 1. c. 21.
Offences against this act are excepted out of the general pardon,
20 Geo. 2. c. 52.

WHEREAS it is of importance to the welfare of this kingdom, that the trade to and from the *East Indies*, as the same is now regulated, be carried on in such manner, as that the *British* nation may have and enjoy the full fruits and advantages thereof: and whereas by virtue of several acts of Parliament and letters patents the whole trade to and from the *East Indies*, and other places beyond the *Cape of Good Hope*, in the said acts and letters patents mentioned, is now solely vested in the United Company of merchants of *England* trading to the *East Indies*; notwithstanding which, and notwithstanding the prohibitions, injunctions and penalties contained in such acts and letters patents for securing the said trade to the said Company, several evil-minded persons, subjects of his Majesty, preferring their own private gain to the good of their country, have not only clandestinely, and without any authority from the said Company, trafficked and traded to and from the *East Indies*, but have also, by colour or upon pretence of commissions obtained from foreign governments, openly and publickly, in defiance of the said laws, and in contempt of his Majesty's authority, fitted out, manned and loaded great and defensible ships, and have sent out the same or sailed therewith to the *East Indies* and parts aforesaid, and have prevailed upon several *British* seamen, and other subjects of his Majesty, to serve on board the said ships, and to engage in the

the same undertaking, to the diminution of his Majesty's revenue, and of the naval force and commerce of this kingdom: Now, to the intent that such wicked, mischievous and destructive practices may be prevented for the future, and that the trade aforesaid may be effectually guarded and successfully carried on; 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 Parliament assembled, and by the authority of the same, That if at any time from and after the four and twentieth day of *June*, which shall be in the year of our Lord one thousand seven hundred and twenty-one, any of his Majesty's subjects shall sail, go or repair to, or shall trade, traffick or adventure in, to or from the *East Indies*, or parts aforesaid, contrary to the laws now in being, or contrary to the tenor of this act, in every such case, it shall and may be lawful, either for his Majesty's attorney general for the time being, or for the said United Company, at any time within the space of six years, to file or exhibit, in any one of his Majesty's courts of record at *Westminster*, one or more information or informations against such offender or offenders for the offence by him or them committed; and if the party or parties defendant or defendants to such information or informations shall, by due course of-law, appear or be found to be guilty thereof, in the court where such information or informations shall be so filed or exhibited, shall forthwith proceed to give judgement against the defendant and defendants, by such fine and imprisonment, or either of them, as the said court shall think fit; and shall also award the prosecutor or prosecutors his and their full costs of suit; but in case the said defendant or defendants shall be, upon any information exhibited by the said Company, acquitted or found Not guilty, in such case the said Company shall pay such defendant or defendants his or their full costs.

If any go or traffick to or from the *East Indies*, contrary to law, the attorney general, etc. may file an information against such offender, who shall be fined and imprisoned at the discretion of the court.

II. And it is hereby further declared and enacted by the authority aforesaid, That all contracts and agreements whatsoever, at any time from and after the said four and twentieth day of *June*, one thousand seven hundred and twenty-one, made or entered into by any of his Majesty's subjects, or any person or persons in trust for them, for or upon the loan of any monies by way of bottomry on any ship or ships in the service of foreigners, and bound or designed to trade in the *East Indies* or parts aforesaid; and all contracts and agreements whatsoever made by any of his Majesty's subjects, or any person or persons in trust for them, for the loading or supplying any such ship or ships with a cargo or lading of any sort of goods, merchandize, treasure or effects, or with any provisions, stores or necessaries, and all copartnerships, or agreements in the nature of copartnerships, made or entered into, relating to any such voyage or the profits thereof, and all agreements for the wages of any person or persons serving on board such ship or ships to be employed in such voyage, shall be and are hereby declared to be void.

All contracts for loans by way of bottomry on any foreigners ships bound for the *East Indies*, and for loading such ships, void.

III. And it is hereby further enacted and declared, That every person and persons, subject and subjects of his Majesty, his heirs or successors, who shall, at any time or times from and after the said four and twentieth day of *June*, one thousand seven hundred and twenty-one, sail, go or repair to the said *East Indies* or places aforesaid, contrary to the laws now in being, shall be deemed and accounted to be a trader, and to have traded and trafficked there; and all the goods and merchandizes that shall be there bartered or trafficked for, or be purchased by any such offender or offenders, or shall be found in his custody, or in the custody of any other person or persons, by his or their order or procurement, shall be forfeited, together with double the value thereof.

Any repairing to the *East Indies* contrary to the laws, shall be deemed a trader, and goods forfeited.

U

IV. And

All goods shipped for the *East Indies*, or taken out of ships coming from thence, forfeited, together with double value.

Masters of such ships to forfeit 1,000l. lose their wages, &c.

Attorney general may exhibit a bill of complaint in the exchequer for discovery of such trading, &c. and waiving the penalties, &c.

Such persons shall answer and not plead or demur to the said bills, and pay the customs, &c.

IV. And it is hereby further enacted by the authority aforesaid, That all and every the goods, merchandize, treasure and effects that shall, at any time or times from and after the said four and twentieth day of *June*, one thousand seven hundred and twenty-one, be shipped or put on board any ship or ships, vessel or vessels, bound to the *East Indies* or parts aforesaid (other than and except the goods, merchandize, treasure and effects of the said Company, or such as are licensed by them, or the naval stores, provisions and necessaries for such ship or ships performing their voyage), and all and every the goods, merchandize, treasure and effects (except as before is excepted) that shall, from and after the time aforesaid, be taken out of any such ship or vessel in her voyage homeward from the *East Indies* or parts aforesaid to *England*, before her arrival there, the same and every of them shall be forfeited, together with double the value thereof; and the master or commander, and other officers of such ship or ships, vessel or vessels, for the time being, knowingly permitting or suffering any such goods, merchandize, treasure or effects to be shipped or put on board any such ship or ships so bound to the *East Indies*, or to be taken out of any such ship or ships bound from the *East Indies* or parts aforesaid to *England*, shall forfeit for every such offence the sum of one thousand pounds, and moreover shall not be entitled to have, demand or receive any wages whatsoever; nor shall the said Company be obliged or compelled or compellable to pay any wages to, or to the use or upon the account of any such master, commander or officer, for or in respect of the voyage so made or to be made by such master, commander or officer, but shall have an allowance or deduction in respect thereof out of the monies payable by them on account of the ship to which such master or officers belong.

V. But forasmuch as it happens many times, that the above-mentioned illegal trade is carried on and managed so artfully and covertly, that the said United Company cannot come to the knowledge and proof of the same, and at most cannot ascertain the quantities, qualities and values of the goods, merchandize, treasure and effects so traded for, nor therefore obtain any satisfaction or compensation for the damages by them sustained, to their great loss and detriment, and to the great and apparent lessening of his Majesty's revenue: Therefore it is provided and further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty's attorney general for the time being, at the relation of the said Company, or by his own authority, to exhibit a bill or bills of complaint in his Majesty's court of exchequer against any person or persons trading, dealing, trafficking or adventuring, at any time from and after the said twenty-fourth day of *June*, one thousand seven hundred and twenty-one, in, to, or from the *East Indies*, or places aforesaid, contrary to law, or against any person or persons concerned as agent, factor or co-partner with such illegal traders, for discovery of such their trading, dealing, trafficking and adventuring, and for recovery of such duties and damages as are herein-after mentioned, waiving or disclaiming in every such bill all the penalties and forfeitures incurred by such person or persons for the matters in such bill contained; and that such person or persons shall answer the said bill or bills, and not plead or demur to the discovery thereby sought, and pay to his Majesty the customs and duties of the goods and merchandize arising, produced or purchased by the said unlawful trade, traffick or adventuring, and shall answer and pay to the said Company for the same thirty pounds *per centum* according to the value thereof in *England*; and if such offender or offenders pay the said duties and customs, or the amount of the same, into his Majesty's exchequer for the use of his Majesty, and damages to the said Company, he or they shall

shall not be prosecuted upon any other branch or article in this act, or upon any other law or statute whatsoever, for the same offence; and if such bill or bills (if exhibited at the relation of the said Company) be dismissed by the court where the same shall be exhibited, the said United Company shall pay every such defendant and defendants his and their costs of suit; and in case there be a decree obtained against the defendant or defendants, such defendant or defendants shall pay costs to his Majesty and the relator respectively.

Costs to be paid by either side.

VI. And it is hereby further enacted by the authority aforesaid, That all and every the forfeitures and penalties herein before appointed and enacted, or which are appointed or enacted in and by one act made in the ninth year of the reign of his late Majesty King WILLIAM, intituled, *An act for raising a sum not exceeding two millions upon a fund for payment of annuities after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies*; or in and by one other act made in the sixth year of the reign of her late Majesty Queen ANNE, intituled, *An act for better securing the duties of East India goods*; or in and by one other act made in the fifth year of the reign of his present Majesty, intituled, *An act for the better securing the lawful trade of his Majesty's subjects to and from the East Indies*; and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions, shall, from and after the said four and twentieth day of June, one thousand seven hundred and twenty-one, be sued for, recovered and recoverable in any of his Majesty's courts of record at Westminster, by bill, plaint or information, at the suit or prosecution of his Majesty's attorney general for the time being, or of the said United Company, or of any officer or officers of the customs, such officer or officers of the customs first taking such consent and directions as is or are contained in the proviso for that purpose hereafter; and that one-third part of all such forfeitures and penalties shall be to the use of his Majesty, his heirs and successors; one other third part thereof to the use of the said United Company; and the remaining third part thereof to the use of such officer or officers of the customs as shall inform, and so as aforesaid sue for the same; in which suits or prosecutions no essoin, waiver of law, or protection, shall be allowed, or any more than one imparlance.

Forfeitures appointed by this act, or by 9 & 10 W. 3. c. 44. 6 Ann. c. 3 and 5 Geo. 1. c. 21. one third to the King, one other to the Company, and the remaining third to the officers of the customs that shall sue for the same.

VII. Provided nevertheless, and it is hereby further enacted and declared, That before any suit or prosecution shall be commenced for the recovery of all or any the penalties or forfeitures aforesaid, by any such officer or officers of the customs, such officer or officers shall first repair and go to the court of directors of the said United Company for the time being, and make known to them the offence committed, and his or their intentions to sue or prosecute for the same; and if the said court of directors shall elect to have the suit or prosecution brought or commenced by bill or bills of complaint, to be filed or exhibited in the court of exchequer, with such waiver and disclaimer of the penalties and forfeitures, as aforesaid, then and in such case such bill or bills of complaint shall be filed and exhibited, and prosecuted accordingly, in the name of the attorney general, as aforesaid; and then and thereupon there shall be yielded and paid by the said Company to such officer or officers one quarter part of the monies that shall be recovered upon such suit, for the benefit of the said Company; and the said United Company shall moreover bear the charges of the said suit or prosecution; but if the said court of directors shall elect to have the suit or prosecution commenced for the penalties or forfeitures by informations or actions of debt at law, then the said officer or officers shall accordingly sue and prosecute for the same at law, and the said informations or actions shall be proceeded upon, and shall

Officers not to sue without acquainting the court of directors.

not

not be discontinued or determined, but by and with the consent of the said United Company, or their court of directors.

Not to extend to the Levant Company.

VIII. Provided always, That this act or any thing herein contained shall not extend, or be construed, deemed or taken to extend, to subject the Governor and Company of merchants of *England* trading into the *Levant Seas*, or any member thereof, to answer such bill, or subject him or them to any other the penalties and forfeitures hereby enacted, for or in respect of his or their trading into the *Levant Seas*; any thing herein contained to the contrary in any wise notwithstanding.

7 Geo. 1. c. 7. East India goods carried into Ireland, Jersey, etc. except such as are laden in Great Britain, shall be forfeited, together with the ship, etc. Amended by 8 Geo. 2. c. 22.

IX. And it is further enacted by the authority aforesaid, That from and after the said four and twentieth day of *June*, one thousand seven hundred and twenty-one, no commodity of the growth, product or manufacture of the *East Indies*, or other the places aforesaid, shall be imported or carried into the kingdom of *Ireland*, the islands of *Jersey*, *Guernsey*, *Alderney*, *Sark* or *Man*, or into any land, island, plantation, colony, territory or place, to his Majesty, or to the crown of *Great Britain* belonging, or which shall hereafter belong to his Majesty, his heirs and successors, in *Africa* or *America*, but such only as shall be *bona fide*, and without fraud, laden and shipped in *Great Britain* in ships navigated according to the several and respective laws now in being, as to the several places to which the said goods shall be imported or carried, under the penalty of forfeiting all such goods, or the value thereof, together with the ship or vessel in which they shall be imported, with all her guns, tackle, furniture, ammunition and apparel; and such ship and goods shall and may be seized, and the same, or the value thereof, shall and may be prosecuted in any of his Majesty's courts of record at *Westminster*, or in *Dublin*, or in any of his Majesty's courts in such land, island, colony, territory or place where the offence shall be committed, or in the royal courts of *Jersey* and *Guernsey* respectively, by bill, plaint, or information, wherein no essoin, protection, or wager of law, shall be allowed, nor any more than one imparlance; one moiety of which forfeiture shall be to the use of his Majesty, his heirs and successors, and the other moiety to him or them who shall seize or sue for the same; except such offence shall be committed in any of his Majesty's plantations in *Africa* or *America*; in which case one-third part of the said forfeiture shall be to the use of his Majesty, his heirs and successors, one other third part to the governor of such land, island, colony or place where the offence shall be committed, and the other third part to the informer or prosecutor; any law, custom or usage to the contrary notwithstanding: And if any officer or officers of the customs in the said kingdom of *Ireland*, or in the lands, islands, colonies, plantations, territories or places aforesaid, shall willingly or knowingly connive at the fraudulent importation of any such commodities as is before-mentioned, contrary to the true meaning hereof; or if any such officer or officers shall take upon him or them to seize any of the said commodities, and shall, by fraud or collusion, desist or delay the prosecution thereof to condemnation; he or they so conniving, desisting or delaying, shall forfeit and lose the sum of five hundred pounds, to be sued for and recovered in manner aforesaid; one moiety of which forfeiture to be to the use of his Majesty, his heirs and successors, and the other moiety thereof to him or them who will inform and sue for the same; and such officer or officers shall also for the future be incapable of holding any office or employment under his Majesty, his heirs and successors.

How such forfeitures shall be disposed of.

Officers of the customs conniving at such importation, or delaying the prosecution, to forfeit 500 l. and be incapable of any office under the crown.

Concerning India goods, see further 10

Geo. 1. c. 31. 9 Geo. 2. c. 4. 15 Geo. 2. c. 31.

4 & 5 W. & M. c. 5.

X. And whereas by an act passed in the fourth year of the reign of King *William* and Queen *Mary*, for granting to their Majesties certain

addi-

additional impositions upon several goods and merchandizes, for the prosecuting the war against *France*, the several duties charged by that act upon amber beads, amber rough, coral beads, and polished coral, and upon cowries, are to be repaid to the merchants exporting the same, if exported within three years from the importation thereof, which act is now in force: And whereas, by several other acts of Parliament now in force, the time for exportation of some foreign goods by *British* merchants is limited to the space of twelve months, and of other foreign goods to the space of eighteen months, or thereabouts, from the times of the importation thereof: And whereas the time for exportation of some foreign goods, by aliens or merchant strangers, is limited to the space of nine months, and of others to the space of fifteen months, or thereabouts, from the times of importing the same; but so far as it hath been found by experience, that the said respective times of nine months, twelve months, fifteen months, and eighteen months, afore-mentioned, are too short, and very inconvenient to traders; and for as much also as it will be for the benefit of the trade of this kingdom, if the time given for repaying or drawing back the duties upon the exportation of all goods and merchandizes of his Majesty's plantations, and all other foreign goods and merchandizes whatsoever, be enlarged; be it therefore further enacted by the authority aforesaid, That the respective times for exportation of all goods and merchandizes of his Majesty's plantations, and all other foreign goods and merchandizes, as the same are now limited by any law or laws in being, shall, from and after the said twenty-fourth day of *June*, one thousand seven hundred and twenty-one, be extended and enlarged; so that in all cases where repayments, allowances, or drawbacks, are made upon the exportation of any goods and merchandizes of his Majesty's plantations, and all other foreign goods and merchandizes imported, and afterwards exported, by virtue of any law now in force, all merchants and traders, bodies politick and corporations, shall from thenceforth have and be allowed three years time, from the importation of such goods, to export the same, accounting such importation from the master's report of the ship; and all and every such merchant and merchants, trader and traders, bodies politick and corporations, shall have the like repayments, allowances, and drawbacks, by and for such exportation, as if the same had been exported within the respective times before-mentioned, or any other times limited by any law now in being for that purpose; such law, or any other law, rule, custom or usage to the contrary in any wise notwithstanding: Provided nevertheless, That certificates and oaths be made, and all other requisites performed, according to the laws now in being relating to the importation and exportation of such goods.

XI. And whereas, by the several acts which granted the duties of fifteen *per centum* upon muslins and white calicoes imported (which acts are now in force) the importers, before the landing thereof, are to give security by bond for payment of the said duties, as soon as the same shall be sold, and for exposing the said goods to sale openly and fairly by way of auction or inch of candle within the city of *London*, within the time of twelve months after the importation thereof; and in case the said goods shall, within the time limited, be fairly sold, as aforesaid, and in case the importers shall pay down the said duties in ready money, within twenty days after such sale, they are to have an allowance after the rate of five pounds for every one hundred pounds of duties so paid: And whereas, by several acts of Parliament now in force for granting, continuing, and better securing the duties payable *ad valorem* upon unrated *East India* goods, and for ascertaining the values according to which such duties shall be paid, the importer or importers thereof are, in like manner, to give

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The duties on beads, etc. are repealed 17 Geo. 2. c. 32.

10 Ann. c. 26. sect. 41.
1 Geo. 1. stat. 2. c. 43. sect. 5.

After 24 June, 1721, three years allowed for the exportation of foreign goods after the importation thereof.
See 6 Geo. 2. c. 38.

But certificates and oaths shall be made according to the laws now in being.

Clause for enlarging to three years the time for sale of muslins, white calicoes, and unrated *East India* goods.
21 & 22 W. 3. c. 3. 12 & 13 W. 3. c. 12.
3 & 4 Ann. c. 4.
4. 6 Ann. c. 22.
12 Ann. stat. 2. c. 19.
2 W. & M. Sect. 2. c. 4.
7 & 8 W. 3. c. 10.
1 & 3 Ann. c. 9.

security

security by bond for payment of the said duties according to the real values of the said goods, to be ascertained according to the respective acts of Parliament in that behalf made (except coffee), as soon as the said goods shall be sold, and also for exposing the said goods to sale openly and fairly by way of auction, or by inch of candle, within the city of *London*, within the time of twelve months after the importation thereof; and for as much as the restraining the said muslins, white calicoes, and unrated *East India* goods, to be sold within twelve months from the importation thereof, may sometimes be detrimental to the revenue; and that the enlarging the said time of sale will be for the benefit of the trade of this kingdom: Be it therefore enacted by the authority aforesaid, That for such of the said goods as are at present imported and unsold, or shall, from and after the said four and twentieth day of *June*, one thousand seven hundred and twenty-one, be imported, the importer or importers thereof may, at any time within the space of three years from the importation of such respective goods, expose the same to sale, and after such sale there shall be allowed the like discounts on payments of the respective duties on such goods, as if the same had been exposed to sale within the time of twelve months, as before-mentioned, or any other time heretofore limited by law; and from and after the said four and twentieth day of *June*, one thousand seven hundred and twenty-one, the condition of the bond or bonds to be given by the importers for payment of the said duties on the goods before-mentioned, shall be to expose the same to sale within the space of three years from the importation thereof; and the importer or importers of the said goods shall be intitled to the same discounts, allowances, and payments of the duties upon the said goods, as if the same had been sold within the said time of twelve months; any law, usage or custom to the contrary notwithstanding.

3 & 4 Ann. c. 4.
Clause for
repealing so
much of any
former act, as
relates to, or
allows the im-
porting of tea
by licence or
certificate.

6 Geo. 1. c. 21.

XII. And whereas by an act, passed in the third year of the reign of her late Majesty Queen *Anne*, for continuing duties upon low wines, and upon coffee, tea, chocolate, spices, and pictures, and upon hawkers, pedlars and petty chapmen, and upon muslins, and for granting new duties upon several of the said commodities, and also upon callico, *China* ware, and drugs; it is enacted, That any person or persons may import into this kingdom, tea, subject to the several duties payable for the same, from any parts beyond the seas, in *British* ships, navigated as therein mentioned, so as notice be first given to the commissioners of her Majesty's customs of the quantity and quality of the said tea so intended to be imported, and the place in which they intend to import the same, and taking a licence under the hands of the said commissioners for the time being, or any three of them, for the landing and importing thereof, as aforesaid, which act hath been since continued, and is now in force: And whereas the method of granting those licences, by an act passed in the last session of Parliament, intituled, *An act for preventing frauds and abuses in the publick revenues of excise, customs, stamp-duties, post-office, and house-money*, is altered and explained: And whereas, under the colour of such licences, great frauds are committed to the prejudice of his Majesty's revenue; and so far as much as it hath been found by experience, that the allowing the importation of tea, by virtue of such licences or certificates from *Ostend*, and other places not being the place of its growth, tends to promote the illegal trade carried on by his Majesty's subjects to the *East Indies* under foreign commissions, and in conjunction with foreigners, and is very prejudicial to the trade and navigation of this kingdom; for the preventing thereof, be it enacted by the authority aforesaid, That from and after the said four and twentieth day of *June*, one thousand seven hundred and twenty-one, so much of the said act of the third year of her said late Majesty, and of the
several

several acts continuing the same, and so much of the said act of his present Majesty which past the last sessions of Parliament, and every other act which relates to or allows of the importing tea by licence or certificate, as aforesaid, shall be, and the same are hereby repealed, annulled, and made void, to all intents and purposes whatsoever.

XIII. And be it further enacted by the authority aforesaid, That the said United Company shall for the future be allowed to ship out stores, provisions, utensils of war, and necessaries for maintaining their garrisons and settlements, free of all duties, so as such duties, if they had been to be paid, would not have exceeded or do not exceed, in any one year, the sum of three hundred pounds.

Company may ship out stores of war duty free.

XIV. And whereas frauds are frequently committed in clandestinely running of goods out of ships and vessels homeward bound, as well from the *East Indies* as other parts, on pretence of boats plying with pilots for such ships and vessels at a great distance from the proper stations of such pilots, by means whereof they escape the inspection of the officers of the customs, and several mischiefs and inconveniences have happened, as well to his Majesty's as to merchant ships, by the disorders and negligences of pilots residing at *Dover*, *Deal*, and the isle of *Thanet*, which are not sufficiently prevented by an act made in the third year of his present Majesty's reign, intituled, *An Act for the better regulating of Pilots for conducting of Ships and Vessels from Dover, Deal, and the Isle of Thanet, up the River of Thames and Medway*; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the lord warden of the cinque ports for the time being, or his deputy, with the assent of the commissioners of load-manage, and of the masters and wardens of the society or fellowship of pilots of the *Trinity House* of the cinque ports, or the major part of them, at an assembly commonly called a *Court of Load Manage*, to be held by the said lord warden or his deputy, during the continuance of the said act of the third year of his Majesty's reign, to make such rules and orders for the better government and regulation of the pilots residing at *Dover*, *Deal*, and the isle of *Thanet*, as shall be thought fit and convenient, and to order and direct a proportionable and sufficient number of the respective pilots, residing at *Dover*, *Deal*, and the isle of *Thanet*, not less than eighteen, to ply constantly at sea, at all seasonable times, to be ready to conduct such ships and vessels up the said rivers of *Thames* and *Medway*, as shall have occasion for them; and that it shall and may be lawful to and for the said lord warden of the cinque ports for the time being, or his deputy, during the continuance of the said act, with the assent of the said commissioners, and the master and wardens of the said society or fellowship, for the time being, or the major part of them, at a court of load manage to be held as aforesaid, to suspend or deprive any of the said pilots for breaking such rules or orders, or omitting any thing required by the same, or for acting in any wise contrary to such rules or orders; and if any of the said pilots so suspended or deprived, during the time of such suspension or deprivation, shall take upon him or themselves to conduct any ship or vessel by or from *Dover*, *Deal*, or the isle of *Thanet*, to any place or places in or upon the said river of *Thames* or *Medway*, such pilot or pilots shall be liable to all such pains and penalties, to be recovered and applied in like manner and form as are provided by the said act of the third year of his present Majesty, against such person or persons as shall conduct ships from and to the places aforesaid, without being first examined and approved by the master and wardens of the said society or fellowship at the said court, and admitted into the said society. [This clause is continued by 10 Geo. 1. c. 17. sect. 2. 8 Geo. 2. c. 21. and 23 Geo. 2. c. 26.]

Lord warden of the cinque ports, with the assent of the commissioners of load manage, etc to make orders for the better government of pilots at *Dover*, *Deal*, &c. 3 Geo. 1. c. 13. 10 G. 1. c. 17. Concerning pilots, see 23 G. 2. c. 26. by which this clause is continued to 23 March, 1764.

8. GEORGII. Cap. XXII.

An Act to prevent the Mischiefs by forging Powers to transfer such Stocks, or to receive such Annuities or Dividends, as are therein mentioned, or by fraudulently personating the true Owners thereof; and to rectify Mistakes of the late Managers for taking Subscriptions for increasing the Capital Stock of the South Sea Company, and in the Instruments founded thereupon.

[So much thereof as relates to the *East India Company*.]

Offences
against this act
are excepted
out of the ge-
neral pardon,
20 G. 2. c. 52.
f. 22.

After March,
1721, forging
letters of at-
torney, &c.

or counterfeit-
ing names of
proprietors,
&c.

or falsely per-
sonating real
proprietors of
shares, &c. fe-
lony. 7 Geo. 2.
c. 22. And see
31 G. 2. c. 22.
by which this
clause is ex-
tended.

WHEREAS of late divers frauds and abuses have been committed by forging and counterfeiting the hands of some of the proprietors of the shares of and in the capital stock and funds of such body or bodies politic or corporate, as are established by act or acts of Parliament in that behalf, or some of them, or by forging or counterfeiting the hands of persons entitled to the dividends attending the said shares, or some of them, or by forging or counterfeiting the hands of persons entitled to annuities, in respect whereof the proprietors have transferrable shares in a capital stock or stocks established by act or acts of Parliament, in proportion to their respective annuities; and divers frauds and abuses have been or may be committed by persons falsely and deceitfully personating the true and real proprietors of the said shares in stock, annuities and dividends, or some of them: now, for the better preventing such pernicious practices for the future, 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 if any person or persons whatsoever, from and after the first day of *March*, one thousand seven hundred and twenty-one, shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any letter of attorney, or other authority or instrument to transfer, assign, sell or convey any such share or shares, or any part of such share or shares of and in such capital stock or stocks as aforesaid, or any of them, or to receive any such annuity or annuities, dividend or dividends as aforesaid, or any of them, or any part thereof, or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any the name, or names of any the proprietors of any such share or shares in stock, or of any the persons entitled to any such annuity or annuities, dividend or dividends as aforesaid, in or to any such pretended letter of attorney, instrument or authority, or shall knowingly and fraudulently demand, or endeavour to have any such share or shares in stock, or any part thereof, transferred, assigned, sold or conveyed, or such annuity or annuities, dividend or dividends, or any part thereof, to be received by virtue of any such counterfeit or forged letter of attorney, authority or instrument, or shall falsely and deceitfully personate any true and real proprietors of the said shares in stock, annuities and dividends, or any of them, or any part thereof, and thereby transferring or endeavouring to transfer the stock, or receiving or endeavouring to receive the money of such true and lawful proprietor, as if such offender were the true and lawful owner thereof; then and in every or any such case, all and every such person and persons (being thereof lawfully convicted in due form of law) shall be adjudged guilty of felony, and shall suffer as in cases of felony, without benefit of clergy.

8 GEORGII. Cap. XXIV.

An Act for the more effectual suppressing of Piracy.

WHEREAS the number of persons committing piracies, felonies and robberies upon the seas, is of late very much increased; and notwithstanding the laws already made and now in being, many idle and profligate persons have turned pirates, and betaken themselves to that wicked course of life, whereby the trade and navigation into remote parts will greatly suffer, unless some further provision be speedily made for bringing such persons, and all others who shall be any ways aiding and assisting, or in confederacy with them, to condign punishment; be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any commander or master of any ship or vessel, or any other person or persons, shall, from and after the twenty-fifth day of *March*, which shall be in the year of our Lord one thousand seven hundred and twenty-two, anywise trade with any pirate, by truck, barter, exchange, or in any other manner, or shall furnish any pirate, felon or robber upon the seas, with any ammunition, provision or stores of any kind, or shall fit out any ship or vessel knowingly, and with a design to trade with, or supply or correspond with any pirate, felon or robber upon the seas, or if any person or persons shall any ways consult, combine, confederate or correspond with any pirate, felon or robber on the seas, knowing him to be guilty of any such piracy, felony or robbery, such offender and offenders, and every of them, shall in each and every of the said cases be deemed, adjudged, and taken to be guilty of piracy, felony and robbery, and he and they shall and may be inquired of, tried, heard and adjudged of and for all or any the matters aforesaid, according to the statute made in the twenty-eighth year of King *Henry the Eighth*, *For pirates*, and the statute made in the eleventh and twelfth years of the reign of his late Majesty King *William the Third*, intituled, *An act for the more effectual suppressing of piracy*, which by an act made in the sixth year of his present Majesty is made perpetual, and he and they, being convicted of all or any the matters aforesaid, shall suffer such pains of death, loss of lands, goods and chattels, as pirates, felons and robbers upon the seas ought to suffer; and in case any person or persons belonging to any ship or vessel whatsoever, upon meeting any merchant ship or vessel on the high seas, or in any port, haven or creek whatsoever, shall forcibly board or enter into such ship or vessel, and though they do not seize and carry off such ship or vessel, shall throw over-board, or destroy any part of the goods or merchandizes belonging to such ship or vessel, the person or persons who shall be guilty thereof, shall in all respects be deemed and punished as pirates as aforesaid.

II. And be it further enacted by the authority aforesaid, That every ship or vessel which shall be fitted out with a design to trade with, or supply, or correspond with any pirate, and all and every goods and merchandizes put on board the same for any intent or purpose to trade with any pirate, felon or robber on the seas, shall be *ipso facto* forfeited; one moiety thereof to the use of the King's Majesty, his heirs and successors, the other moiety to

[X]

27 H. 8. c. 4.
28 H. 8. c. 15.
11 & 12 W. 3.
c. 7.
1 Geo. 1. A. 2.
c. 25.
4 Geo. 1. c. 11.

Commanders of ships or others, trading with pirates, furnishing them with stores, corresponding with them, etc. guilty of piracy, etc.

28 H. 8. c. 15.
11 and 12 W. 3. c. 7.
See 18 Geo. 2. c. 30.

Forcibly boarding any merchant ship, and throwing any goods over-board, punished as pirates.

Ships and the goods forfeited, half to the Crown, half to the discoverers.

the person or persons who shall first make discovery, and give information of such intent or design; and such person or persons who shall first make such discovery, shall and may sue for and recover the said ship or vessel, and all and every the goods and merchandizes on board the same, in the high court of admiralty.

Accessaries to piracy by 11 and 12 W. 3. c. 7. shall be deemed principals.

III. And whereas there are some defects in the laws for bringing persons, who are accessaries to piracy and robbery upon the seas, to condign punishment, if the principal, who committed such piracy and robbery, is not or cannot be apprehended and brought to justice; be it therefore enacted by the authority aforesaid, That all and every person and persons whatsoever, who by the said statute made in the eleventh and twelfth years of the reign of King *William* the Third, are declared to be accessory or accessaries to any piracy or robbery therein mentioned, are hereby declared, and shall be deemed and taken to be principal pirates, felons and robbers, and shall and may, from and after the said twenty-fifth day of *March*, one thousand seven hundred and twenty-two, be enquired of, heard, determined and adjudged, in the same manner as persons guilty of piracy and robbery may and ought to be inquired of, tried, heard, determined and adjudged by the said statute made in the eleventh and twelfth years of his late Majesty King *William*, and being thereupon attainted and convicted, shall suffer such pains of death, loss of lands, goods and chattels, and in like manner as pirates and robbers ought by the said act to suffer.

Offenders convicted on this act, excluded the benefit of clergy.

IV. And be it further enacted by the authority aforesaid, That all and every offender or offenders convicted of any piracy, felony or robbery, by virtue of this act, shall not be admitted to have the benefit of clergy, but be utterly excluded of and from the same.

Seamen maimed in fight against pirates, shall receive the rewards in 22 & 23 Car. 2. c. 11. and be admitted into *Greenwich Hospital*.

V. And, to the end that a further encouragement may be given to all seamen and mariners to fight and defend their ships from pirates, be it enacted by the authority aforesaid, That in case any seaman or mariner on board any merchant ship or vessel, or any other ship or vessel, shall be maimed in fight against any pirate, every such seaman and mariner, upon due proof of his being maimed in such fight, shall not only have and receive the rewards already appointed by a statute made in the twenty-second and twenty-third years of the reign of King *Charles* the Second, intituled, *An act to prevent the delivering up of merchant ships, and for the increase of good and serviceable seamen*, but shall also be admitted into and provided for in *Greenwich Hospital*, preferable to any other seaman or mariner who is disabled from service or getting a livelihood merely by his age.

Masters or seamen not defending themselves against pirates, &c. forfeit their wages and suffer six months imprisonment.

VI. And be it further enacted by the authority aforesaid, That in case any commander, master, or other officer, or any seaman or mariner of any merchant ship or vessel which carries guns and arms, shall not, when they are attacked by any pirate, or by any ship or vessel on which any such pirate is on board, fight and endeavour to defend themselves, and their said ship or vessel, from being taken by the said pirate, or shall utter any words to discourage the other mariners from defending the ship, and by reason thereof the said ship or vessel shall fall into the hands of such pirate; then, and in every such case, every such commander or master, or other officer, and every seaman or mariner, who shall not fight and endeavour to defend and save the said ship or vessel, or who shall utter any such words as aforesaid, shall lose and forfeit all and every part of the wages due to him and them respectively, to the owner and owners of the said ship or vessel, and shall not be permitted to sue for or recover the same, or any part thereof, in any court either of law or equity, and as a farther punishment shall suffer six months imprisonment.

VII. And

VII. And, for prevention of seamen or mariners deserting merchant ships or vessels abroad in the plantations, or in any other parts beyond the seas, which is the chief occasion of their turning pirates, and of great detriment to trade and navigation, and is chiefly occasioned by the owner or owners of ships or vessels paying wages to the seamen or mariners when abroad: be it enacted by the authority aforesaid, That no master or owner of any merchant ship or vessel shall pay or advance, or cause to be paid or advanced to any seaman or mariner, during the time he shall be in parts beyond the seas, any money or effects upon account of wages, exceeding one moiety of the wages which shall be due at the time of such payment, until such ship or vessel shall return to *Great Britain* or *Ireland*, or the plantations, or to some other of his Majesty's dominions whereto they belong, and from whence they were first fitted out; and if any such master or owner of such merchant ship or vessel shall pay or advance, or cause to be paid or advanced, any wages to any seaman or mariner above the said moiety, such master or owner shall forfeit and pay double the money he shall so pay or advance, to be recovered in the high court of admiralty, by any person who shall first discover and inform of the same.

Masters shall not advance to any seaman above half his wages, while beyond sea.

VIII. And whereas great interruptions and inconveniencies may attend his Majesty's service by the captains or commanders, or other officers of his Majesty's ships or vessels of war, their receiving on board such ships, or vessels, goods and merchandizes, and trading therewith contrary to instructions, which strictly forbid their doing the same: To prevent therefore the said interruptions and inconveniencies for the future, be it enacted by the authority aforesaid, That in case any captain, commander, or other officer of any of his Majesty's ships or vessels of war, whether such ship or vessel shall be employed at home or abroad, shall, from and after the twenty-ninth day of *September*, in the year of our Lord one thousand seven hundred and twenty-two, receive on board, or permit to be received on board, such ship or vessel of war, any goods or merchandizes whatsoever, in order to trade or merchandize with the same either upon his own or any other person's account, except gold, silver or jewels, and except the goods or merchandizes belonging to any merchant ship or vessel which may be shipwrecked, or in imminent danger of being shipwrecked either on the high seas, or in any port, creek or harbour, within his Majesty's dominions at home or abroad, or elsewhere, in order to the preserving them for their proper owners; and except such goods or merchandizes as they shall at any time be ordered to take or receive on board by order of the lord high admiral of *Great Britain*, or the commissioners for executing that office for the time being, or any three or more of them; every such captain, commander or officer of any of his Majesty's ships or vessels of war so offending, shall, upon his being convicted thereof by a court martial, lose and forfeit the command and office he then shall have in the said ship or vessel of war, and shall be, and he is hereby for ever afterwards rendered incapable to serve any longer in the same, or in any other place or office in the naval service of his Majesty, his heirs and successors; and such captain, commander or other officer offending as aforesaid, shall, as a further punishment for his said offence, lose and forfeit to his Majesty, his heirs and successors, all the wages due to him for his service in the ship or vessel of war whereunto he shall belong, when or at any time after such offence shall be committed.

Commander of a man of war, who shall receive any goods on board, except, etc. shall forfeit his command, be incapacitated, and lose his wages.

So much of this clause, as directs the punishment to be inflicted by a court martial on any captain or other officer, is repealed by 25 Geo. 2. c. 33.

IX. And be it further enacted, That the said captain, commander, or other officer of the said ship or vessel of war, and all and every the owners and proprietors of such goods or merchandizes put on board such ship or vessel of war as aforesaid, shall lose, forfeit and pay the value of all and

every

Such commander and the proprietors of the goods shall forfeit the value.

every such goods and merchandizes so put on board as aforesaid; one moiety of such full value to such person or persons as shall make the first discovery, and give information of or concerning the said offence, the other moiety of such full value to and for the use of *Greenwich Hospital*; all which forfeitures shall and may be sued for and recovered in the high court of admiralty.

To extend to *Asia, etc.*
To be taken as a publick act, and be in force for seven years, *etc.*

X. And be it also enacted, That this act shall extend to all his Majesty's dominions in *Asia, Africa, and America*, and shall be taken as a publick act, and shall continue in force for seven years, from the twenty-fifth day of *March*, one thousand seven hundred and twenty-two, and from thence to the end of the then next session of Parliament. [Made perpetual by 2 *Geo. 2. c. 28. sect. 7.*]



9 GEORGII. Cap. XXVI.

An Act to prevent his Majesty's Subjects from subscribing or being concerned in encouraging or promoting any Subscription for an East India Company in the Austrian Netherlands; and for the better securing the lawful Trade of his Majesty's Subjects to and from the East Indies.

WHEREAS several acts and statutes have been heretofore made and provided by Parliament, for the securing to the United Company of merchants of England trading to the East Indies the sole trade to and from the East Indies, and other places beyond the Cape of Good Hope, in the said acts, some or one of them, particularly mentioned and described, to the intent that the British nation might thereby have and enjoy the full fruits and advantages of so beneficial a trade; notwithstanding which acts, and the prohibitions, injunctions, and penalties contained therein, several evil-minded persons (subjects of his Majesty) preferring their own lucre to the good of their native country, have not only in their private capacities secretly and illegally traded to and from the East Indies, and with the pirates infesting those seas, but have also openly, and in defiance of the laws of this kingdom, under foreign commissions, fitted out and loaded many great and defensible ships for voyages to the East Indies, and have corrupted several British sailors to serve on board such ships for such voyages, and of late, with design totally to elude the good and wholesome laws made to prevent such practices as aforesaid, have subscribed, contributed to, or promoted the raising, establishing and carrying on a foreign Company, under a foreign charter, for carrying on an East India trade from the Austrian Netherlands, taking and providing for themselves shares and proportions in the stock or capital of such Company, with design to engage others of his Majesty's subjects, as well as themselves, to be concerned in the same undertaking, by which perfidious and unwarrantable practices the trade of this kingdom is diverted, the revenue diminished, and the treasure thereof exhausted: To prevent therefore such wicked practices, and more effectually to secure the said East India trade to his Majesty's subjects for the future, according to the laws now in being; 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 if at any time or times from and after the four and twentieth day of June, in the year of our Lord one thousand seven hundred and twenty-three, any person or persons whatsoever, subject or subjects of his Majesty, his heirs or successors, shall contribute or subscribe to, or encourage or promote the raising, establishing, or carrying on any foreign Company; society or corporation, trading, trafficking or adventuring, or hereafter to trade, traffick or adventure, from any part or parts of or in the Austrian Netherlands, in, to or from the East Indies, or places aforesaid, or shall be interested or concerned, in his, her or their name or names, or in the name or names of any other person or persons whatsoever, or otherwise howsoever, in any part or share of or in the capital, principal stock or actions of any such foreign Company, society or corporation as aforesaid, or shall make any payments in money, or by bills of exchange, remittances, or otherwise, to, for or towards the raising, supporting, sustaining, encouraging or promoting such foreign Company, society or corporation, or the trade or traffick thereof, or shall subscribe, contribute to, encourage or promote the raising, establishing or carrying on any other foreign Company or Companies hereafter

After 24 June, 1723, none of his Majesty's subjects shall subscribe to, or be concerned in promoting an East India Company in the Austrian Netherlands,

on forfeiture
of their stock
in such foreign
society, and
treble value.

Forfeiture
how to be di-
vided.

Attorney ge-
neral to pro-
secute.

Common in-
formers, how
to prosecute,
&c.

to be raised, formed or erected, for trading or dealing to the *East Indies*, or parts aforesaid, or shall become interested in or entitled unto any share in the stock or capital of such last mentioned Company or Companies, every such person and persons so offending shall forfeit all his, her and their interest, share, proportion and concern in the capital, principal stock or actions of any such foreign Company, society or corporation as aforesaid, together with treble the value thereof; one third part thereof to the use of his Majesty, his heirs and successors, and the remaining two third parts thereof to the use of the said United Company, if they shall inform, sue or prosecute for the same; or otherwise, one third part of such two thirds shall be to the use of such person or persons as shall inform or sue for the same, such informer or prosecutor first taking such directions and consent as hereafter is mentioned for that purpose; and the said penalties shall and may be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, wager of law, or protection, shall be allowed, nor any more than one im-
parlance.

II. Provided nevertheless, and it is hereby further enacted and declared by the authority aforesaid, That it shall and may be lawful to and for his Majesty's attorney general for the time being, of his own authority, or at the relation of the said United Company, and to and for the said United Company, to file or exhibit a bill or bills of complaint, in his Majesty's high court of chancery or court of exchequer, against any person or persons who shall have subscribed, contributed to, encouraged or promoted, or any ways become interested or concerned in the raising, establishing, or carrying on any such foreign Company, society or corporation as aforesaid, or the stock, capital, trade or traffick thereof, for the discovery of such his, her and their offence, remitting or waiving in every such bill, the said forfeiture of the treble value of the offender's stock, interest, share, proportion and concern in the principal stock or actions of any such foreign Company, society or corporation, and insisting only on the single value thereof, and thereupon such person and persons shall answer the said bill or bills, and not plead or demur to the discovery thereby sought, and in such case the single value only of such interest, share, proportion and concern shall be decreed to be paid by such offender or offenders, one third part whereof shall be yielded and paid to his Majesty, his heirs and successors, and the remaining two third parts thereof to the use of the said United Company.

III. Provided also nevertheless, and it is hereby further enacted and declared by the authority aforesaid, That if before any suit or prosecution shall be commenced for the recovery of the penalties aforesaid, either by his Majesty's attorney general, or the said United Company, any common informer or informers shall go to the court of directors of the said United Company, and make known to them the offence committed, and his or their intentions to sue or prosecute for the same at law, and if instead thereof the said court of directors shall elect to have the suit or prosecution brought or commenced by bill or bills of complaint, to be filed or exhibited in his Majesty's said courts of chancery or exchequer, then, and in every such case, there shall be yielded and paid to such common informer or informers, one third part of the remaining two third parts of the single value of the said interest and concern, when recovered; but if the said court of directors shall elect to have the suit or prosecution commenced for the penalties or forfeitures by information or action of debt at law, then the said informer or informers shall and may accordingly sue and prosecute for the same at law, and the said information or action shall be proceeded upon, and shall not be discontinued or determined, but by
and

and with the consent of the said United Company, or their court of directors.

IV. And for the more effectual discovery of the interest, share, proportion or concern of any of his Majesty's subjects, of or in the capital, principal or stock of any such foreign Company, society or corporation as aforesaid, it is hereby further enacted by the authority aforesaid, That if any person or persons, subject or subjects of his Majesty, whatsoever, shall have accepted of any trust or trusts, or shall know of any interest, share, part, proportion or concern, which any of his Majesty's subjects shall have or be entitled to in any such foreign Company, society or corporation as aforesaid, and shall not, within six months next after his, her or their accepting such trust, or coming to the knowledge of such interest, share, proportion or concern as aforesaid, truly discover and disclose in writing the same to the said United Company, or their court of directors for the time being, every person so offending shall forfeit treble the value of the interest, share, proportion or concern so accepted in trust, or so known, and not discovered as aforesaid; one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof to him or them who shall sue for the same, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no esoin, protection, or wager of law, shall be allowed, nor any more than one imparlance; or otherwise, such offender and offenders shall, at the discretion of the court where the prosecution is commenced, suffer imprisonment by the space of one whole year, without bail or mainprize.

Subject accepting such shares, etc. in trust, not discovering in six months, forfeit treble value,

or imprisoned for a year.

V. And be it further enacted by the authority aforesaid, That every person who shall, within the time above limited for that purpose, voluntarily come to the court of directors of the said United Company, and make a true discovery in writing of the interest, share, part, proportion or concern of any of his Majesty's subjects in the capital, principal or stock of any such foreign Company, society or corporation as aforesaid, then every such person, making such discovery, shall have and receive, out of the forfeitures arising or to arise upon or by virtue of this act, by, from and out of the estate or estates of such person and persons so interested or concerned in any such foreign Company, society or corporation as aforesaid, one moiety or half-part of the clear amount of such forfeitures; and the court, in which the prosecution against such offender or offenders shall be commenced, shall have full power and authority, and are hereby directed to award to the person making such discovery, such reward as aforesaid.

Persons within the time limited discovering, to have moiety of the forfeitures.

VI. And it is hereby further enacted by the authority aforesaid, That if any person or persons, subject or subjects of his Majesty, his heirs or successors (other than such as are lawfully authorized thereunto) shall at any time or times from and after the four and twentieth day of *June*, in the year of our Lord one thousand seven hundred and twenty-four, go, sail, or repair to, or be, or be found in or at the *East Indies*, or any the places aforesaid, every person and persons so offending are, and are hereby declared to be guilty of a high crime and misdemeanor, and shall and may be prosecuted for the same in any of his Majesty's courts of record at *Westminster*, wherein no esoin, wager of law, or protection, shall be allowed, nor any more than one imparlance; and such person and persons so offending, being convicted thereof, shall be liable to such corporal punishment or imprisonment, or to such fine, as the court where such prosecution shall be commenced shall think fit; one moiety of such fine to be to the use of his Majesty, his heirs and successors, and the other moiety thereof to him or them that shall inform and sue for the same.

Subjects (except lawfully authorized) going to the *East Indies*, guilty of a misdemeanor.

Penalty;

VII. And

Offenders
may be seized,

and commit-
ted till secu-
rity, &c.

A *capias* in
the first pro-
cess may issue
on bills filed
for any of
these offences.

Offenders to
give bail by
natural-born
subjects.

Offences a-
gainst this act,
and the other
acts here enu-
merated, may
be laid in *Lon-
don* or *Middle-
sex*.

9 & 10 W. 3.
c. 44.

5 Geo. 1. c. 21.

7 Geo. 2. stat.
3. c. 22.

This act, and
5 Geo. 1. c. 21.
and 7 Geo. 1.
stat. 3. c. 21.
publick acts.

VII. And it is hereby further enacted by the authority aforesaid, That all and every person and persons so offending, shall and may be seized and brought to *England*; and it shall and may be lawful to and for any one or more of his Majesty's justices of the peace, and they are hereby authorized and required to commit all and every such person and persons to the next county gaol, there to remain until sufficient security be given by natural-born subjects or denizens, to appear in the court where such suit or prosecution shall be commenced or depending, to answer the same, and not to go or depart out of court, or out of this kingdom, without the leave of the said court.

VIII. And, to the intent that this act, and the laws heretofore made for encouraging, settling, and securing, or for better securing the lawful trade of his Majesty's subjects to and from the *East Indies*, and parts aforesaid, may more effectually be put in execution; be it further enacted by the authority aforesaid, That a *capias* in the first process shall and may issue upon any bill, plaint, indictment, or information, commenced, found, filed or prosecuted, for, upon, or by reason of any the offences mentioned in this act, or in any other act or acts made for the encouraging, settling, securing or better securing the lawful trade of his Majesty's subjects to and from the *East Indies* and parts aforesaid, or for preventing all or any unlawful trade thereto or therefrom; which *capias* shall specify the sum of the penalty sued for; and such offender and offenders shall be obliged to give sufficient bail or security by natural-born subjects or denizens, to the person or persons to whom such *capias* shall be directed, to appear in the court out of which such *capias* shall issue at the day or return of such writ, to answer such suit or prosecution; and shall likewise, at the time of such appearing, give sufficient bail or security by such persons as aforesaid, in the said court, to answer and pay all the forfeitures and penalties incurred for such offence and offences, in case he, she, or they shall be convicted thereof, or to yield his, her or their body or bodies to prison.

IX. And it is hereby further enacted by the authority aforesaid, That all and every the offence and offences committed or done against this act, or against one act made in the ninth year of the reign of his late Majesty King *William*, intituled, *An act for raising a sum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies*; or against one other act made in the fifth year of the reign of his present Majesty, intituled, *An act for the better securing the lawful trade of his Majesty's subjects to and from the East Indies, and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions*; or against one other act made in the seventh year of the reign of his present Majesty, intituled, *An act for the further preventing his Majesty's subjects from trading to the East Indies under foreign commissions; and for encouraging and further securing the lawful trade thereto; and for further regulating the pilots of Dover, Deal, and the Isle of Thanet*; shall and may, from and after the fourteenth day of *June*, in the year of our Lord one thousand seven hundred and twenty-three, be laid or alledged to be in the city of *London* or county of *Middlesex*, at the pleasure of the informer or prosecutor.

X. And it is hereby further enacted by the authority aforesaid, That this act, and also the said acts made in the fifth and seventh years of his said present Majesty's reign, in all and every the clauses, articles and parts thereof, shall be, and be deemed, construed and adjudged to be publick acts, to all intents and purposes whatsoever: And furthermore, that the said act made in the fifth year of his said Majesty's reign, shall

stand, continue and be in full force and virtue for seven years, to be computed from the five and twentieth day of *March*, one thousand seven hundred and twenty-three, and from thence to the end of the then next session of Parliament, and no longer; any thing therein to the contrary thereof in any wise notwithstanding.

XI. And it is hereby further enacted by the authority aforesaid, That in case the said United Company shall first inform, sue or prosecute for any of the offences committed contrary to all or any the laws or statutes made for encouraging, settling or securing to the said Company the lawful trade to and from the *East Indies*, or for preventing any unlawful trade thereto or therefrom, that then the part, share and proportion of the penalties and forfeitures otherwise given or appointed, in and by any of the said acts, to any other person or persons that should sue or inform for the same, shall devolve upon, and be to the use of the said United Company, although such information, suit or prosecution be commenced by the said Company after the time limited by law for the suit, prosecution or information of the common informer is elapsed.

XII. Provided always, That if any suit or prosecution shall be commenced upon or by virtue of any the aforesaid former act or acts, then and in such case the offender or offenders shall not be sued or prosecuted upon this act, or any branch or article thereof, except such suit or prosecution be by bill or bills of complaint in the said courts of chancery or exchequer.

Act 5 Geo. 1. continued for seven years, &c.
Further continued by 20 Geo. 2. c. 47. and 20 Geo. 3. c. 19.
If the Company first inform, the part of the forfeitures shall devolve upon them.

If suit be commenced on the former acts, Offenders not to be sued on this act, except by bill of complaint.

12 GEORGII. Cap. XXXII.

An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery; and to prevent the counterfeiting of East India Bonds, and Indorsements thereon; as likewise Indorsements on South Sea Bonds.

[So much thereof as relates to the *East India Company*.]

IX. AND be it likewise further enacted by the authority aforesaid, That if any person or persons shall, from and after the first day of *May*, in the year of our Lord one thousand seven hundred and twenty-six, forge or counterfeit, or procure to be forged or counterfeited, or willingly act or assist in the forging or counterfeiting the name or hand of the said accountant general, the said register, the said clerk of the report-office, or any of the cashiers of the said Governor and Company of the Bank of *England*, to any certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing whatsoever, for or in order to the receiving or obtaining any the money or effects of any of the suitors of the said court of chancery, or shall forge or counterfeit, or procure to be forged or counterfeited, or wilfully act or assist in forging or counterfeiting any certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing in form of a certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing, made by such accountant general, register, clerk of the report office, or any of the cashiers of the said Governor and Company of the Bank of *England*, or any bond or obligation under the common seal of the

Forging the hand of the accountant, to a certificate to receive suitors effects in the Bank,

or any *East
India or South
Sea* bond, is felony without
clergy.

United Company of Merchants of *England* trading to the *East Indies*, or any indorsement or assignment thereon, or on any bond or obligation under the common seal of the Governor and Company of Merchants of *Great Britain* trading to the *South Seas* and other parts of *America*, and for encouraging the fishery; or shall utter or publish any such, knowing the same to be forged or counterfeited, with intention to defraud any person whatsoever; then every such person and persons so offending (being thereof lawfully convicted) shall be and is hereby declared and adjudged to be guilty of felony, and shall suffer death as in case of felony, without benefit of clergy.



Anno secundo

GEORGII II. Regis.

C A P. XXV.

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.

WHEREAS the wicked, pernicious, and abominable crimes of ^{Freamble,} forgery, perjury, and subornation of perjury, have of late time been so much practised, to the subversion of common truth and justice, and prejudice of trade and credit, that it is necessary, for the more effectual preventing of such enormous offences, to inflict a more exemplary punishment on such offenders, than by the laws of this realm can now be done; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any person, from and after the twenty-ninth day of *June*, in the year of our Lord one thousand seven hundred and twenty-nine, shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly act or assist in the false making, forging, or counterfeiting any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange, or promissory note for payment of money, or any acquittance or receipt, either for money or goods, with intention to defraud any person whatsoever; or shall utter, or publish as true, any false, forged, or counterfeited deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange or promissory note for payment of money, acquittance, or receipt, either for money or goods, with intention to defraud any person, knowing the same to be false, forged, or counterfeited; then every such person, being thereof lawfully convicted according to the due course of law, shall be deemed guilty of felony, and suffer death as a felon, without benefit of clergy.

To forge any deed, etc. felony without benefit of clergy.

II. And, the more effectually to deter persons from committing wilful and corrupt perjury, or subornation of perjury; be it further enacted by the authority aforesaid, That, besides the punishment already to be inflicted by law for so great crimes, it shall and may be lawful for the court, or judge, before whom any person shall be convicted of wilful and corrupt perjury, or subornation of perjury, according to the laws now in being, to order such person to be sent to some house of correction within the same county, for a time not exceeding seven years, there to be kept to hard labour during all the said time, or otherwise to be transported to some of his Majesty's plantations beyond the seas, for a term not exceeding seven years, as the court shall think most proper; and thereupon judgement shall be given, that the person convicted shall be committed, or transported accordingly, over and beside such punishment as shall be adjudged to be inflicted on such person, agreeable to the laws now in being; and if transportation be directed, the same shall be executed

Penalty for perjury and subornation.

in such manner as is or shall be provided by law for the transportation of felons; and if any person so committed or transported shall voluntarily escape, or break prison, or return from transportation, before the expiration of the time for which he shall be ordered to be transported, as aforesaid; such person, being thereof lawfully convicted, shall suffer death as a felon, without benefit of clergy, and shall be tried for such felony in the county where he so escaped, or where he shall be apprehended.

To steal orders, tallies, &c. felony.

III. And be it further enacted by the authority aforesaid, That if any person or persons, after the said twenty-ninth day of *June*, shall steal or take by robbery any exchequer orders or tallies, or other orders, intitling any other person or persons to any annuity or share in any parliamentary fund, or any exchequer bills, bank notes, *South Sea* bonds, *East India* bonds, dividend warrants of the bank, *South Sea* Company, *East India* Company, or any other Company, Society, or Corporation, bills of exchange, navy bills, or debentures, goldsmiths notes for payment of money, or other bonds or warrants, bills, or promissory notes for the payment of any money, being the property of any other person or persons, or of any Corporation, notwithstanding any of the said particulars are termed in law a *chose* in action, it shall be deemed and construed to be felony, of the same nature, and in the same degree, and with or without the benefit of clergy, in the same manner as it would have been if the offender had stolen, or taken by robbery, any other goods of like value with the money due on such orders, tallies, bills, bonds, warrants, debentures, or notes, or secured thereby, and remaining unsatisfied; and such offender shall suffer such punishment as he or she should or might have done, if he or she had stolen other goods of the like value with the monies due on such orders, tallies, bonds, bills, warrants, debentures, or notes respectively, or secured thereby, and remaining unsatisfied; any law to the contrary thereof in any wise used notwithstanding.

Not to extend to *Scotland*.

IV. Provided, That nothing in this act contained shall extend, or be construed to extend, to that part of *Great Britain* called *Scotland*.

Attainder not to corrupt blood, &c.

V. Provided always, and it is hereby further enacted by the authority aforesaid, That no attainder for any offence hereby made felony, shall make or work any corruption of blood, loss of dower, or disinheritance of heirs.

Continuance of the act. Made perpetual 9 G. 2. c. 22. and extended to other cases by 31 G. 2. c. 22.

VI. And be it enacted by the authority aforesaid, That this act shall continue and be of force for the space of five years, to be reckoned from the said twenty-ninth day of *June*, in the year of our Lord one thousand seven hundred and twenty-nine, and from thence to the end of the then next session of Parliament, and no longer.

3 GEORGII II. Cap. XIV.

An Act for reducing the Annuity or Fund of the United East India Company, and for ascertaining their Right of Trade to the East Indies, and the Continuance of their Corporation for that Purpose, upon the Terms therein mentioned.

WHEREAS in and by an act made in the ninth year of the reign of our late Sovereign Lord King *William* the Third, of glorious memory, intituled, *An act for raising a sum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies*, it is, amongst other things, enacted, That all the monies arising by the several duties upon salt and rock-salt, and upon stamped vellum, parchment and paper, in the said act mentioned, should be paid into the receipt of the exchequer every year, reckoning the first year to begin from the twenty-ninth day of *September*, one thousand six hundred and ninety-eight, and that one hundred and sixty thousand pounds *per annum*, of the monies to arise by the said several duties, and to be brought into the exchequer by weekly or other payments, should be the yearly fund for and towards the answering and paying off certain annuities of eight pounds *per centum per annum*, to such persons or corporations, as should subscribe and pay in their monies upon the terms of the said act; and it is thereby further enacted, That it should be lawful for his Majesty, by commission under the great seal of *England*, to authorise and appoint any number of persons to take and receive all such voluntary subscriptions for or towards the said sum of two millions, to be so paid as in the said act is mentioned; in and by which act it was further enacted, That such subscribers as aforesaid should respectively receive and enjoy for ever, out of the fund by the said act settled, one annuity for the whole sum by them subscribed, according to the rate of eight pounds *per centum per annum*, in the manner thereby prescribed; and it is thereby further enacted, That it should and might be lawful to and for his said late Majesty, by his letters patents, to incorporate all and every such the said subscribers, upon whose subscriptions such payments should be made as is therein expressed, and all persons, bodies politick and corporate, deriving title from or under them, so long as they respectively should have any such share or interest in the said yearly fund, to be one body politick and corporate, by the name of *The General Society intituled to the advantages given by an act of Parliament for advancing a sum not exceeding two millions, for the service of the crown of England*, with such succession, capacity, and powers, as in the said act is mentioned, and in such charters or letters patent such further rules, powers, and clauses for carrying on the trade, and pursuing the ends and intent of the said act, were to be inserted, as should be lawfully and reasonably desired in that behalf; and it was thereby enacted, That in case the said whole sum of two millions, or one moiety, or any greater part of the said sum of two millions, should be subscribed as aforesaid, on or before the said twenty-ninth day of *September*, one thousand six hundred and ninety-eight, that then and from thenceforth all and every the said subscribers, and all and every person and persons, bodies politick and corporate, deriving title by, from, or under such subscribers, so long as they respectively should continue to have any share or interest in the said yearly fund, and all and every person and persons licensed by them, should, or lawfully might, for ever thereafter, by themselves severally, or by such factors, agents, or servants, as they

A recital of the acts and charters relating to the East India Company. 9 W. 3. c. 44.

severally should think fit to intrust, freely traffick and use the trade of merchandize in, to, and from the *East Indies*, and other parts or limits in the said act mentioned, in such manner, and by such proportions, and subject to such restrictions, as in the said act are expressed; and it was further thereby enacted, That if any Corporations, or other persons having particular shares or interests in the said principal stock of the said General Society, should be desirous to unite and join together such their several shares and interests, and to be incorporated, so as they might be able to manage their trade (in proportion to their interests) as a Company, and by a joint stock, then it should and might be lawful for his said late Majesty, by his letters patents, to incorporate all such persons and Corporations, by such proper names as he should think fit, to be one Company, with power to manage and carry on their trade to the *East Indies*, and other the limits in the said act mentioned, by a joint stock, and to have perpetual succession, and a common seal, with other privileges in the said act mentioned; and it is thereby further enacted, That such persons or Corporations as should, in pursuance of that act, have a right and power to trade to the *East Indies*, and other the parts aforesaid, according to such provisions, proportions, and restrictions, as in the said act are contained, should use and enjoy the whole and sole trade and traffick, and the only liberty, use, and privilege of trading, trafficking, and exercising the trade or business of merchandize to and from the *East Indies*, and to and from the several places in the said act mentioned; and that the same should not be visited, frequented, or haunted, by any of the subjects of his Majesty, his heirs, and successors, under the penalties and forfeitures in the said act prescribed and enacted; subject nevertheless to a condition or proviso therein contained, that upon three years notice, after the twenty-ninth day of *September*, one thousand seven hundred and eleven, and repayment of the said sum of two millions, and all arrears of the said annuities or yearly payments, then, and from thenceforth the said duties, and the yearly fund charged thereupon, and the duty of five pounds *per centum*, for the imported goods, and the Corporations to be erected in pursuance of the said act, and the benefit of trade thereby given, should cease and determine: And whereas, in pursuance of the said act, his said late Majesty, by a commission under the great seal of *England*, bearing date at *Westminster* the fourteenth day of *July*, in the tenth year of his reign, did authorise several persons therein named to be commissioners, with power to take subscriptions for or towards the raising and paying the said sum of two millions: And whereas it appeared by duplicates transmitted into the office of the auditor of the receipt of his said late Majesty's exchequer, that several sums, amounting in the whole to the said sum of two millions of pounds sterling, were subscribed pursuant to the said act, and the said whole sum of two millions was entirely answered to his Majesty's use: And whereas, by a charter under the great seal of *England*, bearing date at *Westminster* the third day of *September*, in the tenth year of his said late Majesty's reign, his Majesty created and established the said corporation, or body politick, called *The General Society entitled to the advantages given by an act of Parliament, for advancing a sum not exceeding two millions, for the service of the crown of England*, with such powers, privileges and benefits as are therein expressed: And whereas, by letters patents under the great seal of *England*, bearing date at *Westminster* the fifth day of *September*, in the said tenth year of his said late Majesty's reign, reciting, that the subscribers towards the said sum of two millions therein particularly named and expressed, were desirous to unite or join together their several shares

Recital of Commission to take subscriptions, and of payment of the whole loan of two millions.

Recital of the charter to General Society of 3 Sept. 10 Geo. 1.

The like of charter of 5 Sept. 10 Geo. 1. of the English Company trading to the East Indies.

shares and interests in the principal stock of the said General Society, and to be incorporated so as they might be able to manage their trade in proportion to their interest as a Company, and by a joint-stock, his said late Majesty did grant that the subscribers therein particularly named, and every of them, and all and every person and persons, bodies politic and corporate, who as executors, administrators, successors or assigns, or by any other lawful title, derived by, from, or under the said subscribers, should have or be entitled to any part, share or interest of or in the said yearly fund settled by the said act, or of or in the proportionable annuity or yearly payments issuing out of the said yearly fund, so long as they should respectively have any part, share, or interest therein, should be one body politic and corporate, by the name of *The English Company trading to the East Indies*, with such benefit of trade, powers, privileges, and advantages, and subject to such restrictions, conditions, covenants and agreements, and to such proviso of redemption, as are therein referred to or expressed: And whereas, in and by one other act made in the sixth year of the reign of her late Majesty Queen Anne, for assuring to the English Company trading to the East Indies, on account of the united stock, a longer time in the fund and trade therein mentioned; and for raising thereby the sum of one million two hundred thousand pounds, for carrying on the war, and other her Majesty's occasions; it was enacted, That upon payment to her Majesty of the sum of one million two hundred thousand pounds, at the times, and upon the terms in the said act mentioned, they the said English Company, trading to the East Indies, should have such further time and interest in the said fund and trade to the East Indies, as in the last mentioned act is particularly set forth, but subject to the proviso or condition of redemption in the said last mentioned act, and therein set forth; that is to say, it was thereby declared and enacted, That at any time, upon three years notice, after the twenty-fifth day of *March*, which should be in the year of our Lord one thousand seven hundred and twenty-six, upon the expiration of the said three years, and upon repayment by Parliament, as well of the said sum of two millions then before advanced, as of the said sum of one million two hundred thousand pounds then to be advanced, and since advanced and paid accordingly, making in the whole three millions two hundred thousand pounds, and of all arrears which, at the end of the said three years, should be due for and upon the said fund of one hundred and sixty thousand pounds, then and from thenceforth, as well the said duties upon salt, as the said duties upon stamped vellum, parchment and paper, and all the said yearly fund of one hundred and sixty thousand pounds, and all the Corporations erected in pursuance of the said acts, and the benefit of trade granted by them, or by any charters made in pursuance thereof, or by that act, should absolutely cease and determine: And whereas, by virtue of the said last mentioned act, and of an award made, in pursuance thereof, by the right honourable *Sidney* earl of *Godolphin*, an union between the Governor and Company of Merchants of *London* trading into the East Indies, and the said English Company trading to the East Indies, was completed, and the said name and stile of the said English Company trading to the East Indies was thereupon changed into the name of *The United Company of Merchants of England trading to the East Indies*, as was also directed by the said act: And whereas, in and by one act made in the tenth year of the reign of her said late Majesty Queen Anne, for continuing the trade and corporation-capacity of the United East India Company, although their fund should be redeemed, it was enacted, That the last mentioned proviso for redemption and determination of the said

Recital of act
of 6 Ann. c. 17.

The Company
first called
*The United
Company, &c.*

10 Ann. c. 28.

ſaid ſeveral duties, yearly fund, annuities, corporations, and benefit of trade, ſhould be, and was thereby repealed and made void; and that the ſaid duties upon ſalt, and the ſaid duties upon ſtamped vellum, parchment and paper, and the duty of five pounds in the hundred, charged by the ſaid acts upon goods imported from the *East Indies*, ſhould continue, and the ſaid United Company of Merchants of *England* trading to the *East Indies*, and their ſucceſſors, ſhould have and enjoy the ſaid yearly ſum of one hundred and ſixty thouſand pounds *per annum*, or ſuch part thereof as they then were or thereafter ſhould be entitled unto, and all the benefit of trade, franchiſes, privileges, profits, and advantages whatſoever, in reſpect thereof given and granted, or intended to be given or granted unto them by the ſaid act of the ninth year of his ſaid late Maſteſty's reign, or by the ſaid charter of the fifth day of *September*, in the tenth year of his ſaid late Maſteſty's reign, or by the ſaid act of the ſixth year of the reign of her then Maſteſty, or by any of them, freed and diſcharged of and from the ſaid former proviſo or condition of redemption contained in the ſaid therein laſt recited act, and all other proviſoes, powers, acts, matters or things, thentofore had, made, done, or committed, for redeeming, determining, or making void the ſame duties, yearly fund, benefit of trade, franchise, privilege, profits, and advantages, or any of them, ſubject nevertheleſs to the reſtrictions, covenants, and agreements in the ſaid therein recited acts, and letters patents, or any of them, contained, and ſubject to the general proviſoes or condition of redemption therein-after contained; in which ſaid act there is afterwards contained a proviſo in the words or to the effect following; that is to ſay, 'Provided always, and it is hereby declared and enacted by the authority aforeſaid, That at any time, upon three years notice, after the twenty-fifth day of *March*, which ſhall be in the year of our Lord one thouſand ſeven hundred and thirty-three, and upon repayment by Parliament as well of the ſaid ſum of two millions, as of the ſaid ſum of one million two hundred thouſand pounds, making in the whole three millions two hundred thouſand pounds, unto ſuch Companies, Corporations, and perſons, as ſhall be then intitled thereto, and of all arrears which, to the end of the ſaid three years, ſhall be due for or upon the ſaid yearly fund of one hundred and ſixty thouſand pounds *per annum*, then and from thenceforth the ſaid duties upon ſalt, and the ſaid duties upon ſtamped vellum, parchment, and paper, and the ſaid yearly fund of one hundred and ſixty thouſand pounds, ſhall abſolutely ceaſe and determine.'

And whereas one other act of Parliament was made in the fifth year of the reign of his late Maſteſty King *George* the Firſt, for the better ſecuring the lawful trade of his Maſteſty's ſubjects to and from the *East Indies*, and for the more effectual preventing all his Maſteſty's ſubjects trading thither under foreign commiſſions: And whereas one other act was made in the ſeventh year of the reign of his ſaid late Maſteſty King *George* the Firſt, amongſt other things, for the further preventing his Maſteſty's ſubjects from trading to the *East Indies* under foreign commiſſions, and for encouraging and further ſecuring the lawful trade thereto: And whereas one other act was alſo made in the ninth year of the reign of his ſaid late Maſteſty King *George* the Firſt, to prevent his Maſteſty's ſubjects from ſubſcribing, or being concerned in encouraging or promoting any ſubſcription for an *East India Company* in the *Auſtrian Netherlands*, and for the better ſecuring the lawful trade of his Maſteſty's ſubjects to and from the *East Indies*, as by the ſaid ſeveral acts of Parliament, commiſſion, and charters, relation being thereunto had, may more fully appear: And whereas the ſaid United Company of Merchants of *England* trading to the *East Indies*, are legally

A. R. 5 Geo. 1.
c. 22.

A. R. 7 Geo. 1.
c. 21.

A. R. 9 Geo. 1.
c. 26.

Company's
capital ſtock
3,400,000*l.*

legally possessed of, and intituled to, the said principal or capital stock of three millions two hundred thousand pounds, and to the said yearly fund of one hundred and sixty thousand pounds, redeemable as aforesaid, and are also possessed of, and intituled to, an additional stock in trade, and several forts, factories, settlements, possessions, estates, and hereditaments, for the benefit of, or in trust for, the members of the said United Company of Merchants of *England* trading to the *East Indies*, in proportion, and according to their respective parts, shares, and interests, in the said yearly fund, and in the said principal stock of three millions two hundred thousand pounds: And whereas the said United Company of Merchants of *England* trading to the *East Indies*, by virtue of the said acts of Parliament, and charters, some or one of them, claims to be a body politick and corporate, and to have perpetual succession, and claims also the whole and sole trade, exclusive of all others, in, to, and from the *East Indies*, and limits aforesaid, for ever: But nevertheless the said United Company, being willing that all doubts touching the continuances of their Corporation, and of their right to the whole and sole trade within the limits aforesaid for ever, after the redemption of the said yearly fund, should be removed, were and are contented, and accordingly have consented and agreed, to subject their right or claim to the said whole, sole, and exclusive trade, to be redeemable or determinable by Parliament, in manner herein-after mentioned; and have consented and agreed that their present annuity or yearly fund of one hundred and sixty thousand pounds, payable in respect of their said capital stock, or debt of three millions two hundred thousand pounds from the publick, be, from and after the twenty-ninth day of *September*, one thousand seven hundred and thirty, reduced to an annuity or yearly fund of one hundred twenty-eight thousand pounds, redeemable by Parliament on one year's notice to be given after the twenty-fifth day of *March*, one thousand seven hundred and thirty-six, on payment to them of their said whole capital debt, with all arrears in respect thereof, in manner hereafter mentioned; and were and are moreover willing, and have consented and agreed to pay into his Majesty's exchequer, on or before the twenty-fourth day of *December*, one thousand seven hundred and thirty, the full sum of two hundred thousand pounds, without any interest or addition to their said capital stock or debt for the same, to be applied as hereafter mentioned, but upon such terms, conditions, grants, confirmations, articles, and provisions nevertheless, as herein-after are made, granted, provided, declared, and enacted: Now, for the preventing, quieting, and determining any doubts, disputes, or difficulties that have been, or may be raised concerning the right or claim of the United Company of Merchants of *England* trading to the *East Indies*, to the whole and sole trade to the *East Indies*, exclusive of all others, and for perfecting and compleating the several matters and things so as aforesaid consented to by the said Company, and to the end the said Company may be able to support and carry on the trade to the *East Indies*, with credit and security, and improve the same for the benefit of this nation, we your Majesty's most dutiful and loyal subjects, the Commons of *Great Britain* in Parliament assembled, do most humbly beseech 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 the said United Company, in pursuance of their before recited agreement, shall, and they are hereby required and enjoined to pay into the receipt of his Majesty's exchequer, on or before the twenty-fourth day of *December*, one thousand

Agreement to give the publick 200,000*l.* on certain conditions.

United Company to pay 200,000*l.* into the exchequer by 24 Dec. 1730

seven hundred and thirty, the full and entire sum of two hundred thousand pounds of lawful money of *Great Britain*, to be applied towards the supplies granted to his Majesty for the service of the year one thousand seven hundred and thirty, for which no interest shall be ever payable, nor shall any addition be made to their capital stock or debt from the publick, on account of the same, nor shall the same, or any part thereof, be repayable to the said United Company.

On failure of payment may be sued.

II. And be it further enacted by the authority aforesaid, That in case the said United Company shall make failure in payment of the said sum of two hundred thousand pounds, or any part thereof, at the time before appointed for payment thereof, then the money, whereof such failure in payment shall be made, shall and may be recovered in his Majesty's name, for the uses and purposes aforesaid, by action of debt, or upon the case, bill, suit or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, or more than one imparlance, shall be granted or allowed; in which action, bill, suit or information, it shall be lawful to declare, that the said United Company of Merchants of *England* trading to the *East Indies*, are indebted to his Majesty the monies, whereof they shall have made default in payment, according to the form of this statute, and have not paid the same, which shall be sufficient; and in or upon such action, bill, suit or information, there shall be further recovered to his Majesty's use, against the said United Company, damages after the rate of eight pounds *per centum per annum*, for the monies so unpaid contrary to this act, besides full costs of suit; and the said United Company, and their capital stock and fund, shall be and are hereby made subject and liable thereto.

On advance of the money a discount to be allowed of 3 $\frac{1}{2}$ per cent.

III. Provided always, That in case the commissioners of his Majesty's treasury now, or for the time being, or any three or more of them, or the lord high treasurer for the time being, shall judge it convenient for his Majesty's service, that all, or any part of the said sum of two hundred thousand pounds, so as aforesaid appointed to be paid by the said United Company, should be paid in advance by them on any day or days before or sooner than the said twenty-fourth day of *December*; one thousand seven hundred and thirty, before appointed for payment thereof, and the said United Company shall voluntarily consent to pay the same in advance accordingly, then, and in every such case, the said commissioners of the treasury, or the lord high treasurer, may and have hereby power to allow to the same United Company, out of every such payment in advance, a rebate or discount after a rate not exceeding three pounds *per centum per annum*, upon the monies so paid in advance, from the respective day or days of such payment, to the day on which the same is herein-before appointed to be paid as aforesaid.

After 29 Sept. 1730, the yearly fund of 160,000l. reduced to 138,000l.

IV. And be it further enacted, That from and after the twenty-ninth day of *September*, which shall be in the year of our Lord one thousand seven hundred and thirty, and not before, the said annuity, or yearly fund of one hundred and sixty thousand pounds shall be, and is hereby reduced to an annuity, or yearly fund of one hundred and twenty-eight thousand pounds, in respect of the said capital stock, or debt of three millions two hundred thousand pounds; which said reduced annuity, or yearly fund, shall be and remain charged upon, and shall be paid and payable, from time to time, out of the same duties and revenues, in the same manner, and by the like weekly or quarterly payments, and with the same provisions for making good any deficiencies, from time to time, in the said reduced fund, as their present annuity or fund is now charged on, or provided for to be paid, until some

some new or other provision shall be made by Parliament, with consent of the said United Company, for the same.

V. Provided always, and be it enacted by the authority aforesaid, That at any time, upon one year's notice to be given by Parliament, after the twenty-fifth day of *March*, which shall be in the year of our Lord one thousand seven hundred and thirty-six, upon the expiration of the said year, and upon repayment by Parliament of the said whole capital stock, or debt of three millions two hundred thousand pounds, unto the said United Company, and of all arrears of their said reduced annuity, or yearly fund of one hundred and twenty-eight thousand pounds, which shall be due at the end of the said year; then and from thenceforth their said annuity or yearly fund shall cease, determine, and be no longer paid or payable to them.

On one year's notice after 25 *March*, 1736, and repayment, etc. annuity to cease.

VI. And in regard it is intended, that at any time or times after the twenty-fifth day of *March*, one thousand seven hundred and thirty-six, the said capital stock, or debt of three millions two hundred thousand pounds, may be paid off to the said United Company, by any payments not being less than five hundred thousand pounds at a time, and that, as the said lesser payments shall be made, the said reduced annuity, or yearly fund of one hundred and twenty-eight thousand pounds, payable to the said Company, shall proportionally sink, and be abated, be it enacted by the authority aforesaid, That at any time or times, upon one year's notice after the twenty-fifth day of *March*, one thousand seven hundred and thirty-six, to be given by Parliament, upon the expiration of the said year, on repayment by Parliament, to the said United Company, of any sum of money not being less than five hundred thousand pounds, in part of the said capital stock, or debt of three millions two hundred thousand pounds, and upon payment of all arrears which shall then be due on their said reduced annuity or yearly fund, or upon any part thereof, then from and after such payments so much of the said annuity, as shall bear proportion to the monies so paid in part, shall cease, determine, and be abated, and so on from time to time on such yearly notices to be given by Parliament, and payment from time to time of such other sums, in part of the said capital stock or debt, not less than five hundred thousand pounds at a time, and of such arrears of their then annuity or yearly fund, until the payment of the whole shall be completed, so much of their said annuity or fund, as shall bear proportion to such respective sums paid in part, shall, from time to time, as such payments are made, sink and be abated, until their whole annuity or yearly fund shall be entirely sunk and determined.

On one year's notice after 25 *March*, 1736, on repayment of any sum not less than 500,000*l.* so much of the annuity to cease.

VII. But nevertheless, and notwithstanding such redemption, be it further enacted by the authority aforesaid, That all and every person and persons, who now are or shall at the time of such redemption be entitled unto, or who now have, or shall have any part, share, or interest, of, in, or to the said three millions two hundred thousand pounds, or of, in, or to a proportionable part, share or interest in the said additional stock, stock in trade, or money paid in for carrying on the same, or in the said forts, factories, settlements, lands, tenements, rights, hereditaments, possessions, estate or estates, of or belonging to the said United Company of merchants of *England* trading to the *East Indies*, or unto which they are, shall, or may be entitled; and all and every person and persons, bodies politick and corporate, who, as executors, administrators, successors, or assigns, or by any other lawful way or title derived, or to be derived from, by, or under them, shall have, or be entitled to have, any part, share, or interest, of, in, or to the same, or of, in, or to any future or other additional stock, stock in trade, monies, possessions, rights, hereditaments, or estates, of or belonging to, or that shall or may be acquired, gained or obtained

After redemption, members of the Company to continue a body politick, etc.

tained by the said United Company, or their successors, so long as they shall respectively have, or be entitled to have, any such share, part, or interest, shall be, and continue to be, a body politick and corporate, in deed, and in name, by the name of *The United Company of Merchants of England trading to the East Indies*, and by that name shall have perpetual succession, and a common seal; and they and their successors, by the name aforesaid, shall be able and capable in the law to have, purchase, receive, enjoy, possess, and retain, to them and their successors, lands, rents, tenements, and hereditaments, of what kind, nature, or quality soever, and also to sell, grant, demise, aliene, or dispose of the same; and by the same name to sue and implead, be sued and impleaded, answer and be answered, in all or any courts of record, or any other place whatsoever, and to do and execute all and singular other matters and things, by the name aforesaid, that to them shall or may appertain to do, and shall have, hold, and enjoy all benefits, privileges, franchises, and rights, which by any former act or acts, or any charter or charters founded thereupon, the said United Company of merchants of *England* trading to the *East Indies*, might hold and enjoy, which are not herein or hereby altered or varied; and all and every person and persons, having at the time of such redemption of the said yearly fund of one hundred and twenty-eight thousand pounds, any part, share, or interest, of, in, or to the said principal stock of three millions two hundred thousand pounds, and of, in, or to the said additional stock, stock in trade, and monies paid in for carrying on the same, and of, in, and to other the possessions, rights, estates, and hereditaments aforesaid, acquired or purchased by, or any ways belonging or appertaining to, the said United Company of merchants of *England* trading to the *East Indies*; and all persons, bodies politick and corporate, that shall or may at any time after derive from them any right or title to such monies paid in, stocks, possessions, rights, hereditaments, and estates, notwithstanding such redemption, shall have, and continue to have, and be intitled unto the same, and unto all future and other the stocks, monies, possessions, rights, hereditaments, and estates, to be acquired, gained, belonging, or to belong to the said United Company, and their successors, and to all benefits, profits, privileges, and advantages, arising or to arise therefrom, in proportion to their respective parts, shares, and interests therein; and the said parts, shares, and interests of such persons, of and in the same, shall and may be assigned and assignable, transferred and transferrable, in such or the like manner, *mutatis mutandis*, as their respective parts, shares, or interests of and in the said principal stock of three millions two hundred thousand pounds, and the additional stock thereto, or either of them, are now assignable or transferrable, or may be assigned or transferred.

and to declare
qualifications
of electors.

VIII. And it is hereby further enacted by the authority aforesaid, That from and after such redemption of the said yearly fund, or after one moiety thereof, or more, shall be redeemed and discharged by Parliament, the said United Company of merchants of *England* trading to the *East Indies*, may from time to time, by by-laws or orders to be made in their general court, or general courts, declare and direct how much, and what part or share in the then remaining capital stock or yearly fund, or in the said additional stock, and stock in trade, possessions, hereditaments, and estates aforesaid, shall qualify any persons, members of the said United Company of merchants of *England* trading to the *East Indies*, to be directors for the affairs of the said Company, and what part or share thereof shall qualify any persons, members of the said United Company of merchants of *England* trading to the *East Indies*, to give any vote or votes in any general court,

court, or general courts, and for the electing the directors, and for their continuance or removal, incapacity, or avoidance.

IX. And it is hereby further enacted by the authority aforesaid, That notwithstanding such redemption of the said yearly fund of one hundred and twenty-eight thousand pounds, as aforesaid, the said United Company of merchants of *England* trading to the *East Indies*, shall, subject to the proviso of determination herein-after contained in that behalf, have, use, and enjoy, and shall continue to have, use, and enjoy the whole and sole trade and traffick, and the only liberty, use, and privilege of trading, trafficking, and exercising the trade or business of merchandize, in, to, and from the *East Indies*, and in, to, and from all the islands, ports, havens, coasts, cities, towns, and places between the cape of *Good Hope* and streights of *Mogellan*, and limits in the said act of the ninth year of the reign of his said late Majesty King *William* the Third, or in the said charter of the fifth day of *September*, in the tenth year of his said Majesty's reign, mentioned, in as ample and beneficial manner, as the said Company could thereby trade thereto; and the said *East Indies*, or the islands, havens, coasts, ports, cities, towns, and places, within the limits aforesaid, or any of them, shall not from henceforth, at any time before such determination of the said sole and whole trade of the said United Company of merchants of *England* trading to the *East Indies*, as is herein after mentioned, be repaired, or failed to, visited, frequented, or haunted, by any other the subjects of his Majesty, his heirs or successors whatsoever; and if any of the said subjects of his Majesty, his heirs, or successors, of what degree or quality soever they be, other than the factors, agents, and servants of the said United Company of merchants of *England* trading to the *East Indies*, or such as shall be by them thereunto licensed or authorized, shall at any time or times hereafter, before such determination of the said Company's whole and sole trade, as aforesaid, directly or indirectly sail, or go to, visit, haunt, frequent, traffick, trade, or adventure in, to, or from the said *East Indies*, or other the limits or parts aforesaid, contrary to the true meaning hercof, all and every such offender and offenders shall incur the forfeiture and loss of all the ships and vessels which shall be employed in such voyage, trade, traffick, or adventure, with the guns, tackle, apparel, and furniture thereunto belonging, and also all the goods laden thereupon, or that were or shall be sent to, acquired, traded, trafficked, or adventured within the said *East Indies*, or parts aforesaid, and all the proceed and effects of the same, and every of them, and double the value thereof, which penalties and forfeitures shall be so sued for, seized, distributed and distributable, recovered and recoverable, as in and by the said act made in the seventh year of the reign of his late Majesty King *George* the First, is appointed, directed, and enacted concerning the penalties and forfeitures in that act mentioned or referred to, with respect to the said United Company, or their trade to the *East Indies*.

X. And moreover it is hereby enacted by the authority aforesaid, That the said United Company of merchants of *England* trading to the *East Indies*, shall at all times hereafter for ever (subject as aforesaid) have, hold, and enjoy, and be intitled unto, all and every the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, and all penalties, and forfeitures, and disabilities, provisions, matters, and things whatsoever, which by any former act or acts of Parliament, or by any charter or charters founded thereupon, or by any clause or clauses in the said acts or charters contained, are enacted, given, granted, provided, inflicted, limited, established, or declared to, for, touching, or concerning the said Company or body politick and corporate, either by the name of *The General Society* intitled to the

Company to have the sole trade to the *East Indies* for allinted time
Extended by
17 G. 2. c. 17.
21 G. 3. c. 65.

Vessels and goods trading thither during that time without leave of the Company, forfeited.

7 Geo. 1. stat.
1. c. 21.

They shall enjoy all privileges granted by acts or charters.

advantages given by an act of Parliament for advancing a sum not exceeding two millions for the service of the crown of England, or the said body politick and corporate called by the name of *The English Company trading to the East Indies*, or the said body politick and corporate now called by the name of *The United Company of merchants of England trading to the East Indies*, and not by this act altered; or intended to be altered, according to the tenor and true meaning of the said acts and charters, freed and discharged from all provisos and conditions of redemption and determination therein contained, and the same and every of them are hereby ratified and confirmed, and shall continue to be held and enjoyed, and be practised and put in execution by the said United Company of merchants of *England* trading to the *East Indies*, and their successors, for the better and more effectual settling and securing to them and their successors, the whole, sole, and exclusive trade to the *East Indies*, and parts aforesaid, and for the preventing all his Majesty's subjects trading thither, and for securing also their possessions, estate, and effects, and governing their affairs and business in all respects, as fully and effectually, as if the same profits, benefits, advantages, trade, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, penalties and forfeitures, disabilities, provisions, matters, and things, were severally repeated, and at large re-enacted in the body of this act; subject nevertheless to such restrictions, covenants and agreements, as are contained in the said acts and letters patent now in force, and not herein or hereby varied or altered, and subject also to the proviso following; that is to say,

On three years notice after 1736, and repayment of the whole capital stock, exclusive trade to cease:

Extended by 17 G. 2. c. 17. & 21 G. 3. c. 65.

XI. Provided always, and it is hereby enacted by the authority aforesaid, That at any time, upon three years notice to be given by Parliament, after the twenty-fifth day of *March*, which shall be in the year one thousand seven hundred and thirty-six, upon the expiration of the said three years, and repayment to the said United Company of merchants of *England* trading to the *East Indies*, or their successors, of the said capital stock, debt, or sum of three millions two hundred thousand pounds, and all arrears of annuity payable in respect thereof, in case the same shall not have been before repaid, then and from thenceforth the said right, title, and interest of the said United Company of merchants of *England* trading to the *East Indies*, to the whole, sole, and exclusive trade to the *East Indies*, and parts aforesaid, shall cease and determine.

But corporation to continue. 9 W. 3. c. 44.

XII. Provided always, and it is hereby further enacted by the authority aforesaid, That nothing in the above proviso, or in any proviso in the act of the ninth year of the reign of his said Majesty King *William* the Third, or in the said charter of the fifth day of *September*, in the tenth year of his said Majesty, or in any other act or charter contained, shall extend or be construed to extend to determine the corporation of the said United Company of merchants of *England* trading to the *East Indies*, or to hinder, prevent, or exclude, the said United Company from carrying on at all times after such determination of the right to the whole, and exclusive trade, as aforesaid, a free trade, in, to, and from the *East Indies*, and parts aforesaid, with all or any part of their own joint stock in trade, goods, merchandizes, estate, and effects, in common with other the subjects of his Majesty, his heirs and successors, trading in, to, and from those parts.

What shall be deemed a proper notice by Parliament.

XIII. And be it enacted by the authority aforesaid, That any notice in writing, signified by the speaker of the House of Commons for the time being, by order of the said house, shall be deemed and adjudged a due and proper notice by Parliament, to and for all the ends, intents, and purposes, for which such notices are directed by this act to be given to the said Company.

XIV. Pro-

XIV. Provided always, and be it hereby further enacted by the authority aforesaid, That the said United Company shall be and are hereby restrained and enjoined from buying, purchasing, or possessing, at any one time, any messuages, lands, rents, tenements, or hereditaments, of what nature, kind, or quality soever, in the kingdom of *Great Britain*, exceeding in the whole the yearly value of ten thousand pounds; any thing herein, or in any former act, or in any charter granted to the said Company, in any wise notwithstanding.

Company not to purchase exceeding 10,000l. per annum.

XV. Provided always, That this act or any thing herein contained shall not extend, or be construed, deemed, or taken to extend, to restrain or prejudice such trade or navigation within any parts of the limits aforesaid, as the Governor and Company of merchants of *Great Britain* trading to the *South Seas*, and other parts of *America*, and for encouraging the fishery, now are intitled unto.

This act not to extend to the South Sea Company:

XVI. Provided also, That this act or any thing herein contained shall not extend, or be construed, deemed, or taken to extend to subject the Governor and Company of merchants of *England* trading to the *Levant Seas*, or any member thereof, to any penalties or forfeitures hereby enacted, for and in respect of his and their trading into the *Levant Seas*.

Not to the Levant Company.

3 GEORGII II. Cap. XX.

An Act for taking off certain Duties on Salt, and for making good any Deficiencies in the Funds that may happen thereby; and for charging the reduced Annuity, payable to the East India Company, on the Aggregate Fund; and for Relief of Matthew Lyon, Executor of Matthew Page deceased, in respect of the Duty for Salt lost by the overflowing of the River Mercy, in the Year one thousand seven hundred and twenty-four.

[So much thereof as relates to the *East India Company*.]

XXI. AND for the preventing and remedying any injury or damage which may happen to the United Company of merchants of *England* trading to the *East Indies*, in respect of the diminution that may happen in the produce of the duties and revenues, so as aforesaid charged with their present annuity or fund of one hundred and sixty thousand pounds *per annum*, by the ceasing and determining the before mentioned additional duties on salt, before or until the said intended reduction of their said present annuity or yearly fund shall take place, and the same reduced annuity or yearly fund be charged upon new duties and revenues with their consent, be it enacted by the authority aforesaid, That in case at the end of any one quarter of a year, to be computed from the feast of the annunciation of the blessed *Virgin Mary*, in the year of our Lord one thousand seven hundred and thirty, until such intended reduction shall take place, and such new security be provided for, the said reduced annuity or yearly fund, the produce into the exchequer of the monies arising from the said additional duties on salt, and the said additional duties on stamped vellum, parchment and paper, so as aforesaid particularly charged with the present annuity or fund of one hundred and sixty thousand pounds, payable to the said United Company, shall not be sufficient, together with the present provisions by Parliament for making good the deficiencies thereon, to discharge the quarter's annuity that shall be then due to them; then and in every such case, and as often as the

See 9 & 10 W. 3. c. 44.

The deficiencies to the East India Company out of the same fund.

the same shall happen, such quarterly deficiencies shall from time to time be made good out of any monies which at the respective times of such deficiencies shall be and remain in the exchequer, of the monies arisen or to arise for the said duties and revenues commonly called *The Aggregate Fund*, which shall be more than sufficient to answer, pay and satisfy what will then be due or demandable for any prior charges or incumbrances on the said aggregate fund.

After 29 Sept. 1730, the India Company's reduced annuities to be paid out of the aggregate fund.

XXII. And be it enacted by the authority aforesaid, That, from and after the twenty-ninth day of *September*, which shall be in the year of our Lord one thousand seven hundred and thirty, in case the said intended reduction of the said annuity or fund of one hundred and sixty thousand pounds so as aforesaid payable to the said United Company shall then take place, then and from thenceforth such reduced annuity or yearly fund of one hundred and twenty-eight thousand pounds shall be transferred from the several duties and revenues now charged with the said present annuity or yearly fund of one hundred and sixty thousand pounds, and be charged upon and payable out of the monies arisen or to arise into the exchequer from time to time, for the said several duties and revenues composing the aggregate fund, to be paid and payable to the said United Company, or their successors, by such and the like quarterly payments as their present annuity or yearly fund is now payable, subject nevertheless to such redemption by Parliament as is or shall be enacted by any other act of this present session of Parliament, and subject to such prior charges and incumbrances as are or shall be made by Parliament on the growing produce of the said aggregate fund, before the taking place of such reduction.

Duty on stamps and salt discharged therefrom.

XXIII. And be it enacted by the authority aforesaid, That from and after such time as the said reduced annuity or yearly fund of one hundred and twenty-eight thousand pounds shall become charged on the said aggregate fund, then and from thenceforth the said additional duties on stamped vellum, parchment and paper so as aforesaid charged, together with the said additional duties on salt, with their said present annuity or yearly fund of one hundred and sixty thousand pounds, shall be discharged therefrom, and also from the said reduced annuity or yearly fund and every part thereof, and shall be deemed a saving to the publick by such reduction as aforesaid, and shall go and be applied to such uses, and for such purposes as by any other act of this present session of Parliament, or any future act or acts of Parliament are or shall be from time to time directed or appointed concerning the same.

4 GEORGII II. Cap. XIV.

An Act to prevent Frauds in the Revenue of Excise, with respect to Starch, Coffee, Tea, and Chocolate.

[So much thereof as relates to *Tea*.]

XI. **A**ND whereas several ill-disposed persons do frequently dye, fabricate or manufacture, very great quantities of floe leaves, liquorish leaves, and the leaves of tea that have been before used, or the leaves of other trees, shrubs or plants in imitation of tea, and do likewise mix, colour, stain and dye such leaves, and likewise tea, with *terra japonica*, sugar, molasses, clay, logwood, and with other ingredients,

and do sell and vend the same as true and real tea, to the prejudice of the health of his Majesty's subjects, the diminution of the revenue, and to the ruin of the fair trader: For remedy of such frauds and abuses for the future, be it enacted by the authority aforesaid, That from and after the twenty-ninth day of September, one thousand seven hundred and thirty-one, if any person or persons, who shall be a dealer in or seller of tea, shall dye, fabricate or manufacture any sloe leaves, liquorish leaves, or the leaves of tea that have been used, or the leaves of any other tree, shrub or plant, in imitation of tea, or shall mix, colour, stain or dye such leaves, or tea, with *terra japonica*, sugar, molasses, clay, logwood, or with any other ingredients or materials whatsoever, or shall sell and vend, or utter, offer or expose to sale, or shall have in his, her, or their custody or possession, any such dyed, fabricated or manufactured leaves in imitation of tea, or any such coloured, stained or dried leaves, or tea mixed with any of the ingredients before mentioned, or with any other ingredients whatsoever, such person or persons shall respectively, for every pound of such leaves so dyed, fabricated or manufactured in imitation of tea, and for every pound of such mixed, coloured, stained or dried leaves of tea, forfeit and pay the sum of ten pounds.

Penalty for sophisticating tea.
See further,
17 G. 3. c. 29.

5 GEORGII II. Cap. XXIX.

An Act for reviving an Act made in the Fifth Year of the Reign of his late Majesty King George the First, intituled, An Act for the better securing the lawful Trade of his Majesty's Subjects to and from the East Indies, and for the more effectual preventing all his Majesty's Subjects trading thither under Foreign Commissions.

WHEREAS the act made in the fifth year of the reign of his late Majesty King George the First, (intituled, *An act for the better securing the lawful trade of his Majesty's subjects to and from the East Indies, and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions*), which was to continue in force for five years, and from thence to the end of the then next session of Parliament; and which by another act, made in the ninth year of his said late Majesty's reign (intituled, *An act to prevent his Majesty's subjects from subscribing, or being concerned in encouraging or promoting any subscription for an East India Company in the Austrian Netherlands, and for the better securing the lawful trade of his Majesty's subjects to and from the East Indies*), was further continued for seven years, from the twenty-fifth day of March, one thousand seven hundred and twenty-three, and from thence to the end of the then next session of Parliament, hath by experience been found useful and beneficial, and is lately expired; 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 the said first herein-before mentioned act shall be, and is hereby revived, and shall be in full force from the first day of May, in the year of our Lord one thousand seven hundred and thirty-two, for and during the term of seven years, and from thence to the end of the then next session of Parliament, and no longer.

Preamble, reciting 5 and 9 Geo. 1.

Act 5 Geo. 2 continued from 1 May, 1732, for 7 years, etc. Continued 20 G. 2. c. 47. and 20 Geo. 3. c. 19.

6 GEORGII II. Cap. VII.

An Act for the free Importation and Exportation of Diamonds, Pearls, Rubies, Emeralds, and all other Jewels and precious Stones.

WHEREAS this kingdom is now become a great mart for diamonds and other precious stones and jewels, from whence most foreign countries are supplied, and great numbers of rough diamonds are sent from abroad to be cut and polished here, which is a great advantage to this nation, and there is great reason to believe, if the importation thereof was encouraged and made easy, the said trade would increase: And whereas, among the rules in the table of fees and allowance due and payable to the officers of the customs, dated the seventeenth day of *May*, one thousand six hundred and sixty-two, signed by Sir *Edward Turnor*, then Speaker of the House of Commons, and confirmed by the act of tunnage and poundage passed in the twelfth year of the reign of King *Charles* the Second, and since continued, and now in force, it is declared, That diamonds, precious stones, jewels, and pearls of all sorts, shall pass outwards without warrant or fee; may it therefore please your most excellent 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 tenth day of *April*, which shall be in the year of our Lord one thousand seven hundred and thirty-three, all diamonds, pearls, rubies, emeralds; and all other precious stones and jewels, shall pass inwards without warrant or fee, in like manner as they now pass outwards, and free from the payment of any duty granted to his Majesty, his heirs or successors; and it shall and may be lawful for any person or persons to import or export the same, in any ship or vessel whatsoever; any law, custom, or usage to the contrary in any wise notwithstanding, subject nevertheless to the proviso herein-after contained.

After 10. April, 1733, diamonds and all other precious stones may be imported or exported free from duty.

Proviso as to the East India Company.

II. Provided always, That nothing herein contained shall extend to annul or make void the duty granted to his Majesty for the use of the United Company of merchants of *England* trading to the *East Indies*, by an act passed in the ninth and tenth years of the reign of his late Majesty King *William* the Third, for such pearls, diamonds, and other precious stones or jewels, as shall be imported into this kingdom from any place within the limits of the charter granted to the said Company, or to take away or alter any privileges, profits, or advantages, granted to or now held or enjoyed by the said Company.

12 GEORGII II. Cap. XXII.

An Act to rectify a Mistake in an Act made in the sixth Year of the Reign of his late Majesty King George, for preventing Frauds and Abuses in the publick Revenues of Excise, Customs, Stamp-duties, Post-office, and House-money, relating to the Condition of Bonds taken from Masters of Ships; and to indemnify Persons who have acted under the said Mistake; and also to obviate a Doubt which has arisen upon an Act made in the seventh Year of his said late Majesty's Reign, for the further preventing his Majesty's Subjects from trading to the East Indies under foreign Commissions; and for encouraging and fruther securing the lawful Trade thereto; with regard to Prosecutions in Ireland in a summary Way, for the fraudulent Importation of East India Goods into that Kingdom.

[So much thereof as relates to the *East India Company*.]

III. **A**ND whereas by a clause in an act of Parliament made in the seventh year of the reign of his late Majesty King George the First, intituled, *An Act for the further preventing his Majesty's Subjects from trading to the East Indies under foreign commissions, and for encouraging and further securing the lawful trade thereto; and for further regulating the pilots of Dover, Deal, and the Isle of Thanet;* and for further regulating the pilots of Dover, Deal, and the Isle of Thanet; it is amongst other things enacted, That from and after the twenty-fourth day of June, one thousand seven hundred and twenty-one, no commodity of the growth, product, or manufacture of the *East Indies*, or other the places in the said act before mentioned, shall be imported or carried into the kingdom of *Ireland*, the islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or into any land, island, plantation, colony, territory, or place, to his Majesty, or to the crown of *Great Britain* belonging, or which shall hereafter belong to his Majesty, his heirs and successors, in *Africa* or *America*, but such only as shall be *bona fide*, and without fraud, loaden and shipped in *Great Britain*, in ships navigated according to the several and respective laws now in being, as to the several places to which the said goods shall be imported or carried, under the penalty of forfeiting all such goods, or the value thereof, together with the ship or vessel in which they shall be imported, with all her guns, tackle, furniture, ammunition, and apparel; and such ship and goods shall and may be seized, and the same, or the value thereof, shall and may be prosecuted in any of his Majesty's courts of record at *Westminster*, or in *Dublin*, or in any of his Majesty's courts in such land, island, colony, territory, or place, where the offence shall be committed, or in the royal courts of *Jersey* and *Guernsey*, respectively, by bill, plaint, or information, wherein no essoin, protection, or wager of law, shall be allowed, or any more than one imparlance; one moiety of which forfeiture shall be to the use of his Majesty, his heirs and successors, and the other moiety to him or them who shall seize or sue for the same; except such offence shall be committed in any of his Majesty's plantations in *Africa* or *America*; in which case one third part of the said forfeiture shall be to the use of his Majesty, his heirs and successors, one other third part to the governor of such land, island, colony, or place where the offence shall be committed, and the other third part to the informer or prosecutor; any law, custom, or usage to the contrary notwithstanding: and if any officer or officers of the customs in the said kingdom of *Ireland*, or in the lands, islands, colonies, plantations, territories, or places aforesaid, shall willingly

willingly or knowingly connive at the fraudulent importation of any such commodities as is before mentioned, contrary to the true meaning of the said last mentioned act; or if any such officer or officers shall take upon him or them to seize any of the said commodities, and shall by fraud or collusion desist or delay the prosecution thereof to condemnation; he or they so conniving, desisting, or delaying, shall forfeit and lose the sum of five hundred pounds, to be sued for and recovered in manner aforesaid; one moiety of which forfeiture to be to the use of his Majesty, his heirs and successors, and the other moiety thereof to him or them who will inform and sue for the same; and such officer or officers shall also for the future be incapable of holding any office or employment under his Majesty, his heirs and successors: And whereas a doubt hath arisen, whether by reason of the said last mentioned act, the penalties and forfeitures incurred by the laws now in force in the said kingdom of *Ireland*, against tunning, or intending to run goods into that kingdom, or for landing or carrying the same away without due entry being made thereof, or paying or giving security for the payment of the duties thereout due and payable to his Majesty, car (as to commodities of the growth, production, or manufacture of the *East Indies*, mentioned in the said recited act) be sued for, and recovered in a summary way, in any other manner than by bill, plaint, or information in some of his Majesty's courts of record in *Dublin*: And whereas divers evil-disposed persons have of late been encouraged to run great quantities of *India* goods into the kingdom of *Ireland*, which were not laden or shipped in or from any part of *Great Britain*, whereby the payment of any duty for the same hath been avoided, to the great diminution of his Majesty's revenue in the kingdom of *Ireland*, contrary to the true intent and meaning of the said act; for remedy whereof, and for obviating and taking away all such doubts, be it further enacted by the authority aforesaid, That the commissioners of excise in the kingdom of *Ireland* for the time being, or any three of them, or the sub-commissioners of excise for the time being, or the major part of them respectively, in their respective limits and districts in the kingdom of *Ireland*, shall, from and after the passing of this act, and they are hereby authorized and required to hear and determine all offences against any clause or article contained in any act of Parliament now in force in the kingdom of *Ireland*, made for preventing the running or intending to run into the said kingdom any commodity of the growth, product, or manufacture of the *East Indies*, or other places beyond the *Cape of Good Hope*; and the said commissioners and sub-commissioners shall and may, and they are hereby impowered to proceed in a summary way, and hear, determine, and give judgement or sentence thereupon, and order and direct the fines, penalties, and forfeitures to be recovered and levied, in such or the like manner as they the said commissioners and sub-commissioners are enabled to proceed to hear, determine, give judgement, and levy the fines, penalties, and forfeitures, in cases of excise in the kingdom of *Ireland*, by any law, act or acts of Parliament now in force in that kingdom; any thing in the said act, passed in the seventh year of the reign of his late Majesty King *George* the First, to the contrary notwithstanding.

Commissioners or sub-commissioners of excise in *Ireland*, to try offences against any acts for prohibiting running of *India* goods in a summary way.

13 GEORGII II. Cap. XVIII. ✓

An Act to continue several Laws therein mentioned, for punishing such Persons as shall wilfully and maliciously pull down or destroy Turnpikes; for repairing Highways or Locks, or other Works, erected by Authority of Parliament for making Rivers navigable; for preventing Exactions of the Occupiers of Locks and Weirs upon the River of Thames westward, and for ascertaining the Rates of Water Carriage upon the said River; for preventing frivolous and vexatious Arrests; and for better securing the lawful Trade of his Majesty's Subjects to and from the East Indies, and for the more effectual preventing all his Majesty's Subjects trading thither under foreign Commissions; and for limiting the Time for suing forth Writs of Certiorari upon Proceedings before Justices of the Peace; and for regulating the Time and Manner of applying for the same; for the better and more speedy Execution of Process within particular Franchises or Liberties; and for extending the Powers and Authorities of Justices of the Peace of Counties touching County Rates, to the Justices of the Peace of such Liberties and Franchises as have Commissions of the Peace within themselves.

[So much thereof as relates to the East India Company.]

IV. **A**ND be it further enacted by the authority aforesaid, That an act made in the fifth year of the reign of his present Majesty, intituled, *An act for reviving an act made in the fifth year of the reign of his late Majesty King George the First, intituled, "An act for the better securing the lawful trade of his Majesty's subjects to and from the East Indies, and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions;"* which was to continue in force from the first day of May, one thousand seven hundred and thirty-two, for the term of seven years, and from thence to the end of the then next session of Parliament, shall be, and is hereby further continued from the expiration thereof, until the first day of June, which shall be in the year of our Lord one thousand seven hundred and forty-seven.

5 Geo. 2. c. 29;
Act to secure
the lawful
trade to the
East Indies.
Continued by
20 G. 2. c. 27,
and 20 G. 3.
c. 19.

15 GEORGII II. Cap. XXXI.

An Act for further regulating the Plantation Trade; and for Relief of Merchants importing Prize Goods from America, and for preventing collusive Captures there; and for obliging the Claimers of Vessels seized for Exportation of Wool, or any unlawful Importation, to give Security for Costs; and for allowing East India Goods to be taken out of Warehouses, in order to be cleaned and refreshed.

[So much thereof as relates to the East India Company.]

VIII. **A**ND whereas by an act passed in the eleventh and twelfth years of King William the Third, it is, among other things, enacted, That all wrought silks, bengals, and stuffs mixed with silk or herba, of the manufacture of Persia, China, or East India, and all calicoes painted, dyed, printed, or stained there, which are or shall be imported

11 W. 3. c. 129

ported into this kingdom, shall not be worn or otherwise used within this kingdom, but under such limitations as are therein mentioned and expressed; and that all such goods which shall be imported into this kingdom, shall, after entry thereof, be forthwith carried and put into such warehouse or warehouses as shall for that purpose be approved of by the commissioners of his Majesty's customs for the time being, so as none of them shall be taken or carried out thence upon any account whatsoever, other than in order for exportation, and not until sufficient security be first given to the King's Majesty, his heirs and successors (which the said commissioners are thereby required and impowered to take) that the same, and every part thereof, shall be exported, and not landed again in any part of this kingdom; and that the warehouse keeper or warehouse keepers shall keep one or more book or books, wherein he or they shall fairly enter or write an exact, particular, and true account of all and every chest, bale, and number of pieces therein contained, of such of the aforesaid goods only which shall be brought into, and carried out of his or their said warehouse or warehouses, and the days and times when the same shall be brought in and carried out; and if upon examination it shall appear that any of the aforesaid goods were carried out, unless for exportation, or before sufficient security given for their exportation, as aforesaid, that then the warehouse keeper or warehouse keepers so offending therein, shall not only forfeit and lose the value of the said goods so carried out, as aforesaid, and be for ever disabled from any publick employment for the future, but shall also forfeit the sum of five hundred pounds for every such offence: And whereas the goods before mentioned, upon opening thereof, are frequently found to be spotted or stained with salt water, or otherwise damaged in the voyage, and unless permitted to be taken out of the warehouse or warehouses to be refreshed and cleaned, they may totally perish, and the said goods in several other respects, in the condition they come over, are entirely unfit for many markets, to which they are now sent, and thereby give other nations the sole vent of those goods, and render the value of them here much less, which in both cases would be of very great loss to this kingdom; be it therefore enacted by the authority aforesaid, That, from and after the twenty-fourth day of June, one thousand seven hundred and forty-two, if any wrought silks, bengals, and stuffs mixed with silk or herba, of the manufacture of *Persia, China, or East India*, or any callicoes painted, dyed, printed, or stained there, which shall be imported into this kingdom, and secured in a warehouse or warehouses as aforesaid, shall, upon examination by the proper officers, appear to be spotted or stained with salt water, or otherwise damaged in the voyage, or to be unfit for foreign markets, unless cleaned and refreshed, dyed, glazed, or calendered, then it shall and may be lawful, upon bond being first given to his Majesty, his heirs and successors, which the said commissioners are hereby impowered to take, with two or more sufficient sureties, in the penalty of double the value of the goods, with condition that all and every part of the goods delivered out, shall be again returned into the same warehouses within a certain time to be limited in the said bond, which time shall be such as the said commissioners shall judge reasonable, then, and in such case, it shall and may be lawful to and for the warehouse keeper or warehouse keepers of the said warehouses, by leave of the said commissioners, to suffer any of the said goods in the condition aforesaid to be taken out of the said warehouses, or any of them, under the care, and in the custody of such officer or officers as the said commissioners shall direct and appoint, to be cleaned, dyed, pressed, glazed, calendered,

Foreign goods
may be taken
out of the
warehouses
and refreshed.

or refreshed, in order to make them the more merchantable, and fit for foreign markets; provided, and it is hereby enacted, that the officer or officers who shall be appointed to have the charge and custody of the said goods, while they are out of the warehouse or warehouses for the purposes aforesaid, be paid for his or their attendance and trouble therein, by the person or persons at whose request the goods shall be delivered out; and in case of any dispute, as to the allowance to be made such officer or officers for his or their attendance and trouble therein, the same shall be adjudged and determined by the said commissioners.

IX. And whereas by the said act of the eleventh and twelfth of *William* the Third, it is provided, That the warehouse keeper or warehouse keepers shall keep an account, in the manner therein directed, of all the said goods brought in and carried out of the said warehouses; and transmit to the said commissioners an exact account thereof, upon oath, every six months, together with an exact account how much shall be remaining in his or their said warehouse or warehouses respectively; which accounts the said commissioners are by the said act impowered and enjoined, within one month after the same shall be transmitted to them, to cause to be examined in the manner therein directed, and to lay a true account of the same before the Parliament, within the first week of every session thereof; be it therefore enacted by the authority aforesaid, That if in the accounts to be kept, prepared, transmitted, or delivered as aforesaid, a true and exact account shall be therein inserted and expressed, of all such of the said goods as shall have been delivered out to be cleaned, dyed, pressed, glazed, calendered, or refreshed, by virtue or in pursuance of the directions of this act, and which shall be returned again into such warehouses, mentioning the days and times when the same shall have been so delivered out or brought back, together with an exact account how much shall be remaining in the care and custody of the officer or officers appointed to have the charge and custody thereof, while they are out of the warehouse or warehouses, for the purposes aforesaid.

X. And it is hereby further enacted, That if the officer or officers who shall be intrusted with the care and custody of any of the said goods delivered out of any of the said warehouses for the purposes aforesaid, shall not return all such goods into the warehouse or warehouses from whence they were taken, agreeable to the intention of this act, the officer or officers offending therein shall not only forfeit and lose the value of the said goods so carried out as aforesaid, and be for ever disabled from any publick employment for the future, but shall also forfeit the sum of five hundred pounds for every such offence; and all penalties and forfeitures herein-before mentioned shall and may be recovered and divided in like manner as is provided by the said act of the eleventh and twelfth of *William* the Third, for recovery of the penalties and forfeitures arising thereon.

Account to Parliament of all foreign goods taken out of the warehouses to be refreshed and returned.

Penalty on officers offending against this act.

An Act for granting to his Majesty the Surplus or Remainder of the Monies arisen, or to arise, by the Duties on Spirituous Liquors, granted by an Act of the last Session of Parliament; and for explaining and amending the said Act in relation to the Retailers of such Liquors; and for establishing an Agreement with the United Company of Merchants of England trading to the East Indies.

[So much thereof as relates to the East India Company.]

1 Geo. 2. c. 14. II.

AND whereas in and by one act of Parliament, made and passed in the third year of his present Majesty's reign, intituled, *An act for reducing the annuity or fund of the United East India Company, and for ascertaining their right of trade to the East Indies, and the continuance of their corporation for that purpose, upon the terms therein mentioned,* it was amongst other things enacted, That the United Company of Merchants of England trading to the East Indies, should advance and pay into the receipt of his Majesty's exchequer, on or before the twenty-fourth day of December, one thousand seven hundred and thirty, the sum of two hundred thousand pounds, to be applied towards the supplies granted to his Majesty for the service of the year one thousand seven hundred and thirty, for which no interest should be ever payable, nor any addition be made to their then capital stock or debt from the publick or account of the same, nor the same or any part thereof be repayable to the said United Company: And it was thereby also enacted, That from and after the twenty-ninth day of September, which should be in the year of our Lord one thousand seven hundred and thirty, and not before, the annuity or yearly fund of one hundred and sixty thousand pounds, payable to the said United Company, should be reduced to an annuity or yearly fund of one hundred and twenty-eight thousand pounds, in respect to their then capital stock, or debt of three millions two hundred thousand pounds, which reduced annuity or yearly fund should be and remain charged upon, and paid and payable from time to time out of the same duties and revenues, in the same manner, and by the like weekly or quarterly payments, and with the same provisions for making good any deficiencies in the said reduced fund, as their then annuity was charged on or provided for, to be paid, until some new or other provision should be made by Parliament, with consent of the said United Company for the same, subject to redemption upon one year's notice to be given by Parliament, after the twenty-fifth day of March, which should be in the year of our Lord one thousand seven hundred and thirty-six, upon the expiration of the said year, and upon repayment by Parliament of the said whole capital stock, or debt of three million two hundred thousand pounds unto the said United Company, by payments not less than five hundred thousand pounds at a time, and also of all arrears of their said reduced annuity or yearly fund of one hundred and twenty-eight thousand pounds, which should be due at the end of the said year, from which time their said annuity or yearly fund should cease, determine, and be no longer paid or payable to them, as therein is more particularly mentioned: And it was also thereby enacted, That notwithstanding such redemption, the said United Company and their successors should continue to be a body politic and corporate, by the name of *The United Company of Merchants of England trading to the East Indies*, and by that name should have perpetual succession, and have, hold, and enjoy all benefits, pri-

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vileges,

•privileges, franchises, and rights, which by any former act or acts, or any charter or charters founded thereupon, the said United Company might hold and enjoy; not altered or varied by the said act, as therein is more particularly mentioned; and the said United Company were thereby also impowered, after redemption of their said yearly fund, or a moiety thereof or more by Parliament, to declare by bye-laws or orders in their general courts, what part or share in their remaining capital stock or yearly fund or stock in trade shall qualify any members of the said United Company of Merchants of *England* trading to the *East Indies*, to be directors for the affairs of the said Company, or to give any vote or votes in any general courts; and for the electing the directors, and for their continuance or removal, incapacity or avoidance: And it was also further enacted, That notwithstanding such redemption of the said yearly fund of one hundred and twenty-eight thousand pounds, the said United Company should (subject to the proviso of determination therein and herein-after mentioned) have, use, and enjoy the whole and sole trade and traffick, and the only liberty, use, and privilege of trading, trafficking, and exercising the trade or business of merchandize into and from the *East Indies*, and into and from all the islands, ports, havens, coasts, cities, towns, and places, between the cape of *Good Hope*, and the streights of *Magellan*, and limits in an act of the ninth year of the reign of his late Majesty King *William* the Third, or in a charter of the fifth day of *September*, in the tenth year of his said Majesty's reign, mentioned, in as ample and beneficial manner as the said Company could thereby trade thereto, with such prohibitions to all other his Majesty's subjects to trade thereto, and under such penalties and forfeitures as in the said act of the third year of his present Majesty's reign is more particularly mentioned: And it was thereby further enacted, That the said United Company should at all times thereafter for ever (subject as aforesaid) have, hold, and enjoy, and be intitled unto all and every the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, and all penalties and forfeitures, and disabilities, provisions, matters, and things whatsoever, which by any former act or acts of Parliament, or by any charter or charters founded thereupon, or by any clause or clauses in the said acts or charters contained, were enacted, given, granted, provided, insisted, limited, established, or declared to, for, touching, or concerning the said Company or body politick and corporate, either by the name of *The General Society*, intitled to the advantages given by an act of Parliament for advancing a sum not exceeding two millions of pounds for the service of the crown of *England*; or the said body politick and corporate; called by the name of *The English Company trading to the East Indies*; or the said body politick and corporate, called by the name of *The United Company of Merchants of England trading to the East Indies*, (not altered or intended to be altered by the said act), according to the tenor and true meaning of the said acts and charters, freed and discharged from all provisos and conditions of redemption and determination therein contained; and the same were thereby ratified and confirmed, and should continue to be held, enjoyed, and be practised and put in execution by the said United Company, and their successors, for the better and more effectual settling and securing to them and their successors, the whole, sole, and exclusive trade to the *East Indies*, and parts aforesaid; and for the preventing all his Majesty's subjects trading thither, and for securing also their possessions, estates, and effects, and governing their affairs and business, in all respects, as fully and effectually as if the same were repeated and re-enacted in the said act, subject

9 W. 3. c. 44.

to such restrictions, covenants, and agreements, as are contained in the said acts and letters patent then in force, and not thereby varied or altered, and subject also to the proviso following; that is to say, That at any time upon three years notice to be given by Parliament, after the twenty-fifth day of *March*, which shall be in the year of our Lord one thousand seven hundred and sixty-six, upon the expiration of the said three years, and repayment to the said United Company of Merchants of *England* trading to the *East Indies*, or their successors, of the said capital stock, debt, or sum of three millions and two hundred thousand pounds, and all arrears of annuity payable in respect thereof, in case the same shall not have been before repaid; then, and from thenceforth, the said right, title, and interest of the said United Company of Merchants of *England* trading to the *East Indies*, to the whole, sole, and exclusive trade to the *East Indies*, and parts aforesaid, shall cease and determine; and it was thereby also provided, That nothing in the above proviso, or in any proviso in the act of the ninth year of the reign of his said Majesty King *William* the Third, or in the said charter of the fifth day of *September*, in the tenth year of his said Majesty, or in any other act or charter contained, should extend or be construed to extend to determine the corporation of the said United Company, or to hinder the said United Company from carrying on at all times, after such determination of the right to the sole, whole, and exclusive trade as aforesaid, a free trade in, to, and from the *East Indies*, and parts aforesaid, with all or any part of their own joint stock in trade, goods, merchandize, estate, and effects, in common with other his Majesty's subjects, as by the same act, relation being thereunto had, may more fully appear:

3 Geo. 2. c. 20. And whereas, in and by one other act of Parliament made and passed in the said third year of his present Majesty's reign, intituled, *An act for taking off certain duties on salt, and for making good any deficiencies in the funds that may happen thereby; and for charging the reduced annuity payable to the East India Company on the aggregate fund; and for relief of Matthew Lyon, executor of Matthew Page deceased, in respect of the duty for salt lost by the overflowing of the river Mercy, in the year one thousand seven hundred and twenty-four*, for the preventing or remedying any injury or damage which might happen to the said United Company, in respect of the diminution that might happen in the produce of the duties and revenues charged with their then annuity or fund of one hundred and sixty thousand pounds *per annum*, by the ceasing and determining the therein before mentioned additional duties on salt, before or until the said intended reduction of their said then annuity or yearly fund should take place, and their reduced annuity or yearly fund should be charged upon new duties and revenues with their consent, it was enacted, That in case, at the end of any one quarter of a year, to be computed from the feast of the annunciation of the Blessed *Virgin Mary*, in the year one thousand seven hundred and thirty, until such intended reduction should take place, and such new security be provided for the said reduced annuity or yearly fund, the produce into the exchequer of the monies arising from the said additional duties on salt, and the additional duties on stamp vellum, parchment, and paper, particularly charged with the then annuity or fund of one hundred and sixty thousand pounds, payable to the said United Company, should not be sufficient, together with the then provisions by Parliament for making good the deficiencies thereon, to discharge the quarter's annuity that should be then due to them, then, and in every such case, and as often as the same should happen, such quarterly deficiencies should from time to time be made good out of any monies, which at the respective times of such deficiencies should be and remain in

in the exchequer, of the monies arisen or to arise for the said duties and revenues, commonly called *The Aggregate Fund*, which should be more than sufficient to answer, pay, and satisfy what would then be due or demandable for any prior charges or incumbrances on the said Aggregate Fund: And it was also enacted, That from and after the twenty-ninth day of *September*, which should be in the year of our Lord one thousand seven hundred and thirty, in case the said intended reduction of the said annuity or fund of one hundred and sixty thousand pounds should then take place, then, and from thenceforth, such reduced annuity or yearly fund of one hundred and twenty-eight thousand pounds, should be transferred from the several duties and revenues then charged with the said then annuity or yearly fund of one hundred and sixty thousand pounds, and be charged upon, and payable out of the monies arisen or to arise into the exchequer from time to time, for the said several duties and revenues composing the Aggregate Fund, to be paid and payable to the said United Company, or their successors, by such and the like quarterly payments as their then annuity or yearly fund was then payable, subject nevertheless to such redemption by Parliament as was or should be enacted by any other act of the then session of Parliament, and subject to such prior charges and incumbrances, as were or should be made by Parliament on the growing produce of the said Aggregate Fund, before the taking place of such reduction: And whereas the said United Company of Merchants of *England* trading to the *East Indies* are willing and consented to advance and pay into the receipt of your Majesty's exchequer, towards the supply granted to your Majesty for the service of the year one thousand seven hundred and forty-four, the sum of one million of pounds sterling, for the purchase of an annuity of thirty thousand pounds well secured to the said United Company, and repayable on the same terms with the Company's present capital, with an addition of fourteen years to their present term, which will, with such addition, extend to *Lady-day*, one thousand seven hundred and eighty, besides the three years allowed them after the expiration of their present term, for bringing home and disposing of their effects, and other purposes; with power to the said United Company to issue out bonds from time to time for any part, or the whole amount of the said one million of pounds sterling, and upon such other terms, conditions, grants, confirmations, articles, and provisions, as are herein-after made, granted, provided, declared, and enacted; be it therefore enacted by the authority aforesaid, That the said United Company of Merchants of *England* trading to the *East Indies*, in pursuance of their before recited agreement, shall advance and pay into the said receipt of his Majesty's exchequer, for his Majesty's use, the full sum of one million on or before the twenty-ninth day of *September*, which shall be in the year of our Lord one thousand seven hundred and forty-four, at such times, and in such proportions, as the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, shall think fit to direct and appoint, so as the said United Company be not obliged to pay more than two hundred and fifty thousand pounds at any one time, nor without having one month's notice before each respective time of payment, and so as the said Company be not obliged to make any such payment before the twenty-fifth day of *May*, one thousand seven hundred and forty-four.

One million to be paid into the exchequer.

III. Provided always, and it is hereby enacted by the authority aforesaid, That out of the said sum of one million, the said United Company shall have and receive back by way of discount, so much as the interest at the rate of three pounds *per centum per annum* for each sum of money

3 per cent. discount.

To be sued,
in case of
failure in the
payments.

Damages for
nonpayment.

Provisoes in
any act to de-
termine the
India Compa-
ny's annuity,
repealed.

Additional
annuity of
30,000*l.*
charged on
the duties on
spirituous li-
quors,

subject to re-
demption by
Parliament.

money which shall be actually advanced and paid, for or upon account of the said sum of one million, shall amount unto, from the day of the actual payment thereof, until the said twenty-ninth day of *September*, one thousand seven hundred and forty-four; and in case the said United Company shall make failure in any of the said payments so by this act appointed to be made into his Majesty's exchequer as aforesaid, at or before the respective days or times to be directed and appointed as aforesaid, the money whereof such failure in payment shall be made, shall and may be recovered to his Majesty's use, by action of debt, or upon the case, bill, suit or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law, shall be allowed, or any more than one imparlance; in which action, bill, suit or information, it shall be lawful to declare, that the said United Company of merchants of *England* trading to the *East Indies*, are indebted to his Majesty the monies of which they shall have made default in payment, according to the form of this statute, and have not paid the same, which shall be sufficient; and in or upon such action, bill, suit or information, there shall be further recovered to his Majesty's use against the said United Company, damages after the rate of twelve pounds *per centum per annum* for the monies so unpaid contrary to this act, besides full costs of suit; and the said United Company and their successors, and their said stock and funds, shall be and are hereby made subject and liable thereunto.

IV. And for the encouragement of the said United Company to advance and pay the said sum of one million, with such discount out of the same, as aforesaid; and to the end the said United Company, and their successors, may have a competent recompence and consideration for so doing, it is hereby enacted by the authority aforesaid, That the provisoes contained in the said in part recited act of the third year of his present Majesty's reign, and all other provisoes contained in any other act or acts of Parliament for determining the annuity or yearly fund of the said United Company, and the right, title, and interest, of the said United Company to the whole, sole, and exclusive trade to the *East Indies*, and parts aforesaid, or either of them, upon the respective notices and payments in the same acts mentioned, shall be, and are hereby repealed and made void; and that the said United Company of merchants of *England* trading to the *East Indies*, and their successors, shall for ever have, receive, and enjoy, not only their present entire annuity or yearly fund of one hundred and twenty-eight thousand pounds, out of the rates, duties, and revenues charged therewith, or liable to make good the same; but also that from and after the said twenty-ninth day of *September*, which shall be in the year of our Lord one thousand seven hundred and forty-four, the said United Company of merchants of *England* trading to the *East Indies*, and their successors for ever, shall in respect of the said principal sum of one million by this act directed to be advanced and paid by them, have, receive, and enjoy a further annuity or yearly sum of thirty thousand pounds, computed after the rate of three pounds *per centum per annum*; which said annuity or yearly sum shall be charged upon, and payable out of the said surplus or remainder of the monies arisen or to arise, and be paid into the receipt of his Majesty's exchequer, by the said rates or duties on spirituous liquors by this act granted as aforesaid; and the said surplus or remainder of the said rates and duties, after the several annuities before charged thereon are satisfied, are hereby declared to be a fund, and security for answering and paying the said yearly sum or annuity of thirty thousand pounds, to the said United Company and their successors for ever, until redemption thereof by Parliament, according to the proviso herein-after contained in that behalf; and that the said annuity or yearly sum, shall from time to time

time be paid quarterly, at the four most usual feasts or days of payments in the year, by even and equal portions, the first payment thereof to be due and payable at the feast of the nativity of our Lord *Christ*, one thousand seven hundred and forty-four, and shall be free from all taxes, charges, and impositions whatsoever.

Annuity to be paid quarterly.

V. And be it further enacted by the authority aforesaid, That so much of the said surplus, or remainder of the monies arising into the exchequer by the said rates and duties on spirituous liquors, by this act granted as aforesaid, as shall be sufficient to make up and compleat the said annuity or yearly fund of thirty thousand pounds, to be payable to the said United Company and their successors, in respect of the monies which shall be actually advanced by them in pursuance of this act shall, in the first place, be set apart and applied, and the same is hereby appropriated for and towards the raising and making good of the said annuity or yearly fund, and is hereby directed and appointed to be issued and paid out of the said receipt of exchequer, by the respective officers of the same, without any fee or charge, and without any further or other warrant, to be sued for, had or obtained from his Majesty, his heirs or successors, in that behalf; and shall be applied to and for the uses and purposes in and by this act expressed and intended, and to no other use, intent or purpose whatsoever; any thing herein-before contained to the contrary notwithstanding: And that the respective officers in the exchequer, who shall make any delay in paying the said monies to the uses by this act intended, or shall be guilty of diverting or misapplying any of the said monies to any other use or purpose, contrary to this act, or shall pay or issue out the same, or any part thereof, otherwise than according to the intent of this act, shall, for any such offence, forfeit and be forejudged from their respective offices and places, and rendered incapable to serve his Majesty, his heirs or successors, in any office or place of trust or profit whatsoever, and shall answer and pay treble damages, and costs of suit, to be recovered by the said United Company and their successors, by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint, shall be allowed, or more than one imparlance; one-third part of which damages so to be recovered, shall be to the use of his Majesty, his heirs and successors, and the other two-third parts thereof, with the costs of suit, shall be to the use of the said United Company and their successors.

Company's annuity of 30,000 £. to be paid out of the exchequer without fee.

Officer neglecting payment, to lose his place, and pay treble damages.

One-third to his Majesty, and two-thirds with costs to the Company.

VI. And be it further enacted by the authority aforesaid, That in case at the end of any one quarter of a year, to be computed from the feast of *Saint Michael* the Archangel, one thousand seven hundred and forty-four, the said surplus or remainder of the monies arisen or to arise by the said rates and duties on spirituous liquors by this act granted, and so as aforesaid particularly charged with and appropriated to the payment of the said additional yearly fund or annuity of thirty thousand pounds to the said United Company, shall not be sufficient to discharge the quarter's annuity that shall then be due to them, then and in every such case, and as often as the same shall happen, such quarterly deficiencies are hereby charged upon, and shall from time to time be made good out of any monies which at the respective times of such deficiencies shall be and remain in the exchequer, of the monies arisen, or which shall afterwards arise by the surplusses, excesses, and overplus monies commonly called *The Sinking Fund* (except such monies of the same sinking fund as are appropriated to any particular use or uses by any former act or acts of Parliament), and such monies of the said sinking fund as shall from time to time be necessary

Deficiency of any quarterly payment to be supplied out of the sinking fund.

to make good such deficiencies, shall be issued and paid to the said United Company accordingly.

to be replaced out of the first supplies.

VII. Provided always, and be it enacted by the authority aforesaid, That whatever money shall be issued out of the said sinking fund, shall from time to time be replaced by and out of the first supplies to be then after granted in Parliament.

India Company may borrow an equivalent sum under their common seal.

VIII. And, for the better enabling the said United Company of merchants of *England* trading to the *East Indies*, to raise and pay the said sum of one million to his Majesty's use as aforesaid; it is hereby enacted by the authority aforesaid, That it shall be lawful for the said United Company, under their common seal, to borrow any sum or sums of money from time to time, upon account of their stock and fund, so as the sum total of all the principal monies, which at any one time shall be owing upon the security of the said seal, do not exceed one million over and above the monies which might lawfully be borrowed thereupon, before the making of this present act.

On a year's notice, after 1745, India Company's debt may be redeemed.

IX. Provided always, and it is hereby further enacted by the authority aforesaid, That at any time, upon one year's notice to be given by Parliament, after the twenty-fifth day of *March*, which shall be in the year of our Lord one thousand seven hundred and forty-five, and not before, upon the expiration of the said year, and upon repayment by Parliament to the said United Company of merchants of *England* trading to the *East Indies*, or their successors, as well of the said sum of three million two hundred thousand pounds formerly advanced, as of the said sum of one million now to be advanced, amounting in the whole to the sum of four million two hundred thousand pounds, without any deduction, discount, or abatement whatsoever to be made out of the same, or any part thereof; and upon payment to the said United Company, and their successors, of all arrears of the said respective annuities or yearly funds of one hundred and twenty-eight thousand pounds, and thirty thousand pounds, then, and in such case, and not till then, the said respective annuities or yearly funds shall cease, determine, and be no longer paid or payable.

Not less than 500,000 l. to be paid off at one time.

X. And, in regard it is intended that at any time or times after the said twenty-fifth day of *March*, one thousand seven hundred and forty-five, the said capital stock or debt of four million two hundred thousand pounds may be paid off to the said United Company, by any payments not being less than five hundred thousand pounds at a time; and that as the said lesser payments shall be made, the said annuities or yearly funds of one hundred and twenty-eight thousand pounds, and thirty thousand pounds, payable to the said Company, shall proportionably sink and be abated; be it therefore enacted by the authority aforesaid, That at any time or times, upon one year's notice after the said twenty-fifth day of *March*, one thousand seven hundred and forty-five, to be given by Parliament, upon the expiration of the said year, and on repayment by Parliament to the said United Company of any sum of money not being less than five hundred thousand pounds, in part of the said capital stock or debt of four million two hundred thousand pounds; and upon payment of all arrears which shall then be due on their said annuities or yearly funds, or upon any part thereof; then, from and after such payment, so much of the said annuities as shall bear proportion to the monies so paid in part, shall cease, determine, and be abated, and so on from time to time on such yearly notices to be given by Parliament, and payment from time to time of such other sums in part of the said capital stock or debt, not less than five hundred thousand pounds at a time, and of such arrears of their then annuities or yearly funds, until the payment of the whole shall be completed, so much of their said annuities or yearly funds as shall bear propor-

proportion to such respective sums paid in part, shall from time to time, as such payments are made, sink and be abated, until their whole annuities or yearly funds shall be entirely sunk and determined.

XI. And it is hereby further enacted by the authority aforesaid, That notwithstanding such redemption of the said annuities or yearly funds of one hundred and twenty-eight thousand pounds, and thirty thousand pounds as aforesaid, the said United Company of merchants of *England* trading to the *East Indies*, shall (subject to the proviso of determination herein-after contained) have, use, and enjoy, and shall continue to have, use, and enjoy the whole, sole, and exclusive trade and traffick, and the only liberty, use, and privilege of trading, trafficking, and exercising the trade or business of merchandize, in, to, and from the *East Indies*, and in, to, and from all the islands, ports, havens, coasts, cities, towns, and places between the Cape of *Good Hope* and streights of *Magellan*, and limits in the said act of the ninth year of the reign of his said late Majesty King *William* the Third, or in the said charter of the fifth day of *September*, in the tenth year of his said Majesty's reign, mentioned, in as ample and beneficial manner as the said Company could thereby or otherwise lawfully trade thereto; and the said *East Indies*, or the islands, havens, coasts, ports, cities, towns, and places within the limits aforesaid, or any of them, shall not from henceforth at any time before such determination of the said sole and whole trade of the said United Company of merchants of *England* trading to the *East Indies*, as is herein-after mentioned, be repaired or failed to, visited, frequented, or haunted by any other the subjects of his Majesty, his heirs or successors whatsoever; and if any of the said subjects of his Majesty, his heirs or successors, of what degree or quality soever they be, other than the factors, agents, and servants of the said United Company of merchants of *England* trading to the *East Indies*, or such as shall be by them thereunto licensed or authorized, shall at any time or times hereafter, before such determination of the said Company's whole and sole trade as aforesaid, directly or indirectly sail or go to, visit, haunt, frequent, traffick, trade, or adventure in, to, or from the said *East Indies*, or other the limits or parts aforesaid, contrary to the true meaning hereof, all and every such offender and offenders shall incur the forfeiture and loss of all the ships and vessels which shall be employed in such voyage, trade, traffick, or adventure, with the guns, tackle, apparel, and furniture thereunto belonging, and also all the goods laden thereupon, or that were or shall be sent to, acquired, traded, trafficked, or adventured, within the said *East Indies*, or parts aforesaid, and all the proceed and effects of the same, and every of them, and double the value thereof; which penalties and forfeitures shall be so sued for, seized, distributed and distributable, recovered and recoverable, as in and by an act made in the seventh year of the reign of his late Majesty King *George* the First, intituled, *An act for the further preventing his Majesty's subjects from trading to the East Indies under foreign commissions, and for encouraging and further securing the lawful trade thereto; and for further regulating the pilots of Dover, Deal, and the isle of Thanet*, is appointed, directed, and enacted, concerning the penalties and forfeitures in that act mentioned or referred to, with respect to the said United Company, or their trade to the *East Indies*.

XII. And moreover it is hereby enacted by the authority aforesaid, That the said United Company of merchants of *England* trading to the *East Indies*, shall at all times hereafter for ever (subject as aforesaid) have, hold, and enjoy, and be entitled unto all and every the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, and all penalties and forfeitures,

Company to have an exclusive trade to the *East Indies*.

Continued by 21 G. 3. c. 65.

Penalty on private traders.

7 Geo. I. c. 21.

India Company to have the benefit of all acts and charters made in their favour,

and

and disabilities, provisions, matters, and things whatsoever, which by any former act or acts of Parliament, or by any charter or charters founded thereupon, or by any clause or clauses in the said acts or charters contained, are enacted, given, granted, provided, inflicted, limited, established, or declared, to, for, touching, or concerning the said Company, or body politick and corporate, either by the name of *The General Society, intituled to the advantages given by an act of Parliament for advancing a sum not exceeding two millions, for the service of the crown of England*; or the said body politick and corporate, called by the name of *The English Company trading to the East Indies*; or the said body politick and corporate, now called by the name of *The United Company of Merchants of England trading to the East Indies*; and not by this act altered, or intended to be altered, according to the tenor and true meaning of the said acts and charters, freed and discharged from all provisos and conditions of redemption and determination therein contained; and the same, and every of them, are hereby ratified and confirmed, and shall continue to be held and enjoyed, and be practised, and put in execution by the said United Company of merchants of *England trading to the East Indies*, and their successors, for the better and more effectual settling and securing to them and their successors, the whole, sole, and exclusive trade to the *East Indies*, and parts aforesaid; and for the preventing all other his Majesty's subjects trading thither, and for securing also their possessions, estate, and effects, and governing their affairs and business in all respects, as fully and effectually as if the same profits, benefits, advantages, trade, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters, and things, were severally repeated, and at large re-enacted in the body of this act; subject nevertheless to such restrictions, covenants, and agreements, as are contained in the said acts and letters patent now in force, and not herein or hereby varied or altered, and subject also to the proviso following; that is to say,

and not altered by this act.

Proviso of redemption.

Repeated in G. 3. c. 65. f. 2.

Corporation to have a common right of trade with others, after their exclusive right is determined.

XIII. *Provided always, and it is hereby enacted by authority aforesaid, That at any time upon three years notice to be given by Parliament, after the twenty-fifth day of March, which shall be in the year of our Lord one thousand seven hundred and eighty, upon the expiration of the said three years, and repayment to the said United Company of merchants of England trading to the East Indies, or their successors, of the said capital stock, debt, or sum of four million two hundred thousand pounds, and all arrears of annuity payable in respect thereof, in case the same shall not have been before repaid, then, and from thenceforth, and not before or sooner, the said right, title, and interest, of the said United Company of merchants of England trading to the East Indies, to the whole, sole, and exclusive trade to the East Indies, and parts aforesaid, shall cease and determine.*

XIV. *Provided always, and it is hereby further enacted, That nothing in the above proviso, or in any proviso in the said act of the ninth year of the reign of his said late Majesty King William the Third, or in the said charter of the fifth day of September, in the tenth year of his said late Majesty's reign, or in any other act or charter contained, shall extend, or be construed to extend, to determine the corporation of the said United Company of merchants of England trading to the East Indies, or to hinder, prevent, or exclude, the said United Company from carrying on, at all times after such determination of the right to the sole, whole, and exclusive trade as aforesaid, a free trade in, to, and from the East Indies, and parts aforesaid, with all or any part of their own joint stock in trade, goods, merchandizes, estate and effects, in common with other the subjects*

acts of his Majesty, his heirs and successors, trading in, to, or from those parts.

XV. And be it further enacted by the authority aforesaid, That any notice in writing, signified by the speaker of the House of Commons for the time being, by order of the said house, shall be deemed and adjudged a due and proper notice by Parliament, to and for all the ends, intents, and purposes, for which such notices are directed by this act to be given to the said Company.

The speaker's notice in writing to the Company, shall be deemed a good notice.

18 GEORGII II. Cap. XXVI.

An Act for repealing the present Inland Duty of Four Shillings per Pound Weight upon all Tea sold in Great Britain, and for granting to his Majesty certain other Inland Duties in lieu thereof; and for better securing the Duty upon Tea, and other Duties of Excise; and for pursuing Offenders out of one County into another.

MAY it please your most excellent Majesty: Whereas by an act of Parliament made and passed in the tenth year of the reign of his late Majesty King George the First, of glorious memory, (intituled, *An act for repealing certain duties therein mentioned, payable upon coffee, tea, cocoa nuts, chocolate, and cocoa paste imported; and for granting certain inland duties in lieu thereof; and for prohibiting the importation of chocolate ready made, and cocoa paste; and for better ascertaining the duties payable upon coffee, tea, and cocoa nuts imported; and for granting relief to Robert Dalzell, late Earl of Carnwath*), an inland duty, after the rate of four shillings per pound weight averdupois, and in that proportion for a greater or lesser quantity, was imposed and charged upon all tea to be sold in Great Britain, from and after the twenty-fourth day of June, one thousand seven hundred and twenty-four, over and above all customs, subsidies, and duties, which should then remain payable to his Majesty for the same, upon importation thereof, to be paid in manner as in the said act is directed: And whereas great frauds and abuses have been committed by the clandestine importation of tea from parts beyond the seas, as also by fraudulent relanding thereof (after the same hath been exported from this kingdom to foreign parts, and the duties thereupon drawn back), without paying any duties for such tea, contrary to the true intent and meaning of the several acts of Parliament relating to the said duties, and to the manifest prejudice of the fair traders in the said commodity: For remedy whereof, and for the greater discouragement of the pernicious and illegal practices of unlawfully importing and clandestinely running and landing of tea, and also for the more effectual securing to your Majesty a revenue to arise by the duties thereupon; we, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, do most humbly beseech 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 twenty-fourth day of June, one thousand seven hundred and forty-five, the inland duty of four shillings per pound upon tea, granted by the before recited act of the tenth year of the reign of his said late Majesty King George the First, shall cease, determine, and be no

Preamble, reciting act 10 G. 1. c. 20.

After 24 June, 1745, duty of 4 s. per lb. weight on tea, by 10 Geo. 1. to cease.

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longer

longer paid or payable; any thing in the said act to the contrary thereof in any wise notwithstanding.

II. And be it further enacted by the authority aforesaid, That from and after the said twenty-fourth day of June, one thousand seven hundred and forty-five, in lieu of the said duty by this act repealed as aforesaid, the inland duties herein-after mentioned shall be, and are by this act charged upon all tea, which shall from thenceforth be sold in Great Britain, in manner herein-after mentioned; (that is to say), one shilling per pound weight averdupois, and in that proportion for a greater or lesser quantity, and also a further duty of twenty-five pounds for every one hundred pounds of the gross price, at which such teas shall be sold at the publick sales of the United Company of merchants of England trading to the East Indies, and proportionably for a greater or lesser sum, over and above all customs, subsidies, and duties payable to his Majesty for the same, upon the importation thereof; which said several duties of one shilling per pound weight, and twenty-five pounds per centum, shall be paid down in ready money by the proprietor or proprietors of such tea, or such person or persons as shall be appointed by him, her, or them, to the receiver or collector of the said inland duties, before such proprietor or proprietors, or other person or persons, shall receive or take out, for any purpose whatsoever, such tea from the warehouse or warehouses wherein the same is appointed to be lodged by the before recited act of the tenth year of the reign of his said late Majesty, according to the directions of the said act concerning tea taken out of such warehouse or warehouses.

III. And for the better ascertaining, charging, collecting, levying, raising, paying, and securing the several rates and duties by this act imposed, and for preventing frauds concerning the same; be it further enacted by the authority aforesaid, That such commissioners or persons as now are appointed, or hereafter shall be appointed, in pursuance of the said act of the tenth year of the reign of his late Majesty King George the First, shall be his Majesty's commissioners for the receipt and management of the said inland duties, by this act charged and imposed upon tea as aforesaid; and that all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauses, matters, and things (not otherwise altered by this act) which in and by the said recited act are provided, settled, or established, for raising, levying, collecting, paying, recovering, adjudging, or ascertaining the said duty of four shillings per pound weight upon tea thereby granted, or by any other act concerning the duty upon tea, shall be exercised, practised, applied, used, levied, recovered, and put in execution, for the raising, levying, collecting, recovering, and paying the duties by this act granted, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, matters and things, were particularly repeated, and again enacted, in the body of this present act; any thing in this or any former act to the contrary thereof in any wise notwithstanding.

IV. Provided always, and it is hereby enacted by the authority aforesaid, That, from and after the said twenty-fourth day of June, one thousand seven hundred and forty-five, all monies arising by the said inland duties, by this act charged and imposed, shall be appropriated, issued, and applied, and the same are hereby appropriated and made payable to the same uses, intents, and purposes, as the duty of four shillings per pound upon tea was appropriated and made applicable, by the said act of the tenth year of the reign of his late Majesty King George the First, and shall be also subject and liable to the same redemption by Parliament, as the said duty of four shillings per pound was by the said act subject and liable unto.

V. And whereas by several acts of Parliament now in force, several drawbacks or allowances are directed to be paid upon the exportation of tea,

1 s. per lb. weight averdupois, and 25 l. per centum on the price on all teas sold by the East India Company; by whom and when to be paid.

These duties are repealed by 24 Geo. 3. c. 38.

Commissioners appointed in pursuance of 10 Geo. 1. shall be commissioners for the duties by this act; with like powers, penalties, etc.

Duties by this act, to be appropriated to the same uses as the 4 s. per lb. by 10 Geo. 1. and also redeemable by Parliament.

tea, which have tempted many exporters thereof to commit great frauds and abuses, to the prejudice of his Majesty's revenue, and the fair traders: For remedy whereof, be it enacted by the authority aforesaid, That no drawback whatsoever shall be allowed or paid for any tea which shall be exported, or shipped to be exported, at any time or times after the said twenty-fourth day of *June*, one thousand seven hundred and forty-five; and that no debenture or certificate shall be granted or made forth, for or in order to the repayment or drawing back of the duties upon any such tea so exported, or shipped to be exported, after the said twenty-fourth day of *June*, one thousand seven hundred and forty-five, but such drawback or repayment shall from thenceforth cease, determine, and be no longer paid; any law, statute, or provision to the contrary thereof in any wise notwithstanding.

No drawback to be paid for tea exported after *June 24, 1745.*

N. B. Drawbacks are allowed by subsequent acts.

VI. And, for the preventing any disputes that may arise touching the price at which teas shall be sold at the publick sales of the United Company of merchants of *England* trading to the *East Indies*, be it further enacted by the authority aforesaid, That the commissioners who are or shall be appointed for the management of the said inland duties, or the major part of them for the time being, shall have power to constitute, under their hands and seals, such and so many officers as they shall find needful for attending the said publick sales, and take an account of the names of the several buyers, and price at which each and every lot of tea shall be sold, and shall thereof make returns or reports in writing, upon oath, to the said commissioners; and from such reports or returns the charge of the said duty of twenty-five pounds *per centum* upon the gross price of tea imposed by this act shall be settled and ascertained: And for the preventing mistakes, and better regulating such charge, it shall and may be lawful for such officer or officers, at any time or times, upon request made to the court of directors of the said Company, to inspect all and every such book or books as shall be appointed and kept for taking an account in behalf of the said Company, of the particular price and prices that tea shall, from time to time, be sold for at their several publick sales; which book or books the said court of directors is hereby required, from time to time, to produce to such officer or officers so demanding the same.

Means to prevent disputes touching the price at which teas are sold.

Officers, appointed by the commissioners, to attend the publick sales of tea, and report the price on oath;

who may also inspect the Company's books;

which the court of directors is to produce.

VII. And whereas many persons do frequently, at sales for tea, by the said United Company, bid for, and are declared best bidders for large quantities of tea, without intending or being able to pay for the same, unless such teas should, after such sales, rise in price, by means whereof the prices of tea are frequently raised, and the running of tea will be still encouraged; for remedy whereof, be it enacted by the authority aforesaid, That every person who shall at any publick sale of tea, made by the said United Company, be declared to be the best bidder or bidders for any lot or lots of tea, shall, within three days after being so declared the best bidder or bidders for the same, deposit with the said United Company, or such clerk or officer as the said Company shall appoint to receive the same, forty shillings for every tub and for every chest of tea; and in case any such person or persons shall refuse or neglect to make such deposit within the time before limited, he, she, or they shall forfeit and lose six times the value of such deposit, directed to be made as aforesaid; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; one moiety of which forfeiture shall go to his Majesty, his heirs and successors, and the other moiety to such person as shall sue or prosecute for the same; and the sale of all teas, for which

See further provision, 13 G. 3. c. 44. s. 2. for increasing the deposit to 4*l.* per tub.

Best bidder to deposit 40*s.* for every tub and chest of tea, in 3 days;

or forfeit six times the value of said deposit;

and the sale be made void;

The teas to be put up again to sale in 14 days, and the buyers aforesaid incapable of bidding at any publick sale of teas.

Means to prevent frauds by the use of fictitious names, by dealers in tea;

the person acting as visible owner, shall be deemed the real owner; liable to duties and forfeitures.

Goods, &c. found in places of trade, subject to the same.

Act to Geo. 2. c. 10. recited.

which such deposit shall be neglected to be made as aforesaid, is hereby declared to be null and void; and all such teas shall be again put up by the said United Company to publick sale, within fourteen days after the end of the sale of teas, at which such teas were sold; and all and every buyer and buyers, who shall have neglected to make such deposit as aforesaid, shall be, and is and are hereby rendered incapable of bidding for, or buying any teas at any future publick sale of the said United Company.

VIII. And whereas the several dealers in tea, and other traders, subject to the survey of the officers appointed by the commissioners of excise, are required by the laws concerning the duties of excise, and other duties under the management of the said commissioners, to make true and particular entries of shops, warehouses, rooms, places, and utensils, by them made use of for carrying on their respective trades; and whereas many persons, in order to avoid such penalties as they may incur by offences committed against the said laws, have of late frequently made, or procured to be made, such entries in fictitious names, or in the names of mean and obscure persons, of little or no ability or substance, and who have little or no interest or property in the stock of such trades: And whereas many such traders, being the real proprietors and owners of such shops, and other places, and who generally attend in such shops, and carry on their respective trades there, pretend to be only servants or managers to such fictitious or obscure persons, and do refuse to discover the places of residence of such persons, in whose name such entries have been made, whereby great frauds pass unpunished; for remedy whereof, be it further enacted by the authority aforesaid, That, from and after the said twenty-fourth day of *June*, one thousand seven hundred and forty-five, any entry now made, or hereafter to be made, of any shop, warehouse, room, place, or utensil, to be made use of for carrying on any the trade or trades aforesaid, shall not be deemed or taken to be a legal entry, unless the same be made in the name of the true and real owner or owners of, and trader and traders in such shop or place; and that the person or persons who shall act as visible owner, occupier, or proprietor, owners, occupiers, or proprietors of any such shop or place whatsoever, or principal manager or managers in the carrying on such trade there, shall be deemed and taken to be the real owner and trader, owners and traders, and shall be subject and liable, as such, to all duties, penalties, and forfeitures, imposed by any act relating to the duties of excise, or any other duty under the management of the said commissioners, for or by reason of any stock, goods, or commodities made, kept, or found there, or for not making true and particular entries of such shops, places, or utensils, according to law, or for any other offences committed, or that shall be committed by the owners, traders, dealers in, or makers of any such goods or commodities of, at, or in such shops or places; and that all stock, goods, commodities, and utensils, which shall be found in or upon such shops or places, shall be subject to, and charged with all such duties, penalties, and forfeitures.

IX. And whereas several quantities of tea, which have already been, or may be sold at the publick sales by the said United Company of merchants of *England* trading to the *East Indies*, may happen to be and remain on the said twenty-fourth day of *June*, one thousand seven hundred and forty-five, in some one or more of the warehouses, appointed in pursuance of the said act of the tenth year of the reign of his said late Majesty King *George* the First, it is therefore provided, enacted, and declared by the authority aforesaid, That all such teas which have been

fold, or shall be fold before the said twenty-fourth day of *June*, one thousand seven hundred and forty-five, and which nevertheless shall remain and be found in such warehouse or warehouses on the said twenty-fourth day of *June*, one thousand seven hundred and forty-five, shall be liable to, and be charged with the aforesaid duties of one shilling per pound weight, and twenty-five pounds *per centum* upon the gross price of all teas taken out of such warehouse or warehouses: And, for ascertaining and adjusting the said duty of twenty-five pounds *per centum* on the gross price, the said United Company of merchants of *England* trading to the *East Indies*, shall and are hereby required to lay before the said commissioners, for the said inland duties by this act granted, a list of the names of the persons to whom the teas, remaining in any such warehouse or warehouses on the said twenty-fourth day of *June*, one thousand seven hundred and forty-five, were sold, together with the prices at which the same were sold at the said Company's publick sale; and the said United Company are hereby also required to permit the officer or officers, for the duties by this act granted, who shall be appointed to attend the publick sales of the said United Company as aforesaid, upon request to the court of directors of the said Company, to inspect all and every their book and books, containing the names of the several persons, to whom any tea remaining in any such warehouse on the said twenty-fourth day of *June*, one thousand seven hundred and forty-five, were sold, and the particular price or prices at which the same were sold; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Teas sold before 24 June, 1745, and remaining in the warehouses, liable to the duties by this act.

Means of ascertaining the duty of 25*l.* per cent. on the gross price.

X. And whereas it may happen, that the tea imported by the said United Company of merchants of *England* trading to the *East Indies*, may not always be sufficient to answer the consumption thereof in *Great Britain*, and to keep the price of tea in this kingdom upon an equality with the price thereof in other the neighbouring countries of *Europe*; be it therefore enacted by the authority aforesaid, That in every such case it shall and may be lawful for the said United Company of merchants of *England* trading to the *East Indies*, and their successors, to import into *Great Britain*, in *British* ships navigated according to law, such quantities of tea as they shall think necessary from any parts of *Europe*, subject to the several duties payable for tea consumed in *Great Britain*, and also to the same rules, methods, and directions, as are prescribed and given with respect to tea imported by them from the *East Indies*, so as notice be first given to the commissioners of his Majesty's treasury, or the high treasurer for the time being, of the quantity of tea so intended to be imported, with the name of the ship and master, or commander, in which the same is to be laden, and taking a licence under the hands of the said commissioners of the treasury, or any three or more of them, or the said high treasurer for the time being, for the lading and importing thereof as aforesaid; which licences they are hereby authorized and empowered to grant to the said Company without any fee or reward, or any other charge; any law, usage, or custom, to the contrary notwithstanding.

East India Company may import tea from any parts of *Europe*, subject to the duties on tea imported from the *East Indies*, &c.

taking a licence from any three commissioners of the treasury, without fee.

XI. Provided always, and be it further enacted by the authority aforesaid, That if the said United Company of merchants of *England* trading to the *East Indies*, shall at any time neglect to keep this market supplied with a sufficient quantity of tea, at reasonable prices, to answer the consumption thereof in *Great Britain*, it shall and may be lawful to and for the said commissioners of the treasury, or any three or more of them, or the said high treasurer for the time being, to grant licences to any other person or persons, body or bodies politick or corporate, to import tea into *Great Britain*, from any parts of *Europe*, in such and the

East India Company neglecting to supply the market;

Licences may be granted to others, on the same terms.

See further 17
Geo. 3. c. 27.

the like manner, and subject to such duties, and under such restrictions and limitations, and upon such notices, and with such licences, as are herein-before prescribed and directed, with respect to tea to be imported from any parts of *Europe*, by the said United Company of merchants of *England* trading to the *East Indies*; any thing in this or any former act or acts of Parliament to the contrary thereof in any wise notwithstanding.

Tea imported from any parts of *Europe*, shall pay the subsidies, etc. chargeable on tea from the *East Indies*;

* XII. Provided always, and be it further enacted by the authority aforesaid, That from and after the said twenty-fourth day of *June*, one thousand seven hundred and forty-five, all tea imported into *Great Britain*, from any parts of *Europe*, by the said United Company of merchants of *England* trading to the *East Indies*, or by any other person or persons, bodies politick or corporate, (to be licensed as aforesaid), shall be entered at the custom-house, and shall pay or secure the several subsidies and additional impositions now chargeable upon all tea imported by the said Company from the *East Indies*; and all tea so to be imported by the said United Company, from any parts of *Europe* as aforesaid, shall be forthwith carried and put into such warehouse or warehouses, as are now made use of by the said United Company, for the receiving tea imported by them from the *East Indies*, or such others, as they shall provide for that purpose, to be approved by the commissioners of his Majesty's customs, or the major part of them for the time being, and shall not be taken out of such warehouse or warehouses, until such tea shall be sold at the publick sales of the said United Company, and the several duties charged thereupon by this act shall be paid; and all tea imported from any parts of *Europe*, by any other person or persons, bodies politick or corporate (to be licensed as aforesaid) shall also be forthwith carried or put into such warehouse or warehouses, as shall be provided for that purpose, at the charge of the respective importer or importers of such tea, to be also approved by the said commissioners of his Majesty's customs, or the major part of them for the time being, and shall not be taken out thence upon any account whatsoever, until the same shall be publickly sold by such person or persons, or bodies politick or corporate (of which sale or sales, six days notice shall be given in the *London Gazette*), and the inland duties charged thereupon by this act shall be paid as aforesaid; any thing in this or any former act to the contrary thereof in any wise notwithstanding.

and be put into such warehouses, as tea by them imported from the *East Indies*; and chargeable with the same duties by this act;

and all tea imported by other persons.

Six days notice of sales of tea to be given in the *London Gazette*.

XIII. And whereas, by the laws now in force concerning the duties of excise, and other duties under the management of the commissioners of excise in that part of *Great Britain* called *England*, all forfeitures and offences made and committed within the immediate limits of the chief office in *London*, are to be heard, adjudged, and determined by the said commissioners and governors of excise; and all such forfeitures and offences made and committed within all or any other the counties, cities, towns, or places in *England*, are to be heard and determined by any two or more of the justices of the peace residing near to the place where such forfeitures shall be made, or offence committed: And whereas many persons chargeable with duties of excise, or other duties under the management of the said commissioners, or incurring penalties by offences against the said laws, do frequently avoid prosecutions for the same, by removing out of the jurisdiction wherein such duties were charged, or offences committed, to the great prejudice of the revenue, and discouragement of the fair traders: For remedy whereof, be it further enacted by the authority aforesaid, That, from and after the said twenty-fourth day of *June*, one thousand seven hundred and forty-five,

Offences may be prosecuted out of the ju-

it

it shall and may be lawful for the said commissioners and justices respectively, within whose jurisdiction any person charged with any of the said duties, or who shall have committed any offence against the said laws, or any of them, or against this act, shall be found, to summon, hear, adjudge, and determine, and issue any process or warrant in the same manner as such commissioners or justices may now do in case of such offences as are committed within their respective jurisdictions: And in case the said commissioners or justices shall, upon any judgement given by them respectively, issue a warrant or warrants of distress, and the person or persons authorised to execute such warrant, or any of them, shall make a return thereto, that no sufficient distress can be found, then it shall and may be lawful for the said commissioners and justices respectively, within whose jurisdiction the party shall at any time be found, against whom such warrant shall have been issued, upon producing to them such warrant, and return thereof, to commit such offender to the next county gaol till satisfaction be made.

XIV. And be it further enacted and declared by the authority aforesaid, That all fines, penalties, and forfeitures by this act imposed, and all other fines, penalties, and forfeitures by any former act imposed, relating to the duties of excise, or any other duty now under the management of the said commissioners of excise, shall be sued for, levied, recovered, or mitigated, by such ways, means, and methods, as any fine, penalty, or forfeiture is or may be recovered or mitigated by any law or laws of excise, or by this act, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; any law, usage, or custom to the contrary in any wife notwithstanding; and that one moiety of every such fine, penalty, and forfeiture shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

XV. And be it hereby further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or prosecuted, for any thing done by virtue or in pursuance of this or any other act relating to the duties of excise, or other duties under the management of the commissioners of excise, such person or persons shall and may plead the general issue, and give this act, or such other act, and the special matter in evidence, in his or their defence or defences; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action or actions, or be nonsuited, or judgement shall be given against him, her, or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs awarded to him or them against any such plaintiff or plaintiffs.

18 GEORGII II. Cap. XXX.

An Act to amend an Act made in the Eleventh Year of the Reign of King William the Third, intituled, An Act for the more effectual Suppression of Piracy.

WHEREAS by an act made in the eleventh year of King *William* the Third, intituled, *An act for the more effectual suppression of piracy*; it is (amongst other things) enacted, That all piracies, felonies, and

jurisdictions where committed.

Penalties and forfeitures how to be recovered,

and disposed of.

General issue.

Treble costs.

11 W. 3. c. 7.

and robberies committed on the sea, or in any haven, river, creek, or place where the admiral or admirals have power, authority, or jurisdiction, may be examined, enquired of, tried, and determined and adjudged, according to the directions of the said act, in any place at sea, or upon the land, in any of his Majesty's islands, plantations, colonies, dominions, forts, or factories, to be appointed for that purpose by the King's commission, in the manner therein directed: And it is also thereby further enacted, That if any of his Majesty's natural-born subjects, or denizens of this kingdom, shall commit any piracy or robbery, or any act of hostility, against others of his Majesty's subjects, upon the sea, under colour of any commission from any foreign prince or state, or pretence of authority from any person whatsoever, such offenders shall be deemed pirates, felons, and robbers; and they being duly convicted, according to the said act, or according to an act of the twenty-eighth year of the reign of King *Henry* the Eighth, therein recited, shall have and suffer such pains of death, loss of lands, goods, and chattels, as pirates, felons, and robbers upon the seas, ought to have and suffer: And whereas, since the present wars with *France* and *Spain*, divers of his Majesty's natural-born subjects have entered into the service of his Majesty's enemies, on board privateers, or other ships, having commissions from the crowns of *France* or *Spain*, and committed divers hostilities against his Majesty's subjects upon the seas, in the *West Indies*, and other parts: And whereas doubts have arisen, whether as such offenders have, by such their adherence to the King's enemies, been guilty of high treason, they can be deemed guilty of felony, within the intent of the said act, and, as such, liable to be tried by the said court of admiralty appointed or to be appointed by virtue of the said act: Therefore, to put an end to the said doubts, and to prevent the inconveniencies that must arise, by the want of speedy justice on such offenders; may it please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all persons being natural-born subjects, or denizens of his Majesty, who, during the present or any future wars, have committed, or shall commit any hostilities upon the sea, or in any haven, river, creek, or place, where the admiral or admirals have power, authority, or jurisdiction against his Majesty's subjects, by virtue or under colour of any commission from any of his Majesty's enemies, or have been, or shall be any other way's adherent, or giving aid or comfort to his Majesty's enemies upon the sea, or in any haven, river, creek, or place, where the admiral or admirals have power, authority, or jurisdiction, may be tried as pirates, felons, and robbers in the said court of admiralty, on ship board, or upon the land, in the same manner as persons guilty of piracy, felony, and robbery, are by the said act directed to be tried; and such persons being upon such trial convicted thereof, shall suffer such pains of death, loss of lands, goods and chattels, as any other pirates, felons, and robbers ought, by virtue of the said recited act of the eleventh year of King *William* the Third, or any other act, to suffer.

28 Hen. 8. c. 5.

Subjects or denizens, committing hostilities at sea, etc. against his Majesty's subjects, or giving aid, etc. to enemies at sea, may be tried as pirates.

11 W. 3 c. 7.

Not to be tried again for the same crime as high treason.

Criminals not tried by this act may be

II. Provided, and it is hereby declared and enacted, That any person who shall be tried and acquitted, or convicted, according to this act, for any of the said crimes, shall not be liable to be indicted, prosecuted, or tried again in *Great Britain*, or elsewhere, for the same crime or fact as high treason.

III. Provided, That nothing in this act contained shall be construed to extend to prevent any persons guilty of any of the said crimes, who shall

shall not be tried according to this act, from being tried for high treason within this realm, according to the aforefaid act of the twenty-eighth year of King Henry the Eighth. tried for high treason by 28 H. 8. c. 13.

19 GEORGII II. Cap. XXVII.

An Act for the more effectual securing the Duties now payable on Foreign-made Sail Cloth imported into this Kingdom; and for charging all Foreign-made Sails with a Duty; and for explaining a Doubt concerning Ships being obliged, at their first setting out to Sea, to be furnished with one compleat Set of Sails made of British Sail Cloth.

[So much thereof as relates to the East India Company.]

IV. PROVIDED always, and it is hereby further enacted and declared, That nothing herein contained shall be deemed, construed, adjudged, or taken to charge or make liable any captain or master of any ship or vessel coming from the East Indies, with any of the duties or forfeitures aforefaid, for or upon account of such ship or vessel being navigated with, or having on board any foreign-made sail or sails, which shall be by such captain or master, bona fide, brought from the East Indies; any thing in this act to the contrary in any wise notwithstanding. Sails brought from the East Indies exempted from duty.

19 GEORGII II. Cap. XXXVII.

An Act to regulate Insurance on Ships belonging to the Subjects of Great Britain, and on Merchandizes or Effects laden thereon.

WHEREAS it hath been found by experience, that the making assurances, interest or no interest, or without further proof of interest than the policy, hath been productive of many pernicious practices, whereby great numbers of ships, with their cargoes, have either been fraudulently lost and destroyed, or taken by the enemy in time of war; and such assurances have encouraged the exportation of wool, and the carrying on many other prohibited and clandestine trades, which by means of such assurances have been concealed, and the parties concerned secured from loss, as well to the diminution of the publick revenue, as to the great detriment of fair traders; and by introducing a mischievous kind of gaming or wagering, under the pretence of assuring the riske on shipping, and fair trade, the institution and laudable design of making assurances hath been perverted; and that which was intended for the encouragement of trade and navigation, has, in many instances, become hurtful of, and destructive to the same: For remedy whereof, 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 first day of August, one thousand seven hundred and forty-six, no assurance or assurances shall be made by any person or persons, bodies corporate or politick, on See 1 Bar. 493. Foreign ships, etc. are not within this act. Doug. 302. any No assurance to be made on ships or effects, etc. of sub jects, interest

or no interest, or without benefit of salvage, &c.

any ship or ships belonging to his Majesty, or any of his subjects, or on any goods, merchandizes, or effects laden or to be laden on board of any such ship or ships, interest or no interest, or without further proof of interest than the policy, or by way of gaming or wagering, or without benefit of salvage to the assurer; and that every such assurance shall be null and void to all intents and purposes.

Assurance on private ships of war, may be made interest or no interest.

II. Provided always, and be it further enacted by the authority aforesaid, That assurance on private ships of war, fitted out by any of his Majesty's subjects, solely to cruize against his Majesty's enemies, may be made by or for the owners thereof, interest or no interest, free of average, and without benefit of salvage to the assurer; any thing herein contained to the contrary thereof in any wise notwithstanding.

Assurance on effects from Spain or Portugal.

III. Provided also, and it is hereby enacted, That any merchandizes or effects from any ports or places in *Europe* or *America*, in the possessions of the crowns of *Spain* or *Portugal*, may be assured in such way and manner as if this act had not been made.

Re-assurance in what cases admitted, &c.

IV. And be it further enacted by the authority aforesaid, That it shall not be lawful to make re-assurance, unless the assurer shall be insolvent, become a bankrupt, or die; in either of which cases such assurer, his executors, administrators, or assigns, may make re-assurance, to the amount of the sum before by him assured, provided it shall be expressed in the policy to be a re-assurance.

The conditions for lending sums on bottom-ree, upon ships bound to or from the East Indies. Sec 3 Bur. 1394.

V. And be it further enacted by the authority aforesaid, That from and after the said first day of *August*, all and every sum and sums of money to be lent on bottom-ree, or at respondentia, upon any ship or ships belonging to any of his Majesty's subjects, bound to or from the *East Indies*, shall be lent only on the ship, or on the merchandize or effects laden, or to be laden, on board of such ship, and shall be so expressed in the condition of the bond; and the benefit of salvage shall be allowed to the lender, his agents or assigns, who alone shall have a right to make assurance on the money so lent; and no borrower of money on bottom-ree, or at respondentia, as aforesaid, shall recover more on any assurance than the value of his interest on the ship, or in the merchandizes or effects laden on board of such ship, exclusive of the money so borrowed; and in case it shall appear that the value of his share in the ship, or in the merchandizes or effects laden on board, doth not amount to the full sum or sums he hath borrowed as aforesaid, such borrower shall be responsible to the lender for so much of the money borrowed, as he hath not laid out on the ship or merchandizes laden thereon, with lawful interest for the same, together with the assurance, and all other charges thereon, in the proportion the money not laid out shall bear to the whole money lent, notwithstanding the ship and merchandizes be totally lost.

In all actions plaintiff to declare within 15 days after notice what sums he hath assured.

VI. And be it further enacted by the authority aforesaid, That in all actions or suits brought or commenced after the said first day of *August*, by the assured, upon any policy of assurance, the plaintiff in such action or suit, or his attorney or agent, shall within fifteen days after he or they shall be required so to do in writing, by the defendant, or his attorney or agent, declare in writing what sum or sums he hath assured, or caused to be assured, in the whole, and what sums he hath borrowed at respondentia or bottom-ree, for the voyage, or any part of the voyage in question in such suit or action.

VII. And whereas it is unreasonable that any person or persons, body or bodies corporate, subscribing, sealing, or otherwise executing any policy or policies of assurance should be put to any costs, charges, or expences, in any suit or action at law, to be brought on such policy or policies, in case such person or persons, body or bodies corporate, is or are ready and willing

willing to pay such damages and costs, as shall and may be really and *bona fide* due thereon, which at present they are liable to, and often forced unjustly to bear, for that in many cases upon such policies, no money can be brought into court: For remedy whereof, be it enacted by the authority aforesaid, That from and after the said first day of *August*, it shall and may be lawful for any person or persons, body or bodies corporate, sued in any action or actions of debt, covenant, or any other action or actions, on any policy or policies of assurance, to bring into court any sum or sums of money; and if any such plaintiff or plaintiffs shall refuse to accept such sum or sums of money, so brought into court as aforesaid, with costs to be taxed, in full discharge of such action or actions, and shall afterwards proceed to trial in such action or actions, and the jury shall not assess damages to such plaintiff or plaintiffs, exceeding the sum or sums of money so brought into court, such plaintiff or plaintiffs, in every such case and cases, shall pay to such defendant or defendants, in every such action and actions, costs to be taxed; any law, custom, or usage to the contrary notwithstanding.

Persons sued on policies of assurance, to bring the money into court; plaintiff not accepting it, and jury not assessing greater damages, plaintiff to pay costs.

VIII. Provided always, and it is hereby declared, That this act shall not extend to, or be in force against any persons residing in any parts or places in *Europe*, out of his Majesty's dominions, for whose account any assurance or assurances shall be made before the twenty-ninth day of *September*, in the year of our Lord one thousand seven hundred and forty-six; nor extend to, or be in force against any persons residing in any parts or places in *Turkey*, or in *Asia*, *Africa*, or *America*, for whose account any assurance or assurances shall be made before the twenty-fifth day of *March*, in the year of our Lord one thousand seven hundred and forty-seven; any thing herein contained to the contrary thereof in any wise notwithstanding.

Limitations of this act.

20 GEORGII II. Cap. XXXVIII.

An Act for the Relief and Support of maimed and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchants Service.

[So much thereof as relates to the *East India Company*.]

XXXVII. AND whereas the United Company of merchants of *England* trading to the *East Indies*, have, at their own expence, constantly provided for such seamen employed by them as have been rendered incapable of present or future service, by sickness, wounds, or other accidental misfortunes, and for the widows and children of such seamen as have been killed, slain, or drowned, in their service, and have established a sufficient fund for that purpose, and are willing to continue such provision, and are therefore desirous that the officers and seamen employed in their service, and the servants and apprentices of such officers, may be exempted from the payment of the said sixpence *per* month; be it therefore enacted by the authority aforesaid, That no master or commander, officer, mariner, or seaman, or servant or apprentice of any master or commander, or officer, of any ship or vessel of or belonging unto, or employed or which shall be employed by, or in the service of the said United Company of merchants of *England* trading to the *East Indies*, during the time they shall

Masters and seamen in the *East India Company's* service exempted from the duty of 6*d.* *per* month;

shall be so respectively employed in the said Company's service, shall in any wise be liable or subject to the said duty or payment of sixpence *per* month; but that every such master or commander, officer, mariner, or seaman, and every servant and apprentice of such master or commander, or officer, of any ship or vessel of or belonging unto, or employed by or in the said Company's service as aforesaid, shall, during the time of such service, be totally exempt from the payment thereof; any thing in this act contained to the contrary notwithstanding.

and excluded
from the benefit of this
act.

XXXVIII. Provided always, That no master or commander, officer, mariner, or seaman, or any servant or apprentice of any master or commander, or officer, employed in the service of the said United Company, shall have or be intitled to any benefit by this act, for or in respect of any incapacity by sickness, wounds, or other accidental misfortune happening unto them, during the time of their being employed in the said Company's service; nor shall the widows or children of such seamen as shall be killed, slain, or drowned in the service of the said United Company, be intitled to any benefit or relief by or from this act, by reason or means of any such seamen's being killed, slain, or drowned, during the time they shall be employed in the said Company's service as aforesaid.

20 GEORGII II. Cap. XLVII.

An Act to continue several Laws, for prohibiting the Importation of Books reprinted Abroad, and first composed or written and printed in Great Britain; for preventing Excessions of the Occupiers of Locks and Weirs upon the River of Thames Westward, and for ascertaining the Rates of Water Carriage upon the said River; and for better securing the lawful Trade of his Majesty's Subjects to and from the East Indies; and for the more effectual preventing all his Majesty's Subjects trading thither under foreign Commissions; and relating to Rice, to Frauds in the Customs, to the clandestine Running of Goods, and to Copper Ore of the British Plantations; and for the free Importation of Cocchineal and Indico; and for Punishment of Persons destroying Turnpikes, or Locks, or other Works erected by Authority of Parliament.

[So much thereof as relates to the East India Company.]

Act 5 Geo. 2.
for securing
the trade to
and from the
East Indies,
&c.

III. **A**N D be it further enacted by the authority aforesaid, That an act made in the fifth year of the reign of his present Majesty, intituled, *An act for reviving an act made in the fifth year of the reign of his late Majesty King George the First, intituled, "An act for the better securing the lawful trade of his Majesty's subjects to and from the East Indies, and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions;"* which was to continue in force from the first day of May, one thousand seven hundred and thirty-two, for the term of seven years, and from thence to the end of the then next session of Parliament; and which was, by an act made in the thirteenth year of the reign of his present Majesty, for continuing several laws therein mentioned, further continued from the expiration thereof till the first day of June, one thousand seven hundred and forty-seven;

shall be, and the same is hereby further continued from the expiration thereof until the twenty-fifth day of *March*, one thousand seven hundred and eighty.

further continued till 1780; and by 20 Geo. 3. c. 19. till 1800.

20 GEORGII II. Cap. LII.

An Act for the King's most Gracious, General, and Free Pardon.

[So much thereof as relates to the *East India Company*.]

XL. **A**ND also excepted out of this act, all offences committed or done contrary to an act of Parliament, made in the fifth year of the reign of his late Majesty King *George the First*, of glorious memory, intituled, *An act for the better securing the lawful trade of his Majesty's subjects to and from the East Indies; and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions;* or contrary to an act of Parliament made in the seventh year of his said late Majesty King *George the First*, of glorious memory, intituled, *An act for the further preventing his Majesty's subjects from trading to the East Indies under foreign commissions; and for encouraging and further securing the lawful trade thereto; and for further regulating the pilots of Dover, Deal, and the Isle of Thanet;* and all forfeitures and penalties which any person or persons is, are, or may be liable to, by reason of any of the offences committed against either of the said acts, or contrary to any other acts of Parliament made for the ascertaining, securing, or improving the trade of the *East India Company* to and in the *East Indies*.

Offences against act 5 Geo. 1. c. 21.

and act 7 Geo. 1. c. 22. excepted.

21 GEORGII II. Cap. II.

An Act for granting to his Majesty a Subsidy of Poundage upon all Goods and Merchandizes to be imported into this Kingdom; and for raising a certain Sum of Money by Annuities and a Lottery, to be charged on the said Subsidy; and for repealing so much of an Act made in the Twentieth year of his present Majesty's Reign, as enacts, That Prize Goods and Merchandize may be exported without paying any Duty of Custom or Excise for the same.

MOST gracious Sovereign: We, your Majesty's most dutiful and loyal subjects, the Commons of *Great Britain* in Parliament assembled, for the better enabling your Majesty to defray the charge of this present war, and for other your Majesty's most necessary and important occasions, have given and granted unto your Majesty the further subsidies, rates, duties, and sums of money, hereafter mentioned; and do humbly beseech 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, over and above all subsidies of tonnage and poundage, and over and above all additional duties,

Preamble.

An additional duty of 1s 4. in the pound to be laid

on all goods imported;

according as the same are valued in the books of rates referred to by acts 12 Car. 2. and 11 Geo. 1. etc.

Unrated East India goods to pay 5 l. per cent on the gross price for which they shall be sold at the candle.

Duties how to be levied, etc.

This act not to extend to goods allowed to be imported duty-free, nor to prohibited goods imported by the East India Company.

ties, impositions, and other duties whatsoever, by any other act or acts of Parliament, or otherwise howsoever already due and payable, or which ought to be paid to his Majesty, his heirs or successors, for or upon any goods or merchandizes, which, from and after the first day of *March*, which shall be in the year of our Lord one thousand seven hundred and forty-seven, shall be imported or brought into the kingdom of *Great Britain*, one further subsidy of poundage of twelve pence in the pound shall be paid to his Majesty, his heirs or successors, upon all manner of goods or merchandizes to be imported or brought into this realm, or any his Majesty's dominions to the same belonging, at any time or times after the said first day of *March*, one thousand seven hundred and forty-seven, by the importer of such goods or merchandizes, before the landing thereof, according to the several particular rates and values of the same goods and merchandizes, as the same are now particularly and respectively rated and valued, in the respective books of rate referred to by the acts of the twelfth year of the reign of King *Charles* the Second, and the eleventh year of his late Majesty, or by any other act or acts of Parliament, and so after that rate or value, or which do now pay any duty *ad valorem*.

II. And whereas it may happen, that several goods and merchandizes may be imported by the *East India* Company, which are not rated by any act of Parliament; be it enacted by the authority aforesaid, That all such unrated goods or merchandizes shall pay the said subsidy of five *per centum* granted by this act on the gross price for which the goods shall be sold at the candle, without any allowance or deduction whatsoever; and that nothing in this act shall any ways alter the present method of computing the reduced value and duties, at present payable upon unrated *East India* goods, but the same shall be computed as if this present act had never been made; and the subsidy hereby granted shall be paid by the said United *East India* Company, at the same times as the other subsidies on *East India* goods imported by the said Company are now due and payable, any law or custom to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That the subsidy of poundage hereby granted, shall be raised, levied, and collected by the respective officers of his Majesty's customs in this kingdom, under the management and direction of the respective commissioners of the customs for the time being; and shall be brought and paid, or answered, into the receipt of his Majesty's exchequer, for the purposes in this act mentioned (such additional charge as shall be necessary for the management of this revenue only excepted), and that all and every the clauses, powers, directions, penalties, forfeitures, matters, and things whatsoever contained in the said act of the twelfth year of the reign of King *Charles* the Second, or in any other laws or statutes whatsoever now in force, for raising, levying, collecting, answering, and paying the subsidy of tonnage and poundage thereby granted, shall be applied, practised, and put into execution, for the raising, levying, securing, collecting, answering, and paying the subsidy of poundage by this act granted, as fully and effectually, to all intents and purposes, as if all and every the said clauses, powers, directions, penalties, and forfeitures were particularly repeated, and again enacted in the body of this present act.

IV. Provided always, That nothing herein contained shall extend, or be construed to extend, to any goods or merchandizes which were or are now allowed by the said act of the twelfth year of the reign of King *Charles* the Second, or any other act or acts of Parliament, to be imported duty-free; nor to any prohibited goods or merchandizes which may be imported by the United *East India* Company.

V. Pro-

V. Provided also, and it is the true intent and meaning of this act, That the importers of tobacco shall, upon paying down the subsidy hereby granted, have the same allowance with respect to the subsidy, as they are intitled to by any law now in force upon tobacco imported; but in case the said subsidy hereby granted shall not be paid down as aforesaid, then the said importers shall become bound to his Majesty, his heirs or successors, with one or more sufficient sureties, to be approved of by the collector of the port where the tobacco shall be imported, with the consent of the comptroller of such port, in one or more bond or bonds, at the election of the importer, for payment of the said subsidy within eighteen months, to commence at the end of thirty days after the master's report of the ship, or to commence from the merchant's entry of the goods within those thirty days, which shall first happen; any thing herein contained to the contrary thereof in any wise notwithstanding.

Allowance to importer of tobacco.

Bond to be given on non-payment of the duty.

VI. Provided always, and it is hereby enacted and declared by the authority aforesaid, That in all cases where any goods or merchandizes that have paid the subsidy hereby granted, shall at any time or times be again exported by any merchant or merchants, within three years from the importation thereof, the subsidy by this act granted, and which shall have been actually paid for such goods, wares, or merchandizes, shall, without any delay or reward, be repaid unto such merchant or merchants who shall export the same, or the security vacated; except for such goods or merchandizes as by any former act or acts of Parliament it is declared no drawback shall be paid or allowed upon exportation, and except as is herein after excepted in relation to prize goods.

Drawback allowed upon exportation within 3 years.

Exception.

VII. And be it further enacted by the authority aforesaid, That for every hundred weight of sugar imported into *Great Britain*, after the said first day of *March*, one thousand seven hundred and forty-seven, and refined there (and so in proportion for a greater or lesser quantity) that shall be exported out of this kingdom, after the said first day of *March*, one thousand seven hundred and forty-seven, during the continuance of this act, there shall be repaid at the custom-house to the exporter, within thirty days after the demand thereof, the sum of three shillings, over and above the present bounties; oath being first made by the refiner, that the sugar so exported was produced from brown and *Muscovado* sugar, charged by this act, and that as he verily believes the same was imported from his Majesty's plantations in *America*, and the duty duly paid at the time of the importation thereof, the exporter making oath that the same was duly exported, and his Majesty's searcher also certifying the shipping thereof, and all other requisites being performed according to the respective books of rates.

Drawback of 3s. per hundred weight on sugar refined in *Great Britain*, and exported, etc.

VIII. And whereas by an act of Parliament, made and passed in the twentieth year of his Majesty's reign, intituled, *An Act to continue several laws relating to the manufactures of sail cloth and silk; to give further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices, and for better securing the payments of the said duties, and declaring that prize ships lawfully condemned shall be deemed British-built ships; and for allowing prize-goods to be landed and secured in proper warehouses, without payment of any duty, until it can be determined whether they are fit for exportation or home consumption*, it was amongst other things enacted, That all goods and merchandizes that then had been, or should, during the continuance of the present war with *France* or *Spain*, be taken from his Majesty's enemies, and landed in any ship or vessel in any port within the kingdom of *Great Britain*, after being subject to the several rules and restrictions prescribed and mentioned in the said act, might be exported again to foreign parts by the captors or other owners thereof, without being liable to or paying any duty of custom or excise for the same;

Part of 20 G. 2. c. 45, repealed.

as by the said act, relation being thereunto had, will more fully and at large appear: Be it therefore enacted by the authority aforesaid, That so much of the said act as relates to the nonpayment of the said duties of custom or excise on prize goods or merchandizes lodged in warehouses, and so exported as aforesaid, shall, from and after the first day of *March*, one thousand seven hundred and forty-seven, be, and is hereby repealed and made void; and that the subsidy hereby granted shall not be drawn back, on the exportation of any prize goods or merchandizes taken by any of his Majesty's ships or vessels of war; any thing in the said recited act, or any other act or acts of Parliament, to the contrary notwithstanding.

No drawback allowed on exportation of prize goods.

Books to be kept for entering the monies coming in by this act.

IX. And be it further enacted by the authority aforesaid, That there shall be provided and kept in the office of the auditor of the receipt of exchequer at *Westminster*, a book or books, in which all the monies hereby appointed to be paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable there to his Majesty, his heirs or successors, upon any account whatsoever; and the said money so appointed to be paid into the said receipt of exchequer as aforesaid, shall be the yearly fund for the several purposes herein-after mentioned.

Appropriation of the duties.

X. And be it further enacted by the authority aforesaid, That all and every the annuities which by this act shall be granted and made payable, in respect of the principal sum of six millions three hundred thousand pounds, to be raised in manner and form as is herein-after directed; as also the additional capital of ten pounds in lottery tickets, herein-after directed to be added to every one hundred pounds, advanced towards raising the said sum of six millions three hundred thousand pounds, until redemption thereof by Parliament, shall be charged and chargeable upon, and payable out of the several subsidies, rates, and duties by this act granted to his Majesty; and the said several subsidies, rates, and duties shall be, and are hereby appropriated for that purpose accordingly.

XI. And whereas several persons, natives and foreigners, bodies politick and corporate, have subscribed and agreed to advance the said sum of six millions three hundred thousand pounds, for the publick service, for the purchase of annuities after the rate of four pounds *per centum per annum*; and the said subscribers or contributors have, in pursuance of a resolution of the Commons of *Great Britain* in Parliament assembled, deposited with and paid to the first or chief cashier or cashiers of the Governor and Company of the Bank of *England* for the time being, the sum of ten pounds *per centum* in part of the principal sums by them respectively subscribed as aforesaid; and have also paid to the said cashier or cashiers the further sum of ten pounds *per centum*, on or before the twenty-eighth day of *January*, one thousand seven hundred and forty-seven; and have also advanced and paid several other sums of money to the said cashier or cashiers, by virtue and in pursuance of the said resolutions, in further part of the said sum of six millions three hundred thousand pounds; and are desirous to pay the remaining principal sums by them subscribed as aforesaid, at such times, and in such manner, as are herein-after appointed in that behalf; be it therefore enacted by the authority aforesaid, That it shall and may be lawful, &c. &c.

* Contributors who have paid two-tenths to pay in the remainder in the proportions limited. Annuities to commence at *Michaelmas* 1748, at 4*l. per cent.* Cashier of the Bank to give receipts. The receipts to be assignable. Cashier to give security. Cashier to give notes for delivery of a ticket in the lottery for every 100*l.* subscribed, which is to carry 4*l. per cent.* interest. Cashier to pay the monies into the exchequer. Treasury to apply the money to the services voted by Parliament. Contributors names, &c. to be entered in the office of the accountant general of the Bank. Duplicate to be transmitted into the auditor's office. The monies

monies appropriated to payment of the annuities, free from taxes. Contributors to be allowed 5*l.* *per cent.* The annuities to be transferrable at the Bank. Treasury to appoint managers of the lottery. Managers to meet together for executing their powers. Method of the lottery books. Eight thousand seven hundred and fifty tickets shall be fortunate, three of them ten thousand pounds principal, four five thousand pounds, seven two thousand pounds. Accomptant general to give credit for the sums named in the certificates; which may be transferred, and carry 4 *per cent.* interest. Certificates to be cancelled, and notes given. Cashier and accomptant general to be appointed. Monies for payment of the annuities to be issued from the exchequer, &c. Accomptant general to inspect the cashiers receipts. Annuities to be a personal estate, &c. The monies contributed to be a joint stock, &c. and transferrable. Book to be kept for transfers. Entries to be signed by the parties transferring and accepting. Annuities devisable by will, &c. The Bank to continue a Company till redemption of the annuities. No fee for payment of contribution money, or for transfers. Treasury to pay the charges of this act out of the duties, and appoint salaries for the cashiers and other officers. Deficiencies to be made good. Sinking fund to be replaced. Surplus monies how to be applied. Clause of redemption.

21 GEORGII II. Cap. XIV.

An Act for permitting Tea to be exported to Ireland, and his Majesty's Plantations in America, without paying the Inland Duties charged thereupon by an Act of the Eighteenth Year of his present Majesty's Reign; and for enlarging the Time for some of the Payments to be made on the Subscription of Six millions three hundred thousand Pounds, by virtue of an Act of this Session of Parliament.

WHEREAS in and by an act passed in the eighteenth year of the reign of his present Majesty, (intituled, *An Act for repealing the present inland duty of four shillings per pound weight upon all tea sold in Great Britain, and for granting to his Majesty certain other inland duties in lieu thereof; and for better securing the duty upon tea, and other duties of excise; and for pursuing offenders out of one county into another*), an inland duty of one shilling per pound weight averdupois, and in that proportion for a greater or lesser quantity, is charged upon all tea which should be sold in Great Britain from and after the twenty-fourth day of June, one thousand seven hundred and forty-five, and also a further duty of twenty-five pounds for every one hundred pounds of the gross price at which such tea should be sold at the publick sales of the United Company of merchants of England trading to the *East Indies*, and proportionably for a greater or lesser sum, over and above all customs, subsidies, and duties, payable to his Majesty for the same upon the importation thereof; which said several duties of one shilling per pound weight, and twenty-five pounds *per centum*, it is thereby enacted should be paid down in ready money by the proprietor or proprietors of such tea, or such person or persons as should be appointed by him, her, or them, to the receiver or collector of the said inland duties, before such proprietor or proprietors, or other person or persons, should receive or take out for any purpose whatsoever such tea, from the warehouse or warehouses wherein the same was appointed to be lodged by an act made in the tenth year of the reign of his late Majesty King George the First, according to the directions of the said act: And whereas the importation of tea into this kingdom, by the said United Company of merchants of England trading to the *East Indies*, may be greatly increased, if the same be permitted to be exported to Ireland, and his Majesty's plantations in *America*,

18 Geo. 2. c. 26.

20 Geo. 1. c. 20.

America, without paying the duties charged thereupon by the said act: We your Majesty's most dutiful and loyal subjects, the Commons of *Great Britain* in Parliament assembled, do most humbly beseech 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 first day of *June*, one thousand seven hundred and forty-eight, all such tea as shall then have been or hereafter shall be imported into the kingdom of *Great Britain* from any foreign parts, and which shall be afterwards exported to the kingdom of *Ireland*, or to his Majesty's plantations in *America*, and which shall have been duly entered, and for which the several subsidies and additional imposts due on the importation thereof shall have been paid, or secured to be paid, and which shall have been carried or put into such warehouse or warehouses, as aforesaid, shall and may, from and after the said first day of *June*, one thousand seven hundred and forty-eight, upon due entry thereof being made by the proprietor or proprietors thereof, or by such person or persons whom they shall appoint for that purpose, be delivered out of any such warehouse to the respective proprietor or proprietors thereof, or such person or persons as shall be appointed by him, her, or them, and who shall before such delivery have duly entered the same for exportation to *Ireland*, or his Majesty's plantations in *America*, without payment being made of all or any the respective inland duties charged or imposed upon the same by the said act; any thing therein contained to the contrary thereof in any wise notwithstanding; such proprietor or proprietors, or other person or persons, first giving bond, with sufficient security to his Majesty, his heirs and successors, to be approved of by the Commissioners of the said inland duties for the time being, or any three of them, or by such person or persons as they shall, from time to time, appoint for that purpose, in double the value of the goods, that the same, and every part thereof, shall (the dangers of the seas and enemies excepted) be really and truly exported to, and landed in such port of the kingdom of *Ireland*, or such place in his Majesty's plantations in *America*, for which the same has been so entered for exportation, and that the same shall not be exported or carried to any other place or country whatsoever, nor relanded in any part of *Great Britain*, or the islands of *Guernsey*, *Jersey*, or *Man*, or either of them; and such bonds so entered into, for the carrying such tea into the kingdom of *Ireland*, or to any of his Majesty's plantations in *America*, which has not paid the inland duty herein-before mentioned, shall not be delivered up nor discharged, until a certificate shall be produced under the hands and seals of the collector, comptroller, or surveyor of the customs of the port in *Ireland*, or the plantations in *America*, where such tea shall be landed, testifying the landing thereof; and for the future, the condition of all such bonds to be given for the exportation of any such tea to *Ireland*, shall be to produce such certificate in six months from the date thereof (the danger of the seas and enemies excepted), and the condition of all such bonds to be given for the exportation of any such tea to the plantations in *America*, shall be to produce such certificate in eighteen months from the date thereof (the danger of the seas and enemies excepted); and in case no such certificate shall be produced within the respective times herein-before mentioned, it shall and may be lawful for the said commissioners of the said inland duties to cause such bonds to be put in suit, unless they shall find sufficient cause to forbear the same; any law, custom, or usage to the contrary notwithstanding: And upon such proprietor or proprietors, or other person or persons, producing to the respective keeper or keepers of such warehouses a certificate or certificates, signed by such person or persons as the commissioners of his Majesty's

Tea permitted to be exported to *Ireland* and *America* without paying the inland duties.

Proprietor to give bond for exportation.

Bond not to be discharged till a certificate be produced of the landing.

Condition of the bond.

Warehouse-keeper to deliver to the proprietor the tea specified in the certificate;

Majesty's customs for the time being, or any four of them, shall for that purpose appoint, signifying that such entry has been made, and that the several subsidies and additional imposts, due on the importation thereof, have been paid or secured; and also producing a certificate under the hands of the commissioners of the said inland duties, or any three of them, that such security for exportation hath been given as herein-before mentioned; which certificate or certificates the said commissioners are hereby required to give accordingly; such warehouse-keeper or warehouse-keepers shall deliver out of such warehouse or warehouses, to such proprietor or proprietors, or other person or persons, in the same package, and no other than that in which it was imported, so much tea intended, and entered for exportation to the aforesaid places, and no other, as shall be mentioned or expressed in such certificate or certificates respectively, without payment being made of all or any the respective inland duties charged or imposed thereon by the said act; and the respective warehouse-keeper and warehouse-keepers are thereupon to give such proprietor or proprietors, or other person or persons, a permit or certificate to accompany such tea so delivered out, till the same is shipped for exportation; which permit or certificate shall be also signed by an officer attending the said warehouse or warehouses, who shall be appointed by the commissioners of the said inland duties, or the major part of them, to prevent the seizing thereof; and such proprietor or proprietors, or other person or persons, shall, at and before the tea therein mentioned is shipped or laden on board the ship or vessel in which it is entered, and intended to be exported, deliver such permit or certificate to the searcher, or other proper officer of the customs of the port from which such tea is entered for exportation, who is hereby enjoined and required (if he shall have cause to suspect the tea to be deficient in quantity or quality, from what is or shall be specified in the said permit or certificate) to open, weigh, search, and strictly examine all the chests, casks, and other package, in which such tea is contained, to see if the goods agree in quantity and quality with the permit or certificate signed by the officer of the said inland duties, as before mentioned, and whether the same has been rightly and duly entered outwards, and the quantity and quality rightly and truly expressed in the exporter's indorsement upon his entry; and if on such examination the same shall be found to be right entered, and that they agree in quantity and quality with the permit or certificate of the officers of the said inland duties, the searcher or other proper officer shall at his own charge cause the same to be re-packed (which charge shall be allowed to the said officer by the commissioners of the customs, if they think it reasonable); but in case the officer shall on examination find such goods to be of any other species or quality, or to be more in quantity or quality than is expressed in such permit or certificate, or in the exporter's indorsement upon his entry outwards, or that they shall have been entered under a wrong denomination, whereby his Majesty would have been defrauded, all such goods, together with the chests, casks, and other packages containing the same, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer or officers of the customs, in such manner and form as herein-after is expressed.

II. And it is hereby further enacted, That from and after the said first day of June, one thousand seven hundred and forty-eight, no tea shall be exported to the kingdom of Ireland, or to any of his Majesty's plantations in America, in any chest, cask, tub, or package whatsoever, other than that in which it was originally imported into Great Britain, nor in any less quantities than in the entire lot or lots in which the same was sold at the sale of the said United Company, under the penalty of the forfeiture of such tea, and the package containing the same.

and a permit.

proprietor to deliver the permit to the searcher.

Searcher's duty in examining the tea certified, &c.

Tea to be exported in the same package, &c.

M m

III. And

Tea entered for exportation to be marked on the package;

and if found on shore again, to be seized.

Book to be kept for entering all teas delivered out for exportation.

A quarterly account on oath to be transmitted to the commissioners, &c.

Penalty on warehouse-keeper offending.

Disposition of the forfeitures;

and method of recovering them.

Defendant may plead the general issue, and recover treble costs.

III. And it is hereby further enacted, That from and after the said first day of *June*, one thousand seven hundred and forty-eight, when any tea is entered for exportation to *Ireland*, or any of his Majesty's plantations in *America*, the outside package in which it is contained shall, by the searcher or searchers belonging to the customs at the port from whence the same is intended to be exported, after the entry thereof, and before the same is shipped, be marked on four different parts, on the outside thereof, in such manner as the commissioners of the customs shall direct; and if any chest, cask, tub, or other package, shall, after the same has been marked and shipped as aforesaid, be landed or found again on shore, having such marks thereon, such chest, cask, tub, or other package, with the tea therein contained, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer or officers of the customs or inland duties, in such manner as herein-after is expressed.

IV. And, for preventing the clandestine delivering of tea out of the warehouses herein-before mentioned, in order for the exportation thereof to the kingdom of *Ireland*, or to his Majesty's plantations in *America*; be it enacted by the authority aforesaid, That the keeper or keepers of the said warehouse or warehouses, who shall be appointed by the commissioners of his Majesty's customs and inland duties, shall keep one or more book or books, wherein they shall fairly enter in writing, an exact, particular and true account of all such tea which shall, from time to time, be delivered out of the said warehouse or warehouses for exportation to *Ireland* or the plantations in *America*, and the names of the respective person or persons to whom, or for whose use, the same was delivered out, and the particular days and times when the same was so delivered out; and shall at the end of every three months, or oftener if required, transmit in writing an account thereof, upon oath, to the said commissioners of the customs and inland duties respectively for the time being; and the said commissioners are hereby required and enjoined, within one month after the same shall have been transmitted to them, as aforesaid, to appoint one or more person or persons to inspect and examine the same accounts; and if, upon examination, it shall appear that any tea has been delivered out for exportation to *Ireland*, or the plantations, otherwise than and under such terms, forms, and conditions performed as herein are before directed, appointed, and required for the doing thereof; then the warehouse-keeper and warehouse-keepers offending therein shall not only be disabled to hold or enjoy any publick office or employment, but shall also forfeit and lose for every such offence the sum of one hundred pounds.

V. And be it further enacted by the authority aforesaid, That one moiety of the several penalties and forfeitures in this act before mentioned shall be to the use of his Majesty, his heirs and successors, and the other moiety shall be to the use of such person or persons as shall inform, prosecute, or sue for the same (except in such cases where any other appropriation or distribution is made by any other act or acts), and that all the same penalties and forfeitures shall and may be prosecuted and sued for, and the causes and controversies arising thereupon tried, heard, and determined in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer at *Edinburgh* respectively (except where any provision to the contrary is made by any other law or statute now in force), wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

VI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit 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 the authority of this act; and if it shall appear so to have been done, then the jury shall find for the defendant or defendants;

defendants; and if the plaintiff shall be nonsuited, or discontinued his action after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall or may recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

See further
7 Geo. 3. c. 56.
17 Geo. 3. c.
27. & 24 Geo.
3. c. 38.

23 GEORGII II. Cap. I.

An Act for reducing the several Annuities, which now carry an Interest after the Rate of Four Pounds per Centum per Annum, to the several Rates of Interest therein mentioned.

[So much thereof as relates to the *East India Company*.]

MOST gracious Sovereign; Whereas there is now due and owing from the publick, to the proprietors of certain annuities payable at the receipt of his Majesty's exchequer, the sum of three hundred and twelve thousand pounds, and to the corporation of the Governor and Company of the Bank of *England*, in their own right, the sum of eight millions four hundred eighty-six thousand eight hundred pounds; and to the proprietors of certain annuities transferrable there, the sum of eighteen millions four hundred two thousand four hundred seventy-two pounds, and ten-pence, and to the corporation of the United Company of merchants of *England* trading to the *East Indies*, the sum of three millions two hundred thousand pounds; and also to the Governor and Company of merchants of *Great Britain*, trading to the *South Seas*, and other parts of *America*, and for encouraging the fishery, commonly called the *South Sea Company*, in their own right, and for the use and benefit of the proprietors of the annuities, commonly called the *Old South Sea Annuities*, and *New South Sea Annuities*, the sum of twenty-seven millions three hundred two thousand two hundred three pounds, five shillings, and sixpence halfpenny: All which said several and respective principal sums do amount in the whole to the sum of fifty-seven millions seven hundred three thousand four hundred seventy-five pounds, six shillings, and four-pence halfpenny, and are attended with annuities, or an interest, after the rate of four pounds *per centum per annum*, redeemable by Parliament: And whereas your Majesty hath been pleased, by your most gracious speech to both houses assembled in Parliament, to recommend to your dutiful and faithful Commons of *Great Britain*, to be watchful to improve any opportunity of putting the national debt in a method of being reduced, with a strict regard to publick faith and private property; and your said dutiful and loyal Commons being truly sensible, that nothing can so effectually contribute to make the trade of this kingdom flourish, and render your Majesty's reign glorious to posterity, as the lessening the publick debts and incumbrances, consistent with justice and publick faith, have resolved, that any person or persons, bodies politick or corporate, who now are, or hereafter may be, interested in, or intitled unto, any part of the national debt redeemable by law, incurred before *Michaelmas*, one thousand seven hundred and forty-nine, which now carries an interest after the rate of four pounds *per centum per annum*, and who shall, on or before the twenty-eighth day of *February*, one thousand seven hundred and forty-nine, subscribe their names, or signify their consent to accept of an interest of three pounds *per centum per annum*, to commence from the twenty-fifth day of *December*, one thousand seven hundred and fifty-seven, subject to the same provisos, notices, and clauses of redemption, which their respective four *per cents* are now liable to, shall in lieu of their present interest be intitled unto, and receive an interest of four pounds *per centum per annum* till the twenty-fifth day of *December*, one thousand

Preamble.

thousand seven hundred and fifty; and from and after the said twenty-fifth day of *December*, one thousand seven hundred and fifty, an interest of three pounds ten shillings *per centum per annum*, until the said twenty-fifth day of *December*, one thousand seven hundred and fifty-seven; and no part of the same, except what is due to the *East India Company*, shall be liable to be redeemed till after the said twenty-fifth day of *December*, one thousand seven hundred and fifty-seven; and that all executors, administrators, guardians, and trustees, may subscribe and signify such consent for the several parts of the said debt, for the holding of which their names are made use of respectively; and that all duties, revenues, and incomes which now stand appropriated to the payment of the said interest of four pounds *per centum per annum* respectively, shall continue, and be appropriated and applied to the payment of the respective interest of four pounds *per centum per annum*, three pounds ten shillings *per centum per annum*, and three pounds *per centum per annum*, in the same manner as the same now stand appropriated to the payment of the said four pounds *per centum per annum*; and that the surplusses of the said funds, after the said twenty-fifth day of *December*, one thousand seven hundred and fifty, shall be made part of the *sinking fund*, and applied in the same manner as the surplusses of the said funds are now applicable; and also that books be opened at the receipt of his Majesty's exchequer, at the Bank of *England*, and *South Sea* house, for receiving the said subscriptions or consent: They therefore do most humbly beseech 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 any person or persons, bodies politick or corporate, who now or hereafter may be interested in, or intitled unto, any part of the said national debt redeemable by law, incurred before *Michaelmas*, one thousand seven hundred and forty-nine, amounting in the whole to the sum of fifty-seven millions seven hundred three thousand four hundred seventy-five pounds, six shillings, and fourpence halfpenny, which now carries an interest after the rate of four pounds *per centum per annum*, and who have or shall, on or before the said twenty-eighth day of *February*, one thousand seven hundred and forty-nine, subscribe their names, or signify their consent, to accept of an interest of three pounds *per centum per annum*, to commence from the said twenty-fifth day of *December*, one thousand seven hundred and fifty-seven, subject to the same provisos, notices, and clauses of redemption, which their respective four *per cents* are now liable to, shall, in lieu of their present interest, be intitled unto, and receive an interest of four pounds *per centum per annum*, until the said twenty-fifth day of *December*, one thousand seven hundred and fifty; and from and after the said twenty-fifth day of *December*, one thousand seven hundred and fifty, an interest of three pounds ten shillings *per centum per annum*, until the said twenty-fifth day of *December*, one thousand seven hundred and fifty-seven; and no part of the same, except what is due to the *East India Company*, shall be liable to be redeemed till after the said twenty-fifth day of *December*, one thousand seven hundred and fifty-seven.

II. And be it further enacted by the authority aforesaid, That the several annuities of four pounds *per centum per annum*, now payable in respect of the said principal sum of fifty-seven millions seven hundred three thousand four hundred seventy-five pounds, six shillings, and fourpence halfpenny, to the proprietors thereof, and by this act continued to them until the said twenty-fifth day of *December*, one thousand seven hundred and fifty, as also the several and respective reduced annuities of three pounds ten shillings *per centum per annum*, and three pounds *per centum per annum*, by this act made payable in lieu thereof, from the respective

Persons interested in the national debt, amounting to the sum of 57,703,475 l. 6 s. 4 d. 2 q. which now carries an interest of 4 l. *per centum per annum*; and who shall signify their consent to accept of 3 l. *per cent.* to commence from 25 Dec. 1757, shall, in lieu of their present interest, receive 4 l. *per cent.* until 25 Dec. 1750, and 3 l. 20 s. *per cent.* until 25 Dec. 1757.

The said several annuities made payable and transferable in the same manner as the present annuities of 4 l. *per cent.*

days therein mentioned, shall, during the respective continuances thereof, be paid and payable to the respective persons and corporations intitled thereunto, their executors, administrators, and assigns, at the same respective offices and places, and out of the same duties, revenues, and incomes, and at such time or times, and shall be assignable, transferrable, and disposeable, in the same manner and form, as the said annuities of four pounds *per centum per annum* are now payable, assignable, transferrable, and disposeable, by the respective acts or statutes now in force, for or concerning the same; and as if this present act had never been made, subject nevertheless to redemption by Parliament, from the said twenty-fifth day of *December*, one thousand seven hundred and fifty-seven, in manner herein-after mentioned; any thing herein contained to the contrary thereof, in any wise notwithstanding.

subject to redemption by Parliament, after 25 Dec. 1757.

23 GEORGII II. Cap. XXII.

An Act for giving further Time to the Proprietors of Annuities, after the Rate of Four Pounds per Centum per Annum, to subscribe the Same in the Manner, and upon the Terms, therein mentioned; and for redeeming such of the said Annuities as shall not be so subscribed; and for empowering the East India Company to raise certain Sums by transferrable Annuities.

[So much thereof as relates to the *East India Company*.]

Most Gracious Sovereign,

WHEREAS by an act made and passed in this present session of Parliament, intituled, *An act for reducing the several annuities which now carry an interest after the rate of four pounds per centum per annum, to the several rates of interest therein mentioned*; it was, amongst other things, enacted, That any person and persons, bodies politick or corporate, who were interested in, or intitled unto, any part of the national debt incurred before *Michaelmas*, one thousand seven hundred and forty-nine, redeemable by law, which now carries an interest after the rate of four pounds *per centum per annum*; and who should, on or before the twenty-eighth day of *February*, one thousand seven hundred and forty-nine, subscribe their names, or signify their consents, in books prepared for that purpose, to accept of an interest of three pounds *per centum per annum*, to commence from the twenty-fifth day of *December*, one thousand seven hundred and fifty-seven, subject to the same provisos, notices, and clauses of redemption, which their respective four *per cents* are now liable to; should, in lieu of their present interest, be intitled unto, and receive an interest of four pounds *per centum per annum*, until the twenty-fifth day of *December*, one thousand seven hundred and fifty; and from and after the twenty-fifth day of *December*, one thousand seven hundred and fifty, an interest of three pounds ten shillings *per centum per annum*, until the twenty-fifth day of *December*, one thousand seven hundred and fifty-seven; and that no part of the same should be liable to be redeemed, except as therein is excepted, till after the said twenty-fifth day of *December*, one thousand seven hundred and fifty-seven, as in and by the said act, relation being thereunto had, may more fully appear: And whereas, in pursuance of the powers given by the before recited act, great part

Time given to
30 May, to the
proprietors of
the four per
cent. annuities,
to subscribe,
etc.

Such part of
the four per
cent. annuities
as shall not be
subscribed, to
be paid off.
His Majesty
impowered to
borrow money
on the sinking
fund to pay off
the same.

of the said annuities, after the said rate of four pounds *per centum per annum*, have been subscribed upon the terms of the said act. Now, we your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, being truly sensible that the compleating the reduction of the said annuities, carrying an interest of four pounds *per centum per annum*, which remain unsubscribed, would be of publick service to the nation, have resolved, That any person or persons, bodies politick or corporate, who now are, or hereafter may be, interested in, or intituled unto, such part of the national debt, incurred before Michaelmas, one thousand seven hundred and forty-nine, redeemable by law, which now carries an interest of four pounds *per centum per annum*, as hath not been subscribed, in pursuance of the said recited act of this session of Parliament, and who do, on or before the thirtieth day of May, one thousand seven hundred and fifty, subscribe their names, or signify their consent, to accept of an interest of three pounds *per centum per annum*, to commence from the twenty-fifth day of December, one thousand seven hundred and fifty-five, subject to the same provisions, notices, and clauses of redemption, which their respective four *per cents* are now liable to, shall, in lieu of their present interest, be intituled unto, and receive, an interest of four pounds *per centum per annum*, until the twenty-fifth day of December, one thousand seven hundred and fifty; and from and after the said twenty-fifth day of December, one thousand seven hundred and fifty, an interest of three pounds and ten shillings *per centum per annum*, until the twenty-fifth day of December, one thousand seven hundred and fifty-five; and that no part of the same shall be liable to be redeemed, until after the said twenty-fifth day of December, one thousand seven hundred and fifty-five; and that such part of the national debt incurred before Michaelmas, one thousand seven hundred and forty-nine, redeemable by law, which now carries an interest of four pounds *per centum per annum*, and which shall not be subscribed on or before the thirtieth day of May, one thousand seven hundred and fifty, be redeemed and paid off; and that your Majesty be enabled to borrow of any person or persons, bodies politick or corporate, any sum or sums of money, not exceeding such part of the national debt, carrying an interest of four pounds *per centum per annum*, redeemable by law, as hath not been subscribed in pursuance of the said act, and shall not be subscribed according to the foregoing resolution, to be charged upon the sinking fund; and to be applied to pay off and redeem such part of the said national debt, so unsubscribed as aforesaid, upon any terms, not exceeding the rates of interest proposed in the said resolution: And whereas several notices have been given by the speaker of the house of Commons, in pursuance of the resolution of the said house, that unless the said unsubscribed annuities, carrying an interest of four pounds *per centum per annum*, be subscribed on or before the thirtieth day of May, one thousand seven hundred and fifty, the same would be redeemed and paid off, according to the terms in the said notices contained respectively; that is to say, That so much of the annuities transferrable at the Bank of England, created in the year one thousand seven hundred and forty-six; and so much of the annuities transferrable at the Bank of England, as were raised by a lottery in the year one thousand seven hundred and forty-seven, as have not been subscribed in pursuance of an act passed this session of Parliament, and shall not be subscribed on or before the thirtieth day of May, one thousand seven hundred and fifty, will be redeemed and paid off on the twenty-fourth day of June, one thousand seven hundred and fifty-one, agreeable to the clauses and powers of redemption, contained in the several acts of Parliament for creating the said annuities respectively; that so much of the

the annuities transferrable at the Bank of *England*, created in the year one thousand seven hundred and forty-eight, as have not been subscribed, pursuant to an act passed this session of Parliament, and shall not be subscribed on or before the thirtieth day of *May*, one thousand seven hundred and fifty, will be redeemed and paid off, on the twenty-fifth day of *March*, one thousand seven hundred and fifty-one, agreeable to the clauses and powers of redemption, contained in the act of Parliament for creating the said annuities; that so much of the annuities transferrable at the Bank of *England*, created in the year one thousand seven hundred and forty-nine, as have not been subscribed, pursuant to an act passed this session of Parliament, and shall not be subscribed on or before the thirtieth day of *May*, one thousand seven hundred and fifty, will be redeemed and paid off on the twenty-ninth day of *September*, one thousand seven hundred and fifty-one, agreeable to the clauses and power of redemption, contained in the several acts of Parliament for creating the said annuities respectively; that so much of the annuities charged upon wrought plate, and payable at the exchequer, as have not been subscribed, pursuant to an act passed this session of Parliament, and shall not be subscribed on or before the thirtieth day of *May*, one thousand seven hundred and fifty, will be redeemed and paid off on the twenty-fifth day of *March*, one thousand seven hundred and fifty-one, agreeable to the clauses and powers of redemption contained in the act made in the sixth year of the reign of King *George* the First, for laying a duty upon wrought plate; that the sum of four million two hundred thousand pounds, now due and owing to the United Company of merchants trading to the *East Indies*, will be redeemed and paid off in manner and form following, *videlicet*; one million and fifty thousand pounds, on the twenty-fifth day of *March*, one thousand seven hundred and fifty-one; one million and fifty thousand pounds, on the twenty-fourth day of *June*, one thousand seven hundred and fifty-one; one million and fifty thousand pounds, on the twenty-ninth day of *September*, one thousand seven hundred and fifty-one; and the remaining sum of one million and fifty thousand pounds, on the twenty-fifth day of *December*, one thousand seven hundred and fifty-one, unless the sum of three million two hundred thousand pounds be subscribed on or before the thirtieth day of *May*, one thousand seven hundred and fifty: And therefore your faithful Commons do most humbly beseech 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 such notices as aforesaid shall be, and be deemed, adjudged, and taken to be good and sufficient notice or notices, within the true intent and meaning of the several acts of Parliament for the redemption of the said several annuities, and the same shall be redeemable accordingly; any thing in the same, or any other act or acts of Parliament to the contrary in any wise notwithstanding.

II. And be it enacted by the authority aforesaid, That any person or persons, bodies pollick or corporate, who now are, or hereafter may be, interested in, or intitled unto, any part of the national debt, incurred before *Michaelmas*, one thousand seven hundred and forty-nine, redeemable by law, which now carries an interest of four pounds *per centum per annum*, as hath not been subscribed in pursuance of the said recited act of this present session of Parliament; and who do, on or before the thirtieth day of *May*, one thousand seven hundred and fifty, subscribe their names, or signify their consent, to accept of an interest of three pounds *per centum per annum*, to commence from the twenty-fifth day of *December*,

Notices given by the speaker, &c. to be deemed good.

The proprietors subscribing within the time limited, to be allowed an interest after the several rates mentioned.

December, one thousand seven hundred and fifty-five, subject to the same provisos, notices, and clauses of redemption, which their respective four *per cents* are now liable to, shall, in lieu of their present interest, be intitled unto, and receive, an interest of four pounds *per centum per annum*, until the twenty-fifth day of *December*, one thousand seven hundred and fifty; and after the said twenty-fifth day of *December*, one thousand seven hundred and fifty, an interest of three pounds ten shillings *per centum per annum*, until the twenty-fifth day of *December*, one thousand seven hundred and fifty-five; and that no part of the same shall be liable to be redeemed, till after the said twenty-fifth day of *December*, one thousand seven hundred and fifty-five.

Such part of the said annuities as shall not be subscribed, to be paid off.

III. And be it further enacted by the authority aforesaid, That such part of the national debt, incurred before *Michaelmas*, one thousand seven hundred and forty-nine, redeemable by law, which now carries an interest at the rate of four pounds *per centum per annum*, and which shall not be subscribed before the said thirtieth day of *May*, one thousand seven hundred and fifty, shall be redeemed and paid off.

The East India Company not subscribing, to be paid off.

IV. And be it further enacted by the authority aforesaid, That in case the sum of three million two hundred thousand pounds, now due and owing to the United Company of merchants trading to the *East Indies*, carrying an interest after the rate of four pounds *per centum per annum*, be not subscribed on or before the said thirtieth day of *May*, one thousand seven hundred and fifty, upon the terms herein-before mentioned; then, and in such case, not only the said sum of three million two hundred thousand pounds, but also the sum of one million, now due and owing to the said United Company, at an interest after the rate of three pounds *per centum per annum*, by virtue of an act of Parliament passed in the seventeenth year of his Majesty's reign, shall be redeemed and paid off.

The East India Company subscribing within the time limited,

V. Provided nevertheless, and be it further enacted by the authority aforesaid, That in case the said United Company shall, on or before the said thirtieth day of *May*, one thousand seven hundred and fifty, signify their consent to the reduction of the interest of four pounds *per centum per annum*, now payable to the said United Company, in respect of the said principal sum of three million two hundred thousand pounds, to the several rates of interest before mentioned, redeemable by Parliament, as aforesaid, and also that the said sum of one million, due and owing to the said United Company, at an interest after the rate of three pounds *per centum per annum*, by virtue of the said act of the seventeenth year of his Majesty's reign, shall remain and continue at the said rate of three pounds *per centum per annum*, until the same shall be redeemed and paid off, according to the proviso contained in the said act of the seventeenth year of his Majesty's reign, in that behalf; that then it shall and may be lawful to and for the said United Company, and they are hereby authorised and impowered, by and with the consent and approbation of the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, at such time or times, and in such manner, as they shall find to be most for the advantage of the said United Company, to borrow, or take in by subscription, or otherwise, from any person or persons, bodies politick or corporate, who are willing to advance the same, any sum or sums of money, not exceeding in the whole the sum of four million two hundred thousand pounds, by sale of annuities, after the several rates of interest following; that is to say, any sum or sums, not exceeding three million two hundred thousand pounds, by sale of annuities, after the

are impowered, with consent of the treasury, to borrow 4,200,000 *l.* at the several rates of interest granted by this act, &c.

several

several rates of interest herein-before proposed be paid, for the said sum of three million two hundred thousand pounds, in case the same shall be subscribed on or before the said thirtieth day of *May*, one thousand seven hundred and fifty; and any sum or sums, not exceeding one million more, by sale of annuities, after the rate of three pounds *per centum per annum*; all which said annuities shall be paid and payable to the respective persons and corporations intitled thereunto, their executors, administrators, or assigns, at the office of the said United Company, out of the same duties and revenues, as the present annuities payable to the said United Company, in respect of the said principal sums of three million two hundred thousand pounds, and one million, are now payable; and shall commence and be paid at such feast days as shall be agreed upon between the said United Company, and the said several contributors respectively; and that the said sum of four million two hundred thousand pounds, so to be advanced, or so much thereof as shall be advanced as aforesaid, and all and every the annuities payable for or in respect of the same, shall be free of all taxes, charges and impositions whatsoever; and shall be assignable or transferrable in a book or books to be provided for that purpose, in the office of the said United Company, in such manner as the said commissioners of the treasury, or any three or more of them now being, or the said high treasurer, or any three or more of the commissioners of the treasury for the time being, shall direct in that behalf, without fee or gratuity, and free from all charges; and that the said annuities shall be deemed and taken to be a personal, and not a real estate; and shall go to the executors or administrators of the person or persons dying possessed thereof, interested therein, or intitled thereunto, and not to the heir at law; subject nevertheless to such or the like proviso or condition of redemption by the publick, as the said sums of three million two hundred thousand pounds, and one million, due to the said Company, would be subject, in case such subscription by the said Company, on or before the said thirtieth day of *May*, one thousand seven hundred and fifty, and the said sums had then remained due from the publick to the said Company.

The annuities to be free of taxes, and assignable;

and a personal estate;

subject to redemption by Parliament.

VI. And be it enacted by the authority aforesaid, That the several powers given to the said United Company, by several acts of Parliament now in force, of raising money by bonds under their common seal for the carrying on the trade of the said Company, and lending money on bottomry, and otherwise, as in the said acts, some or one of them, is mentioned, shall continue and be in force, but that the amount of the sums which the said United Company shall raise by sale of annuities by virtue of this act, as aforesaid, shall be by them applied towards the discharge of their present bond debt; and shall be computed and considered as part of what they are so impowered to borrow.

The powers given to the Company of raising money by bonds, &c. continued; the money to go to paying their present bond debt.

VII. And be it enacted by the authority aforesaid, That it shall and may be lawful to and for the King's most excellent Majesty, by warrant under his royal sign manual, to authorise and empower the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, to raise by loans or exchequer bills, or by way of subscription, or in such other manner or form as his Majesty shall, in his great wisdom, think most for the advantage of the publick, from any person or persons, bodies politick or corporate, any sum or sums of money, not exceeding such part of the national debt, carrying an interest of four pounds *per centum per annum*, redeemable by law, as hath not

Power given to his Majesty to borrow money on the sinking fund, to pay off unsubscribed annuities.

been subscribed in pursuance of an act of this session of Parliament, and shall not be subscribed according to the proposal herein-before mentioned, to be charged on the sinking fund, and to be applied to pay off and redeem such part of the national debt so unsubscribed as aforesaid, upon any terms not exceeding the rate of interest in the aforesaid going proposal mentioned.

The reduced annuities made payable and transferrable as the four per cent.

VIII. And be it further enacted by the authority aforesaid, That the several annuities of four pounds *per centum per annum*, now payable in respect of the said principal sum unsubscribed by the proprietors thereof, and by this act continued to them until the twenty-fifth day of *December*, one thousand seven hundred and fifty, as also the several reduced annuities of three pounds ten shillings *per centum per annum*, and three pounds *per centum per annum*, by this act made payable in lieu thereof, from the respective days therein mentioned, shall, during the respective continuances thereof, be paid and payable to the respective persons and corporations intitled thereunto, their executors, administrators, or assigns, at the same respective offices and places, and out of the same duties, revenues, and incomes, and at such time and times, and shall be assignable, transferrable, and disposable in the same manner and form, as the said annuities of four pounds *per centum per annum* are now payable, assignable, transferrable, and disposable by the respective acts and statutes now in force, for or concerning the same, and as if this present act had never been made; subject nevertheless to redemption by Parliament; from the said twenty-fifth day of *December*, one thousand seven hundred and fifty-five, in manner herein-after mentioned; any thing herein contained to the contrary thereof in any wise notwithstanding.

Clause of redemption.

XIV. Provided always, and it is hereby enacted by the authority aforesaid, That from and after the said twenty-fifth day of *December*, one thousand seven hundred and fifty-five, the said reduced annuities of three pounds *per centum per annum*, shall and may be redeemed by Parliament, upon giving the same notices, and making the same payments of principal money at a time to such persons or corporations as now are, or hereafter shall be, intitled to the said annuities, and of all arrearages of the said annuities, as are directed to be given and made by the several and respective acts, by which the said several annuities, after the rate of four pounds *per centum per annum*, were made payable, and from and after payment of any such principal money, to the said persons or corporations, as are or shall be intitled to the same, a proportional part of the said annuities shall cease and determine, and be understood to be redeemed; any thing in this or any other former act or acts of Parliament to the contrary in any wise notwithstanding.

24 GEORGII II. Cap. LVI.

An Act for ascertaining the Admeasurement of Wheat, Meal, or other Corn or Grain ground, for which a Bounty is payable upon Exportation; and for making Allowances to the East India Company for their Charges and Expences in managing, paying, and transferring their reduced Annuities.

[So much thereof as relates to the East India Company.]

II. **A**ND be it further enacted by the authority aforesaid, That the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall, and they are hereby authorized and impowered to make such allowances to the United Company of Merchants of England trading to the East Indies, as they shall think just and reasonable for the charges and expences attending the receiving, paying, transferring, and transacting the affairs of the several annuities, amounting to the principal sum of three millions, created in pursuance of an act of the last session of Parliament (intituled, *An act for giving further time to the proprietors of annuities, after the rate of four pounds per centum per annum, to subscribe the same, in the manner, and upon the terms therein mentioned; and for redeeming such of the said annuities as shall not be so subscribed, and for impowering the East India Company to raise certain sums by transferrable annuities*), which said allowances so to be made to the said United Company, shall be charged upon, and paid out of the same duties and revenues as are appropriated for the payment of the annuities aforesaid.

Treasury to make allowances to the East India Company, for their charges in making, paying, and transferring their reduced annuities.

Act 13 Geo. 2. c. 24.

27 GEORGII II. Cap. IX.

An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of England trading to the East Indies; and for the Punishment of Offences committed in the East Indies, or at the Island of Saint Helena.

WHEREAS the United Company of Merchants of England trading to the East Indies, are possessed of several principal settlements in the East Indies, and of several settlements or factories subordinate to such principal settlements, and are also possessed of the island of Saint Helena: And for the safety and protection of the said settlements and places, and for the better carrying on of their trade to the advantage of this nation, the said United Company, at their own costs and charges, do maintain and keep a military force for the garrison and defence of the said settlements, factories and places; and it being requisite for the retaining of such forces in their duty, that an exact discipline be observed, and that soldiers who shall mutiny, or stir up sedition, or shall desert the said Company's service, be brought to a more exemplary and speedy punishment than the usual forms of the law do allow; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal,

For further powers to hold courts-martial, see 1 G. 3. c. 14.

Every officer or soldier in the Company's service, who, after publication of this act,

shall mutiny, or desert, &c.

or list in any other regiment, &c.

or shall be found sleeping on, or shall desert his post, or correspond with the enemy.

or shall strike, or not obey his superior officer; shall suffer death, or such punishment as a court-martial shall inflict.

The King may grant a commission to hold courts-martial, &c.

The commander in chief to appoint courts-martial.

poral, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the twenty-fifth day of *March*, one thousand seven hundred and fifty-four, if any person being mustered or in pay as an officer, or who is or shall be listed, or in the said Company's pay as a soldier in any of their settlements, or in the said island of *Saint Helena*, respectively, shall, at any time after the publication of this act, in their principal settlements, and in the said island of *Saint Helena*, respectively, and within such time as such officer or soldier shall have contracted and agreed to serve the said United Company, begin, excite, cause or join in, any mutiny or sedition in the company, troop or regiment whereto he doth belong, or in any other company, troop or regiment in the said United Company's service; or shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any mutiny, or intended mutiny, shall not without delay give information thereof to his commanding officer; or shall desert the said United Company's service; or being a soldier actually listed in any regiment, troop or company, shall list himself in any other regiment, troop or company, without a discharge produced in writing from the officer commanding in chief the regiment, troop or company, in which he last served as a listed soldier; or shall be found sleeping upon his post, or shall leave it before relieved; or if any officer or soldier in the said United Company's service shall, either upon land, or upon the sea, hold correspondence with any rebel to his Majesty, or with any enemy of his Majesty, or of the said United Company; or give them advice or intelligence either by letters, messages, signs or tokens, in any manner or way whatsoever; or shall treat with such rebels or enemies, or enter into any condition with them without the licence of the said United Company, or of the said United Company's president and council, at any of their said principal settlements, or of the said United Company's governor and council at *Saint Helena*, or without the licence of the general, lieutenant general, or chief commander of the said Company's forces; or shall strike or use any violence against his superior officer, being in the execution of his office; or shall disobey any lawful command of his superior officer; all and every person and persons so offending in any of the matters before mentioned shall suffer death, or such other punishment as by a court-martial shall be inflicted.

II. And be it further enacted by the authority aforesaid, That his Majesty may grant a commission or warrant under his royal sign manual, unto the court of directors of the said United Company, who, by virtue of such commission or warrant, shall have power under the seal of the said United Company to authorise and empower their president and council for the time being, at their said principal settlements respectively, or the major part of them, and their governor and council for the time being at the said island of *Saint Helena*, or the major part of them, from time to time to appoint courts-martial; and to authorise and empower the commander in chief of any detachment of any of the officers or soldiers employed in the said Company's service, to appoint courts-martial for the trial of any of the officers or soldiers under their respective commands; in which courts-martial all the offences above mentioned, and all other offences herein-after specified, shall be tried and proceeded against in such manner as by this act shall be hereafter directed.

III. Provided always, and be it enacted, That when and so long as any of his Majesty's forces shall be employed to act in defence of any of the said Company's settlements, or to assist against any of their enemies in the *East Indies*; the power of appointing courts-martial, or authorising such appointment as aforesaid, shall be in the commander in chief

chief of such his Majesty's forces for the time being, over such of the said Company's officers and soldiers as shall belong to the principal settlement where or from whence such forces shall be employed.

IV. And be it also further enacted, That it shall and may be lawful to and for such courts-martial, by their sentence or judgement, to inflict corporal punishment on any soldier for immoralities, misbehaviour, or neglect of duty.

Immoralities, or neglect of duty, punishable by courts-martial.

V. And it is hereby further enacted, That no general court-martial which shall have power to sit by virtue of this act, or by any authority from the commander in chief of his Majesty's forces, or by appointment of the president and council of any of the said United Company's principal settlements, or the major part of them, shall consist of a less number than nine; whereof none to be under the degree of a commission officer; and the president of such general courts-martial shall neither be the commander in chief, or governor of the garrison where the offender shall be tried, nor under the degree of a captain; and that no general court-martial, which shall have power to sit by virtue of this act, by appointment from the governor and council of *Saint Helena*, or the major part of them, shall consist of a less number than five, whereof none to be under the degree of a commissioned officer; and the president of such general court-martial shall neither be the commander in chief, or governor of the garrison where the offender shall be tried, nor under the degree of a lieutenant; and that such courts-martial shall have power and authority, and are hereby required to take and administer such oaths, and to proceed in such manner as his Majesty shall from time to time think fit to order and direct, by any rules or orders under his royal sign manual; and no sentence of death shall be given against any offender in such case by any general court-martial, unless two thirds of the officers present shall concur therein; and no proceeding or trial shall be had upon any offence, but between the hours of eight of the clock in the morning and three in the afternoon, except in cases which require an immediate example.

General courts-martial not to consist of a less number than nine.

President of the court.

General court-martial at *Saint Helena* not to consist of less than five.

President of such court.

Courts-martial may administer oaths.

Two thirds of the officers present to concur in all sentences of death.

VI. Provided always, and it is hereby enacted by the authority aforesaid, That every judge advocate, or person officiating as such at any general court-martial, do, and he is hereby required to transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial to his Majesty's commander in chief for the time being, in case such court-martial shall be held by virtue of his warrant or authority as aforesaid, or to the president and council of such of the said United Company's principal settlements, by virtue of whose warrant or authority the same shall be held; or unto the governor and council at *Saint Helena*, if the same shall be held within their jurisdiction; which said original proceedings and sentence shall be carefully kept and preserved by such commander in chief, or by such president and council, or governor and council respectively; to the end that the persons intitled thereto may be enabled, upon application to them, to obtain copies thereof according to the true intent and meaning of this act.

Judge advocate to transmit to the commander in chief, &c. the original proceedings.

VII. Provided also, and it is hereby declared and enacted, That no officer or soldier being acquitted or convicted of any offence, be liable to be tried a second time by the same or any other court-martial for the same offence; and that no sentence given by any court-martial, and signed by the president thereof, be liable to be revised more than once.

No person to be tried a second time for the same offence.

Sentence not liable to be revised more than once.

VIII. Provided always, and be it enacted, That it shall and may be lawful to and for his Majesty to form, make and establish articles

The King may make articles of war.

articles of war, for the better government of the said United Company's forces; and for bringing offenders against the same to justice; and to erect and constitute courts-martial, with power to try, hear and determine any crimes or offences by such articles of war, and inflict penalties by sentence or judgement of the same, as well within the said United Company's limits of trade, as in the said island of *Saint Helena*.

No punishment to extend to life or limb in peace, except by this act.

Capital crimes cognizable by the civil magistrate punishable by cashiering.

Offenders against the laws to be delivered up to the civil magistrate.

Officers neglecting to deliver up such offenders,

disabled to hold any military office.

Conviction thereof to be affirmed at the quarter sessions, and a certificate transmitted to the president and council.

Persons employed in the trains of artillery included.

Offences committed by the Company's presidents, council or governors,

may be enquired of in the court of King's bench, or before commissioners appointed by his Majesty in *England*.

IX. Provided always, That no person or persons shall be adjudged to suffer any punishment extending to life or limb, by the said articles, in time of peace, except for such crimes as are expressed to be so punishable by this act.

X. Provided also, That no person or persons being acquitted or convicted of any capital crimes, violences or offences, by the civil magistrate, shall be liable to be punished by a court-martial for the same, otherwise than by cashiering.

XI. Provided also, That if any officer, non-commission officer, or soldier, shall be accused of any capital crime, or of any violence or offence against the person, estate or property of any of his Majesty's subjects, which is punishable by the known laws of the land, the commanding officer or officers of every regiment, troop, company, or party, is and are hereby required to use his utmost endeavours to deliver over such accused person to the civil magistrate, and shall also be aiding and assisting to the officers of justice in the seizing and apprehending such offender, in order to bring him to trial: And if any such commanding officer shall wilfully neglect or refuse, upon application made to him for that purpose, to deliver over any such accused person to the civil magistrate, or to be aiding and assisting to the officers of justice in apprehending such offender; every such officer so offending, and being thereof convicted before two or more justices of the peace for the settlement or place where the fact is committed, by the oath of two credible witnesses, shall be cashiered, and shall be utterly disabled to have or hold any military office or employment in the said United Company's service in the *East Indies*; provided the said conviction be affirmed at the next quarter sessions of the peace for the said settlement or place, and a certificate thereof be transmitted to the president and council of such principal settlement, who are hereby obliged to certify the same to the next court-martial.

XII. And whereas it may otherwise be doubted whether the officers and persons employed in the several trains of artillery be within the intent and meaning of this act; it is hereby enacted by the authority aforesaid, That the officers and persons employed, or that shall be employed in any of the trains of artillery, be deemed in all respects whatsoever within the intent and meaning of this act.

XIII. And be it further enacted by the authority aforesaid, That if any of the said United Company's presidents or council, at their respective principal settlements, or any of them, or their governor or council at the said island of *Saint Helena*, shall, after the said twenty-fifth day of *March*, one thousand seven hundred and fifty-four, be guilty of oppressing any of his Majesty's subjects beyond the seas, within their respective jurisdictions or commands, or shall be guilty of any other crime or offence contrary to the laws of that part of *Great Britain* called *England*, or in force within their respective jurisdictions or commands; such oppression, crimes and offences, may be enquired of, heard and determined in his Majesty's court of King's Bench, within that part of *Great Britain* called *England*; or before such commissioners, and in such county of that part of *Great Britain* called *England*, as shall be assigned by his Majesty's commission, and by good and lawful men of the same county; and

and such punishment shall be inflicted on such offenders, as are usually inflicted for offences of the like nature committed in that part of Great Britain called England.

Further provided for 1 Geo. 3. c. 14. 10
Geo. 3. c. 47.
23 Geo. 3. c. 63.
24 Geo. 3. c. 25.
& 26 Geo. 3. c. 57.

31 GEORGII II. Cap. XXII.

An Act for granting to his Majesty several Rates and Duties upon Offices and Pensions; and upon Houses; and upon Windows or Lights; and for raising the Sum of Five millions, by Annuities and a Lottery, to be charged on the said Rates and Duties.

[So much thereof as relates to the East India Company.]

VII. **A**ND whereas doubts may arise, whether the punishment inflicted in and by an act of Parliament made and passed in the eighth year of the reign of his late Majesty King George the First, intituled, *An act to prevent the mischiefes by foreign powers to transfer such stocks, or to receive such annuities or dividends, as are therein mentioned, or by fraudulently personating the true owners thereof; and to rectify mistakes of the late managers for taking subscriptions for increasing the capital stock of the South Sea Company, and in the instruments founded thereupon, on persons guilty of the several species of forgery, and other offences therein mentioned, extends to the commission of the like forgery and offences in relation to such capital stocks and funds as have been established by the authority of Parliament, since the passing of the said act, and may be hereafter established; be it therefore enacted by the authority aforesaid, That if any person or persons whatsoever, from and after the first day of July, one thousand seven hundred and fifty-eight, shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any letter of attorney, or other authority or instrument, to transfer, assign, sell, or convey any share or shares, or any part of any share or shares, of or in any such capital stock or funds of any body or bodies politick or corporate established, or which shall be established, by any act or acts of Parliament; or to receive any dividend or dividends attending any share or shares, or any part of any share or shares, of or in any such capital stock or funds as aforesaid; or to receive any annuity or annuities, in respect whereof any proprietor or proprietors have or shall have any transferrable share or shares of or in any capital stock or stocks which now are, or hereafter shall be, established by any act or acts of Parliament, in proportion to their respective annuities; or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any the name or names of any the proprietors of any such share or shares in stock, or of any the persons intituled to any such annuity or annuities, dividend or dividends, as aforesaid, in or to any such pretended letter of attorney, instrument, or authority; or shall knowingly or fraudulently demand, or endeavour to have, any such share or shares in stock, or any part thereof, transferred, assigned, sold, or conveyed, or such annuity or annuities, dividend or dividends, or any part thereof, to be received by virtue of any such counterfeit or forged letter of attorney, authority, or instrument; or shall falsely and deceitfully personate any true and real proprietors of the said shares in stock annuities and dividends, or any of them,*

AG 8 Geo. 1. c. 22.

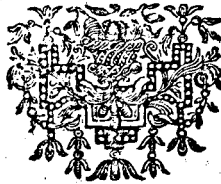
Penalty in the recited act of forging or counterfeiting letters of attorney, in order to sell, or transfer stock in any of the funds, etc. or to receive any dividends or annuities thereon, etc. extended to this act, etc.

them, or any part thereof, and thereby transferring or endeavouring to transfer the stock, or receiving or endeavouring to receive the money, of such true and lawful proprietor, as if such offender were the true and lawful owner thereof; then, and in every or any such case, all and every such person and persons, being thereof lawfully convicted in due form of law, shall be deemed guilty of felony, and suffer death as a felon, without benefit of clergy.

Penalty in the
act of 2 Geo.
2. c. 25.

of forging or
publishing any
deed, will,
obligation,
acquittance,
etc. with in-
tent to defraud
any corpora-
tion, extended
to this act.

VIII. And whereas doubts may arise whether the punishment inflicted in and by an act of Parliament made and passed in the second year of the reign of his present Majesty, 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*, on persons guilty of the several species of forgery therein mentioned, extends to the commission of the like forgeries with an intention to defraud any corporation; be it therefore enacted by the authority aforesaid, That if any person, from and after the first day of July, one thousand seven hundred and fifty-eight, shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly act or assist in the false making, forging, or counterfeiting, any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange, or promissory note for payment of money, or any acquittance or receipt, either for money or goods, with an intention to defraud any corporation whatsoever; or shall utter, or publish as true, any false, forged, or counterfeited deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange or promissory note for payment of money, acquittance, or receipt, either for money or goods, with intention to defraud any corporation, knowing the same to be false, forged, or counterfeited; then every such person, being thereof lawfully convicted according to the due course of law, shall be deemed guilty of felony, and suffer death as a felon, without benefit of clergy.



Anno primo

GEORGII III. Regis.

C A P. XIV.

An Act to extend the Provisions relating to the holding of Courts-martial, and to the Punishment of Offences committed in the East Indies, contained in the Act made in the Twenty-seventh Year of his late Majesty's Reign, intituled, An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of England trading to the East Indies; and for the Punishment of Offences committed in the East Indies, or at the Island of Saint Helena; to the said Company's Settlement of Fort Marlborough, and to such other principal Settlements, wherein the said Company may be hereafter impowered to hold Courts of Judicature.

WHEREAS by an act of Parliament passed in the twenty-seventh year of the reign of his late Majesty King George the Second, intituled, *An act for punishing mutiny and desertion of officers and soldiers in the service of the United Company of Merchants of England trading to the East Indies; and for the punishment of offences committed in the East Indies, or at the island of Saint Helena*, it was, amongst other things, enacted, That his Majesty might grant a commission or warrant, under his royal sign manual, unto the court of directors of the said United Company, who, by virtue of such commission or warrant, should have power, under the seal of the said United Company, to authorize and empower their president and council for the time being, at their principal settlements respectively, or the major part of them, and their Governor and Council, for the time being, at the said island of *Saint Helena*, or the major part of them, from time to time, to appoint courts-martial, and to authorize and empower the commander in chief of any detachment of any of the officers or soldiery employed in the said Company's service, to appoint courts-martial for the trial of any of the officers or soldiers under their respective commands, in which courts-martial the offences in the said act mentioned should be tried and proceeded against in such manner as by the said act is directed; and it is by the said act provided and enacted, That it should be lawful for his Majesty to form, make, and establish, articles of war for the better government of the said United Company's forces, and for bringing offenders against the same to justice, and for other purposes in the said act mentioned: And whereas, after the passing of the said act, and pursuant to the powers therein, his said late Majesty was graciously pleased to grant a commission or warrant, under his royal sign manual, for the purposes in the said act expressed, and also to form, make, and establish, certain rules and articles of war for the better government of the officers and soldiers in the service of the said United Company: And whereas his present Majesty hath been lately graciously pleased to grant to the said Company his royal charter for erecting and holding, at the said Company's settlement of *Fort Marlborough*, near *Bencoolen*, on the west coast of the island of *Sumatra* in the *East Indies*, courts of judicature, as well for civil as criminal causes, and for other purposes in the said charter mentioned and expressed:

Preamble,
reciting the
act 27 Geo. 2.
c. 9.

Q 9

And

And whereas it will be greatly to the advantage of the said United Company, that their Presidents and Council for the time being, at their said settlement of *Fort Marlborough*, and also at any other principal settlement the said Company may hereafter be possessed of, and wherein the said Company shall be authorised to hold courts of judicature as herein-after mentioned, should be empowered to appoint and hold courts-martial, under the like powers and authorities, and in like manner, as the same may be appointed and held under the said act at the said Company's other principal settlements in the said act mentioned; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That his Majesty, his heirs or successors, may, at any time or times hereafter, grant a commission or warrant, commissions or warrants, under his or their royal sign manual, unto the court of directors of the said United Company for the time being, who, by virtue of any such commission or warrant, shall have power, under the seal of the said United Company, to authorise and empower their Governor and Council for the time being, at their said principal settlement of *Fort Marlborough*, or the major part of them, and their Governor and Council for the time being, at every or any other principal settlement which the said United Company shall, at any time or times hereafter have, or be possessed of, within the limits of trade granted to the said Company, and wherein the holding of courts of judicature shall be authorised by any charter or letters patent to be hereafter granted by his Majesty, his heirs or successors, from time to time, to appoint courts-martial; and to authorise and empower the commander in chief of any detachment of officers or soldiers employed in the said Company's service, to appoint courts-martial for the trial of any of the officers or soldiers under their respective commands; in which courts-martial all the crimes and offences mentioned and specified in the said in part recited act, or in the said rules and articles of war already made, or in any other rules and articles of war to be hereafter made, pursuant to the powers given by the said recited act, committed within the said principal settlement of *Fort Marlborough*, or the districts thereof, or within any such other principal settlement as aforesaid, shall and may be tried and proceeded against; and the sentences or judgements passed upon such offenders, executed in such and the like manner, and with the like powers and authorities, under and subject to such and the like restrictions and regulations, and by the same means, methods and proceedings, manner, and form, as such or the like offences committed in any of the said Company's principal settlements in the said act mentioned, may or can be tried and proceeded against by virtue of the said act and articles of war, or either of them.

II. And be it further enacted by the authority aforesaid, That if any of the said United Company's presidents, or council, at their said settlement of *Fort Marlborough*, or at any other principal settlement, wherein the said Company may be hereafter empowered to hold courts of judicature, shall be guilty of oppressing any of his Majesty's subjects beyond the seas, within their respective jurisdictions or commands, or shall be guilty of any other crime or offence contrary to the laws of that part of *Great Britain* called *England*, or in force within their respective jurisdictions or commands, such oppression, crimes, and offences, may be enquired of, heard, and determined, in his Majesty's court of King's Bench, within that part of *Great Britain* called *England*, or before such commissioners, and in such county of that part of *Great Britain* called *England*, as shall be assigned by his Majesty's Commission, and by good and lawful men of the same

His Majesty may authorise the court of Directors to empower the Governor and Council of their principal settlement at *Fort Marlborough*, or elsewhere where courts of judicature shall be authorised, to appoint courts-martial for trial of offences.

Oppressions, and other illegal acts committed by the presidents or council, may be enquired into and punished by the court of King's Bench, etc. in *England*. See further provisions for punishment of offences committed in *India* in 10 G. 3.

same county; and such punishment shall be inflicted on such offenders, as are usually inflicted for offences of the like nature committed in that part of Great Britain called England.

c. 47. 15 G. 3.
c. 65. 24 G. 3.
c. 25. and 26
G. 3. c. 57.

3 GEORGII III. Cap. XXII.

An Act for the further Improvement of his Majesty's Revenue of Customs; and for the Encouragement of Officers making Seizures; and for the Prevention of the clandestine Running of Goods into any Part of his Majesty's Dominions.

WHEREAS by an act passed in the twelfth year of the reign of his late Majesty King George the First, intituled, *An act for the improvement of his Majesty's revenues of customs, excise, and in and duties*, the commissioners of those revenues are respectively impowered and directed to cause all tea, coffee, foreign brandy, rum or other foreign exciseable liquors, which shall be seized by any officers of the customs or excise, after condemnation, to be publickly sold to the best bidder, at such places as the said commissioners shall think proper; and to allow the officers making such seizures, for their encouragement, one third part of the full sum arising from the publick sale of all such tea, coffee, foreign brandy, rum, or other exciseable liquors, free from all charges of condemnation and sale; and to cause the remaining part of the produce of such sales, after paying the reward to the officer, and the charges of condemnation and sale for such seizures, to be paid into the receipt of his Majesty's exchequer, in lieu of his Majesty's moiety, as was then practised: And whereas, by several subsequent acts of Parliament, one moiety of all fines, penalties and forfeitures, imposed by an act relating to the duties of excise, or any other duty under the management of the commissioners of that revenue, is given to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform, or sue for the same; in pursuance of which laws the officers of excise seizing any of the commodities herein-before enumerated, have been allowed a moiety thereof; but the provisions in those subsequent laws, not extending to such seizures when made by officers of the customs, they have hitherto been allowed only one third of the produce thereof, pursuant to the directions of the before recited act of the twelfth of George the First: And whereas the power given by the said recited act to the respective commissioners of the customs and excise, to cause the goods therein enumerated to be publickly sold, has been found very advantageous to the revenue; and if the like power was extended in general to all sorts of goods, it would prevent many frauds and illicit combinations practised by bidders in the court of Exchequer, to the great detriment of the publick revenue and the fair trader: And whereas it is highly reasonable and just, as well as of publick utility, that the officers of the customs and excise should have equal encouragement to be vigilant in the exertion of their duty, to suppress the pernicious practice of smuggling; to which end, 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 first day of May, one thousand seven hundred and sixty-three, it shall and may be lawful to and for the commissioners of

Preamble, reciting clause in act 12 G. 1. c. 28.

Vessels or goods seized to be publicly sold, after condemnation, to the best bidder:

Produce of the sale how to be disposed of.

Allowance to officers out of the produce of wrought silks, bengals, etc. seized and condemned in pursuance of 11 & 12 Gul. 3. c. 10;

and of wool, and other goods enumerated, in 12 G. 2. c. 21;

and for tobacco and snuff burned, etc. pursuant to 24 Geo. 2. c. 41;

and for tea.

If the produce of any seizure prove insufficient to pay expenses, how the deficiency shall be supplied.

of his Majesty's customs, to cause all ships, vessels and boats, and all goods of what kind soever they may be (excepting only such vessels, boats, and goods, as are by law liable to be burnt) which shall be seized by any officers of the customs, for unlawful importation; or for non-payment of duties, or for any other cause of forfeiture, and condemned according to law, to be sold publicly to the best bidder, at such places as the said commissioners shall think proper, and all and every officer who shall seize such goods, shall, for his and their encouragement, be allowed by the said commissioners, one moiety of the net produce arising by the sale of such seizure, after deducting the charges of condemnation and sale from the whole; and the said commissioners shall cause the other moiety thereof to be paid into the receipt of his Majesty's exchequer, in lieu of his Majesty's share thereof (excepting in those cases which are otherwise provided for by this act); any law, custom or usage to the contrary notwithstanding.

II. Provided always, and it is hereby declared and enacted by the authority aforesaid, That after deducting the charges of condemnation and sale from the gross produce of all wrought silks, bengals, and stuffs mixed with silk or herba, of the manufacture of *Persia, China, or East India*, and all callicoes, painted, dyed, printed or stained there, which shall be seized and condemned in pursuance of an act passed in the eleventh and twelfth years of the reign of the late King *William the Third*, (intituled, *An act for the more effectual employing the poor, by encouraging the manufactures of this kingdom*) the said commissioners of the customs shall allow to the officer or officers who shall seize the same, two third parts of such net produce, and cause the remaining third part thereof to be paid into the receipt of his Majesty's exchequer; and that for all wool, and any other of the species of goods enumerated in an act passed in the twelfth year of the reign of his late Majesty King *George the Second*, (intituled, *An act for taking off the duties upon woollen and bay yarn imported from Ireland to England, and for the more effectual preventing the exportation of wool from Great Britain, and of wool, and wool manufactured, from Ireland to foreign parts*), after deducting the charges of condemnation and sale, the remainder of the produce shall be paid to the officer who shall seize the same, in such manner as by the said act is directed; and that for all tobacco, tobacco stalks and snuff, which shall be burnt or destroyed in pursuance of an act passed in the twenty-fourth year of the reign of his late Majesty King *George the Second* (intituled, *An Act for the more effectual securing the duties upon tobacco*), the officer or officers seizing the same shall be paid, in the manner directed by that act, three-pence for every pound weight of such tobacco and snuff, and one penny for every pound weight of tobacco stalks; and that for such tea as shall be burnt or otherwise destroyed by order of the respective commissioners of the customs or excise, pursuant to the laws now in being, the officers making the seizure shall be rewarded in such manner as the said commissioners shall think proper, such reward not exceeding two shillings and sixpence for each pound weight of such tea, in lieu of all other allowances; any thing in this or any other act to the contrary notwithstanding.

III. Provided also, and it is hereby further enacted by the authority aforesaid, That if the produce of any particular seizure, sold in pursuance of this act, shall not be sufficient to answer the expences of condemnation and sale; or if, upon the trial of any seizure, a verdict shall be given for the claimant, and the ship or goods shall not be condemned; in either of those cases, it shall and may be lawful for the commissioners of his Majesty's customs to order the charges attending the seizing and prosecuting such ship or goods, to be paid out of any branch of the re-

cause of the customs which is by law applicable to the payment of incidents; any thing in this or any other act of Parliament to the contrary notwithstanding.

IV. And whereas, for the more effectual prevention of the infamous practice of smuggling, it may be necessary to employ several of the ships and vessels of war belonging to his Majesty, his heirs and successors, on the coasts of *Great Britain* and *Ireland*, and of the other dominions and colonies belonging to the crown of *Great Britain*; therefore, for the better encouragement of all the officers and seamen employed in such service to do their duty therein, he is enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs and successors, to direct and appoint the moiety herein-before mentioned, or any other part of all and every the seizure and seizures that shall be made by such officers or seamen respectively, so employed as aforesaid, to be divided amongst all such officers and seamen of such ship or vessel of war, who shall make any such seizure as aforesaid, in such proportions, and in such manner as his Majesty, his heirs and successors, shall think fit to order and direct, by any order or orders of council, or by any proclamation or proclamations to be made or issued, from time to time, for that purpose; and such moiety, or other part of the said seizure or seizures, shall be so paid and divided to and amongst all the officers and seamen of such ship or vessel of war accordingly.

The King to direct how the share of such seizures as shall be made by vessels in his service, shall be divided.

V. And whereas the laws already made to prevent the clandestine importing and landing of foreign brandy, rum, strong waters or other spirits, tea, tobacco, tobacco stalks and snuff, in small vessels, which hover upon the coasts of this kingdom, have been found insufficient for that purpose; he is further enacted by the authority aforesaid, That from and after the first day of *June*, one thousand seven hundred and sixty-three, if any foreign brandy, arrack, rum, strong waters or spirits of any kind whatsoever, shall be imported or brought into *Great Britain*, or into any port, harbour, haven or creek thereof, in any ship, vessel, or boat, of the burthen of fifty tons, or under (except only for the use of the seamen then belonging to and on board such ship, vessel or boat, not exceeding two gallons for every such seaman), every such ship, vessel or boat, with all her tackle, furniture and apparel, and also all such brandy, arrack, rum, strong waters or spirits, or the value thereof, shall be forfeited and lost; and where any brandy, arrack, rum, strong waters or other spirits, or any tea, tobacco, tobacco stalks or stems stripped from the leaf, or snuff, is or are liable to forfeiture, by virtue of an act made in the ninth year of the reign of his late Majesty King *George* the Second, intituled, *An act for indemnifying persons who have been guilty of offences against the laws made for securing the revenue of customs and excise, and for enforcing those laws for the future*; and by another act made in the twenty-fourth year of the reign of his said late Majesty King *George* the Second, intituled, *An act for the more effectual securing the duties upon tobacco*; or either of them, for being found on board any such ship or vessel at anchor, or hovering within the limits of any of the ports of this kingdom, or within two leagues of the shore, as is particularly expressed in those acts: It is hereby further enacted, That in every such case the ship or vessel on board of which such goods shall be so found, with all her tackle, furniture and apparel, shall also be forfeited and lost, provided such ship or vessel doth not exceed the burthen of fifty tons.

Where any foreign brandy, etc. not for the ship's use, shall be imported, in any vessel of 50 tons, or under, the same, with the vessel and furniture, shall be forfeited;

and in like manner, where any spirits, tea, etc. are liable to forfeiture by 9 Geo. 2. c. 35. or 24 G. 2. c. 47.

VI. And it is hereby further enacted by the authority aforesaid, That every ship or vessel forfeited by this act, shall be seized and prosecuted, and after condemnation be burnt, destroyed, or used in his Majesty's service by the officers of the customs or excise, and the tackle, furniture and

the vessel, if under 50 tons, shall be forfeited, with her apparel; and the vessels are to be disposed of, as vessels of 40 tons or under forfeited for importing foreign brandy, etc.

apparel, disposed of and divided, and the tonnage ascertained, in the same manner as is directed by the laws now in force, with respect to vessels of forty tons or under forfeited for importing foreign brandy or other spirits.

In what cases writs of delivery may be issued out of the exchequer for such vessels.

VII. And it is also further enacted by the authority aforesaid, That no writ of delivery shall be granted out of the court of exchequer, for any ship, vessel or boat, that is liable to be burnt, destroyed, or used in his Majesty's service by virtue of this act, or any other act relating to the customs or excise, unless the officer seizing the same shall delay proceeding to the trial and condemnation thereof for the space of three terms; and in that case, not without good security being given in double the appraised value of such ship, vessel or boat, to return the same upon condemnation, in order to be burnt, destroyed, or used in his Majesty's service according to law.

Clauses in act 8 Ann. c. 7. and 15 & 16 G. 2. c. 31.

VIII. And whereas by an act passed in the eighth year of the reign of her late Majesty Queen Anne, for granting to her Majesty new duties of excise, and upon several imported commodities; and by another act passed in the fifteenth and sixteenth years of the reign of his late Majesty King George the Second, for further regulating the plantation trade, and several other purposes; it is amongst other things enacted, That every person, upon entry of any claim in the court where any prohibited or uncustomed goods, or any ship, vessel or boat, shall be prosecuted, shall be obliged to give security, in the penalty of thirty pounds, to answer and pay the costs occasioned by such claim; and in default of giving such security within the time limited by the course of that court for entering such claim, such goods, ships, vessels or boats shall be recovered: And whereas many persons have, from the smallness of the penalty, been induced to enter groundless claims in fictitious names, with a view to put the officers of the revenue to vexatious trouble and delay, as well as to deter them from prosecuting seizures legally made, by putting them to an extraordinary expence, often times more than the value of the goods seized, which tends very much to the prejudice of the publick revenue, and to the discouragement of the officers thereof in the execution of their duty: To remedy therefore this inconvenience for the future, be it enacted by the authority aforesaid, That, from and after the first day of May, one thousand seven hundred and sixty-three, every person, upon entry of any claim in the court where any goods, ships, vessels or boats, shall be prosecuted, shall be obliged to give security, in the penalty of sixty pounds, to answer and pay the costs occasioned by such claim; and in default of giving such security within the time limited by the course of that court for entering claims, such goods, ships, vessels or boats, shall be adjudged to be forfeited, and shall be condemned; any thing in the before recited acts, or any other acts of Parliament, to the contrary notwithstanding.

Claimant, upon entering his claim, to give security in 60*l.* to pay costs;

or the goods and vessel to be condemned.

Clauses in act 5 G. 1. c. 21.

IX. And whereas, by certain clauses in an act made in the fifth year of the reign of his late Majesty King George the First, intituled, *An act against clandestine running of uncustomed goods, and for the more effectual preventing of frauds relating to the customs*, (which clauses have been continued by several subsequent acts), it was declared and enacted, That where any ship or vessel of the burthen of fifty tons, or under, laden with customable or prohibited goods, should be found hovering on the coasts of this kingdom, within the limits of any port, and not proceeding on her voyage for foreign parts, or to some other port of this kingdom, wind and weather permitting, it should and might be lawful to and for any officer or officers of his Majesty's customs, to go on board every such ship or vessel, and to take an account of the lading, and to demand and take security from the master,

or

of other person having or taking the charge or command of such ship or vessel in that voyage, by his own bond by him to be entered into unto his Majesty, his heirs and successors, in such sum or sums of money as should be treble the value of such foreign goods then on board, with condition that such ship or vessel, as soon as wind and weather and the state and condition of such ship or vessel permitted, should and would proceed regularly on such voyage, and should land such foreign goods in and at some foreign port or ports; and if such master, or other person having or taking the charge or command of such ship or vessel, should, upon such demand, refuse to enter into such bond, or having entered into such bond, should not depart or proceed regularly on such voyage as soon as wind and weather and the state and condition of such ship or vessel should permit, unless otherwise suffered to make a longer stay by the collector, or other principal officer in his absence, of such port where such ship or vessel should be, not exceeding twenty days, then, and in either of the said cases, all the foreign goods so on board such ship or vessel, should and might by any officer or officers of the customs, by direction of the collector, or other principal officer as aforesaid, be taken out of and from such ship or vessel, and forthwith brought on shore and secured; and in case the said goods were customable, the customs and other duties should be paid for the same: And as concerning wool, or any prohibited goods, or other goods liable to forfeiture, which might be found on board such ships or vessels at the time of their unloading as aforesaid, the same were thereby declared to be subject to forfeiture, and the officers of the customs should and might prosecute the same, as also the ship or vessel, in case she should be liable to condemnation, as in the manner therein-after mentioned; and that after such goods were so taken out of such ship or vessel, and brought on shore and secured by such officer or officers, such bond so to be given as aforesaid, should be void and delivered up, without any fee or reward for taking or delivering up the same; and such bond, not being otherwise discharged, should, on a proper certificate, returned under the common seal of the chief magistrate in any place or places beyond the seas, or under the hands and seals of two known *British* merchants upon the place, that such goods were there landed, or upon proof by credible persons, that such goods were taken by the enemies, or perished in the seas (the examination and proof thereof being left to the judgement of the commissioners of the customs), should be vacated and discharged: And whereas the extending of the said clauses to the rest of his Majesty's dominions, may be a means of preventing illicit trade; be it therefore enacted by the authority aforesaid, That from and after the first day of *July*, one thousand seven hundred and sixty-three, the said clauses, and every part of them, shall be extended to all ships and vessels of the burthen of fifty tons or under, which shall be found hovering on the coasts of *Ireland*, or any other of his Majesty's dominions or territories belonging to the crown of *Great Britain*; and shall be of equal force in every respect, in regard to all such ships and vessels found hovering on any of the coasts aforesaid, as such clauses now are, or shall be construed to be, in regard to any ships or vessels hovering on the coasts of this kingdom; and all offences which shall be committed against the said clauses, or any part of them, on the coasts of *Ireland*, shall be tried, and the penalties and forfeitures thereby incurred shall be prosecuted for and recovered, in any of his Majesty's courts of record in *Dublin* in the said kingdom; and all offences which shall be committed against the said clauses, or any part of them, on the coasts of any other of his Majesty's dominions or territories (except this kingdom) shall be tried, and the penalties and forfeitures thereby incurred shall be prosecuted for and recovered, in any court of admiralty, in the dominion or territory

The recited clauses, respecting customable or prohibited goods on board vessels of 50 tons or under, found hovering on the coast of *Britain*, extended to all such like vessels found hovering on any of the coasts of *Ireland*; and the said offences to be tried, etc. in *Dublin*. Offences in other parts to be prosecuted in the court of

admiralty, etc.
of the place;

and the forfeitures to be divided and applied as those in Great Britain.

on the coast whereof such offence shall be committed (which court of admiralty is hereby authorised, impowered and required to proceed to hear and determine the same), or in any court of record in such dominion or territory, at the election of the informer or prosecutor, according to the course and method used and practised there in prosecutions for offences against penal laws relating to the customs or excise; and such penalties and forfeitures so recovered there, shall be divided and applied in such and the same manner as penalties and forfeitures recovered in *Great Britain* for the like offences are, or in pursuance of this act may be, directed to be divided and applied.

5 GEORGII III. Cap. XLVI.

An Act for altering the Stamp Duties upon Admissions into Corporations or Companies; and for further securing and improving the Stamp Duties in Great Britain.

[So much thereof as relates to *Policies of Assurance.*]

III. **A**ND whereas it has been a common practice to make one policy of assurance on ships, cargoes, or both, serve for several and distinct purposes, to the great diminution of his Majesty's revenue; to prevent which for the future, be it further enacted by the authority aforesaid, That from and after the fifth day of *July*, one thousand seven hundred and sixty-five, if the properties of more than one person in any ship, cargo, or both; or of more than a particular number of persons in general partnership, or of more than one body politick or corporate, to a greater amount in the whole than the sum of one hundred pounds in any ship, cargo, or both, be assured on the same policy, such policy shall be void, and the premium paid thereon shall remain the property of the assurer; and that if any risque or adventure, distinct from the risque or adventure mentioned in the original policy, and upon which any further premium shall be given, shall be, by any writing or declaration not duly stamped, added to the said original policy, such additional assurance shall be void, and the premium paid thereon shall remain the property of the assurer.

IV. Provided always, That it may and shall be lawful to assure, or cause to be assured, the properties of any number of persons whatsoever, in any ship, cargo, or both, by one policy stamped with five stamps of five shillings each; any thing herein contained to the contrary notwithstanding.

Where the properties of more than one person, etc. in a ship, or cargo, shall be assured for upwards of 100*l.* in the same policy, the policy is void, and the premium remains to the insurer.

Any number may be assured on one policy, with five stamps of 5*s.* each. See stat. 7 *Geo.* 3, c. 44. & *Geo.* 3, c. 25.

6 GEORGE III. Cap. XIII.

An Act to remove a Doubt concerning such Part of an Act made in the last Session of Parliament, as relates to the ascertaining of the Duties upon the Importation of certain Linnen Cloth of the Manufacture of Russia; and to obviate all Doubts with respect to the Importation of Tea, under certain Licences authorised to be granted by an Act made in the Eighteenth Year of the Reign of his late Majesty.

[So much thereof as relates to the East India Company.]

II. **A**ND whereas by an act of Parliament, made in the twenty-eighth year of the reign of his late Majesty King George the Second, intituled, *An act for making more effectual the laws prohibiting the importation of spirituous liquors in casks or vessels not containing sixty gallons, and of tea above the quantity of six pounds, found on board any British ship or vessel, not belonging to, or employed by, the East India Company;* reciting, amongst other things, that, notwithstanding the several provisions made for preventing frauds, ships and vessels arriving from foreign parts frequently had on board tea, which tea was intended to be run on shore, without payment of the duties thereof; but in order to prevent the seizure and forfeiture thereof, was brought into port, under pretence that it was designed for exportation, and was frequently reported for exportation to foreign parts, and nevertheless was afterwards run on shore; it was therefore enacted, That, from and after the twenty-fourth day of June, one thousand seven hundred and fifty-five, all tea above the quantity of six pounds, which should be found in any British ship or vessel arriving in Great Britain from foreign parts, excepting those belonging to, or employed by, the East India Company, shall be forfeited and lost, whether such tea should be intended or reported for exportation or not: And whereas doubts have arisen, whether the powers contained in an act made in the eighteenth year of his said late Majesty's reign, intituled, *An act for repealing the present inland duty of four shillings per pound weight upon all tea sold in Great Britain, and for granting to his Majesty certain other inland duties in lieu thereof; and for better securing the duty upon tea, and other duties of excise; and for pursuing offenders out of one county into another;* to grant licences to any person or persons, body or bodies politick or corporate (other than the East India Company) for the importation of tea into this kingdom from any part of Europe, were not repealed by the said act made in the twenty-eighth year of his said late Majesty's reign: Now, for obviating such doubts, be it declared and enacted by the authority aforesaid, That the said act, made in the twenty-eighth year of his said late Majesty's reign, was not intended to extend, and doth not extend, to hinder or prevent the granting of any licence whatsoever, for the importation of tea into this kingdom from any parts of Europe, in pursuance of the powers contained in the said act made in the eighteenth year of the reign of his said late Majesty; or to hinder or prevent any person or persons, body or bodies politick or corporate, other than the East India Company, from importing any quantity of tea, not exceeding the quantities for which any such licence hath been or shall be granted, in any British ship whatsoever, navigated according to law, or to make tea so imported liable to forfeiture; any thing in the said act notwithstanding.

tea, so as not to exceed the quantities licensed. See more concerning teas in 7 Geo. 3. c. 56. 8 Geo. 3. c. 25.

7 GEORGII III. Cap. XLV.

An Act for encouraging and regulating the Trade and Manufactures of the Isle of Man; and for the more easy Supply of the Inhabitants there with a certain Quantity of Wheat, Barley, Oats, Meal, and Flour, authorized by an Act made in this Session to be transported to the said Island.

[So much thereof as relates to Tea.]

Most Gracious Sovereign,

Preamble.

Act 5 Geo. 3.
c. 26.

WHEREAS the property of the *Isle of Man* being now vested in your Majesty, your heirs and successors, in pursuance of an act made in the fifth year of your Majesty's reign, intituled, *An act for carrying into execution a contract made, pursuant to the act of Parliament of the twelfth of his late Majesty King George the First, between the commissioners of his Majesty's treasury and the duke and ducbefs of Atholl, the proprietors of the Isle of Man, and their trustees, for the purchase of the said island and its dependencies, under certain exceptions therein particularly mentioned*; it is expedient that provision be made for encouraging, improving, and regulating the trade and manufactures of the said island, and the fisheries on the coasts thereof: And whereas it is necessary that a revenue should be raised, in the said *Isle of Man*, to answer these purposes, and to defray the expences of government there: We, your Majesty's most dutiful and loyal subjects, the Commons of *Great Britain* assembled in Parliament, being desirous to make some provision for the purposes aforesaid, do most humbly beseech 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 fifth day of *July*, one thousand seven hundred and sixty-seven, the duties payable to his Majesty in the said *Isle of Man* on all goods imported there, or exported from thence, shall cease, determine, and be no longer paid; and that in lieu thereof there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, the following duties for and upon the goods and merchandizes herein-after mentioned, which shall be brought or imported into the said *Isle of Man*; that is to say,

Former duties payable on goods imported or exported repealed.

New duties.

For every gallon of *British* spirits imported from that part of *Great Britain* called *England*, one shilling.

For every gallon of rum, the produce of the *British* plantations, imported from *England*, one shilling and sixpence.

For every pound weight of bohea tea imported from *England*, one shilling.

For every pound weight of green tea imported from *England*, one shilling and sixpence.

For every pound weight of coffee imported from *England*, ninepence.

For every pound weight of tobacco imported from *England*, twopence.

For every chaldron of coals, *Winchester* measure, imported from *Great Britain* or *Ireland*, threepence.

For

For and upon all hemp, iron, deal boards, and timber, imported from foreign parts, five pounds *per centum ad valorem*.

For every ton of *French* wine imported, four pounds.

For every ton of all other sorts of wine imported, two pounds; and after these rates for any greater or less quantity of such wine.

For and upon all sorts of corn and grain imported from *England*, for which any bounty shall have been allowed and paid upon the exportation thereof, ten pounds *per centum ad valorem*.

For all other goods, wares, and merchandizes whatsoever, which are or may be intitled to any bounty, or to any drawback of the duties of excise, on exportation, in *Great Britain*, which shall be imported from *Great Britain* into the said *Isle of Man*, five pounds *per centum ad valorem*.

For and upon all goods, wares, and merchandizes whatsoever, not herein-before particularly charged (except such goods as are exempt from duty by this act), imported from *Great Britain* or *Ireland*, two pounds ten shillings *per centum ad valorem*.

And for and upon all goods, wares, and merchandizes whatsoever, not herein-before particularly charged (except such as are exempt from duty by this act), imported from any other port or place from whence such goods may be lawfully imported into the said *Isle of Man*, fifteen pounds *per centum ad valorem*.

II. And it is hereby further enacted by the authority aforesaid, That the several rates and duties herein-before granted, shall be paid down in ready money, without any discount or allowance; and shall be raised, levied, collected, paid, and recovered, under the authority and direction of the commissioners of the treasury, or the lord high treasurer for the time being, in like manner and form, and by the same rules, regulations, and under such penalties and forfeitures, as the duties of customs, payable in *Great Britain*, are raised, levied, collected, and recovered, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated, and again enacted in the body of this present act; and (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same) the said rates and duties shall, from time to time, be brought and paid into the receipt of his Majesty's exchequer, distinctly and apart from all other branches of the publick revenue; and such part thereof as shall remain, after the necessary expences attending the government of the said *Isle of Man*, and the administration of justice there, are from time to time defrayed, shall be reserved for the disposition of Parliament.

Duties to be paid in ready money, without any discount; and to be raised and levied under authority and direction of the commissioners of the treasury, &c.

III. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty-seven, it shall and may be lawful for any person or persons to import into the said *Isle of Man*, in any ship or vessel, from any port or place whatsoever, any flax or flax seed, raw or brown linnen yarn, wood ashes, and weed ashes, fish and flesh of all sorts, and any sort of corn or grain, from any part or place whatsoever (except from *Great Britain* only) without payment of any custom or other duty whatsoever.

Goods allowed to be imported duty-free from any place, except *Great Britain*.

IV. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty-seven, it shall and may be lawful for any of his Majesty's subjects to import into the said *Isle of Man*, in *British* vessels navigated according to law, from any port or place in *Great Britain* or *Ireland*, any sort of white or brown linnen cloth, and hemp or hemp seed, being the produce of man-

Goods, &c. allowed to be imported duty-free from *Great Britain* or *Ireland*.

manufacture of *Great Britain* or *Ireland*; horses and black cattle; all utensils and instruments fit and necessary to be employed in manufactures, fisheries, or agriculture; bricks and tiles; all sorts of young trees, sea-shells, lime, and soapers-waste, packthread and small cordage for nets, without payment of any custom or duty whatsoever for the same.

from Great Britain only.

V. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty-seven, it shall and may be lawful for any of his Majesty's subjects to import into the said *Ile of Man*, in *British* vessels navigated according to law, from any port or place in *Great Britain*, without payment of any custom or duty whatsoever, any sort of salt, boards, timber, and hoops, being the produce and manufacture of *Great Britain*; iron in rods or bars, cotton, indico, naval stores, and any sort of wood commonly called *Lumber* (as specified in an act passed in the eighth year of the reign of King *George the First*, intituled, *An act for giving further encouragement for the importation of naval stores, and for other purposes therein mentioned*), of the growth, production, or manufacture, of any *British* colony or plantation in *America*; and all other goods of the growth, production, or manufacture of the said colonies or plantations, for which any bounty or premium is allowed by law on the importation thereof into *Great Britain*.

Act 8 Geo. 1. c. 12.

Due entry to be made of the goods so imported;

VI. Provided always, and it is hereby further enacted by the authority aforesaid, That due entries shall be made of the goods herein-before mentioned, which are allowed to be imported into the said *Ile of Man*, duty-free, at the custom-house for the port or place where the same shall be imported, expressing the quantity and qualities of such goods, in the usual manner, before landing thereof, and the same shall be landed in the presence of the proper officer of the customs for that purpose; on failure whereof, the said goods shall be liable to the duty of fifteen pounds *per centum ad valorem*; any thing in this act contained to the contrary notwithstanding.

which shall be landed in the presence of an officer.

Restrictions and limitations to be observed with respect to the importation of the several articles here mentioned.

VII. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty-seven, no linen cloth shall be imported into the said *Ile of Man*, but such only as shall be *bona fide* and without fraud laden and shipped in *Great Britain* or *Ireland*, and carried directly from thence; and no glass or woollen manufactures shall be imported into the said *Ile of Man*, but such only as shall be *bona fide* laden and shipped in *Great Britain*, and carried directly from thence; and no teas, brandy, strong waters, or other spirits whatsoever, coffee, or tobacco, shall be imported into the said *Ile of Man*, but such only as shall be *bona fide* and without fraud laden and shipped at some port of *England*, and carried directly from thence, under the restrictions and limitations herein-after mentioned; upon the forfeiture of all such goods as shall be imported or carried contrary to the true intent and meaning of this act, or the value thereof, together with the ship or vessel in which the same shall be imported or carried, with all her guns, furniture, ammunition, tackle, and apparel; to be seized by any officer or officers of the customs, and prosecuted and sued for as herein-after directed; any law, custom, or usage, to the contrary notwithstanding.

Commissioners of the customs empowered to grant licences to export certain quantities of goods from *England* into the port of *Douglas*.

VIII. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty-seven, the commissioners of his Majesty's customs in *England*, or any three of them, shall and may grant licence, without fee or reward, (to continue in force for three months), to any of his Majesty's subjects, to export, from any port of *England* into the port of *Douglas* in the *Ile of Man*, but to no other, in *British* ships navigated according to law, any quantity of spirits, not exceeding, in the whole, fifty thousand gallons of *British* distilled spirits, and thirty thousand gallons of rum the produce of

of the *British* plantations; any quantity of tea, not exceeding twenty thousand pounds weight of bohea tea; and five thousand pounds weight of green tea, in one year; any quantity of coffee, not exceeding five thousand pounds weight, in one year; and any quantity of tobacco, not exceeding one hundred and twenty thousand pounds weight, in one year, to commence from the said fifth day of *July*, one thousand seven hundred and sixty-seven, and in every succeeding year; and for the goods so exported, by virtue of such licence, the exporter shall be intitled to receive the like drawbacks, but under the same security, regulations, and restrictions, in all respects, as are allowed and prescribed for such goods respectively when exported from *Great Britain to Ireland*; any law, custom, or usage to the contrary notwithstanding: And his Majesty's receiver general of the *Isle of Man*, or his deputy, is hereby enjoined and required to keep a register, at the port of *Douglas*, of the quantity of each species of goods so imported as aforesaid; and to transmit an account thereof, every quarter, to the commissioners of his Majesty's customs at *London*.

Drawbacks allowed on the exportation thereof.

Register to be kept at *Douglas* of the quantity imported.

X. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty-seven, no tea, brandy, strong waters, or spirits, of any kind whatsoever, coffee, chocolate, tobacco, glass, or coals, *British* or other wrought silks or salt, nor any wine, shall be exported, or shipped or laden on board any ship, vessel, or boat, in order to be exported, from the said *Isle of Man*, to any place whatsoever; on forfeiture of all such goods, or the value thereof, together with the ship, vessel, or boat, in which the same shall be laden, with all her furniture, to be seized by any officer or officers of the customs, and sued for and prosecuted as herein-after is directed.

None of the goods here enumerated to be exported again.

on forfeiture thereof, together with the vessel.

XI. And it is hereby further enacted by the authority aforesaid, That all goods carried coastwise in the said *Isle of Man* shall be subject to the same securities, rules, regulations, penalties, and forfeitures, in all respects, as are prescribed and directed, by any act of Parliament now in force, with respect to goods carried coastwise in *Great Britain*.

Regulations to be observed with respect to goods carried coastwise.

XIV. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty-seven, all goods, wares, and merchandizes (malt and barley excepted) which may be lawfully exported from *Great Britain* to the *Isle of Man*, shall, upon being so exported, be entitled to the same drawbacks and bounties, under the like rules, restrictions, securities, penalties, and forfeitures, in all respects, as such goods are entitled or liable to by law, upon exportation from *Great Britain to Ireland*.

The same bounties and drawbacks allowed on exportation of goods (malt and barley excepted) from *Great Britain* to the *Isle of Man*, as to *Ireland*.

XXII. And it is hereby further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty-seven, if any goods, wares, or merchandizes, liable to the payment of duties in the *Isle of Man* by this or any other act of Parliament, shall be unshipped or landed from any ship or vessel inward bound, before the respective duties due thereon are paid, agreeable to law; or if any prohibited goods whatsoever shall be imported into, or exported out of, the said *Isle of Man*; every person who shall be assisting or otherwise concerned, either in the unshipping or landing inwards, or in shipping or loading outwards, such goods, or to whose hands the same shall knowingly come after the unshipping, landing, or relanding the same, shall, for each and every offence, forfeit treble the value of such goods, to be estimated and computed according to the best price that each commodity then bears at the town and port of *Douglas* in the said island; and the said goods, and all the boats, horses, cattle, and carriages whatsoever, made use of in

Where goods shall be unshipped or landed before duty paid;

or prohibited goods be imported, or exported; the parties concerned forfeit treble the value, with the goods, boats, cattle, and carriages.

the landing, loading, removing, carriage, or conveyance thereof, shall also be forfeited and lost; and shall and may be seized by any officer or officers of the customs, and sued for and prosecuted as herein-after mentioned.

Forfeitures
and penalties
to be sued for
and recovered,

and applied as
Act 5 Geo. 3.
directs.

XXIV. And it is hereby further enacted by the authority aforesaid, That all forfeitures and penalties inflicted by this act, as well specifick as pecuniary, and all suits or informations which shall be brought or commenced for the recovery thereof, shall be sued for, prosecuted, tried, heard, and determined, and the said penalties and forfeitures distributed and disposed of, in such manner and form, and by such rules, regulations and restrictions, as are prescribed and directed in and by an act made in the fifth year of the reign of his present Majesty, intituled, *An act for the more effectual preventing the mischiefs arising to the revenue and commerce of Great Britain and Ireland, from the illicit and clandestine trade to and from the Isle of Man,* with respect to the forfeitures and penalties therein mentioned.

7 GEORGII III. Cap. XLVIII.

An Act for regulating the Proceedings of certain Publick Companies and Corporations carrying on Trade or Dealings with Joint Stocks, in respect to the Declaring of Dividends; and for further regulating the Qualification of Members for voting in their respective General Courts.

Preamble.

WHEREAS, by virtue of divers acts of Parliament, and of royal charters founded thereupon, certain publick companies or corporations have been instituted for the purpose of carrying on particular trades or dealings with joint stocks; and the management of the affairs of such Companies has been vested in their general courts, composed of the members at large of such Companies respectively; in which general courts every member of each respective Company, possessed of such share in the stock of the Company as in and by the said acts of Parliament and charters is limited with regard to each of the said Companies respectively, is qualified and entitled to give a vote or votes: And whereas of late years a most unfair and mischievous practice has been introduced of splitting large quantities of stock, and making separate and temporary conveyances of the parts thereof, for the purpose of multiplying or making occasional votes immediately before the time of declaring a dividend, of chusing Directors, or of deciding any other important question; which practice is subversive of every principle upon which the establishment of such general courts is founded, and, if suffered to become general, would leave the permanent interest of such Companies liable at all times to be sacrificed to the partial and interested views of a few, and those perhaps temporary proprietors; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That, from and after the first day of *August*, one thousand seven hundred and sixty-seven, no member of any of the said publick Companies or Corporations, instituted for the purpose aforesaid, shall be deemed qualified to vote, or be admitted to give any vote or votes, in any general court of any such Company, in respect of any stock transferred to him, her, or them, after the said first day of *August*, one thousand seven hundred and sixty-seven, until he, she, or they, shall have been possessed of such stock

Members disqualified from voting in a general court who were not possessed of stock in the Company 6 months;

stock six calendar months; unless such stock shall have been acquired, or shall have come by bequest, or by marriage, or by succession to an intestate's estate, 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 entitled for life to the dividends of such stock.

except in the particular cases here mentioned.

II. And be it further enacted by the authority aforesaid, That the several and respective oaths and affirmations which are at present, either by virtue of any act of Parliament, or by any charter of any of the said Companies, required to be administered to, or taken by, the members intitled to vote in the general courts of the said Companies, respectively, at or before giving their votes, shall, from and after the said first day of August, one thousand seven hundred and sixty-seven, be altered in such manner as to extend to, and comprize the further qualification required by this act, in respect of the continuance of the possession of such stock as aforesaid; and that the said oaths and affirmations, so altered as aforesaid, shall, from and after the said first day of August, one thousand seven hundred and sixty-seven, be severally and respectively administered to, and taken by, the members of such Companies, in the place of those heretofore required to be administered and taken.

Oaths and affirmations required to be taken by members voting,

to be altered conformable to the qualification required by this act, and taken accordingly.
Oath altered by 13 G. 3. c. 63. sect. 6.

III. And forasmuch as no part of the business transacted by the general courts of the said Companies can be of more importance to the general and lasting interest of the Companies themselves, or to the preservation of publick credit, so closely connected with that interest, than what concerns the fixing, from time to time, of the dividends to be made out of the profits and produce of their joint stocks among the several proprietors having shares therein: And forasmuch as the provisions hitherto made have not been found sufficient to prevent many great and dangerous irregularities being practised in relation to the making of sudden and unwarrantable alterations in the rates of such dividends; be it therefore enacted by the authority aforesaid, That from and after the tenth day of July, one thousand seven hundred and sixty-seven, no declaration of a dividend shall be made by any general court of any of the said Companies, other than one of the half-yearly or quarterly general courts, at the distance of five calendar months at the least from the last preceding declaration of a dividend; and that no declaration of more than one half-yearly dividend shall be made by one general court; and that no question upon any proposition for increasing the rate of the dividend, shall be decided otherwise than by ballot, to be taken at the distance of three entire days, at the least, from the adjournment, or breaking up of the general court, in which such question shall have been proposed.

No declaration of a dividend to be made, but at one of the half yearly or quarterly general courts, at 5 months distance from the last preceding declaration; and for no more than the half year.
And no question for a proposition of the court.

posed increase of dividend to be decided, but by ballot taken 3 days after breaking up

IV. 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.

Publick act.
See further provisions 7 G. 3. c. 49. 10 G. 3. c. 47. and 13 Geo. 3. c. 63.

GEORGII III. Cap. XLIX.

An Act for regulating certain Proceedings of the General Courts of the United Company of Merchants of England trading to the East Indies.

Preamble.
Recital of the
importance
for proprie-
tors to declare
dividends in
general courts
restricted from
any improvi-
dent increase
thereof.

WHEREAS it must, at all times, be of the utmost importance to the interest and welfare of the United Company of Merchants of England trading to the East Indies, that the power of declaring dividends upon the stock of the said Company, vested in their general courts, should be duly exercised; and that no determination should ever be made or take place in respect of any such dividend, without a full and fair opportunity given to the proprietors at large to exercise the right of taking such part in every such determination as they are intitled to by law: And whereas it is at this time become peculiarly necessary to secure, at all events, as well the permanent interest of the said Company, as the state of credit both private and publick, from the mischiefs which must ensue from an improper and improvident increase of the dividends of the said Company; which cannot be effectually done without the interposition of Parliament: 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 no dividend shall be made by the said Company, for or in respect of any time subsequent to the twenty-fourth day of June, one thousand seven hundred and sixty-seven, otherwife than in pursuance of a vote or resolution passed by way of balloting in a general court of the said Company, which shall have been summoned for the purpose of declaring a dividend; and of the meeting of which general court for such purpose seven days notice at the least shall have been given in writing, fixed upon the Royal Exchange in London.

No dividend
to be made
for any
time subse-
quent to 24
June, 1767,
but in pur-
suance of a
vote, &c. car-
ried upon a
ballot in a
general court
summoned for

the purpose, and 7 days notice given of the meeting;

nor increase of
dividend, be-
yond 10 l. per
cent. to be re-
solved on, be-
tween 8 May
1767, and the
beginning of
the next ses-
sion of Parlia-
ment;

II. And be it further enacted by the authority aforesaid, That it shall not be lawful for any general court of the said Company, at any time between the eighth day of May, one thousand seven hundred and sixty-seven, and the beginning of the next session of Parliament, to declare or resolve upon any increase of dividend beyond the rate of ten pounds per centum per annum, being the rate at which the dividend for the half year, ending the twenty-fourth day of June, one thousand seven hundred and sixty-seven, is made payable. Expired.

nor balloting
upon any
question to
take place
sooner than 8
hours after
breaking up
of the court;
and to be be-
gun not later
than 22 at
noon; nor
closed before
6 P. M.

III. And be it further enacted by the authority aforesaid, That no balloting upon any question proposed in any general court of the said Company, relative either to the declaration of a dividend, or to any other matter whatsoever, shall be begun within a less space of time than eight hours after the adjournment, or breaking up, of the general court in which it shall have been determined that such question should be decided by balloting; and that in no case the balloting shall be begun at a later hour of the day than twelve of the clock at noon, nor closed at an earlier hour than six of the clock in the afternoon.

See further

provisions in 10 Geo. 3. c. 47. sect. 3. 13 Geo. 3. c. 63.

GEORGII III. Cap. LV.

An Act for taking off the Inland Duty of One Shilling per Pound Weight upon all Black and Single Teas consumed in Great Britain; and for granting a Drawback upon the Exportation of Teas to Ireland, and the British Dominions in America, for a limited Time, upon such Indemnification to be made in respect thereof by the East India Company, as is therein mentioned; for permitting the Exportation of Teas in smaller Quantities than One Lot to Ireland, or the said Dominions in America; and for preventing Teas seized and condemned from being consumed in Great Britain.

[The first six sections of this act were merely experimental, and are expired.]

VII. **A**ND whereas, by an act made in the twenty-first year of the reign of his late Majesty, intituled, *An act for permitting tea to be exported to Ireland, and his Majesty's plantations in America, without paying the inland duties charged thereupon by an act of the eighteenth year of his present Majesty's reign; and for enlarging the time for some of the payments to be made on the subscription of six millions three hundred thousand pounds, by virtue of an act of this session of Parliament;* it is enacted, That from and after the first day of June, one thousand seven hundred and forty-eight, no tea should be exported to the kingdom of Ireland, or to any of his Majesty's plantations in America, in any chest, cask, tub, or package whatsoever, other than that in which it was originally imported into Great Britain, nor in any less quantities than in the intire lot or lots in which the same was sold at the sale of the said United Company, under the penalty of the forfeiture of such tea, and the package containing the same; And whereas the prohibiting the exportation of tea in any less quantity than one intire lot has been very inconvenient to merchants and traders, and tends to discourage the exportation of tea to Ireland, and the said colonies; be it therefore enacted by the authority aforesaid, That from and after the fifth day of July, one thousand seven hundred and sixty-seven, the said recited clause shall be, and is hereby repealed.

Clause in act 21 Geo. 2. c. 14.

prohibiting the exportation of tea in any less quantity than one intire lot,

repealed.

VIII. And be it further enacted by the authority aforesaid, That from and after the said fifth day of July, one thousand seven hundred and sixty-seven, no tea shall be exported to the kingdom of Ireland, or to any of his Majesty's plantations in America, in any chest, cask, tub, or package whatsoever, other than that in which it was originally imported into Great Britain, nor in any less quantity than the whole and intire quantity contained in any chest, cask, tub, or package, in which the same was sold at the publick sale of the United Company of merchants of England trading to the East Indies, under the penalty of the forfeiture of such tea, and the package containing the same, which shall and may be seized by any officer of the customs; and such forfeiture shall be recovered and applied in such and the same manner as any of the penalties or forfeitures mentioned in the said act, made in the twenty-first year of the reign of his late Majesty, are thereby directed to be recovered and applied; and all tea exported under the authority of this act is hereby freed and discharged from the payment of the inland duties of excise, in such and the same manner, and shall be subject to the same rules and regulations, as are mentioned, appointed, and prescribed by the said act, in relation to tea exported by virtue thereof.

No tea to be exported to Ireland or America, but in the original package; nor in a less quantity than the whole quantity contained in such package at the Company's sale;

on forfeiture thereof; to be recovered and applied as act 21 Geo. 2. c. 14. directs.

Teas exported under this act, discharged of the inland duties of excise.

Confiscated teas to be fold, and delivered out for exportation only; Repealed by 8 Geo. 3. c. 25. sect. 9.

and in packages containing not less than 50 pound, subject to such other regulations as are herein mentioned.

IX. And be it enacted by the authority aforesaid, That from and after the twenty-fourth day of July, one thousand seven hundred and sixty-seven, all teas which shall be seized and condemned for being illegally imported, or for any other cause, shall not be sold for consumption within this kingdom, but shall be exported to Ireland, or to the British colonies in America; and that no such teas, after the sale thereof, shall be delivered out of any warehouse belonging to his Majesty, otherwise than for exportation as aforesaid; or be exported in any package containing a less quantity than fifty pounds weight; which exportation shall be made in like manner, and under the same rules, regulations, penalties, and forfeitures, except in respect to the allowance of any drawback, as are by this act prescribed, appointed, and insisted, in relation to the exportation of teas sold by the said Company; and upon the like bond and security as is required by the said act, made in the twenty-first year of the reign of his late Majesty King George the Second, to be approved of by the commissioners of the customs or excise in England for the time being, or any three of them respectively, or by such person or persons as they shall respectively appoint for that purpose.

X. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing by him or them done or executed in pursuance of this act, 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 the authority of this act: And if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer, or otherwise; then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

General issue.

Treble costs.

7 GEORGII III. Cap. LVII.

An Act for establishing an Agreement for the Payment of the annual Sum of Four hundred thousand Pounds, for a limited Time, by the East India Company, in respect of the Territorial Acquisitions and Revenues lately obtained in the East Indies.

Preamble.

WHEREAS the United Company of merchants of England trading to the East Indies have proposed, that a temporary agreement should be made in relation to the territorial acquisitions and revenues lately obtained there; and have thereupon offered to pay, for the benefit of the publick, during the term of such agreement, the yearly sum of four hundred thousand pounds, by half yearly payments: And whereas it may be for the benefit of the publick, and the said Company, that a temporary agreement, for the space of two years, should be made in regard of the said territorial acquisitions and revenues: Now we, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in Parliament assembled, do most humbly beseech 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 the said United Company of merchants of England trading to the East

East India Company to pay into the

East Indies, and their successors, shall advance and pay into the receipt of his Majesty's exchequer, for his Majesty's use, the sum of four hundred thousand pounds *per annum*, for and during the term of two years, to be computed from the first day of *February*, one thousand seven hundred and sixty-seven, by half-yearly payments of two hundred thousand pounds each; which half-yearly payments of two hundred thousand pounds shall become due on the first day of *August*, and the first day of *February*, in each year; and shall be made on or before the twenty-fifth day of *March* next ensuing such first day of *August*, and on the twenty-ninth day of *September* next ensuing such first day of *February* respectively, in each year; the first of which half-yearly payments shall become due on the first day of *August*, one thousand seven hundred and sixty-seven, and be made on or before the twenty-fifth day of *March*, one thousand seven hundred and sixty-eight; and in case the said United Company of merchants of *England* trading to the *East Indies*, or their successors, shall make failure in any of the said payments hereby appointed to be made into the receipt of his Majesty's exchequer, on or before the respective days or times herein-before limited; that then, from time to time, as often as such case shall happen, the money, whereof such failure in payment shall be made, shall and may be recovered to his Majesty's use, by action of debt, or upon the case, bill, suit, or information, in any of his Majesty's courts of record at *Westminster*, wherein no *essoyn*, protection, privilege, or wager of law, shall be allowed, or any more than one imparlance; in which action, bill, suit, or information, it shall be lawful to declare, That the said United Company of merchants of *England* trading to the *East Indies*, or their successors, are indebted to his Majesty the monies of which they shall have made default in payment, according to the form of this statute, and have not paid the same, which shall be sufficient; and in or upon such action, bill, suit, or information, there shall be further recovered, to his Majesty's use, against the said United Company of merchants of *England* trading to the *East Indies*, or their successors, damages, after the rate of fifteen pounds *per centum per annum*, for the respective monies so unpaid, contrary to this act, together with full costs of suit; and the said United Company, and their successors, and all their stock, funds, and all other their estates and property whatsoever and wheresoever, shall be, and are hereby made, subject and liable to the payment of such monies, damages, and costs.

II. And it is hereby further enacted and declared by the authority aforesaid, That all the said territorial acquisitions and revenues, lately obtained in the *East Indies*, shall remain in possession of the said United Company, and their successors, during the said term of two years, to be computed from the said first day of *February*, one thousand seven hundred and sixty-seven.

III. Provided nevertheless, and be it further enacted by the authority aforesaid, That if the said United Company, or their successors, shall be dispossessed by any foreign power of any part of the said territorial acquisitions or revenues, at any time or times before the expiration of the said term of two years, to be computed from the first day of *February*, one thousand seven hundred and sixty-seven; then, and in every such case, and as often as such case shall so happen, the payment of the said annual sum of four hundred thousand pounds, for or in respect of the time or times during which the said Company, or their successors, shall remain so dispossessed, shall be reduced, in such proportion to the whole of the said annual sum as the net income and profits of the territorial acquisitions and revenues, of which the said Company, or their successors, shall have been so dispossessed, shall have borne to the whole of the net income

receipt of the King's exchequer, 400,000 *l.* *per annum*, for the term of 2 years;

by half-yearly payments, of 200,000 *l.* each;

on failure of any of the said payments,

the money to be recovered by action of debt, &c. in any of the courts at *Westminster*,

with damages, after the rate of 15 *l.* *per cent.*; and full costs of suit; and the Company's stock and funds, &c. are made liable thereto.

The territorial acquisitions and revenues lately obtained, to remain in the Company's possession during the said 2 years; and if they shall be dispossessed by any foreign power, of any part thereof, within that time,

a proportional abatement is to be made in the said annual payments;

and money wrongfully paid, is to be refunded.

and profits of all the said territorial acquisitions and revenues, upon the average of the year preceding their being so disposed of; and it shall happen that any payment or payments shall have been made, for or in respect of any time or times during which the said Company, or their successors, shall have been so disposed of as aforesaid, such proportional part of the monies as shall have been so paid for or in respect thereof, or so much of such proportional part of the said monies as shall not have been appropriated in manner herein-after mentioned, shall be repaid and refunded at the said receipt of the exchequer to the said Company, or their successors; and, in lieu of the money which shall have been so appropriated, a sum equal thereto shall be paid to the said Company, or their successors, out of the fund commonly called *The Sinking Fund*; which payment is hereby charged upon the said fund, and shall be made thereout, after paying or reserving sufficient to pay all previous charges thereupon; any thing herein-before contained to the contrary notwithstanding.

The monies paid by the Company to be reserved for the disposition of Parliament.

IV. And be it further enacted by the authority aforesaid, That the monies which shall be paid into the receipt of his Majesty's exchequer, in pursuance of this act, shall be there reserved to be disposed of and appropriated by Parliament.

8 GEORGII III. Cap. XI.

An Act for further regulating the Proceedings of the United Company of Merchants of *England* trading to the *East Indies*, with respect to the making of Dividends. *Expired.*

Preamble.

WHEREAS it was found necessary, in the last session of Parliament, for securing, as well the permanent interest of the United Company of merchants of *England* trading to the *East Indies*, as the state of credit both private and publick, from the mischiefs which must have ensued from an improper and improvident increase of the dividends of the said Company, that the said Company should, for a time, be restrained from making any further increase of their dividend, beyond the rate at which it then stood payable, and to which it had then lately been increased: And whereas the time, for which such restriction was then laid, did expire at the beginning of this present session of Parliament: Now, for as much as the farther interposition of Parliament, for the same salutary purpose, is at this time necessary, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall not be lawful for any general court of the said Company, at any time before the first day of February, one thousand seven hundred and sixty-nine, to declare, or resolve upon, any increase of dividend beyond the rate of ten pounds per centum per annum, being the rate of the present dividend.

No increase of dividend, beyond 10 l. per cent. per ann. to be resolved on at any general court of the Company, before 1 Feb. 1769.

8 GEORGII III. Cap. XXV.

An Act for reducing the Duties on Foul Salt to be used for Manure; for altering the Stamp-Duties on certain Policies of Assurance; for amending so much of an Act made in the Thirty-third Year of the Reign of His late Majesty King George the Second, as relates to the Allowance of the Duties of Customs; and exempting from the Duties of Excise such Rum or Spirits of the Growth, Produce, or Manufacture, of the British Sugar Plantations in America, as shall be exported from this Kingdom; for better securing the Excise Duties upon Foreign Liquors imported; for repealing a Clause in an Act made in the last Session of Parliament, prohibiting the Sale of condemned Tea for Home Consumption; for amending such Parts of Two Acts made in the Sixth and Seventh Years of the Reign of His present Majesty, as relate to the depositing, in the Warehouses belonging to the Custom-house at London, Foreign Wrought Silks and Velvets, and Cambricks, and French Lawns, upon the Seizure thereof.

[So much thereof as relates to the East India Company.]

IX. **A**ND whereas by an act made in the last session of Parliament, intituled, *An act for taking off the inland duty of one shilling per pound weight upon all black and single teas consumed in Great Britain; and for granting a drawback upon the exportation of teas to Ireland, and the British dominions in America for a limited time, upon such indemnification to be made in respect thereof by the East India Company, as is therein mentioned; for permitting the exportation of teas in smaller quantities than one lot to Ireland, or the said dominions in America; and for preventing teas seized and condemned from being consumed in Great Britain; it is, amongst other things, enacted, That all teas which shall be seized and condemned for being illegally imported, or for any other cause, shall not be sold for consumption within this kingdom, but shall be exported to Ireland, or to the British colonies in America, under certain restrictions in the said act mentioned: And whereas the consumption of such teas in this kingdom will greatly reduce the price and value thereof, and thereby discourage the officers of the customs and excise from making seizures of such tea, and prosecuting the same to condemnation, which will promote the illicit importation and smuggling of tea into this kingdom, and be very prejudicial to the publick revenue and the fair trader; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, such part of the said recited act as prohibits the selling for consumption within this kingdom such seized and condemned teas, shall be, and the same is hereby declared to be, repealed.*

Recital of a clause in 7 Geo. 3. c. 56. relating to the exportation of condemned teas.

Such part of the recited act, as prohibits the selling such seized and condemned teas for home consumption, is repealed.

9 GEORGII III. Cap. XXIV.

An Act for carrying into Execution certain Proposals made by the East India Company for the Payment of the Annual Sum of Four hundred thousand Pounds, for a limited Time, in respect of the Territorial Acquisitions and Revenues lately obtained in the East Indies.

WHEREAS by an act made in the seventh year of the reign of his present Majesty, intituled, *An act for establishing an agreement for the payment of the annual sum of four hundred thousand pounds, for*

Preamble, reciting act 7 Geo. 3. c. 57.

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a limited

a limited time, by the East India Company, in respect of the territorial acquisitions and revenues lately obtained in the East Indies, it was directed, that the United Company of merchants of England trading to the East Indies, and their successors, should pay into the receipt of his Majesty's exchequer, for his Majesty's use, the sum of four hundred thousand pounds per annum, during the term of two years, to be computed from the first day of February, one thousand seven hundred and sixty-seven, by half-yearly payments of two hundred thousand pounds each, at or before such times as are therein limited; and it was thereby enacted and declared, that all the territorial acquisitions and revenues (in the said act before mentioned) lately obtained in the East Indies, should remain in possession of the said Company, and their successors, during the said term of two years: And whereas the said Company have made proposals to enter into a further agreement respecting the said acquisitions and revenues upon the terms and conditions herein-after mentioned; that is to say, First, That four hundred thousand pounds a year be continued to the publick for five years, from the first of February, one thousand seven hundred and sixty-nine: Secondly, That the Company be at liberty to increase their dividend to twelve and an half per centum during the said term, so as not to exceed one per centum in any one year: Thirdly, That if the Company shall, during the said term, be obliged to reduce their dividends from any cause whatsoever, in such case there shall be deducted from the sum agreed to be paid for the use of the publick, a sum equal to such reduction; and in like manner, if the Company's dividends shall at any time, during the said term, be again raised or restored, the publick shall receive equal benefit; but if the said dividends shall be reduced to six per centum, then the payment to the publick shall be discontinued: Fourthly, That the Company shall be obliged to export in every year, during the continuance of this agreement, goods and merchandizes of the growth, produce, or manufacture of Great Britain, (military and naval stores excepted), of the like value as they shall appear to have exported annually on an average of five years preceding this agreement: Fifthly, That if any surplus of cash shall remain in England, during the said term, after the discharge of the Company's simple contract debts bearing interest, and the reduction of the Company's bond debt to the debt which shall be due from the publick to the Company, then such surplus shall be lent to the publick at two per centum per annum: And whereas it may be for the benefit of the publick and the said Company, that proper provisions should be made for carrying the said proposals into effectual execution: Now, we your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, do most humbly beseech 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 the said United Company of merchants of England trading to the East Indies, and their successors, shall advance and pay into the receipt of his Majesty's exchequer, for his Majesty's use, the sum of four hundred thousand pounds per annum, for and during the term of five years, to be computed from the first day of February, one thousand seven hundred and sixty-nine, by half-yearly payments of two hundred thousand pounds each; which half-yearly payments of two hundred thousand pounds shall become due on the first day of August and the first day of February in each year; and such of the said half-yearly payments as shall so become due on the first day of August in each year, shall be made on or before the twenty-fifth day of March next ensuing; and such of the said half-yearly payments

Proposals made by the East India Company for a further agreement.

400,000*l.* per ann. to be paid by the Company into the exchequer, for the term of five years, by half-yearly payments of 200,000*l.* each.

payments as shall so become due on the first day of *February* in each year, shall be made on or before the twenty-ninth day of *September* next ensuing such first day of *February* respectively in each year; the first of which half-yearly payments shall become due on the first day of *August*, one thousand seven hundred and sixty-nine, and be made on or before the twenty-fifth day of *March*, one thousand seven hundred and seventy; And in case the said United Company of merchants of *England* trading to the *East Indies*, or their successors, shall make failure in any of the said payments hereby appointed to be made into the receipt of his Majesty's exchequer on or before the respective days or times herein-before limited, that then, from time to time, as often as such case shall so happen, the money whereof such failure in payment shall be made shall and may be recovered to his Majesty's use, by action of debt, or upon the case, bill, suit, or information, in any of his Majesty's courts of record at *Westminster*, wherein no esoin, protection, privilege, or wager of law, shall be allowed, or any more than one imparlance; in which action, bill, suit, or information, it shall be lawful to declare, that the said United Company of merchants of *England* trading to the *East Indies*, or their successors, are indebted to his Majesty the monies of which they shall have made default in payment according to the form of this statute, and have not paid the same, which shall be sufficient; and in or upon such action, bill, suit, or information, there shall be further recovered to his Majesty's use against the said United Company of merchants of *England* trading to the *East Indies*, or their successors, damages after the rate of fifteen pounds *per centum per annum* for the respective monies so unpaid contrary to this act, together with full costs of suit; and the said United Company and their successors, and all their stock, funds, and all other their estates and property whatsoever, shall be and are hereby made subject and liable to the payment of such monies, damages, and costs.

II. And it is hereby further enacted and declared by the authority aforesaid, That all the said territorial acquisitions and revenues lately obtained in the *East Indies*, shall remain in the possession of the said United Company, and their successors, during the said term of five years.

III. And be it further enacted by the authority aforesaid, That the monies which shall be paid into the receipt of his Majesty's exchequer, in pursuance of this act, shall be there reserved to be disposed of and appropriated by Parliament.

IV. And be it further enacted by the authority aforesaid, That the said United Company, and their successors, during the said term of five years, shall be at liberty, from time to time, to increase the dividends upon their capital stock; so that any such increase of dividend shall not in any one year, during the said term of five years, exceed the sum of one pound *per centum* on such capital stock; and so that by any such addition or additions, the dividends to be made upon the said stock shall not exceed in the whole, at any one time during the said term, the rate of twelve pounds and ten shillings *per centum per annum*.

V. And be it further enacted and declared by the authority aforesaid, That if the said United Company, or their successors, shall, for and during any time or times within the said term of five years, reduce the dividends upon their said stock; then, and in every such case, there shall, for and during the time or times respectively of every such reduction or reductions, be deducted from the said sum of four hundred thousand pounds *per annum*, a sum or sums equal to the amount of each and every such reduction; and if, at any time or times, within the said term of five years, the said United Company, or their successors, shall reduce the dividends upon their said stock to or under the rate of six pounds *per*

First payment to become due on 1 Aug. 1769, and to be made by 25 March, 1770.

On default of payment, a suit to be instituted for recovery thereof.

with damages after the rate of 15 l. per cent. per ann. with full costs.

Territorial acquisitions, etc. to remain in the Company.

Monies paid in to be reserved for the disposition of Parliament.

Company at liberty to increase their dividends;

but if their dividends shall be reduced,

the sums payable by them into the exchequer are to be reduced likewise;

but if they be again increased, the payments are to be made accordingly.

centum per annum, then in every such case, during the respective continuance of every such reduction, the said Company shall be and are hereby discharged from the payment of the said sum of four hundred thousand pounds, or such part thereof as would have become due to the publick, during the continuance of such reduction; and that if, after any reduction of the dividends of the said Company as aforesaid, it shall happen that the dividends of the said Company shall be again increased to any rate exceeding the rate of six pounds *per centum per annum*, then and in every such case respectively, from time to time, as often as the case shall happen, such payment or payments shall be made by the said Company, or their successors, for the use of the publick, as shall be equal to the amount of the entire sum which shall be paid in the dividends of the said Company during the respective continuance thereof; all which payments shall be made in the same manner, and at such times, and recovered by the same and the like process, and with the same damages, as are herein-before enacted with respect to the payment and recovery of the said sum of four hundred thousand pounds *per annum* by half-yearly payments of two hundred thousand pounds in each payment.

Exports required to be made by the Company of British goods to a certain amount.

Bond to be given for the due exportation thereof;

VI. *And be it further enacted by the authority aforesaid, That during the term of † five years, to be computed from the twenty-ninth day of September, one thousand seven hundred and sixty-eight, the said United Company, or their successors, shall and are hereby required to export from Great Britain in each and every year, during such term, to the British settlements within the limits prescribed by the said Company's charter for their carrying on an exclusive trade in the East Indies, or elsewhere, upon the account of the said Company or their successors in their course of trade, exclusive of what may be exported by their servants, or private traders licensed by the said Company or their successors, such goods and merchandizes of the growth, produce, or manufacture, of Great Britain, as shall amount in value to the sum of three hundred and eighty thousand eight hundred and thirty-seven pounds, in each and every such year; but the amount of the value of the military and naval stores so exported, shall not be esteemed or reckoned as part of the said sum of three hundred and eighty thousand eight hundred and thirty-seven pounds per annum; and the said Company, or their successors, shall, on or before the first day of June, in the year one thousand seven hundred and sixty-nine, and on or before the first day of June in each of the four succeeding years, give security by bond to his Majesty, his heirs and successors, under the common seal of the said Company, or of their successors, in the penal sum of double the said sum of three hundred and eighty thousand eight hundred and thirty-seven pounds, for the due exportation of the said goods and merchandizes annually to the amount of the said sum of three hundred and eighty thousand eight hundred and thirty-seven pounds, according to the real value of such goods and merchandizes in this kingdom at the time of such exportation, or of the purchase thereof by or on the behalf of the said Company, or their successors, which security the high treasurer, or the commissioners of his Majesty's treasury for the time being, or any three or more of such commissioners, is or are hereby authorized to take; and the said Company, or their successors, shall, on or before the thirty-first day of October,*

† This term was enlarged by 13 Geo. 3. for 2 years, and by 15 Geo. 3. for 3 years, but has not been since renewed.

The exports (besides naval stores) for the three last years, have been as follows:

1783-4	—	£. 346,200
1784-5	—	371,000
1785-6	—	487,200
Average		— £. 401,500

in the year one thousand seven hundred and sixty-nine, and on or before the thirty-first day of October in each of the four succeeding years, deliver to the said high treasurer, or commissioners, an account in writing, signed by two or more of the directors of the said Company, for the time being, specifying the particular goods and merchandizes which shall have been so exported in every such year, in pursuance of and according to the true intent and meaning of this act, with the said true and real values of such goods and merchandizes, with the names of the ships in which the same were respectively so exported, and which account shall be verified on oath made before any one justice of the peace (which oath such justice is hereby authorized and required to administer) by the proper officers or servants of the said Company, or their successors, who shall keep their books for the entry of goods outwards to the best of their knowledge: And if it shall appear to the satisfaction of the said high treasurer, or commissioners, that goods and merchandizes shall have been, agreeably to the directions of this act, exported as aforesaid in the respective year in relation whereto each bond shall have been so given; then, in each and every such case, the said high treasurer, or commissioners, shall cause such bond to be delivered up; but in case no such account shall be delivered as herein-before mentioned, or if it shall appear that the said goods and merchandizes, exported within the term mentioned in any such bond, shall not have amounted to such value as aforesaid, or that any such account shall appear not to be truly made, it shall and may be lawful for the said high treasurer, or commissioners, to cause each and every such bond to be prosecuted according to law, unless he or they shall find sufficient cause to forbear the same.

VII. Provided always, and be it enacted by the authority aforesaid, That in case the said Company, or their successors, shall in any one of the said five years export, or cause to be exported, such goods and merchandizes of the growth, produce, or manufacture, of Great Britain, exceeding in value the sum of three hundred and eighty thousand eight hundred and thirty-seven pounds; then, and in such case, the said excess shall, from time to time, be taken into the account of the exports of such goods and merchandizes by the said Company, or their successors, in and for the next succeeding year, and shall be allowed and considered as part thereof.

VIII. And be it further enacted by the authority aforesaid, That if at any time or times during the said term of five years commencing from the first day of February, one thousand seven hundred and sixty-nine, any sum or sums of money belonging to the said United Company, or their successors, shall remain in Great Britain after the discharge of the said Company's simple contract debts bearing interest, and the reduction of the said Company's debts to such sum as shall be equal only or inferior to the debt which shall be due from the publick to the said Company; then the monies so, from time to time, remaining as aforesaid, shall be, and are hereby required to be, advanced and lent by the said Company and their successors to the publick, at and after the rate of two pounds per centum per annum interest, payable out of such proper and sufficient fund or funds, and in such manner, as shall be settled by Parliament; and to be paid quarterly, to the said Company and their successors, until the redemption and discharge of the capital monies so advanced and lent, shall be made by Parliament; and that the said Company, or their successors, shall, and they are hereby directed and required, from time to time, before the expiration of ten days after the beginning of the next and every succeeding session of Parliament, during the said term of five years, commencing from the first day of February, one thousand seven hundred and sixty-nine, and of the session of Parliament succeeding the expiration of the said term, to give in and deliver unto the high treasurer or commissioners of his Majesty's treasury for the time being, a true and exact account of the state of the said simple contract debts bearing interest, and of their bond debts, at the time of delivering in

and a specification of the goods, etc. exported, with their value, to be delivered annually to the treasury, etc.

and verified upon oath;

and according as the same shall appear to the treasury, the bonds are to be delivered up, or put in suit.

Excess made in the export of goods in one year,

is to be taken into the succeeding year's account.

What money the Company shall have in Great Britain after discharge of their simple contract and other debts,

is to be lent to the publick at 2 l. per cent. per ann. interest.

A state of the Company's simple contract and bond debts to be given in annually upon oath to the treasury,

with a state of
their cash.

every such account respectively, and also an account of the state of their cash remaining in Great Britain; all which accounts shall be fairly written, and shall be signed by two or more of the directors of the said Company, and oaths shall be made of the truth of every such account, by the proper officers or servants of the said Company, before any one justice of the peace, which oath such justice is hereby authorized and required to administer.

[N. B. The clauses printed in *Italick* in the foregoing act *Expired.*]

10 GEORGII III. Cap. XLVII.

An Act for better regulating Persons employed in the Service of the East India Company, and for other Purposes therein mentioned.

Preamble, re-
citing act
7 Geo. 2. c. 21.

WHEREAS by an act, passed in the seventh year of the reign of his late Majesty King George the First, intituled, *An act for the further preventing his Majesty's subjects from trading to the East Indies under foreign commissions, and for encouraging and further securing the lawful trade thereto; and for further regulating the pilots of Dover, Deal, and the Isle of Thanet*; it was amongst other things enacted, That it should and might be lawful to and for his Majesty's attorney-general for the time being, at the relation of the said Company, or by his own authority, to exhibit a bill or bills of complaint in his Majesty's court of exchequer, against any person or persons trading, dealing, trafficking, or adventuring, at any time from and after the said twenty-fourth day of June, one thousand seven hundred and twenty-one, in, to or from the *East Indies*, or places therein before mentioned, contrary to law; or against any person or persons concerned as agent, factor, or copartner with such illegal traders; for discovering of such their trading, dealing, trafficking, and adventuring, and for recovery of such duties and damages as are therein and herein-after mentioned; waving or disclaiming, in every such bill, all the penalties and forfeitures incurred by such person or persons for the matters in such bill or bills contained; and that such person or persons should answer the said bill or bills, and not plead or demur to the discovery thereby sought; and pay to his Majesty the customs and duties of the goods and merchandizes arising, produced, or purchased by the said unlawful trade, traffick, or adventuring; and should answer and pay to the said Company for the same thirty pounds *per centum* according to the value thereof in *England*: And whereas the said sum of thirty pounds *per centum* so enacted to be paid to the said United Company, as and for damages on account of such illicit trade as aforesaid, hath been found inadequate and insufficient for preventing the said illicit trade, and for making good to the said Company the damage they have sustained thereby: Now, for the more effectually preventing such illicit trade, and for making a better compensation or recompence to the said United Company, by way of damages, for any loss or prejudice they may sustain by the illicit practices aforesaid, 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, all and every person or persons, adventurer or adventurers, prosecuting or concerned in such illicit trade, traffick, and dealings as aforesaid, shall, over and besides the duties and customs by law payable to his Majesty, forfeit and pay to the said United Company the sum of one hundred pounds *per centum*, according to the value,

Persons concerned in illicit trade to pay to East India Company 100 l. per cent. ad valorem, over

value, in *England*, of the goods, merchandizes, and effects, so illicitly traded, trafficked, or dealt in, instead and in lieu of the said sum of thirty pounds *per centum*, mentioned in the said act; which said sum of one hundred pounds *per centum*, shall and is hereby directed to be sued for and recovered in such and the like manner, as in and by the said recited act, made in the seventh year of the reign of his said late Majesty King *George the First*, is prescribed and enacted with respect to the said sum of thirty pounds *per centum*; any thing therein to the contrary notwithstanding.

II. And whereas sundry captains, and others, officers and mariners of ships in the service of the said United Company, bound to *India*, do oftentimes in a clandestine manner carry and transport to the *East Indies* aforesaid great quantities of artillery, ordnance, musquets, fire-arms, ammunition, and warlike stores, and there sell and dispose thereof to the natives, and also to powers in those parts at war or in enmity with the said United Company, or to other persons through whose hands the same do or may come to the use of such powers, to the great injury of the publick, as well as of the said United Company, and their possessions and trade in *India*: Therefore, to the end that such evil practices may for the future be remedied and prevented, be it further enacted by the authority aforesaid, That all and every officer and officers, mariners, or other person or persons, in the service of the said United Company, who shall, from and after the passing of this act, carry, transport, or send, or cause to be carried, transported, or sent, to the *East Indies* aforesaid, or shall put or cause to be put on board any ship in the service of the said United Company trading to the *East Indies*, any artillery, ordnance, musquets, fire arms, ammunition, or warlike stores of any kind whatsoever, or shall knowingly aid or assist therein, without the licence or authority of the said United Company, with intention or for the purpose of transporting, selling, trafficking, bartering, exchanging, or otherwise uttering or disposing of the same in the *East Indies*, or within the limits of the said United Company's trade; shall, in every such case, be deemed and adjudged to be guilty of a high crime and misdemeanour, and as such shall and may be prosecuted for the same in his Majesty's court of King's Bench at *Westminster*; and such person or persons so offending being convicted, shall be liable to such corporal punishment or fine as the said court shall think fit.

III. And whereas, by one other act of Parliament passed in the seventh year of the reign of his present Majesty, intituled, *An act for regulating certain proceedings of the general courts of the United Company of Merchants of England trading to the East Indies*, it was enacted, That no dividend should be made by the said Company, for or in respect of any time subsequent to the twenty-fourth day of *June*, one thousand seven hundred and sixty-seven, otherwise than in pursuance of a vote or resolution, passed by way of balloting, in a general court of the said Company, which shall have been summoned for the purpose of declaring a dividend, and of the meeting of which general court for such purpose, seven days notice at the least shall have been given in writing, fixed upon the *Royal Exchange* in *London*; and it was thereby further enacted, that no balloting upon any question proposed in any general court of the said Company, relative to any matter whatsoever, should be begun within a less space of time than eight hours after the adjournment or breaking-up of the general court in which it shall have been determined that such question should be decided by balloting: And whereas the balloting for every dividend of the said Company, as prescribed by the last recited act, would be attended with much inconvenience and delay, in cases where no alteration in the rate of the said Company's dividend is made or intended to be made:

and above the duties, instead of former penalty;

to be recovered as by act 7 Geo. 2. c. 21.

Persons in the service of East India Company transporting any warlike stores,

or assisting therein, with intent to dispose of the same in the East Indies, &c.

may be prosecuted in the King's Bench, and be liable to corporal punishment or fine.

A. G. 7 Geo. 3. c. 49.

And

And whereas the time or space of eight hours thereby also prescribed for taking such balloting in question, and not relative to the declaration of a dividend, is not sufficient to give the proprietors at large of the said Company's stock a full and fair opportunity to exercise their right of taking such part in every such determination as they are intitled to by law: Therefore, for preventing the aforesaid inconveniencies for the future, be it enacted by the authority aforesaid, That from and after the passing of this act, when any half-yearly or other dividend of the said Company shall be voted and declared by a general court of Proprietors, not varying or differing from the rate of the said Company's dividend for the last preceding half year, that then and in every such case, it shall not be necessary for the said general court of the said Company to proceed to a ballot respecting such dividends; but that a declaration from the chairman for the time being of the said Company of the voting and agreeing of the general court of proprietors to such dividend, shall be a sufficient notice and authority for declaring and making such dividend; and that from and after the passing of this act, no balloting upon any question proposed in any general court of the said Company, relative to any matter whatsoever, shall be begun within a less space of time than twenty-four hours after the adjournment or breaking-up of the general court in which it shall have been determined that such question should be decided by balloting; any thing in the said last recited act to the contrary notwithstanding.

Any dividend voted and declared by a general court, not differing from that of the preceding half year, need not be balloted for.

No balloting to be begun within less than 24 hours after adjournment of general court.

Company's servants in the *East Indies* guilty of oppression or other crime,

See 13 G. 3. c. 63. 24 G. 3. c. 25. 26 G. 3. c. 57.

may be tried in the court of King's Bench, and punished as if offence committed in *England*.

Defendants may plead the general issue.

Publick act.

Defendant to deliver to plaintiff a notice of the substance of his defence;

IV. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, employed by or in the service of the said United Company, in any civil or military station, office, or capacity whatsoever, in the *East Indies*, or deriving or claiming any power, authority, or jurisdiction, by or from the said United Company, shall, after the passing of this act, be guilty of oppressing any of his Majesty's subjects beyond the seas within their respective jurisdictions; or, in the exercise of any such station, office, employment, power, or authority, derived or claimed by, from, or under the said United Company, or shall be guilty of any other crime or offence; such oppressions, crimes, and offences, shall and may be enquired of, heard, and determined, in his Majesty's court of King's Bench in *England*; and such punishments shall be inflicted on such offenders, as are usually inflicted for offences of the like nature committed in that part of *Great Britain* called *England*; and that the same, and all other offences committed against this act, may be alledged to be committed, and may be laid, enquired of, and tried in the county of *Middlesex*.

V. And be it further enacted by the authority aforesaid, That in all actions or suits, brought against the said United Company, their agents, or servants, or any person deriving authority under the said Company, for any thing by him or them done in such capacity, from and after the passing of this act, the defendant or defendants, in any such action or suit, may plead the general issue, and give the special matter in evidence.

VI. 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.

VII. Provided always, and it is hereby enacted and declared, That the defendant or defendants, or his or their attorney, shall deliver to the plaintiff or plaintiffs in every such action, or his or their attorney, a notice in writing, signed by the defendant or defendants, or his or their attorney, of the substance of the defence or defences, which he or they intend to rely upon, six days before the trial of such action, in case the same is to be tried in *London* or *Middlesex*; and eight days before the trial thereof, in case

as the same is to be tried in any other county; and the defendant or defendants shall not, by virtue of this act, be permitted, at the trial of any such action, to give evidence of any matters not contained in such notice.

and shall not give evidence of any matters not contained therein.

12 GEORGII III. Cap. XX.

An Act for the more effectual proceeding against Persons standing Mute on their Arraignment for Felony or Piracy.

FOR the more effectual proceeding against persons standing mute on their arraignment for felony, or piracy, 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 if any person, from and after the passing of this act, being arraigned on any indictment, or appeal for felony, or on any indictment for piracy, shall, upon such arraignment, stand mute, or will not answer directly to the felony, or piracy, such person so standing mute, as aforesaid, shall be convicted of the felony or piracy charged in such indictment or appeal; and the court before whom he shall be so arraigned shall thereupon award judgement and execution against such person, in the same manner as if such person had been convicted by verdict or confession of the felony, or piracy, charged in such indictment or appeal; and such judgement shall have all the same consequences in every respect as if such person had been convicted by verdict or confession of such felony or piracy, and judgement had been thereupon awarded.

Preamble.

Persons hereafter to be arraigned for felony, or piracy.

standing mute, shall be convicted of such felony or piracy.

II. And be it further enacted, That the provisions of this act shall extend to his Majesty's colonies and plantations in *America*.

Provisions of this act to extend to *America*.

12 GEORGII III. Cap. LIV.

An Act for the more effectually securing a Quantity of Oak Timber for the Use of the Royal Navy.

WHEREAS the tonnage of the ships employed, and of those now building, in order to be employed in the service of the United Company of merchants in *England* trading to the *East Indies*, doth greatly exceed the tonnage of shipping requisite to carry on the trade of the said United Company to and from the *East Indies*: And whereas the building any more ships for the service of the said United Company, until those which are now employed, or building to be employed as aforesaid, shall be reduced in tonnage to the quantity requisite for carrying on the said trade, will occasion an unnecessary consumption of oak timber, fit for building large ships; for remedy whereof, and for the more effectually securing a quantity of oak timber of a proper growth for the use of the royal navy; 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,

Preamble.

After *March*
18, 1774, the
East India
Company not
to build new
ships, (those
now building
excepted),
until the ton-
nage be re-
duced to
45,000 tons.

The *East India*
Company not
to charter or
hire ships,
unless built
before *March*
18, 1774.

on penalty of
5,000 l. for
each offence,
and costs of
suit.

Nothing in
this act con-
tained shall
prohibit the
East India
Company
from building
ships in the
colonies, or in
India.

If persons are
sued by action
of debt, the
act to be given
in evidence.

mons, in this present Parliament assembled, and by the authority of the same, That from and after the eighteenth day of *March*, in the year of our Lord one thousand seven hundred and seventy-two, the said United Company of merchants trading to the *East Indies*, or any person or persons employed by the said Company, or any of their directors, or any of them, shall not build, or begin to build, or cause any person or persons whatsoever to build, or begin to build, any new ship (except those now building), for the service of the said United Company, until the tonnage of all the ships employed, or to be employed in the trade of the said Company, on freight to and from the *East Indies*, shall be reduced to forty-five thousand tons, builders measurement, on pain that the said Company, and every other person and persons so offending, shall, for every ship which shall be built, or begun to be built, contrary to the true intent and meaning hereof, forfeit and pay the sum of five thousand pounds of lawful money of *Great Britain*, one moiety whereof shall be for the use of his Majesty, his heirs and successors, and the other moiety thereof, together with full costs of suit, for the use of such person or persons who shall sue for the same, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

II. And be it further enacted by the authority aforesaid, That from and after the said eighteenth day of *March*, one thousand seven hundred and seventy-two, until the tonnage of all the ships employed, or to be employed, in the service of the said United Company trading to the *East Indies*, on freight to and from the *East Indies*, shall be reduced to forty-five thousand tons, builders measurement, the said United Company, or any person or persons employed by the said Company, or any of their Directors, or any of them, shall not in any manner whatsoever charter, contract for, or hire any ship for the use of the said Company, unless such ship shall have been built, or begun to be built, on or before the said eighteenth day of *March*, one thousand seven hundred and seventy-two, on pain that the said Company, and every other person or persons so offending, shall, for every ship which shall be so chartered, contracted for, or hired as last mentioned, forfeit and pay the sum of five thousand pounds of like lawful money; one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety thereof, together with full costs of suit, to the use of the person or persons who shall sue for the same; to be recovered in manner aforesaid.

III. Provided nevertheless, and be it further enacted by the authority aforesaid, That nothing herein before contained shall be deemed, or construed to extend, to prohibit the said United Company from building, contracting for, or hiring, from time to time, during the continuance of this act, any ship or ships whatsoever, in *India*, or in any of his Majesty's colonies in *America*, for their use or service; or from building, contracting for, or hiring within this kingdom, during the continuance of this act, any ship or ships, not exceeding six in number in the whole, nor in burthen three hundred tons respectively, to be employed as packets, or advice boats, in the said United Company's service; and that all such last-mentioned ships which shall be built in *India*, or in any of his Majesty's colonies in *America*, shall be, to all intents and purposes, considered and deemed to be *British*-built ships; any law, usage, or custom to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That where any person shall be sued by action of debt for any pecuniary forfeiture or penalty imposed by this act, it shall be sufficient for the plaintiff in such action to declare that the defendant is indebted to him in the sum of five thousand

thousand pounds, being forfeited by an act passed in the twelfth year of the reign of his present Majesty, *For the more effectually securing a quantity of oak timber for the use of the royal navy.*

V. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, or of any matter or thing herein contained, such act or suit shall be commenced within the space of six months next after the fact committed, and not afterwards; and shall be laid in the county or place where the cause of action shall arise; and such person or persons shall and may plead the general issue, and give this act, and the special matter, in evidence, at any trial thereupon, for his and their defence; and if upon such trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his or their action or suit, or if judgement be given for the defendant or defendants upon demurrer or otherwise, then such defendant or defendants shall have treble costs to him or them awarded against the plaintiff or plaintiffs.

Limitation of actions.

General issue.

Treble costs.

VI. And be it further enacted by the authority aforesaid, That this act shall be deemed and allowed to be a publick act; and be judicially taken notice of as such by all judges, justices, and other persons, without specially pleading the same.

Publick act.

12 GEORGII III. Cap. LX.

An Act for granting a Drawback of Part of the Customs upon the Exportation of Tea to Ireland, and the British Dominions in America; for altering the Drawback upon foreign Sugars exported from Great Britain to Ireland; for continuing the Bounty on the Exportation of British-made Cordage; for allowing the Importation of Rice from the British Plantations into the Ports of Bristol, Liverpoole, Lancaster, and Whitehaven, for immediate Exportation to foreign Parts; and to empower the Chief Magistrate of any Corporation to administer the Oath, and grant the Certificate required by Law, upon the Removal of certain Goods to London, which have been sent into the Country for Sale.

[So much thereof as relates to the *East India Company.*]

WHEREAS the drawback allowed by an act of Parliament, made in the seventh year of the reign of his present Majesty, (intituled, *An act for taking off the inland duty of one shilling per pound weights upon all black and single teas consumed in Great Britain, and for granting a drawback upon the exportation of teas to Ireland, and the British dominions in America, for a limited time, upon such indemnification to be made in respect thereof by the East India Company as is therein mentioned; for permitting the exportation of teas, in smaller quantities than one lot, to Ireland, or the said dominions in America; and for preventing teas, seized and condemned, from being consumed in Great Britain*), upon the exportation of tea into Ireland, and the British plantations in America, from this kingdom, will cease on the fifth day of July, one thousand seven hundred and seventy-two: And whereas it may tend to promote and encourage the importation of tea into Ireland, and the British colonies and plantations in America, from this kingdom, and prevent the illicit trade carried

Preamble.

8 & 7 Geo. 3: c. 56.

on

A drawback of three-fifths parts of duties of customs to be allowed on teas exported to Ireland or America. See further, 23 G. 3. c. 44. 27 G. 3. c. 27. and 24 Geo. 3. c. 38.

18 G. 2. c. 25.

on with foreigners for that commodity, if a drawback of part of the customs paid here was allowed upon the exportation thereof to those places: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That for and during the space of five years, to be computed from and after the fifth day of July, one thousand seven hundred and seventy-two, there shall be drawn back and allowed for all teas which shall be sold after the said fifth day of July, one thousand seven hundred and seventy-two, at the publick sale of the United Company of merchants of England trading to the East Indies, or which after that time shall be imported by licence, in pursuance of an act of Parliament made in the eighteenth year of the reign of his late Majesty King George the Second, (intituled, *An act for repealing the present inland duty of four shillings per pound weight upon all tea sold in Great Britain, and for granting to his Majesty certain other inland duties, in lieu thereof; and for better securing the duty upon tea, and other duties of excise; and for pursuing offenders out of one county into another*); and which shall be exported from this kingdom as merchandise to Ireland, or any of the British colonies or plantations in America, three-fifths parts of the several duties of customs which were paid upon the importation of such teas; which drawback or allowance, with respect to such teas as shall be exported to Ireland, shall be made to the exporter in such manner, and under such rules, regulations, securities, penalties, and forfeitures, as any drawback or allowance is now payable out of the duty of customs upon the exportation of foreign goods to Ireland; and with respect to such teas as shall be exported to the British colonies and plantations in America, the said drawback or allowance shall be made in such manner, and under such rules, regulations, penalties, and forfeitures, as any drawback or allowance, payable out of the duty of customs upon foreign goods exported to foreign parts, was, could, or might be made, before the passing of this act, (except in such cases as are otherwise provided for by this act.)

Drawback not to be allowed if not exported pursuant to act 10 Geo. 3. c. 10.

After July 5, 1772, no tea to be exported to Ireland, &c.

in ships of less burthen than 80 tons, &c.

under penalty of forfeiture of such tea, and the package.

Merchants entering tea for Ireland, or America, and

II. Provided always, and it is hereby further enacted by the authority aforesaid, That the drawback allowed by this act shall not be paid or allowed for any teas which shall not be exported directly from the warehouse or warehouses wherein the same shall be lodged, pursuant to the directions of an act, made in the tenth year of the reign of his late Majesty King George the First, and the before-recited act, made in the eighteenth year of his late Majesty King George the Second.

III. And be it further enacted by the authority aforesaid, That from and after the said fifth day of July, one thousand seven hundred and seventy-two, no tea shall be exported or laden on board any ship or vessel in order to be exported to the kingdom of Ireland, or to any of the British colonies or plantations in America, in any ship of less burthen than eighty tons, nor in any chest, cask, tub, or package, whatsoever, other than that in which it was originally imported into Great Britain; nor in any less quantity than the whole and entire quantity contained in any chest, cask, tub, or package, in which the same was sold at the publick sale of the said East India Company, or in which the same was imported by licence, as aforesaid, under the penalty of the forfeitures of such tea, and the package containing the same, or the value thereof.

IV. And it is hereby further enacted by the authority aforesaid, That if any merchant, or other person, shall enter any tea for exportation to Ireland, or any of the British colonies or plantations in America, in order to obtain the drawback allowed by this act, and such tea shall be carried

to any other part or place beyond the seas, and landed there; then and in every such case, the drawback paid, or to be paid for the same, shall be forfeited, and the exporter of such tea, and the master of the ship or vessel on board which the same was laden and exported, and every person concerned or assisting in the exportation, or landing of the said tea, whether any drawback hath been or is to be paid for the same, or not, shall forfeit treble the value of such tea.

landing it in other ports, to forfeit the drawback, and treble the value of the cargo.

V. And be it further enacted by the authority aforesaid, That the several penalties and forfeitures, as well specifick as pecuniary, by this act inflicted, shall and may be sued for, prosecuted, and recovered, in any of his Majesty's courts of record at *Westminster*, by action, bill, plaint, or information, in the name of his Majesty's attorney-general, or in the name or names of some officer or officers of the customs, in such and the like manner and form, and by the same rules and regulations, as other penalties and forfeitures for offences against the laws relating to the customs may, by any act or acts of Parliament now in force, be sued for, prosecuted, and recovered; and that one moiety of every such penalty and forfeiture shall be to his Majesty, his heirs and successors, and the other moiety to such officer or officers of the customs as shall inform and prosecute for the same.

Manner of prosecutions.

XII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, the defendant or defendants, in such action or suit, 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 the authority of this act: And if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

General issue.

Treble costs.

13 GEORGII III. Cap. XLIII.

An Act to regulate the Importation and Exportation of Corn;

[So much thereof as relates to *Saint Helena*.]

VIII. PROVIDED also, That nothing herein-before contained shall extend to prohibit the several articles herein-after expressed being exported out of and from the respective ports in this kingdom herein-after mentioned, and from no other, to the several places as herein-after mentioned, for the sustenance and use of the inhabitants thereof, so as the same do not exceed the several quantities respectively limited to those places within twelve calendar months; (that is to say);

Articles which may be exported from ports herein mentioned.

From the port of <i>London</i> .	}	To <i>Gibraltar</i> .	{ Any quantity of wheat, meal, flour, rye, barley, or malt, not exceeding two thousand five hundred quarters in the whole.
		To <i>Minorca</i> .	{ Any quantity of wheat, meal, flour, rye, barley, or malt, not exceeding three thousand five hundred quarters in the whole.
		To <i>St. Helena</i> .	{ Any quantity of wheat, meal, flour, rye, barley, or malt, not exceeding five hundred quarters in the whole.
From the port of <i>Southampton</i> .	}	To the islands of <i>Guernsey</i> and <i>Jersey</i> .	{ Any quantity of wheat, meal, flour, rye, barley, or malt, not exceeding five thousand quarters in the whole to both places.
From the ports of <i>Whitehaven</i> and <i>Liverpool</i> .	}	To the <i>Isle of</i> <i>Man</i> .	{ Any quantity of wheat, barley, oats, meal, or flour, not exceeding two thousand five hundred quarters in the whole; one moiety thereof to be ex- ported from the said port of <i>White-</i> <i>haven</i> , and the other moiety thereof to be exported from the said port of <i>Liverpool</i> .

Extended by
16 Geo. 3. c.
37. *stat. 2. to*
1,000 quar-
ters.

Security to be
taken from
the exporters
without fee or
reward.

So as the exporters, before the shipping thereof, do declare the island or place for which the said articles are respectively designed, and do become bound to his Majesty, his heirs and successors, with one other sufficient security, (to be approved by the collector and comptroller of the customs at the port of exportation), in treble the value thereof, with condition that the said articles so permitted to be exported shall be landed at the respective island or place for which the same shall be so declared and entered for the use and sustenance of the inhabitants there, and shall not be landed or sold in any other parts whatsoever, the danger of the seas and enemies excepted; and that a certificate, under the hand and seal of the collector, comptroller, or other chief officer of the customs, or if no such, of the naval officer, or some other principal officer of the place where the same shall be landed, shall, within twelve calendar months from the date of the bond given for landing such commodities in *Gibraltar* or *Minorca*, and within eighteen calendar months from the date of the bond given for landing such commodities in *Saint Helena*, and within six calendar months from the date of the bond given for landing such commodities in the islands of *Guernsey*, *Jersey*, or *Man*, (the danger of the seas excepted), be returned to the officers who took the said bonds, that the said commodities have been landed at the place for which the same shall have been so declared and entered; and for the taking such security, and giving such certificate, which the respective officers are hereby required on demand to give, no fee or reward shall be demanded or received: And if any officer shall make any false certificate of any such commodities being so landed, such officer shall forfeit the sum of two hundred pounds, and lose his employment, and be incapable of serving his Majesty, his heirs or successors, in any office relating to the customs: And if any person shall

Penalty on
making a false
certificate.

shall counterfeit, erase, or falsify any certificate, directed or required by this act, or knowingly publish any such counterfeit, erased, or false certificate, he shall forfeit the sum of two hundred pounds; and such certificate shall be void and of no effect: Which said penalties, for offences committed in *Great Britain*, shall be recovered in the same courts, and in the same manner, as the other penalties inflicted by this act are recoverable; and for offences committed in any other the dominions belonging to the crown of *Great Britain* in *Europe*, shall be recovered in the high court of admiralty, or in any other chief court of civil or criminal jurisdiction; in such respective dominions, and shall be divided into equal moieties between his Majesty and the informer; and the said bond or bonds, if not prosecuted within three years, shall be void.

13 GEORGII III. Cap. XLIV.

An Act to allow a Drawback of the Duties of Customs on the Exportation of Tea to any of his Majesty's Colonies or Plantations in America; to increase the Deposit on Borea Tea to be sold at the India Company's Sales; and to empower the Commissioners of the Treasury to grant Licences to the East India Company to export Tea Duty-free.

WHEREAS by an act, made in the twelfth year of his present Majesty's reign, (intituled, *An act for granting a drawback of part of the customs upon the exportation of tea to Ireland, and the British dominions in America; for altering the drawback upon foreign sugars exported from Great Britain to Ireland; for continuing the bounty on the exportation of British-made cordage; for allowing the importation of rice from the British plantations into the ports of Bristol, Liverpoole, Lancaster, and Whitehaven, for immediate exportation to foreign parts; and to empower the chief magistrate of any corporation to administer the oath, and grant the certificate required by law, upon the removal of certain goods to London, which have been sent into the country for sale*); it is, amongst other things, enacted, That for and during the space of five years, to be computed from and after the fifth day of July, one thousand seven hundred and seventy-two, there shall be drawn back and allowed for all teas which shall be sold after the said fifth day of July, one thousand seven hundred and seventy-two, at the publick sale of the United Company of merchants of *England* trading to the *East Indies*, or which after that time shall be imported, by licence, in pursuance of the said therein and herein-after mentioned act, made in the eighteenth year of the reign of his late Majesty King *George* the Second, and which shall be exported from this kingdom, as merchandize, to *Ireland*, or any of the *British* colonies or plantations in *America*, three-fifth parts of the several duties of customs which were paid upon the importation of such teas; which drawback or allowance, with respect to such teas as shall be exported to *Ireland*, shall be made to the exporter, in such manner, and under such rules, regulations, securities, penalties, and forfeitures, as any drawback or allowance was then payable, out of the duty of customs upon the exportation of foreign goods to *Ireland*; and with respect to such teas as shall be exported to the *British* colonies and plantations in *America*, the said drawback or allowance shall

Preamble, reciting 12 Geo. 3. c. 60.

be made in such manner, and under such rules, regulations, penalties, and forfeitures, as any drawback or allowance payable out of the duty of customs upon foreign goods exported to foreign parts, was, could, or might be made, before the passing of the said act of the twelfth year of his present Majesty's reign, (except in such cases as are otherwise therein provided for): And whereas it may tend to the benefit and advantage of the trade of the said United Company of merchants of *England* trading to the *East Indies*, if the allowance of the drawback of the duties of customs upon all teas sold at the publick sales of the said United Company, after the tenth day of *May*, one thousand seven hundred and seventy-three, and which shall be exported from this kingdom, as merchandize, to any of the *British* colonies or plantations in *America*, were to extend to the whole of the said duties of customs payable upon the importation of such teas; 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 there shall be drawn back and allowed for all teas, which, from and after the tenth day of *May*, one thousand seven hundred and seventy-three, shall be sold at the publick sales of the said United Company, or which shall be imported by licence, in pursuance of the said act made in the eighteenth year of the reign of his late Majesty King *George* the Second, and which shall, at any time hereafter, be exported from this kingdom, as merchandize, to any of the *British* colonies or plantations in *America*, the whole of the duties of customs payable upon the importation of such teas; which drawback or allowance shall be made to the exporter in such manner, and under such rules, regulations, and securities, and subject to the like penalties and forfeitures, as the former drawback or allowance granted by the said recited act of the twelfth year of his present Majesty's reign, upon tea exported to the said *British* colonies and plantations in *America*, was, might, or could be made, and was subject to by the said recited act, or any other act of Parliament now in force, in as full and ample manner, to all intents and purposes, as if the several clauses relative thereto were again repeated and re-enacted in this present act.

After May 10, 1773, on all teas sold at publick sales, or imported by licence, and afterwards exported as merchandize to *America*, the whole duties of customs to be drawn back.

A. G. 18 G. 2. c. 26. recited.

II. And whereas, by one other act made in the eighteenth year of the reign of his late Majesty King *George* the Second, (intituled, *An act for repealing the present inland duty of four shillings per pound weight upon all tea sold in Great Britain, and for granting to his Majesty certain other inland duties in lieu thereof; and for better securing the duty upon Tea, and other duties of excise; and for pursuing offenders out of one county into another*), it is, amongst other things, enacted, That every person who shall, at any publick sale of tea made by the United Company of merchants of *England* trading to the *East Indies*, be declared to be the best bidder for any lot or lots of tea, shall, within three days after being so declared the best bidder or bidders for the same, deposit with the said United Company, or such clerk or officer as the said Company shall appoint to receive the same, forty shillings for every tub and for every chest of tea; and in case any such person or persons shall refuse or neglect to make such deposit within the time before limited, he, she, or they, shall forfeit and lose six times the value of such deposit directed to be made as aforesaid, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, in which no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; one moiety of which forfeiture shall go to his Majesty, his heirs and successors, and the other moiety to such person as shall sue or prosecute for the same; and the sale

sale of all teas, for which such deposit shall be neglected to be made as aforesaid, is thereby declared to be null and void, and such teas shall be again put up by the said United Company to publick sale, within fourteen days after the end of the sale of teas at which such teas were sold; and all and every buyer or buyers, who shall have neglected to make such deposit as aforesaid, shall be, and is and are thereby rendered incapable of bidding for or buying any teas at any future publick sale of the said United Company: And whereas it is found to be expedient and necessary to increase the deposit to be made by any bidder or bidders for any lot or lots of bohea teas, at the publick sales of teas to be made by the said United Company; be it enacted by the authority aforesaid, That every person who shall, after the tenth day of *May*, one thousand seven hundred and seventy-three, at any publick sale of tea to be made by the said United Company of merchants of *England* trading to the *East Indies*, be declared to be the best bidder or bidders for any lot or lots of bohea tea, shall, within three days after being so declared the best bidder or bidders for the same, deposit with the said United Company, or such clerk or officer as the said United Company shall appoint to receive the same, four pounds of lawful money of *Great Britain* for every tub and for every chest of bohea tea, under the same terms and conditions, and subject to the same forfeitures, penalties, and regulations, as are mentioned and contained in the said recited act of the eighteenth year of the reign of his said late Majesty. *

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of his Majesty's treasury, or any three or more of them, or for the high treasurer for the time being, upon application made to them by the said United Company of merchants of *England* trading to the *East Indies* for that purpose, to grant a licence or licences to the said United Company, to take out of their warehouses, without the same having been put up to sale, and to export to any of the *British* plantations in *America*, or to any parts beyond the seas, such quantity or quantities of tea as the said commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, shall think proper and expedient, without incurring any penalty or forfeiture for so doing; any thing in the said in part recited act, or any other law, to the contrary notwithstanding.

IV. And whereas by an act made in the ninth and tenth years of the reign of King *William* the Third, (intituled, *An act for raising a sum not exceeding two millions, upon a fund, for payment of annuities, after the rate of eight pounds per centum per annum; and for settling the trade to the East Indies*), and by several other acts of Parliament which are now in force, the said United Company of merchants of *England* trading to the *East Indies* are obliged to give security, under their common seal, for payment of the duties of customs upon all unrated goods imported by them, so soon as the same shall be sold; and for exposing such goods to sale, openly and fairly, by way of auction, or by inch of candle, within the space of three years from the importation thereof: And whereas it is expedient that some provision should be made to permit the said United Company, in certain cases, to export tea, on their own account, to the *British* plantations in *America*, or to foreign parts, without exposing such tea to sale here, or being charged with the payment of any duty for the same; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful for the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, to grant a licence or licences to the said

Every person, after *May* 10, 1773, who shall be declared the highest bidder at any publick sale, shall deposit with the Company 4*l.* for every tub or chest of bohea tea.

Commissioners of the treasury may grant licence to the *East India* Company to export to *America* any quantity of tea they shall think proper, without incurring any penalty.

9 & 10 *W. 3.* c. 44. recited.

Sec 6 *Ann. c. 3.*
10 *Ann. c. 29.*

Treasury may grant licence to the Company for any quantity of tea to be ex-
United

ported to
America, dis-
charged of
customs.

United Company, to take out of their warehouses such quantity or quantities of tea as the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall think proper, without the same having been exposed to sale in this kingdom; and to export such tea to any of the *British* colonies or plantations in *America*, or to foreign parts, discharged from the payment of any customs or duties whatsoever; any thing in the said recited act, or any other act, to the contrary notwithstanding.

Entry to be
made of all
tea exported
by licence,
and shipped
by the proper
officer;
and such tea
is liable to the
same rules,
penalties, &c.
not hereby al-
tered, as be-
fore passing
this act.
Officer's and
collector's
duty on ex-
portation.

V. Provided always, and it is hereby further enacted by the authority aforesaid, That a due entry shall be made at the custom-house of all such tea so exported by licence, as aforesaid, expressing the quantities thereof, at what time imported, and by what ship; and such tea shall be shipped for exportation by the proper officer for that purpose, and shall, in all other respects, not altered by this act, be liable to the same rules, regulations, restrictions, securities, penalties, and forfeitures, as tea exported to the like places was liable to before the passing of this act: And upon the proper officer's duty, certifying the shipping of such tea to the collector and comptroller of his Majesty's customs for the port of *London*, upon the back of the licence, and the exportation thereof, verified by the oath of the husband or agent for the said United Company, to be wrote at the bottom of such certificate, and sworn before the said collector and comptroller of the customs, (which oath they are hereby impowered to administer), it shall and may be lawful for such collector and comptroller to write off and discharge the quantity of tea so exported from the warrant of the respective ship in which such tea was imported.

No licence to
be granted,
unless so mil-
lions *lb. wt.* of
tea be left in
the ware-
houses.

VI. Provided nevertheless, That no such licence shall be granted, unless it shall first be made to appear to the satisfaction of the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, that at the time of taking out such teas, for the exportation of which a licence or licences shall be granted, there will be left remaining in the warehouses of the said United Company, a quantity of tea not less than ten millions of pounds weight; any thing herein, or in any other act of Parliament, contained to the contrary thereof notwithstanding.

13 GEORGII III. 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.

Preamble.

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 United Company every year, in such manner as at present pre-

scribed 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.

II. 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.

III. 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,

At the next ensuing general election, instead of 24 for one year, there shall be chosen six directors for the term of one year; six for two years; six for three years; six for four years; and so hereafter yearly.
By 17 Geo. 3. c. 8. the annual election is fixed to the second Wednesday in April.

No person employed in the *East Indies* shall be chosen a director, until he shall have been resident in *England* for two years.

All transfers made in a collusive manner, to qualify voters at elections;

powers

and all bonds, covenants, &c. with persons in trust, shall be null and void :

Penalty on persons who shall vote by virtue of collusive transfers at any election, and shall afterwards re-transfer the stock in consequence of any trusts, &c.

After Oct. 1, 1773, no proprietor shall vote at any election of directors in respect of stock amounting to less than 1,000*l*. nor until he shall have been possessed thereof 12 calendar months.

Certain cases excepted.

Every proprietor possessed of 3,000*l*. capital stock shall be intitled to two votes at any election; if possessed of 6,000*l*. he shall have three votes; and when possessed of 10,000*l*. shall be intitled to four votes.

Every member shall be deemed qualified to vote at elections of directors, in respect of

powers of revocation, provisos 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 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 assize, 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, or by marriage, or by succession to any intestate's estate, 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.

IV. 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.

V. 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

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.

1,000 l. Stock, possessed from Oct. 1, 1773.

VI. 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 empowered to administer such oath; (that is to say),

Upon election of directors, every proprietor shall, before admitted to vote, take the following oath.

‘ 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.*

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 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.

Persons committing wilful perjury, or corruptly suborning others to do so, shall be liable to the penalties in act 5 Eliz. c. 9. & 2 G. 2. c. 25.

VII. 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*, *Babar*, 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

A governor-general and four counsellors to be appointed, in whom the whole civil and military government of *Bengal*, *Babar*, and *Orissa*, shall be vested.

See further provisions in
19 G. 3. c. 67.
20 G. 3. c. 36.
21 G. 3. c. 65.
22 G. 3. c. 70.
24 G. 3. sess.

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.

The powers of the governor-general and council defined.
Further powers granted by
21 G. 3. c. 70.
24 G. 3. c. 25.
and 26 Geo. 3. c. 16.

The 3 other presidencies to obey the orders of the supreme government;

and the supreme government to obey the orders of the directors.

And to transmit intelligence of all occurrences to directors, who, within 14 days, are to transmit copies of what relates to the revenues to the treasury, and of what relates to the government to a secretary of state.

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.

a. c. 25. 26-G. 3. c. 16.

VIII. 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.

IX. 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 authorized 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 *Madras*, *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 *Madras*, *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 *Madras*, *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 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

liver 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.

X. And it is hereby further enacted, That *Warren Hastings* Esquire shall be the first governor-general; and that lieutenant-general *Jahn Cla-vering*, 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.

Names of the first governor-general, &c.

Directors may supply vacancies for the unexpired term.

XI. 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 public 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.

Time when the provisions relating to the governor and council shall commence.

XII. 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*.

The Company may appoint officers in pursuance of former acts or charters.

XIII. And whereas his late Majesty King *George* the Second did, by his letters patent, bearing date at *Westminster* the eighth day of *January*, in the twenty-sixth year of his reign, grant unto the 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

His Majesty may, by charter or letters patent, establish a supreme court of judicature at *Fort William*, &c. See further 22 G. 3. c. 70.

torial 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;

who are invested with civil, criminal, admiralty, and ecclesiastical jurisdiction, and may establish rules of practice and process.

To be a court of record, oyer and terminer, and gaol delivery, for *Calcutta* and *Fort William*.

Extent of the jurisdiction and power of his Majesty's charter;

and of the supreme court of judicature.

These powers are restricted and defined by 21 G. 3. c. 70.

Supreme court not competent to hear and determine indictments or informations against the governor general, etc.

Limitation of actions before the said court.

Suits may originate in the supreme court, or be brought by appeal from the provincial courts.

XIV. Provided nevertheless, and be it further enacted by the authority aforesaid, That the said new charter which his Majesty is herein-before empowered 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*, *Babar*, 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, misdemeanors, 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*, *Babar*, 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.

XV. 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*, *Babar*, and *Orissa*.

XVI. 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*, *Babar*, 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 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.

XVII. And

*XVII. 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.

The governor-general, council, etc. not subject to be arrested or imprisoned.

XVIII. 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 empowered 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.

Appeal may be made to his Majesty in council.

XIX. 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 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.

Part of the charter granted by *Geo. 2.* (should a new charter be granted) to be repealed;

otherwise to be in full force.

XX. 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 empowered 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.

All records and muniments belonging to the mayor's court at *Calcutta*, &c. to be delivered to, and preserved in the new court.

XXI. 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*,

Salaries established to the governor-general, council, chief justice, and judges.

liam, 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 territorial acquisitions in the kingdoms of *Bengal*, *Babar*, and *Orissa*.

When such salaries shall commence.

XXII. 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 of 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, council, and judges restricted from accepting any present;

XXIII. 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 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.

and from being concerned in any transaction by way of traffick.

No person holding a civil or military office under the crown, &c. shall accept any donation or gratuity.

XXIV. 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

Repealed in part by 24 G. 3. c. 25. s. 68. 47.

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.

XXV. 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.

Counsellors, physicians, surgeons, and chaplains, excepted.

XXVI. 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.

The Company may prosecute and recover any gift, upon waiving forfeitures. Repealed by 24 Geo. 3. c. 25. s. 68. 47.

XXVII. 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*, *Babar*, or *Orissa*, or their agents or servants, or any person or persons in trust for them, to buy any goods, wares, merchandize, or other commodities whatsoever, by way of traffick or trade, at any place within the provinces of *Bengal*, *Babar*, 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, 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.

No collector, supervisor, &c. to buy goods by way of traffick.

No British subject to trade in salt, beetle-nut or tobacco.

XXVIII. 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*.

Not to restrain his Majesty's subjects not herein prohibited:

XXIX. 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

Nor to extend to outstanding debts, nor to selling merchandizes possessed by persons in

sons before
such prohibi-
tion take
place.

in the buying or selling any goods, wares, merchandizes, or other commodities whatsoever, by way of traffick or trade, as aforesaid, or from being any way concerned in the inland trade in salt, beetle-nut, tobacco, or rice, from collecting in their outstanding debts, or from selling and disposing of the goods, wares, merchandizes, 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 prohibition shall take place, as aforesaid, a full, true, and just specification, upon oath, of the goods, wares, merchandizes, 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, merchandizes, 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 merchandize 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
3% per cent.
per annum.

XXX. 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, merchandize, 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, merchandizes, 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, or and for their money or other thing, above the sum of twelve pounds for the forbearing of one hundred pounds for a year, 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, merchandizes, 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.

Persons by
covin accept-
ing loans, &c.
shall forfeit,
for every of-
fence, treble
the value;

One moiety
to go to the
Company,
and the other
to the pro-
secutor.

XXXI. 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.

XXXII. 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 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.

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

are not to be concerned in any traffick, other than for the disposal of stock in hand.

XXXIII. 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 and imprisoned at the discretion of the court.

XXXIV. 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.

XXXV. 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

The directors may not compound or discharge sentences of the supreme or any other court of justice,

nor teltore
perions dif-
miffed, with-
out content of
three parts in
four of direc-
tors, and the
like majority
of proprietors
in a general
court.

Governor-
general and
council may
make fuch
regulations
as may appear
juft;

which fhall
not be valid
until duly re-
giffered in the
fupreme
court.

Appeals may
be made to
the King in
council, who
may repeal
fuch rules;

and a copy of
all regulations
is to be affixed
in the India
houfe.

Governor-
general and
council to
transmit co-
pies of their
rules to one
of the Secreta-
ries of State;

judgement, or to release, difcharge, or put a ftop to any profecution, fuit, or action, commenced or to be commenced, for carrying on any illicit trade, or for any debt or penalty due to the faid United Company, or to reftore any fervant or fervants whatever of the faid Company, who fhall have been removed or difmiffed from his or their office or employment, for or upon account of any mifbehaviour, without the content of three parts in four of the faid court of directors, to be taken by ballot, and alfo the content of three parts in four in number of the proprietors of the faid United Company, who fhall be prefent, and give their votes by ballot, to be taken at a general court to be fpecially called for that purpofe, and of which fourteen days publick notice, at the leaft, fhall be given before the holding the fame, and of the particular occafion for which fuch general court fhall be called.

XXXVI. And be it further enacted by the authority aforefaid, That it fhall and may be lawful for the Governor-general and council of the faid United Company's fettlements at *Fort William* in *Bengal*, from time to time, to make and iffue fuch rules, ordinances and regulations, for the good order and civil government of the faid United Company's fettlement at *Fort William* aforefaid, and other factories and places fubordinate, or to be fubordinate thereto, as fhall be deemed juft and reasonable, (fuch rules, ordinances, and regulations, not being repugnant to the laws of the realm), and to fet, impofe, inflict, and levy, reasonable fines and forfeitures for the breach or non-obfervance of fuch rules, ordinances and regulations; but neverthelefs the fame, or any of them, fhall not be valid, or of any force or effect, until the fame fhall be duly regiffered and publifhed in the faid fupreme court of judicature, which fhall be, by the faid new charter, eftablifhed, with the content and approbation of the faid court, which regiffry fhall not be made until the expiration of twenty days after the fame fhall be openly publifhed, and a copy thereof affixed in fome conspicuous part of the court-houfe, or place where the faid fupreme court fhall be held; and from and immediately after fuch regiffry as aforefaid, the fame fhall be good and valid in law; but neverthelefs, it fhall be lawful for any perfon or perfons in *India* to appeal therefrom to his Majefty, his heirs or fucceffors, in council, who are hereby impowered, if they think fit, to fet afide and repeal any fuch rules, ordinances, and regulations refpectively, fo as fuch appeal, or notice thereof, be lodged in the faid new court of judicature, within the fpace of fixty days after the time of the regiffering and publifhing the fame; and it fhall be lawful for any perfon or perfons in *England* to appeal therefrom in like manner, within fixty days after the publifhing the fame in *England*; and it is hereby directed and required, that a copy of all fuch rules, ordinances and regulations, from time to time, as the fame fhall be fo received, fhall be affixed in fome conspicuous and publick place in the *India-houfe*, there to remain and be reforted to as occafion fhall require; yet neverthelefs, fuch appeal fhall not obftrudt, impede, or hinder the immediate execution of any rule, ordinance, or regulation, fo made and regiffered as aforefaid, until the fame fhall appear to have been fet afide or repealed, upon the hearing and determination of fuch appeal.

XXXVII. Provided always, and be it enacted by the authority aforefaid, That the faid Governor-general and council fhall, and they are hereby required, from time to time, to tranfmit copies of all fuch rules, ordinances, and regulations, as they fhall make and iffue, to one of his Majefty's principal Secretaries of State for the time being; and that it fhall and may be lawful to and for his Majefty, his heirs and fucceffors, from time to time, as they fhall think neceffary, to fignify to the faid United Company, under his or their fign manual, his or their difapprobation and difallowance

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 his disallowance of, shall have full force.

XXXVIII. 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 authorized and empowered 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.

XXXIX. 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 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 alleged to be committed, and may be laid, enquired of, and tried in the county of *Middlesex*.

If the Governor-general, President, etc., commit offences, the same may be tried and determined in the court of King's Bench.

XL. 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 *Magdanus*, requiring the chief justice and judges of the said supreme court of judicature for the time being, or the judges of the

Manner of procedure in cases of indictments and informations laid in the King's Bench.

mayor's

mayor's court at *Madras, Bombay, or Bencoolen*, as the case may require, who are hereby respectively 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 *viva 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 *viva 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 notwithstanding; and all parties concerned shall be entitled 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.

XLI. 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

XLII. 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 *Madras*, *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.

India, which shall be deemed competent evidence to both houses of Parliament.

XLIII. 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.

XLIV. 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 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 *Madras*, *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.

Writs of *Mandamus* may be awarded by the courts at *Westminster*, when the Company commence suits in law or equity there.

XLV. 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.

No depositions returned to be allowed as evidence in cases not proceeded against in Parliament.

XLVI. 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

The privileges of the Company, not hereby varied, shall remain in force.

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. XLVII. 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.

13 GEORGII III. Cap. LXIV.

An Act for granting to His Majesty a Sum of Money to be raised by Exchequer Bills; and to be advanced and applied in the Manner, and upon the Terms therein mentioned, for the Relief of the United Company of Merchants of England trading to the East Indies.

Preamble.

WHEREAS the United Company of merchants of *England* trading to the *East Indies* do at present labour, and have, for some time past, laboured under great and unusual difficulties in the carrying on of their affairs, from which it greatly imports the publick, as well as the said United Company, that they should, as speedily as possible, be relieved: And whereas the said Company, finding themselves under the necessity of applying to Parliament for relief, did, by their petition to the house of Commons, make application for the loan of one million five hundred thousand pounds, or so much as should be wanted, to be advanced and repaid in such manner, and to be attended with such other conditions and provisions, as in their said petition is set forth; in consequence whereof the house of Commons came to several resolutions, specifying the terms upon which it might be expedient for the publick to advance to the said United Company the sum of one million four hundred thousand pounds, and the several limitations which ought to accompany such loan: And whereas the said United Company did, by a subsequent petition, declare their determination to depend on the laws of their country, and submit to the temporary difficulties which may attend the present situation of their affairs, rather than receive the loan offered to them upon the conditions prescribed: And whereas, in case the said Company should not be forthwith assisted by the publick with the advance of a considerable sum of money, they would remain altogether unable to provide for the payment of their debts, some of which debts being due to the publick, and others to the Governor and Company of the Bank of *England*, the payment thereof would not long be postponed without great prejudice to the publick service, and disadvantage to publick credit, and yet could not be expedited or secured otherwise than by the use of such methods as must be attended with consequences the most fatal to the said United Company; and, forasmuch as, upon consideration of the several matters before-mentioned, it appears absolutely necessary that immediate provision should be made by Parliament for giving assistance to the said Company, in such manner, and upon such terms, as may be best calculated for effecting the preservation of the said United Company, and the re-establishment of their affairs, without leaving it in the power of the general court of proprietors, by withholding their consent to the acceptance of such assistance, to expose, at once, each separate proprietor of *East India* stock, the Company itself, the creditors of the Company, and the publick, to all the mischiefs which

must attend the want of such assistance, as aforesaid: And whereas it hath been resolved that a sum, not exceeding one million four hundred thousand pounds, be granted to his Majesty, to be applied for the purpose of relieving the *East India Company*, and for securing to the creditors of the said Company a more speedy satisfaction of their demands: Now, to the end that no want or failure may happen or be made by reason or means of such grant, and the application of the same, in the aids granted, or to be granted, in this session of Parliament, for defraying the several publick services, and for answering which the said aids were, or may be intended to be applied; and for the better supplying the said sum of one million four hundred thousand pounds, and applying the same in the most effectual manner for the purposes above mentioned; we your Majesty's most dutiful and loyal subjects, the Commons of *Great Britain* in Parliament assembled, do most humbly beseech 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 commissioners of his Majesty's treasury, now and for the time being, or any three or more of them, or for the high treasurer for the time being, and he and they respectively are hereby authorized and impowered, at any time or times before the first day of *October*; one thousand seven hundred and seventy-three; by his or their warrant or warrants, to direct, or cause to be prepared and made, at the receipt of his Majesty's exchequer, any number of exchequer bills for such sum or sums of money as he or they shall think most proper and convenient, so as all the principal monies to be contained in the bills so to be made forth by virtue of this act do not exceed in the whole the said sum of one million four hundred thousand pounds, (exclusive of any exchequer bills that are or may be made forth by virtue of any other act or acts passed in this session of Parliament for the publick service); and the said exchequer bills, so to be made forth in pursuance of this act, shall bear an interest not exceeding the rate of four pounds *per centum per annum*; and proportionably for any greater or less sum to be contained therein, to be payable to the bearers thereof respectively; which said exchequer bills shall be made out in the like manner, form, and order, and according to the same or like rules and directions; as in and by an act of this present session of Parliament, intituled, *An Act for continuing and granting to his Majesty certain duties upon malt, mow, cyder, and perry, for the service of the year one thousand seven hundred and seventy-three*, are enacted and prescribed concerning the exchequer bills authorized to be made forth in pursuance of the said act.

Commissioners of the treasury, before Oct. 1, 1773, are to cause exchequer bills, for 1,400,000l. to be applied for relief of the *East India Company*.

according to the rules in the malt-tax act 13 Geo. 3.

II. And be it further enacted by the authority aforesaid, That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last-mentioned act, relating to the exchequer bills authorized to be made out by the same act, (except such clauses as do charge the same on the duties granted and continued by the same act, and except such clauses as limit the rate or interest to be paid for the forbearance of the money lent on the credit of the said act, and also except as is herein-after mentioned), shall be applied and extended to the exchequer bills to be made forth in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same exchequer bills had been originally authorized by the said last-mentioned act, or as if the said several clauses or provisoes had been particularly repeated and re-enacted in the body of this act.

Clauses in the malt-tax act to extend to this act.

III. Provided always, and be it further enacted by the authority aforesaid, That no exchequer bill or bills, to be made out by virtue of this act, shall, after the same hath or have been issued at the receipt of the exchequer,

The exchequer bills shall not be current till April 6, 1773.

nor be exchanged.

quer, be afterwards, at any time before the sixth day of *April*, one thousand seven hundred and seventy-nine, received or taken, or paid or be current, to any receiver or collector in *Great Britain*, of the customs, excise, or any revenue, supply, aid, or tax whatsoever, due or payable to his Majesty, his heirs or successors, or at the receipt of the exchequer, from any such receiver or collector, or from any other person or persons, bodies politick or corporate, otherwise or on any other account than for the discharge and cancelling of such bills, in case the same shall be in due course or order of payment before the said sixth day of *April*, one thousand seven hundred and seventy-nine; nor shall any receiver or collector exchange, at any time, before the said sixth day of *April*, one thousand seven hundred and seventy-nine, for any money of such revenues, aids, taxes, or supplies, in his hands, any exchequer bill or bills which shall have been issued as aforesaid, by virtue of this act; nor shall any action be maintained against any such receiver or collector for neglecting or refusing to exchange any such bill or bills for ready money before the said sixth day of *April*, one thousand seven hundred and seventy-nine, any thing in the said act made in this session of Parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and seventy-three*, or this act, contained to the contrary notwithstanding.

The exchequer bills, with the interest, &c. to be chargeable on the monies to be paid into the exchequer by the *East India Company*.

IV. And be it further enacted by the authority aforesaid, That all such exchequer bills, together with the interest, premium, rate, and charges, incident to, or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the monies to be paid into the receipt of his Majesty's exchequer by the United Company of merchants of *England* trading to the *East Indies*, in the manner, and at the times, herein-after directed and appointed: And in case such monies so to be paid into the said receipt of the exchequer shall not be sufficient to satisfy and discharge all the principal monies contained in such exchequer bills, together with all the interest, premium, rate, and charges, incident to and attending the same, and that shall incur and grow due thereupon before the said sixth day of *April*, one thousand seven hundred and seventy-nine; then, and in such case, the said exchequer bills, or such part thereof as shall remain unsatisfied and uncanceled, together with all the interest due, or to grow due thereupon, and all other charges and expences incurred, or to be incurred, in respect of the same exchequer bills, shall be charged and chargeable upon, and payable out of, all or any the aids or supplies that shall or may be granted by Parliament, for the service of the year one thousand seven hundred and seventy-nine: And in case sufficient aids or supplies for that purpose shall not be granted before the fifth day of *July*, one thousand seven hundred and seventy-nine, then all the said exchequer bills, with the interest, premium, rate, and charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon such monies as at any time or times at or after the said fifth day of *July*, one thousand seven hundred and seventy-nine, shall be or remain in the receipt of the exchequer, of the surplusses, excesses, overplus monies, and other revenues, composing the fund commonly called *The Sinking Fund*, (except such monies of the said Sinking Fund as are appropriated to any particular use or uses by any act or acts of Parliament in that behalf); and such monies of the said Sinking Fund shall and may be issued and applied, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging, such exchequer bills so remaining uncanceled and unpaid, together with the interest, premium, rate, and charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept

kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

V. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said surplusses, excesses, overplus monies, and other revenues, composing the said sinking fund, shall, from time to time, be replaced by and out of the first aids or supplies to be then-after granted in Parliament.

Monies issued out of the sinking fund to be replaced by the first aids granted.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor and company of the Bank of England to advance or lend to his Majesty, at the receipt of the exchequer, upon the credit of the exchequer bills directed to be made forth by virtue of this act, any sum or sums of money, not exceeding in the whole the sum of one million four hundred thousand pounds; any thing in an act made in the fifth and sixth years of the reign of King William and Queen Mary, intitled, *An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds, towards carrying on the war against France, to the contrary thereof in any wise notwithstanding.*

Governor of the Bank of England may advance the sum of 1,400,000 l. at the receipt of exchequer.

VII. And forasmuch as it is most immediately necessary, as well for the relief of the said Company as for the benefit of the publick service, that certain debts due from the said Company to the publick, and certain other debts due from the said Company to the governor and company of the Bank of England, should be without delay discharged; it is hereby enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners of the treasury now and for the time being, or any three or more of them, or the high treasurer for the time being, and he and they is and are hereby authorized, directed, and required, to issue and apply, or cause to be issued, paid, and applied, at the receipt of the exchequer, the said sum of one million four hundred thousand pounds, (directed by this act to be raised by making forth exchequer bills), so far as the same will extend towards satisfying, paying, and discharging, such debts of the said Company, in manner following; (that is to say), That out of the said sum of one million four hundred thousand pounds, there shall, in the first place, be issued and paid to the receiver-general of his Majesty's customs all such sum or sums of money as are now due and payable to his Majesty for any custom-duties, subsidies, or impositions whatsoever, and shall be remaining unpaid by the said United Company; and, in the next place, there shall be issued and paid, out of the said sum of one million four hundred thousand pounds, the sum of one hundred and seventeen thousand three hundred and fourteen pounds, one shilling and three-pence, and seven-twentieth parts of a penny, to such person or persons as the said commissioners of the treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, shall, by his or their warrant or warrants, authorize and direct to receive the same; which sum of one hundred and seventeen thousand three hundred and fourteen pounds, one shilling and three-pence, and seven-twentieth parts of a penny, by an act of the last session of Parliament, was directed to be paid by the said United Company into the receipt of the exchequer, on or before the fifth day of July, one thousand seven hundred and seventy-two, to complete the whole of the monies due to the publick for making good to the publick the deficiency of the duties on tea for four years, ended the fifth day of July, one thousand seven hundred and seventy-one; and also there shall be issued and paid unto the same person or persons the further sum of eighty-four thousand

Manner in which the treasury may issue the said sum for defraying the debts of the Company.

thousand eight hundred and forty-two pounds, eight shillings and seven-pence, and two-fifth parts of a penny, to satisfy and make good to the publick the deficiency of the duties on tea on the fifth day of *July*, one thousand seven hundred and seventy-two, according to an account made up and delivered to the chairman of the said United Company, pursuant to the directions of the said last mentioned act; which said sums of one hundred and seventeen thousand three hundred and fourteen pounds, one shilling and three-pence, and seven twentieth parts of a penny, and eighty-four thousand eight hundred and forty-two pounds, eight shillings and seven-pence, and two fifth parts of a penny, making together two hundred and two thousand one hundred and fifty-six pounds, nine shillings and ten-pence three farthings, are intended to be and shall immediately be paid back into the said receipt of the exchequer, and shall be applied to the same uses and purposes to which the duties on tea paid in there are applicable; which warrant or warrants the said commissioners of the treasury, now or for the time being, or any three or more of them, or the high treasurer for the time being, is and are hereby authorized and required to make out accordingly.

Manner in which the remainder of the sum granted shall be applied.

VIII. And whereas there is due and payable from the said United Company to the publick, the further sum of two hundred thousand pounds, and one hundred and sixty-nine thousand three hundred and ninety-eight pounds, eighteen shillings and two-pence, making together the sum of three hundred and sixty-nine thousand three hundred and ninety-eight pounds, eighteen shillings and two-pence, pursuant to an act made in the ninth year of the reign of his present Majesty, for carrying into execution certain proposals made by the East India Company, and the said Company being also greatly indebted to the governor and company of the Bank of *England* for monies borrowed for the service of the said United Company; be it therefore enacted by the authority aforesaid, That so much of the said sum of one million four hundred thousand pounds, as shall remain after the full satisfaction and payment of the monies due and payable to his Majesty, for the duties of customs, subsidies, and impositions aforesaid, and of the several sums of one hundred and seventeen thousand three hundred and fourteen pounds, one shilling and three-pence, and seven twentieth parts of a penny, and eighty-four thousand eight hundred and forty-two pounds, eight shillings and seven-pence, and two fifth parts of a penny, also due from the said Company, to make good the deficiency of the duties on tea, as aforesaid, shall be applied in manner following; that is to say, There shall be issued and paid to the governor and company of the Bank of *England* the sum of six hundred thousand pounds, in part of the monies due and owing from the said United Company to the said governor and company of the Bank of *England*, and all the rest, residue, and remainder, of the said sum of one million four hundred thousand pounds, after satisfying and paying all and every the sums herein-before directed to be paid thereout, shall remain in the receipt of the exchequer, for supplying the before mentioned sums of two hundred thousand pounds, and one hundred and sixty-nine thousand three hundred and ninety-eight pounds, eighteen shillings and two-pence, making together the sum of three hundred and sixty-nine thousand three hundred and ninety-eight pounds, eighteen shillings and two-pence, due and payable from the said United Company to the publick, pursuant to the said act of the ninth year of the reign of his present Majesty, and shall be issued, paid, and applied, for and towards such of the publick services as the said sums of two hundred thousand pounds, and one hundred and sixty-nine thousand three hundred and ninety-eight pounds, eighteen shillings and two-pence, are or may

may be applicable to, in the same manner as if such monies had been actually paid into the said receipt of the exchequer by the said United Company, at the times, and in the manner, prescribed and directed by the said act of the ninth year of the reign of his present Majesty; which several sums so payable at the exchequer pursuant to this act, shall be paid, clear of all fees, charges, or gratuities whatsoever.

IX. And be it further enacted by the authority aforesaid, That the said United Company of merchants of *England* trading to the *East Indies*, and their successors, shall, upon the payment of the several sums hereinbefore directed to be made to the receiver-general of his Majesty's customs, and into the receipt of his Majesty's exchequer, be fully exonerated, acquitted, and discharged against his Majesty, his heirs and successors, for and in respect of all and every the sums herein directed to be paid, and that shall be paid, pursuant thereto, and from all writs, actions, suits, and proceedings, for or on account of such debts, or so much of the same as shall be satisfied by such payments; and also of the sum or sums hereby intended to be paid at the receipt of the exchequer to the Bank of *England*, in respect of the whole or such part of the said United Company's debts as shall be so discharged; and that no dispute or difficulty may arise, for or on account of the monies that shall or may be paid to the Bank of *England*, at the receipt of the exchequer, in pursuance of this act, a certificate shall be made forth, ascertaining the amount of the sum or sums so paid, and the day of payment of the same, which shall be signed by the auditor of the said receipt of the exchequer, the clerk of the pells, and the teller or tellers who paid the same; and in the absence of those officers, or either of them, by the deputy or deputies of such absent officer or officers attending at the said receipt at the time of payment of such monies; and such certificate shall be made forth and signed without fee or charge, and shall be good and sufficient evidence in law against the said governor and company of the Bank of *England*, for and in respect of such sum or sums so paid in satisfaction or diminution of the debt or debts due to the Bank of *England* from the said United Company.

How difficulties are to be prevented in discharging the Company of their said debts.

X. And whereas by an act, passed in the seventh year of his present Majesty's reign, intituled, *An act for taking off the inland duty of one shilling per pound weight on all black and single teas consumed in Great Britain; and for granting a drawback upon the exportation of teas to Ireland and the British dominions in America, for a limited time, upon such indemnification to be made in respect thereof by the East India Company as is therein mentioned, for permitting the exportation of teas in smaller quantities than one lot to Ireland, or the said dominions in America; and for preventing teas seized and condemned from being consumed in Great Britain*; it is enacted, That in case the said United Company, or their successors, should make failure in any of the payments directed by the said act to be made into the receipt of his Majesty's exchequer, in the manner, or on or before the respective times therein limited for that purpose; that then, as often as the case should happen, the money, whereof such failure in payment should be made, should be recovered to his Majesty's use, in the manner therein mentioned; and that there should be further recovered to his Majesty's use, against the said United Company, damages after the rate of twelve pounds *per centum per annum*, for the respective monies so unpaid, contrary to the said act, with full costs of suit; and the said United Company, and their successors, and all their stock, funds, and all other their estate and property whatsoever and wherefoever, are thereby made subject and liable to the payment of such monies, damages, and costs.

Act 7 Geo. 3. c. 36.

XI. And

Act 9 Geo. 3.
c. 24.

XI. And whereas by another act of Parliament, passed in the ninth year of the reign of his present Majesty, intituled, *An act for carrying into execution certain proposals made by the East India Company for the payment of the annual sum of four hundred thousand pounds, for a limited time, in respect of the territorial acquisitions and revenues lately obtained in the East Indies*, it is enacted, That the United Company of merchants of England trading to the *East Indies*, and their successors, should advance and pay into the receipt of his Majesty's exchequer, for his Majesty's use, the sum of four hundred thousand pounds *per annum*, for and during the term of five years, to be computed from the first day of *February*, one thousand seven hundred and sixty-nine, by half-yearly payments of two hundred thousand pounds each, which payments are directed to be paid at the times therein mentioned; and in case the said United Company should make failure in any of the said payments thereby directed to be made into the receipt of his Majesty's exchequer, on or before the respective times therein limited, that then, and as often as the case should happen, the money, whereof such failure in payment should be made, should and might be recovered to his Majesty's use, in the manner therein mentioned; and that there should be further recovered to his Majesty's use, against the said United Company, damages after the rate of fifteen pounds *per centum per annum*, for the monies so unpaid, contrary to the said act, together with full costs of suit; and the said United Company, and their successors, and all their stock, funds, and all other their estates and property whatsoever, are thereby made liable to the payment of all such monies, damages, and costs.

XII. And whereas the several deficiencies of the duties upon tea, and also of the said annual sum of four hundred thousand pounds, whereof any failure of payment hath been made by the said United Company, will be paid and made good to the publick, under the provisions of this present act; and it is expedient, in the present situation of the said United Company's affairs, that they should be indemnified against all damages which may have been incurred, or which may be recoverable against them, under either of the said last-recited acts, by means of their failure in making such payments at the times therein respectively prescribed and directed; be it therefore enacted by the authority aforesaid, That from and after the payment into the receipt of his Majesty's exchequer of the several sums of money herein-before directed to be paid, in discharge of the several principal sums due from the said United Company, under the said recited acts, or either of them, the said United Company, and their successors, shall be, and they are hereby declared to be, from thenceforth, fully and absolutely freed, exonerated, and discharged, of and from all damages and costs which they the said United Company may have incurred, or which may be recoverable against them, by means or on account of any failure in payment of any of the said principal sums respectively, by the said recited acts, or either of them, directed to be paid, as therein mentioned.

After payment of the sums mentioned, the Company shall be indemnified against damages in the said acts.

Application of the revenues of the Company, till their debt be reduced.

XIII. And whereas, in the present circumstances of the *East India* Company, it will not be in their power to provide for the repayment of such loan as aforesaid, and for establishing their affairs upon a more secure foundation for the time to come, unless the publick should agree to forego, for the present, all participation in the profits arising from the territorial acquisitions and revenues lately obtained in the *East Indies*, in order that provision be made by Parliament for applying as well the whole of the profits arising from the said territorial acquisitions and revenues, as all the revenue and profits of the Company, after providing for certain necessary payments

payments and deductions to be made thereout; to the payment of the said sum of one million four hundred thousand pounds, and to the reduction of the Company's bond debt; be it therefore enacted by the authority aforesaid: That until the said sum of one million four hundred thousand pounds shall have been repaid, and the bond debt of the said Company be reduced to the sum of one million five hundred thousand pounds, the whole clear profits arising from the said territorial acquisitions and revenues, after defraying the charges and expences attending the same, together with all the clear revenue and profits of the said Company, after providing for the current payments of interest, and other outgoings, charges, and expences of the said Company, shall, from time to time, be disposed of and applied in manner following; that is to say, until the whole of the money so advanced and applied as aforesaid shall have been repaid, it shall and may be lawful, out of the said clear revenues and profits, to set apart and apply, in the first place, such sum as may be sufficient for answering a dividend to the proprietors of the stock of the said Company, not exceeding the rate of six pounds *per centum per annum*, upon the capital stock of the said Company, and all the surplus of the said clear revenues and profits shall be applied in diminution of the said sum of one million four hundred thousand pounds, or such part thereof as shall be remaining unpaid, and for defraying the charges incurred in respect thereof; and after the repayment of the whole of the money so advanced and applied as aforesaid, and until the bond debt of the said Company shall be reduced to the sum of one million five hundred thousand pounds, it shall and may be lawful, in the like manner, to set apart and apply, in the first place, out of the said clear revenues and profits, such sum as may be sufficient for answering a dividend not exceeding the rate of seven pounds *per centum per annum*, upon the capital stock of the said Company; after which, all the surplus of the said clear revenues and profits shall be applied in reducing the bond debt of the said Company.

XIV. And be it further enacted by the authority aforesaid, That until the said sum of one million four hundred thousand pounds, so advanced as aforesaid, shall have been repaid, the said United Company shall, from time to time, pay, or cause to be paid, into the receipt of his Majesty's exchequer, by half-yearly payments, such surplus of the clear revenue and profits of the Company as is herein-before directed to be applied in diminution of the said sum of one million four hundred thousand pounds, or such part thereof as shall be remaining unpaid, and for defraying the charges incurred in respect thereof, to be applied, in the first place, for answering and paying all such interest, premium, rate, and charges, as shall have grown due in respect of the exchequer bills made out, issued, and circulated as aforesaid; and, in the next place, as far as the same will extend, for paying off, cancelling, and discharging, such of the said exchequer bills as shall then remain uncancelled.

XV. And be it further enacted by the authority aforesaid, That, during the continuance of this act, the said United Company do, and they are hereby directed and required, to cause to be made up, half-yearly, with as much accuracy as the nature of the case will admit, a statement or account of the profit and loss upon the whole of the trade and revenues of the said Company, together with a state of the debts of the said Company in *England*, exclusive of their bond debt, to the first day of *March* and the first day of *September*, in every year; the first of such statements or accounts to be made up from the first day of *September*, one thousand seven hundred and seventy-three, to the first day of *March*, one thousand seven hundred and seventy-four; and to transmit such statement

19 Geo. 3. c. 61. f. 1. recited the repayment of this loan; and the reduction of the bond debt to 1,500,000 l.

Dividend of 6l. per cent. per ann. on the Capital stock, Surplus in diminution of the loan of 1,400,000 l. Then a dividend of 7l. per cent. till bond debt reduced to 1,500,000 l.

Further provisions respecting the territorial revenues, 19 Geo. 3. c. 61. f. 1. 21 Geo. 3. c. 65. f. 9. 23 Geo. 3. c. 83. f. 8. 24 Geo. 3. c. 34. f. 4.

Surplus of their clear revenue to be applied in diminution of their debt.

Statement of the Company's debts to be made up every half year.

of account, fairly written, and signed by two or more of the directors of the said United Company, within twenty-one days after the day to which such statement or account shall be made up respectively, to the commissioners of his Majesty's treasury, or the high treasurer for the time being.

Company shall not bind themselves with bills of exchange, beyond a certain amount, without the consent of the treasury.
See 19 Geo. 3. c. 61. f. 4. 20 Geo. 3. c. 56. f. 4. 21 G. 3. c. 65. f. 26. 24 Geo. 3. c. 84. f. 1 & 2.

XVI. And be it further enacted by the authority aforesaid, That from and after the passing of this act, and until the said sum of one million four hundred thousand pounds shall be repaid, it shall not be lawful for the said United Company, or their successors, or any of their officers or servants on their account, to accept, or otherwise bind the said Company, or their successors, for the payment of any bill or bills of exchange drawn by any of their officers or servants at any of their presidencies in the *East Indies*, for any sum exceeding the sum of three hundred thousand pounds, exclusive of certificates to the amount of five thousand pounds to the commanders and officers of each of the Company's ships, in the space of any one year, without the consent or order first had and obtained of the commissioners of his Majesty's treasury now and for the time being, or any three or more of them, or of the high treasurer for the time being, who are hereby respectively authorized to give such consent, or to make such order thereon, as they shall judge expedient; and every acceptance or engagement made contrary to the true intent and meaning of this act, shall be null and void to all intents and purposes.

Amount of British merchandize which shall be exported yearly by the Company.
Enlarged by 25 G. 3. c. 44. but the provision is not now in force.

XVII. And be it further enacted by the authority aforesaid, That, during the term of two years, to be computed from the twenty-ninth day of *September*, one thousand seven hundred and seventy-three, the said United Company, or their successors, shall, and are hereby required, to export from *Great Britain*, in each and every year, during such term, to the *British* settlements, within the limits prescribed by the said Company's charter for their carrying on an exclusive trade in the *East Indies*, or elsewhere, upon the account of the said Company, or their successors, in their course of trade, exclusive of what may be exported by their servants or private traders, licensed by the said Company, or their successors, such goods and merchandizes, of the growth, produce, or manufacture, of *Great Britain*, as shall amount in value to the sum of three hundred and eighty thousand eight hundred and thirty-seven pounds, in each and every such year; but the amount of the value of the military and naval stores so exported shall not be esteemed or reckoned as part of the said sum of three hundred eighty thousand eight hundred and thirty-seven pounds *per annum*; and the said Company, or their successors, shall, on or before the first day of *June*, one thousand seven hundred and seventy-four, and on or before the first day of *June*, one thousand seven hundred and seventy-five, give security by bond, to his Majesty, his heirs and successors, under the common seal of the said Company, or of their successors, in the penal sum of double the said sum of three hundred eighty thousand eight hundred and thirty-seven pounds, for the due exportation of the said goods and merchandises annually, to the amount of the said sum of three hundred eighty thousand eight hundred and thirty-seven pounds, according to the real value of such goods and merchandises in this kingdom at the time of such exportation, or of the purchase thereof, by or on the behalf of the said Company, or their successors; which security the high treasurer, or the commissioners of his Majesty's treasury for the time being, or any three or more of such commissioners, is or are hereby authorized to take; and the said Company, or their successors, shall, on or before the thirty-first day of *October*, one thousand seven hundred and seventy-four, and on or before the thirty-first day of *October*, one thousand seven hundred and seventy-five, deliver to the said high treasurer,

Security to be given to the treasury for the due exportation thereof.

treasurer, or commissioners, an account, in writing, signed by two or more of the directors of the said Company for the time being, specifying the particular goods and merchandises which shall have been so exported in every such year in pursuance of and according to the true intent and meaning of this act, with the said true and real values of such goods and merchandises, with the names of the ships in which the same were respectively so exported; and which account shall be verified, on oath, made before any one justice of the peace, (which oath such justice is hereby authorised and required to administer), by the proper officers or servants of the said Company, or their successors, who shall keep their books for the entry of goods outwards, to the best of their knowledge; and if it shall appear, to the satisfaction of the said high treasurer, or commissioners, that goods and merchandises shall have been, agreeably to the directions of this act, exported as aforesaid in the respective year, in relation whereto each bond shall have been so given, then, in each and every such case, the said high treasurer, or commissioners, shall cause such bond to be delivered up; but in case no such account shall be delivered as herein-before mentioned, or if it shall appear that the said goods and merchandises exported within the term mentioned in any such bond shall not have amounted to such value as aforesaid, or that any such account shall appear not to be truly made, it shall and may be lawful for the said high treasurer, or commissioners, to cause each and every such bond to be prosecuted according to law, unless he or they shall find sufficient cause to forbear the same.

XVIII. Provided always, and be it enacted by the authority aforesaid, That in case the said Company, or their successors, shall in any one of the said two years export, or cause to be exported, such goods and merchandises, of the growth, produce, or manufacture of *Great Britain*, exceeding in value the sum of three hundred eighty thousand eight hundred and thirty-seven pounds; then, and in such case, the said excess shall, from time to time, be taken into the account of the exports of such goods and merchandises by the said Company, or their successors, in and for the next succeeding year, and shall be allowed and considered as part thereof.

Excess to be allowed in the succeeding year.

[N. B. Sessions 17 and 18 are expired.]

14 GEORGII III. Cap. XIX.

An Act to discontinue, in such Manner, and for such Time as are therein mentioned, the landing and discharging, lading or shipping, of Goods, Wares, and Merchandise, at the Town, and within the Harbour, of Boston, in the Province of Massachusetts Bay, in North America.

[So much thereof as relates to the *East India Company*.]

WHEREAS dangerous commotions and insurrections have been fomented and raised in the town of *Boston*, in the province of *Massachusetts Bay*, in *New England*, by divers ill-affected persons; to the subversion of his Majesty's government, and to the utter destruction of the publick peace, and good order of the said town; in which commotions and insurrections certain valuable cargoes of teas, being the property of the *East India Company*, and on board certain vessels lying within the bay or harbour of *Boston*, were seized and destroyed: And whereas, in the present condition of the said town and harbour, the commerce of his Majesty's subjects cannot be safely carried on there, nor the customs payable

payable to his Majesty duly collected; and it is therefore expedient that the officers of his Majesty's customs should be forthwith removed from the said town: May it please your Majesty that it may be enacted; and be it enacted, &c.

Not to extend to enable his Majesty to appoint ports, creeks, &c. till satisfaction be made to the East India Company.

X. Provided also, and it is hereby declared and enacted, That nothing herein contained shall extend, or be construed, to enable his Majesty to appoint such port, harbour, creeks, quays, wharfs, places, or officers, in the said town of *Boston*, or in the said bay or islands, until it shall sufficiently appear to his Majesty that full satisfaction hath been made by or on behalf of the inhabitants of the said town of *Boston* to the United Company of merchants of *England* trading to the *East Indies*, for the damage sustained by the said Company by the destruction of their goods sent to the said town of *Boston*, on board certain ships or vessels as aforesaid; and until it shall be certified to his Majesty, in council, by the governor or lieutenant governor, of the said province, that reasonable satisfaction hath been made to the officers of his Majesty's revenue, and others, who suffered by the riots and insurrections above mentioned, in the months of *November* and *December*, in the year one thousand seven hundred and seventy-three, and in the month of *January*, in the year one thousand seven hundred and seventy-four.

16 GEORGII III. Cap. XXXVII.

An Act for allowing the Exportation of certain Quantities of Wheat, and other Articles, to his Majesty's Sugar Colonies in America, and to the Island of Saint Helena, and to the other Settlements belonging to the United Company of Merchants of England trading to the East Indies, and of Biscuit and Pease to Newfoundland, Nova Scotia, Bay Chaleur, and Labrador; and for indemnifying all Persons with respect to advising or carrying into Execution His Majesty's Orders of Council already made for allowing the Exportation of Wheat, and other Articles.

[So much thereof as relates to the *East India Company*.]

13 G. 3. c. 43.
East India Company impowered to export annually 1000 quarters of wheat, flour, &c. from Great Britain to Saint Helena, Bencoolen, &c.

II. AND whereas by an act, passed in the thirteenth year of his present Majesty's reign, (intituled, *An act to regulate the importation and exportation of corn*), it was (among other things) enacted, That nothing therein contained should extend to prohibit the exportation from the port of *London*, to the island of *Saint Helena*, of any quantity of wheat, meal, flour, rye, barley, or malt, not exceeding five hundred quarters in the whole, for the sustenance and use of the inhabitants thereof, under the restrictions and upon the conditions therein mentioned: And whereas the said quantity of five hundred quarters of wheat, meal, flour, rye, barley, or malt, is not sufficient for the necessary use and consumption of the said island of *Saint Helena*, and for the United *East India Company's* settlements in the *East Indies*; be it therefore enacted by the authority aforesaid, That, from and after the passing of this act, it shall be lawful for the said United Company to export annually from *Great Britain* to the said island of *Saint Helena*, *Bencoolen*, and to their settlements in the *East Indies*, or any of them, any quantity of wheat, wheat-meal, flour, rye, barley, or malt, not exceeding one thousand quarters in the whole, under the restrictions and upon the terms and conditions in the said recited act provided and contained, as respecting the quantity of wheat, and other articles, thereby allowed

allowed to be exported to the said island of *Saint Helena*; any thing in the said recited act contained to the contrary thereof notwithstanding.

III. Provided always, and it is hereby further enacted by the authority aforesaid, That the said articles exported as aforesaid, in pursuance of this act, shall be subject to the like securities at the respective ports from whence they are exported, that the same shall not be landed or sold in any parts whatsoever other than the respective places for which the same shall be entered and declared for exportation, and in all other respects not altered by this act shall be liable to such and the like rules, restrictions, and regulations; and the persons granting or making any false certificate, or counterfeiting, erasing, or falsifying any certificate, or knowingly publishing such certificate to be counterfeited, erased, or falsified, shall be subject to the same disabilities, penalties, and forfeitures, as are respectively prescribed and directed by the said recited acts, made in the fourteenth year of his Majesty's reign; which penalties and forfeitures shall and may be sued for, prosecuted, and recovered, and applied, in the manner directed by those acts.

The said articles to be subject to the like securities, etc. on exportation, as directed by act 14 G. 3. c. 5 & 11.

16 GEORGII III. Cap. LI.

An Act for granting further Time for allowing the Drawback upon the Exportation of Muslins and Calicoes, imported by the East India Company in the Years one thousand seven hundred and seventy-three, and one thousand seven hundred and seventy-four; for allowing further Time to the said Company to expose to Sale such Bebea and Singlo Teas and Coffee as remained unsold on the Fifth Day of April, One thousand seven hundred and seventy-six; and also such Bebea Teas as shall be imported on or before a certain Time; and for allowing the Drawbacks on the Exportation of such Teas and Coffee, and for granting further Time for allowing the Drawback on the Exportation of Coffee imported in the Ship Shrewsbury, in the Year One thousand seven hundred and seventy-three.

[This act, except the following clause, is expired.]

IV. PROVIDED always, and be it further enacted by the authority aforesaid, That, if the said United Company of merchants of *England* trading to the *East Indies*, shall at any time neglect to keep the market supplied with a sufficient quantity of tea at reasonable prices, to answer the consumption thereof in *Great Britain*, it shall and may be lawful to and for the commissioners of the treasury, or any three or more of them, or for the lord high treasurer for the time being, to grant licences to any other person or persons, body or bodies politick or corporate, to import into *Great Britain*, from any parts of *Europe*, in such and the like manner, and subject to such duties, and under such restrictions and limitations, and upon such notices, and with such licences, as are by any act or acts now in force prescribed and directed with respect to tea to be imported from any parts of *Europe* by the said United Company of merchants of *England* trading to the *East Indies*; any thing contained in this act to the contrary thereof in anywise notwithstanding.

In case the Company neglect to supply the home market with tea, at reasonable prices, commissioners of the treasury may grant licences to any persons to import the same. See further, 24 G. 3. c. 28.

17 GEORGII III. Cap. VIII.

An Act to amend so much of an Act, made in the Thirteenth Year of the Reign of his present Majesty, (intituled, An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe), as relates to the Day on which the annual Election of Directors of the said Company is to be made.

Preamble.

Act 13 Geo. 3.
c. 65. recited.

WHEREAS by an act, made in the thirteenth year of the reign of his present Majesty, (intituled, *An act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe*); it is, among other things, enacted, That at the then 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 should be chosen, in such manner and order as the directors of the said United Company for the time being should 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, should be chosen, from time to time, in the place of such directors whose term should have expired, and who were thereby 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 should be chosen, and should 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 should become void, by death, removal, or otherwise, another should 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 should have become void was chosen, and no longer: And whereas the first general election of directors of the said United Company, after the passing the said recited act, was made on the thirteenth day of *April*, which was in the year of our Lord one thousand seven hundred and seventy-four, at which time six directors were chosen for the term of one year, six other directors for the term of two years, six other directors for the term of three years, and six other directors for the term of four years, according to the directions of the said recited act; and afterwards on the thirteenth day of *April*, which was in the year of our Lord one thousand seven hundred and seventy-five, six other directors were chosen for the term of four years, in the room of those directors who were elected for one year, as aforesaid; and on the thirteenth day of *April*, one thousand seven hundred and seventy-six, six other directors were chosen for the term of four years, in the room of those directors who were elected for two years as aforesaid: And whereas there is not any provision in the said act, for the making an election of directors of the said United Company at any other time than on the exact day when the term of the former elections expire: And whereas the day of election of directors in the year one thousand seven hundred and seventy-seven, according to the said recited act, will happen on *Sunday*, the thirteenth day of *April*, one thousand seven hundred and seventy-seven; but it is highly improper that such election should be made on a *Sunday*, and it is expedient that the like impropriety

propriety should be prevented in future; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That, instead of the said general election of six directors of the said United Company, in the said year one thousand seven hundred and seventy-seven, for the term of four years, being made on Sunday, the said thirteenth day of April, one thousand seven hundred and seventy-seven, the same election shall be made on Wednesday, the sixteenth day of the same month of April; and in respect to all future annual elections of directors of the said United Company, instead of the same being made on the exact day of the expiration of the term for which the former directors were elected, in pursuance of the said recited act, such future annual general elections of directors of the said United Company shall be made on the second Wednesday in the month of April in every year.

General election of directors for 1777, to be on Wednesday, April 16;

and all future annual elections on the second Wednesday in April

II. And be it further enacted by the authority aforesaid, That the term of three years, for which six directors of the said Company were elected, in the said year one thousand seven hundred and seventy-four, and which will expire on the thirteenth day of April, one thousand seven hundred and seventy-seven, shall be enlarged; and such directors so elected for the term of three years, shall continue directors of the said United Company until the said sixteenth day of April, one thousand seven hundred and seventy-seven, and during the whole of that day; and in respect to the said directors elected in the said years, one thousand seven hundred and seventy-four, one thousand seven hundred and seventy-five, and one thousand seven hundred and seventy-six, for the respective terms of four years; and as to all future directors of the said United Company to be elected for the term of four years, in case the said respective terms of four years shall happen to expire before the second Wednesday in the month of April, in that year in which the said respective terms of four years shall expire, yet such directors shall continue to be directors of the said Company until the second Wednesday in the month of April in which the said respective terms of four years shall end, and during the whole of that day; and in case the said respective terms of four years shall not have fully run out on the said second Wednesday of the said month of April, in any subsequent year, in which the said terms shall respectively expire; in such case the same terms respectively shall end and expire at the end of the day on the said second Wednesday of the said month of April in such year in which the said respective terms of four years shall end and expire, in the same manner as if the whole term of four years was fully run out; any thing in the said recited act of Parliament contained to the contrary in any wise notwithstanding.

Clause relating to the determination of the terms for which the directors are elected.

III. And whereas notice hath been duly given, that the election of directors in the year one thousand seven hundred and seventy-seven, will be on the thirteenth day of April, one thousand seven hundred and seventy-seven; be it further enacted by the authority aforesaid, That the directors of the said United Company shall, within seven days after the passing of this act, cause notice to be given in the London Gazette, that instead of the general election of six directors of the said United Company, in the year one thousand seven hundred and seventy-seven, for the term of four years, being made on Sunday, the thirteenth day of April, one thousand seven hundred and seventy-seven, the same election will be made on Wednesday, the sixteenth day of the same month of April; which notice (together with the said former notice) shall be deemed and taken to be good and sufficient notice of the said election; any other law or statute in any wise notwithstanding.

Directors to give notice in the London Gazette of the day of election by this act appointed.

17 GEORGII III. Cap. XXVII.

An Act for allowing a Drawback of the Duties of Customs on the Exportation of Tea to Ireland.

Preamble.

Act 12 G. 3.
c. 60. recited.

A drawback to be allowed of the whole duties of customs on tea, on the exportation thereof to Ireland.

18 G. 2. c. 26.

14 G. 3. c. 34.

16 G. 3. c. 31.

WHEREAS the drawback allowed by an act of Parliament, made in the twelfth year of the reign of his present Majesty, (intituled, *An act for granting a drawback of part of the customs upon the exportation of tea to Ireland, and the British dominions in America; for altering the drawback upon foreign sugars exported from Great Britain to Ireland; for continuing the bounty on the exportation of British-made cordage; for allowing the importation of rice from the British plantations into the ports of Bristol, Liverpool, Lancaster, and Whitehaven, for immediate exportation to foreign parts; and to empower the chief magistrate of any corporation to administer the oath, and grant the certificate required by law, upon the removal of certain goods to London, which have been sent into the country for sale;*) upon the importation of tea into Ireland from this kingdom, will cease on the fifth day of July, one thousand seven hundred and seventy-seven: And whereas it may tend to promote and encourage the importation of tea into Ireland from this kingdom, if the whole of the duties of customs, payable upon the importation of teas, were to be allowed to be drawn back upon all teas sold at the publick sales of the United Company of merchants of England trading to the East Indies, which shall be exported to Ireland after the said fifth day of July, one thousand seven hundred and seventy-seven; 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 there shall be drawn back and allowed for all teas sold at the publick sales of the United Company of merchants of England trading to the East Indies, or which shall be imported, by licence, in pursuance of an act, made in the eighteenth year of the reign of his late Majesty King George the Second, (intituled, *An act for repealing the present inland duty of four shillings per pound weight upon all tea sold in Great Britain; and for granting to his Majesty certain other inland duties in lieu thereof; and for better securing the duty upon tea, and other duties of excise; and for pursuing offenders out of one county into another*), which shall at any time, from and after the fifth day of July, one thousand seven hundred and seventy-seven, be exported from this kingdom as merchandize to Ireland, the whole of the duties of customs payable upon the importation of such teas; which drawback or allowance shall be made to the exporter, in such manner, and under such rules, regulations, and securities, and subject to the like penalties and forfeitures, as are mentioned in and by the said recited act of the twelfth year of the reign of his present Majesty; and in and by an act, made in the fourteenth year of the reign of his present Majesty, (intituled, *An act for granting further time to the United Company of merchants of England trading to the East Indies, to expose to sale the sugars and cocoa teas remaining in their warehouses unsold, on the fifth day of April, one thousand seven hundred and seventy-four; and for allowing the drawbacks on the exportation of such teas*;) and in and by an act made in the sixteenth year of the reign of his present Majesty, (intituled, *An act for granting further time for allowing the drawback upon the exportation of muslins and calicoes, imported by the East India Company in the years one thousand seven hundred*

and seventy-three, and one thousand seven hundred and seventy-four; for allowing further time to the said Company to expose to sale such bobea and single teas and coffee as remain unsold on the fifth day of April, one thousand seven hundred and seventy-six; and also such bobea teas as shall be imported on or before a certain time; and for allowing the drawbacks on the exportation of such teas and coffee; and for granting further time for allowing the drawback on the exportation of coffee imported in the ship *Shrewsbury*, in the year one thousand seven hundred and seventy-three;) or by any other act of Parliament now in force, so far as the same respectively concern the exportation of tea to *Ireland*, in as full and ample manner, to all intents and purposes, as if the several clauses relating thereto were again repeated and re-enacted in this present act.

See further
18 G. 2. c. 26.
21 G. 1. c. 14.
and 24 G. 3.
c. 38.

17 GEORGII III. Cap. XXIX.

An Act for the more effectual Prevention of the manufacturing of Ash, Elder, Sloe, and other Leaves, in Imitation of Tea, and to prevent Frauds in the Revenue of Excise in respect to Tea.

WHEREAS, by an act of Parliament made in the fourth year of the reign of his late Majesty King *George* the Second, (intituled, *An act to prevent frauds in the revenue of excise with respect to starch, coffee, tea, and chocolate*), it is enacted, That, from and after the twentieth day of *September*, one thousand seven hundred and thirty-one, if any person or persons who should be a dealer in or seller of tea, should dye, fabricate, or manufacture any sloe leaves, liquorish leaves, or the leaves of tea that had been used, or the leaves of any other tree, shrub, or plant, in imitation of tea, or should mix, colour, stain, or dye, such leaves or tea, with terra japonica, sugar, molasses, clay, logwood, or with any other ingredients or materials whatsoever; or should sell and vend, utter, or offer or expose to sale, or should have in his, her, or their custody, any such dyed, fabricated, or manufactured leaves, in imitation of tea, or any such coloured, stained, or dyed leaves, or tea mixed with any of the materials before mentioned, or with any other ingredients whatsoever, such person or persons should respectively, for every pound of such leaves so dyed, fabricated, or manufactured in imitation of tea, and for every pound of such mixed, coloured, stained, or dyed leaves or tea, forfeit and pay the sum of ten pounds: And whereas great quantities of sloe leaves, and leaves of ash, elder, and other trees, shrubs, and plants, are dyed, fabricated, and manufactured in imitation of tea, by divers persons, who sell the same so dyed, fabricated, and manufactured, to other persons being dealers in tea, smugglers, and others, by whom the said manufactured leaves are mixed with tea, and sold and vendid as true and real tea, but by reason that the persons so dying, fabricating, and manufacturing the said leaves, are not dealers in, or sellers of tea, they are not punishable for the said offences by the laws now in being, whereby such evil practices are increased to a very great degree, to the injury and destruction of great quantities of timber woods, and underwoods, the prejudice of the health of his Majesty's subjects, the diminution of the revenue, the ruin of the fair trader, and to the encouragement of idleness; for remedy whereof, and for the more effectual prevention of such frauds and abuses for the future, be it enacted; and it is hereby

Preamble.
Act 4 G. 2. c. 24.
recited.

Any person who, after June 1, 1777, shall dye or manufacture, in imitation of tea, any leaves of tea that have been used, or any sloe, liquorish, or elder leaves, etc. or shall sell, or offer to sell the same, etc.

shall, on conviction, forfeit 5 l. for every pound of such leaves so dyed, etc.

Penalty on persons having more than six pounds of any such leaves in their possession.

Except, etc.

If any officer of excise, etc. shall make oath before a justice that he suspects any such leaves as aforesaid are concealed,

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 first day of June, one thousand seven hundred and seventy-seven, if any person or persons whatsoever, whether he, she, or they, be a dealer or dealers in, or a seller or sellers of tea, or not, shall dye, fabricate, or manufacture, any sloe leaves, liquorish leaves, or the leaves of tea that have been used, or the leaves of any ash, elder, or other tree, shrub, or plant, in imitation of tea, or shall mix, colour, stain, or dye, any such leaves with terra japonica, copperas, sugar, molasses, clay, logwood, or with any other ingredients or materials whatsoever, or shall sell or vend, utter, or offer or expose to sale, or shall have in his, her, or their custody or possession, any such dyed, fabricated, or manufactured leaves in imitation of tea, or any such coloured, stained, or dyed leaves, or any leaves that should be dying, fabricating, or manufacturing in imitation of tea, and shall be thereof convicted upon the oath of one or more credible witness or witnesses, before any one or more of his Majesty's justices of the peace for the county, city, riding, division, district, or place, wherein such offence shall have been committed; such person or persons shall respectively, for every pound of such leaves so dyed, fabricated, or manufactured in imitation of tea, or dying, fabricating, or manufacturing in imitation of tea, and for every pound of such mixed, stained, or dyed leaves of tea, forfeit and pay the sum of five pounds; and upon nonpayment thereof, such justice or justices shall commit the offender or offenders to the common gaol of the county or place where the offence shall be committed, there to remain without bail or mainprize for any time not exceeding twelve months, nor less than six months, or until the penalty and charges shall be paid.

II. And it is further enacted by the authority aforesaid, That, from and after the said first day of June, one thousand seven hundred and seventy-seven, if any person or persons shall have in his, her, or their custody or possession, any quantity (exceeding six pounds weight) of sloe leaves, or the leaves of ash, elder, or any other tree, shrub, or plant, green or manufactured, and shall not prove, to the satisfaction of the justice or justices before whom the matter shall be heard, that such leaves were gathered with the consent of the owners of the trees, shrubs, or plants, from which the said leaves were taken, and that such leaves were gathered for some other use or uses, and not for the purpose of fabricating and manufacturing the same in imitation of tea, and shall be thereof convicted, by the oath of one or more credible witness or witnesses, before any one or more justice or justices of the peace for the county, city, riding, division, district, or place, where such leaves shall be so found, such person or persons shall respectively, for every pound of such green or manufactured leaves, so found in his, her, or their custody or possession, as aforesaid, forfeit and pay the sum of five pounds; and upon nonpayment thereof such justice or justices shall commit the offender to the common gaol of the county or place where the offence shall be committed, there to remain without bail or mainprize for any time not exceeding twelve months, nor less than six months, or until the penalty and charges shall be paid.

III. And be it further enacted by the authority aforesaid, That if any officer or officers of his Majesty's revenue of excise, or other person or persons, shall have cause to suspect that any such leaves dyed, fabricated, or manufactured, or leaves dying, fabricating, or manufacturing, in imitation of tea, or leaves intended so to be dyed, fabricated, or manufactured, shall be hid, concealed, or lodged, in any place whatsoever; then and

and in such case, upon oath made by such officer or officers, or other person or persons, before any one or more justice or justices of the peace for the county, city, riding, division, district, or place, where the same shall be so suspected to be hid, concealed, or lodged, setting forth the ground of such his, her, or their suspicion, it shall and may be lawful to and for the said justice or justices of the peace respectively, before whom such affidavit or affidavits shall be made, if he or they shall judge it reasonable, by special warrant or warrants under his or their respective hand and seal or hands and seals, to authorize and empower such officer or officers, or other person or persons, by day or by night, but if in the night-time, then in the presence of a constable, or other lawful officer of the peace, to enter into all and every such place or places, where he or they shall so suspect the said dyed, fabricated, or manufactured, or other the said leaves shall be so hid, concealed, or lodged, and to seize and carry away as forfeited all such leaves so dyed, fabricated, or manufactured, or dying, fabricating, or manufacturing; or intended to be so dyed, fabricated, or manufactured, which he or they shall so find hid, concealed, or lodged, together with all and singular the waggons, carts, boxes, bags, tubs, or other vessels, or package, containing the same: And it shall and may be lawful to and for the said justice or justices so granting the said warrant, or any other justice or justices of the peace for the county, city, riding, division, district, or place, wherein such seizure shall be made, on proof of the premises, by oath of one or more credible witness or witnesses, by warrant or warrants under his or their hand or seal, hands or seals respectively, to order the said dyed, fabricated, or other leaves, so seized as aforesaid, to be conveyed to some convenient place, and there to be burnt or otherwise destroyed, and to order the said waggons, carts, boxes, bags, tubs, or other vessels or package, containing the same as aforesaid, to be forthwith sold, and the money arising by such sale, after deducting the charges of such seizure and sale, and of the burning, or otherwise destroying of the said leaves, to go and be paid, one half to the informer, and the other half to the poor of the parish where the offence shall be committed: And if any person or persons whatsoever shall let, obstruct, or hinder, such officer or officers, or other person or persons having such authority as aforesaid, from entering such places where he or they shall suspect such leaves to be so hid, concealed, or lodged, or in seizing, carrying away, burning, or otherwise destroying the same, or in seizing, carrying away, or selling the said carts, waggons, boxes, bags, tubs, or other vessels or package, containing the same as aforesaid, the person or persons offending therein shall, for every such offence, forfeit and lose the sum of fifty pounds each, on conviction thereof, by the oath of one or more credible witness or witnesses, before one or more justice or justices of the peace for the county, city, riding, division, district, or place, where such offence shall be committed; and upon nonpayment of the said forfeiture, such justice or justices shall commit the offender or offenders to the common gaol of the county or place where the offence shall be committed, there to remain without bail or mainprize, for any time not exceeding twelve months, nor less than six months, or until the penalty and charges shall be paid.

such justice may grant a special warrant for entering any place in search of the same.

All such leaves so found, to be destroyed, &c.

Penalty on persons obstructing officers in search of such leaves, &c.

IV. Provided always, and it is hereby enacted by the authority aforesaid, That no such green and unmanufactured leaves, so found hid, concealed, or lodged, as aforesaid, shall be burnt or otherwise destroyed, if the owner or owners thereof shall, within twenty-four hours after such seizure, prove, to the satisfaction of the justice or justices granting the said warrant for seizing such leaves, or any other justice or justices of the peace for the county, city, riding, division, district, or place, where the

Certain cases in which leaves found concealed, shall not be destroyed, &c.

same shall be so seized, that the said green or unmanufactured leaves were gathered with the consent of the owner or owners of the trees, shrubs, or plants, from which the said leaves were taken, and that the same were so gathered for some other use or uses, and not for the purpose of dying, fabricating, or manufacturing, in imitation of tea, as aforesaid; and if such proof shall, within the time aforesaid, be made to the satisfaction of the said justice or justices, then the said green or unmanufactured leaves, together with the carriages, vessels, and package, in which the same shall have been so seized, shall be forthwith restored to the owner or owners thereof, by order of such justice or justices.

Occupiers of houses, &c. wherein any such leaves shall be found, if lodged there with their consent, shall be liable to the penalties of this act.

V. And be it further enacted by the authority aforesaid, That all such dyed, coloured, stained, fabricated, and manufactured, and other leaves aforesaid, shall be deemed and adjudged to be in the custody and possession of the occupier or occupiers of the dwelling-houses, out-houses, gardens, and lands, wherein or whereon the same shall be so found hid, concealed, or lodged, as aforesaid; and such occupier or occupiers of the said dwelling-houses, out-houses, gardens, and lands, shall be liable to all the pains and penalties by this act inflicted on the person or persons having such dyed, coloured, stained, fabricated, or manufactured, and other leaves, in his, her, or their custody or possession, if it shall be proved, to the satisfaction of the justice or justices before whom the matter shall be heard, that such leaves were lodged in such dwelling-houses, out-houses, gardens, or lands, with the privity or consent of the said occupier or occupiers thereof.

Application of the forfeitures.

VI. And be it further enacted by the authority aforesaid, That one moiety of all and every the forfeitures herein-before directed to be paid in pursuance of this act, shall go to the informer, and the other moiety to the poor of the parish where such offence shall be committed.

Inhabitants of the parish to be admitted as evidence.

VII. And, for the more easy conviction of persons offending against this act, be it enacted by the authority aforesaid, That in all informations and other proceedings for any of the offences aforesaid, the evidence of the inhabitants of the parish or place where the offence shall be committed shall be taken and allowed, any law, custom, rule, order, or usage to the contrary notwithstanding.

Justices to put this act in execution.

VIII. And be it enacted by the authority aforesaid, That his Majesty's justices of the peace for the respective counties, cities, ridings, divisions, districts, or places, wherein any of the offences committed against this act shall be done, are hereby authorized to put this act in execution, and to administer an oath to any such credible witness or witnesses.

Convictions of offenders to be certified to the next quarter sessions.

IX. And be it further enacted by the authority aforesaid, That the conviction or convictions of all and every offender and offenders against this act, shall be certified, by the justice or justices of the peace before whom the same shall be made, to the next general quarter sessions of the peace, to be filed amongst the records of the said sessions; and that such conviction shall be fairly written on parchment or paper, in the following form of words, (as the case shall happen) or in any other form of words to the like effect; that is to say:

Form of conviction.

to wit. } *BE it remembered, That on the _____ day of _____ in the _____ year _____ A. B. was, upon the complaint of C. D. convicted before _____ of the justices of the peace for in pursuance of an Act passed in the seventeenth year of the reign of his Majesty King George the Third, for _____ (as the case shall be.)*
Given under _____ hand and seal, the day and year above written.

Which

Which said conviction shall be good and effectual in law, to all intents and purposes, and shall not be quashed, set aside, or adjudged void or insufficient, for want of any form or words whatsoever; nor shall the same be liable to be removed by *certiorari* into his Majesty's court of King's Bench, but shall be deemed and taken to be final, to all intents and purposes whatsoever.

Conviction not to be quashed for want of form etc.

17 GEORGII III. Cap. XLI.

An Act to prevent the clandestine unshipping from and receiving Goods at Sea on board Vessels employed in the East India Company's Service; for ascertaining the Manner of discharging Bonds given for the due Exportation of certain Goods from Great Britain to Foreign Parts; and to oblige the Masters of British or Irish Ships, sailing from any of His Majesty's Dominions into the Baltick, to deliver a Manifesto of their Cargoes to the British Consul residing there.

[So much thereof as relates to the *East India Company*.]

WHEREAS the laws heretofore made to prevent the clandestine running of goods from on board ships employed in the service of the *East India Company* on their homeward voyages, and the receiving of goods on board such ships at sea on their outward voyages from this kingdom, are insufficient to answer those purposes, it having been found by experience that very large quantities of muslins, teas, and other goods, are unshipped from on board such ships into vessels that meet them at sea on their voyages homewards, which goods are afterwards run on shore on the coasts of this kingdom without payment of duties; and also that large quantities of wine, brandy, and other goods, are clandestinely laden and put on board ships employed in the said Company's service on their outward-bound voyages at sea, from vessels that wait hovering for them upon the coast of this kingdom, laden with such goods from foreign parts; to the great loss of the publick revenue, the detriment of the *East India Company*, and the prejudice of the fair traders: For remedy whereof, may it 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 twenty-fourth day of *June*, one thousand seven hundred and seventy-seven, if any muslin, tea, or other goods, wares, or merchandizes whatsoever, shall be unshipped at sea, and taken out of any ship or vessel employed in the service of the said *East India Company*, on her voyage homewards to this kingdom, at any distance from the coasts thereof (unless in case of apparent necessity, or some other lawful reason, of which the master, commander, or other person having charge of such ship or vessel, shall give immediate notice to, and make proof of before, the collector and comptroller, or the chief officer or officers of the customs, at the first port of this kingdom where he shall arrive); all such muslin, tea, or other goods, wares, and merchandizes, and every ship, vessel, or boat, into which the same shall be unshipped and taken, or which shall be used in the removing, carrying, or conveying the same, shall be forfeited and lost; and the master, commander, or other person having charge of such ship or

Preamble.

Penalty on unshipping goods at sea from any homeward-bound vessel employed by the *East India Company*, at any distance from the coasts of this kingdom; (unless in case of necessity, &c.)

vessel from which such goods shall be so unshipped and taken, knowingly permitting or suffering such goods to be so unshipped and taken out of such ship or vessel, and every other person who shall be aiding, assisting, or otherwise concerned in the unshipping or receiving of such goods, shall forfeit treble the value thereof.

or on putting on board any such vessel outward-bound, after she has left the port of London, any wine, brandy, &c. except for the use of the persons on board during the voyage.

II. And it is hereby further enacted by the authority aforesaid, That from and after the said twenty-fourth day of June, if any wine, brandy, or other goods whatsoever, shall be laden or put on board any ship or vessel, employed in the service of the said *East India* Company, at sea, at any distance from the coasts of this kingdom, after such ship or vessel hath been cleared outwards, and departed from the port of London on her outward-bound voyage (excepting such provisions and stores as shall be necessary for the use and sustenance of the persons on board such ship or vessel during the voyage), all such wine, brandy, and other goods, and every ship, vessel, or boat, out of and from which such wine, brandy, or other goods, shall be so unladen, shall be forfeited and lost; and the master, commander, or other person having the charge of such *East India* ship, knowingly permitting or suffering any such goods to be so taken on board such ship, and every other person who shall be aiding, assisting, or otherwise concerned in the unshipping or receiving of the said goods, shall forfeit treble the value thereof.

Penalties and forfeitures how to be recovered and applied.

III. And be it further enacted by the authority aforesaid, That all penalties and forfeitures, as well specifick as pecuniary, by this act imposed, shall and may be sued for, prosecuted, and recovered, in any of his Majesty's courts of record at *Westminster*, by action, bill, plaint, or information, in the name of his Majesty's attorney-general, or in the name of some officer or officers of the customs, by the same rules, methods, ways, and means, as other penalties and forfeitures inflicted for offences against the laws for securing the revenue of customs are and may be sued for, prosecuted, and recovered; and that one-third part of all such penalties and forfeitures shall be to the use of his Majesty, his heirs and successors, one other third part thereof to the use of the said United Company, and the remaining third part thereof to the officer or officers of the customs who shall inform and prosecute for the same.

Defendants, in any suit relating to this act, may plead the general issue,

VI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit 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 the authority of this act: And if it shall appear so to have been done, then the jury shall find for the defendant and defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgement shall be given, upon any verdict or demurrer, against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

and recover treble costs.

19 GEORGII III. Cap. XLVIII.

An Act to explain so much of an Act, made in the Twelfth Year of the Reign of King Charles the Second, intituled, An Act for the encouraging and encreasing of Shipping and Navigation, as relates to the Importation into this Kingdom, and other his Majesty's Dominions, of Goods and Commodities of the Growth or Production of Africa, Asia, or America, which are manufactured in foreign Parts; for preventing Masters of Ships removing their Vessels out of the Stream, except to the lawful Quays, in the Port of London, before the Goods are discharged, or their Vessels are cleared by the proper Officers inwards or outwards; and for allowing the Officers of the Customs and Excise to make Use of Lights on Board Ships in the Haven, Dock, or Basin, at the Port of Kingston upon Hull.

[So much thereof as relates to the East India Company.]

WHEREAS by an act, made in the twelfth year of the reign of King Charles the Second, intituled, *An act for the encouraging and encreasing of shipping and navigation*; it was, amongst other things, enacted, That no goods or commodities of the growth, production, or manufacture, of *Africa, Asia, or America*, shall be imported or brought into *England, Ireland, Wales*, the islands of *Guernsey or Jersey*, or town of *Berwick upon Tweed*, from any other place or places, country or countries, but only from those of the said growth, production, or manufacture, or from those ports where the said goods and commodities can only, or are or usually have been first shipped for transportation, and from none other places or countries, under the penalty of the forfeiture of all such of the aforesaid goods as shall be imported from any other place or country, contrary to the true intent and meaning of the said act, as also of the ship in which they were imported, with all her guns, furniture, ammunition, tackle, and apparel: And whereas doubts have arisen whether such goods, if carried from the place or country of the growth or production into any foreign parts of *Europe*, and manufactured there, may not be imported from thence into this kingdom, and other of his Majesty's dominions in the said act mentioned: And whereas the importation of such goods and commodities so manufactured would be very prejudicial to the trade and navigation of *Great Britain*, and would tend to the ruin of several artificers and labourers, whose families are supported by the manufacturing such goods and commodities in this kingdom; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of *June*, one thousand seven hundred and seventy-nine, the said in part recited act, of the twelfth year of the reign of King Charles the Second, shall not extend, or be construed to extend, to permit any goods or commodities whatsoever, of the growth or production of *Africa, Asia, or America*, which shall be in any degree manufactured in foreign parts, to be imported or brought into the kingdom of *Great Britain, Ireland*, or the islands of *Guernsey, Jersey, or Man*, except and unless the same shall be so manufactured in the country or place of which the said goods and commodities are the growth and production, or in the place where such goods and commodities can only or are first shipped for transportation, and from no other place or country whatsoever, under the penalties

Preamble.

Recital of the Navigation act 12 Car. 2. c. 18.

Explanation of part of the said act, in respect of foreign goods not manufactured at place of growth, or place where first shipped.

penalties and forfeitures in the said act mentioned; any custom or usage to the contrary notwithstanding.

Certain goods the importation whereof is not prohibited by this act.

II. Provided nevertheless, That this act shall not restrain or prohibit the importation of oil of cloves, oil of cinnamon, oil of mace, and oil of nutmegs, or of any goods or commodities which are permitted to be imported into this kingdom, under particular circumstances and restrictions, by any subsequent act or acts of Parliament which are now in force.

Penalty on masters of ships removing their vessels out of the stream, except to the lawful quays, in the port of London, before the goods are discharged, &c.

III. And whereas ships and vessels arriving at the port of *London* from *Holland* and *Flanders*, and other foreign parts, and also ships and vessels outward bound from the said port to foreign parts, are frequently removed from the lawful quays, or out of the stream, to lie at anchor close to the back-doors of the houses of the masters of such vessels, or at the publick houses frequented by such masters on the side of the river *Thames*, before they are discharged and cleared by the proper officers of the customs, whereby cambricks, lace, *India* silks, and other prohibited goods, are very often run from on board such vessels, to the detriment of the revenue and fair trader; for remedy whereof for the future, be it enacted by the authority aforesaid, That, from and after the first day of *June*, one thousand seven hundred and seventy-nine, if any ship or vessel, coming or arriving from foreign parts, within the limits of the port of *London*, shall be removed out of the stream, except to the lawful quays, before all the goods are discharged out of such ship or vessel; or if any ship or vessel, outward-bound from the said port of *London* to any foreign parts, having any goods or merchandize on board thereon, shall, during her continuance in the said port, be so removed out of the stream, except to the lawful quays, unless upon any accident or emergent occasion, immediately to be made known to the commissioners or principal officers of his Majesty's customs, and their consent for those respective purposes obtained; the master, purser, or other person taking charge of every such ship or vessel, shall forfeit and loie the sum of one hundred pounds for each and every such respective offence; one moiety whereof shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer or officers of the customs as shall inform, prosecute, or sue for the same, in any of his Majesty's courts of record at *Westminster*.

19 GEORGII III. Cap. LXI.

An Act for continuing in the Possession of the United Company of Merchants of England trading to the East Indies, for a limited Time, and under certain Conditions, the Territorial Acquisitions and Revenues lately obtained in the East Indies; and for continuing, for a limited Time, so much of an Act, made in the Thirteenth Year of the Reign of His present Majesty, intituled, An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe, as will expire in the Course of the present Year.

Preamble.
Recital of 23
Geo. 3. c. 64.

WHEREAS by an act, passed in the thirteenth year of the reign of his present Majesty, intituled, *An act for granting to his Majesty a sum of money, to be raised by exchequer bills; and to be advanced and applied in the manner, and upon the terms, therein mentioned, for the relief of the United Company of merchants of England trading to the*

East

East Indies; it was directed, That the commissioners of his Majesty's treasury, or the lord high treasurer for the time being, should cause to be prepared and made any number of exchequer bills, not exceeding in the whole the amount of one million four hundred thousand pounds, to be lent, advanced, and issued, as in the said act was directed, for the relief of the United Company of merchants of *England* trading to the *East Indies*: And whereas by the said act it was declared, That, in the then circumstances of the *East India* Company, it would not be in their power to provide for the repayment of the loan aforesaid, and for establishing their affairs upon a more secure foundation for the time to come, unless the publick should agree to forego, for the then present time, all participation in the profits arising from the territorial acquisitions and revenues lately obtained in the *East Indies*; and therefore it was by the said act enacted, That until the aforesaid sum of one million four hundred thousand pounds should be repaid, and the bond debt of the Company be reduced to the sum of one million five hundred thousand pounds, the whole clear profits arising from the aforesaid territorial acquisitions and revenues, after defraying the charges and expences attending the same, together with all the clear revenue and profits of the said Company, after providing for the current payments of interest, and other outgoings, charges and expences, of the said Company, should, from time to time, be disposed of and applied in the manner as in the said act was directed; (that is to say), until the aforesaid sum of one million four hundred thousand pounds should be repaid, and so long as the said sum, or any part thereof, should remain unpaid, there should, in the first place, be set apart and applied, out of the said clear revenues and profits, such a sum as might be sufficient for answering a dividend to the proprietors of the stock of the said Company, not exceeding the rate of six pounds *per centum per annum* upon the capital stock of the said Company; and all the surplus of the said clear revenues and profits should be applied in diminution of the said sum of one million four hundred thousand pounds, or such part thereof as should be remaining unpaid, and for defraying the charges incurred in respect thereof; and after the repayment of the whole of the money so advanced and applied as aforesaid, and until the bond debt of the said Company should be reduced to the sum of one million five hundred thousand pounds, there should in like manner be set apart and applied, in the first place, out of the said clear revenues and profits, such sum as might be sufficient for answering a dividend not exceeding the rate of seven pounds *per centum per annum* upon the capital stock of the said Company; after which all the surplus of the said clear revenues and profits should be applied in reducing the bond debt of the said Company: And whereas the said sum of one million four hundred thousand pounds has been repaid, and fully discharged, and all the charges incurred in respect thereof have been defrayed, and the bond debt of the said Company has been reduced to, or under, the sum of one million five hundred thousand pounds, whereby the circumstances, in consideration whereof it was in the aforesaid act declared that the publick should agree to forego, for the then present time, all participation in the profit arising from the territorial acquisitions and revenues lately obtained in the *East Indies*, have ceased and are determined; but whereas notwithstanding it may be expedient that the aforesaid territorial acquisitions and revenues should, for a limited time, and under certain conditions and restrictions, remain in the possession of the United Company of merchants of *England* trading to the *East Indies*: 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

Recital of
the debt of
1,400,000 l.
being dis-
charged, and
the bond debt
reduced to
1,500,000 l.

All the terri-
torial acqui-
sitions and
revenues,
lately obtain-
ed in the *East*
Indies, to
remain in
possession of
the Company

till April 5,
1780.
See further,
21 G. 3. c. 65.
f. 9. 23 G. 3.
c. 83. f. 8. &
24 G. 3. c. 34.
f. 4.

No dividend
to be made by
the Company,
before April 5,
1780, of more
than eight per
cent. per ann.

The Company
are to cause
to be made
up half-year-
ly, during the
continuance
of this act, an
account of the
profit and loss
upon their
trade, etc.

which shall be
transmitted to
the commis-
sioners of the
treasury.

The Company
restricted from
accepting bills
above a cer-
tain sum
drawn on
them by their
officers, etc.
in the East
Indies,
without the
consent of the
commissioners
of the treasu-
ry.
See 13 G. 3. c.
64. f. 16. 20
G. 3. c. 56. f.
4. 22 G. 3. c.
65. f. 26. 24
G. 3. c. 34. f.
1 and 2.

Recital of 23
G. 3. c. 63. of
the appoint-
ment of the
Gov. general
and council
of Bengal for
5 years.

assembled, and by the authority of the same, That, all the territorial acquisitions and revenues, lately obtained in the *East Indies*, shall remain in the possession of the United Company of merchants of *England* trading to the *East Indies*, and their successors, for and during the term of one year, to be computed from the fifth day of *April*, in the year of our Lord one thousand seven hundred and seventy-nine.

II. *Provided always, and be it further enacted by the authority aforesaid, That, for and during the said term, the whole clear profits arising from the said territorial acquisitions and revenues, after defraying the charges and expences attending the same, together with all the clear revenue and profits of the said Company, after providing for the current payments of interest, and other outgoings, charges and expences, of the said Company, shall be disposed of and applied in manner following; that is to say, it shall and may be lawful, out of the said clear revenues and profits, to set apart and apply, in the first place, such sum as may be sufficient for answering a dividend to the proprietors of the stock of the said Company, not exceeding the rate of eight pounds per centum per annum upon the capital stock of the said Company, after which the whole surplus of the said clear revenues and profits shall be reserved and await any future agreement that may be made between the publick and the said Company.*

III. And be it further enacted by the authority aforesaid, That, during the continuance of this act, the said United Company do cause, and they are hereby directed and required to cause to be made up half-yearly, with as much accuracy as the nature of the case will admit, a statement or account of the profit and loss upon the whole of the trade and revenues of the said Company, together with a state of the debts of the said Company in *England*, exclusive of their bond debt, to the first day of *September*, and the first day of *March*; the first of such statements or accounts to be made up from the first day of *March* to the first day of *September*, one thousand seven hundred and seventy-nine, and to transmit such statement or account fairly written, and signed by two or more of the directors of the said United Company, within twenty-one days after the day to which such statement or account shall be made up respectively, to the commissioners of his Majesty's treasury, or the high treasurer for the time being.

IV. And be it enacted by the authority aforesaid, That during the continuance of this act, it shall not be lawful for the said United Company, or their successors, or any of their officers or servants on their account, to accept or otherwise bind the said Company, or their successors, for the payment of any bill or bills of exchange, drawn by any of their officers or servants, at any of their presidencies in the *East Indies*, for any sum exceeding the sum of three hundred thousand pounds, exclusive of certificates, to the amount of eight thousand pounds, to the commanders and officers of each of the Company's ships, without the consent and order first had and obtained of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being, who are hereby respectively authorized to give such consent, or to make such order thereon as they shall judge expedient; and every acceptance or engagement made contrary to the true meaning and intent of this act, shall be null and void to all intents and purposes.

V. And whereas by another act, passed in the same session of Parliament, intituled, *An act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe*, it was, among other things, enacted, That, for the government of the presidency of *Fort William* in *Bengal*, there should 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

the kingdoms of *Bengal*, *Babar*, and *Orissa*, should, during such time as the territorial acquisitions and revenues should remain in the possession of the said United Company, be vested in the said Governor-general and Council of the said presidency of *Fort William* in *Bengal*; and also that the Governor-general, and four first counsellors, appointed by the said act, should each of them 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 should not be removeable in the mean time, except by his Majesty, his heirs and successors, upon representation made by the court of directors for the said United Company for the time being: And whereas it may be expedient that the said regulations should be extended to the person and persons who, at the time of passing this act, shall have and enjoy the respective offices of Governor-general, and counsellors of the said presidency; be it therefore enacted by the authority aforesaid, That the person and persons who, at the time of the passing of this act, shall have and enjoy the office and offices of Governor-general and counsellors of the said presidency; shall hold and continue in his and their respective offices for and during the continuance of this act, 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 for the said United Company for the time being; and shall have and enjoy all and singular the powers and authorities vested by the said act in the first Governor-general and four first counsellors by the said act appointed, and shall be subject to the said restrictions and limitations as by the said act the first Governor-general and first four counsellors were made subject; and that in case of the avoidance of the offices of such Governor-general, or any of the said counsellors, such office shall be respectively supplied in the same manner as the same office would by the said act have been supplied, during the remainder of the term of five years which was computed from the time that the first Governor-general and four first counsellors took upon them the government of the said presidency.

The Governor-general & counsellors of the presidency of *Fort William*, shall continue in their offices during the continuance of this act, except they should be removed by his Majesty, etc. See 21 G. 3. c. 65. f. 35. 24 G. 3. c. 25. & 26 G. 3. c. 16 & 25. Vacancies to be supplied by the Directors.

VI. Provided always nevertheless, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to affect the rights of the Crown; or of the said Company, after the expiration of this act; but that the same shall remain, continue, and be in the same state and condition, in all respects, as though this act had never been made.

This act not to affect the rights of the Crown, or of the Company, after the expiration thereof. Publick act.

VII. 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 all other persons whatsoever, without specially pleading the same.

19 GEORGII III. Cap. LXIX.

An Act for the more effectually preventing the pernicious Practices of Smuggling in this Kingdom; and for indemnifying Persons who have been guilty of Offences against the Laws of the Customs and Excise, upon the Terms therein mentioned.

WHEREAS, in defiance of the several laws of customs and excise already made, and of the penalties and provisions from time to time enacted for the punishment of offenders against such laws; and notwithstanding

Preamble,

standing

standing, the grace and clemency lately offered to persons who had been guilty of smuggling offences, great quantities of prohibited and uncustomed goods, and particularly of tea, foreign brandy, and other foreign spirits, continue to be illegally imported into and landed in this kingdom; and such goods are run, carried, and conveyed, from the sea coasts through the country, as well by secret frauds and clandestine practices as by open force, and by gangs of daring and dissolute persons, armed with offensive weapons, and associated and assembled to carry into execution their evil and pernicious purposes, in subversion of all civil authority and power whatsoever: And whereas it is become highly necessary, for the preservation of the publick revenue, the protection of the fair trader, and the quiet and good order of the kingdom, that some further provisions should be made for the better preventing such illegal practices, and for deterring all persons from committing such offences, or from being aiding and assisting therein; 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 first day of *August*, one thousand seven hundred and seventy-nine, where any foreign brandy, or other foreign spirituous liquors, shall be imported or brought into *Great Britain*, or into any port, harbour, haven, or creek thereof, from any part of *Europe*, in any vessel or cask which shall not contain sixty gallons at the least, (except only for the use of the seamen then belonging to and on board the ship or vessel in which the same shall be imported, not exceeding two gallons for each seaman), then not only the said brandy, and other foreign spirituous liquors, but also the ship or vessel in which the same shall be so imported, of whatever burthen the same may be, with all her guns, furniture, ammunition, tackle, and apparel, shall be forfeited and lost.

Foreign spirituous liquors imported, from any part of *Europe*, in a cask containing less than 60 gallons, shall be forfeited, with the ship, guns, etc.

(Exception.)

When any tea or other goods are liable to forfeiture for being found on board any ship coming from foreign parts at anchor, etc. or hovering on the coasts, the said ship, if not above 200 tons, shall be forfeited, with her guns, etc.

II. And it is hereby further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and seventy-nine, when any tea, coffee, foreign brandy, or other foreign spirituous liquors, or any goods whatsoever, are liable to forfeiture for being found on board any ships or vessels coming or arriving from foreign parts, at anchor, or hovering within the limits of any of the ports of this kingdom, or within two leagues of the coasts thereof, or for having been discovered to have been within the limits of any port contrary to any act of Parliament now in force, the ship or vessel, if coming or arriving from any part of *Europe*, on board which such goods shall be so found, together with all her guns, furniture, ammunition, tackle, and apparel, shall be forfeited, provided such ship or vessel doth not exceed the burthen of two hundred tons.

III. And whereas by an act, made in the eighth year of the reign of his late Majesty King *George the First*, it was, amongst other things, enacted, That, if any boat, wherry, pinnace, barge, or galley, rowing, or made or built to row, with more than four oars, should be found upon the water, or in any place within the counties of *Middlesex*, *Surry*, *Kent*, or *Essex*, or in the river *Thames*, either above or below *London Bridge*, or within the limits of the ports of *London*, *Sandwich*, or *Ipswich*, such boat, wherry, pinnace, barge, or galley, with all her tackle and furniture, or the value thereof, should be forfeited, and the owner or owners thereof, or any person using or rowing the same, should also forfeit and lose the sum of forty pounds; in which act it was provided, that the said act should not extend to any barge or galley belonging to his Majesty, or any of the royal family, or to any long-boat, yawl, or pinnace, belonging to or used in the service of any merchant ship or vessel, or to any such boat, wherry, pinnace,

Recital of act
3 Geo. 1. c.
28. f. 3.

nace, barge, or galley, as should be licensed by the lord high admiral, or commissioners for executing the office of lord high admiral, or the major part of them for the time being, upon sufficient security to be given to his Majesty, his heirs and successors, by the owner or owners of such boat, wherry, pinnace, barge, or galley, as in the said act is directed, with condition that the same should not be made use of in the clandestine running of uncustomed and prohibited goods: And whereas it may be a means to prevent and discourage the pernicious practice of smuggling, if the like penalties, forfeitures, and restrictions, were extended to such boats and other vessels as are made or built to row, or are found rowing with more than six oars, within any other part of this kingdom; be it therefore enacted by the authority aforesaid, That, from and after the said first day of August, one thousand seven hundred and seventy-nine, the said in part recited act, and the several clauses, penalties, forfeitures, and restrictions, therein contained, (not altered by this act), so far as the same relate to boats, wherries, pinnaces, barges, or galleys, rowing, or made or built to row, with more than four oars, within the counties and places in the said act mentioned, shall extend, and be construed to extend, to all boats, wherries, pinnaces, barges, galleys, or other vessels whatsoever, rowing, or made or built to row, with more than six oars, which shall be found, either upon the land or water, within any harbour, port, or place whatsoever, in any other part of *Great Britain*, or within two leagues of the coast thereof, subject nevertheless to the several exceptions relative thereto as in the said recited act is and are particularly provided.

IV. Provided nevertheless, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to the commanders of any of his Majesty's ships or vessels, or vessels employed in the transport service, with respect to foreign spirituous liquors put on board them, to be issued by way of allowance to the respective ships companies, or troops put on board them.

V. Provided always, and be it enacted, That nothing in this act shall be construed to extend to boats commonly called *Tow-boats* (used in towing ships or vessels), belonging to licensed pilots, within the port and jurisdiction of the city of *Bristol*.

VI. And it is further enacted by the authority aforesaid, That the ships, vessels, and boats, forfeited by this act, shall and may be seized and arrested by any officer or officers of the customs or excise; and shall and may be prosecuted, condemned, and recovered, in the same manner as other ships and vessels are directed to be prosecuted, condemned, and recovered, by an act made in the third year of the reign of his present Majesty, (intituled, *An act for the further improvement of his Majesty's revenue of customs, and for the encouragement of officers making seizures, and for the prevention of the clandestine running of goods into any part of his Majesty's dominions*); and that when any ship, vessel, or boat, liable to forfeiture by this act, which, by any act or acts of Parliament now in force, is after condemnation liable to be burnt or destroyed, or to be used in his Majesty's service, shall be seized by any officer of customs or excise as forfeited, and the same shall not be thought fit or necessary to be used in his Majesty's service, it shall and may be lawful for the respective commissioners of customs and excise, after condemnation, to direct the hull of every such ship, vessel, or boat, to be broken up, and the materials of every such hull to be sold to the best advantage, and the produce thereof to be divided in the same manner as the produce of the tackle, furniture, and apparel, of ships, vessels, and boats, burnt and destroyed, is now directed to be divided; and no writ of delivery shall be granted out of the court of

The said act, so far as it relates to boats, etc. built to row with more than four oars, within the counties therein mentioned, shall be extended to boats, etc. built to row with more than six oars, in any part of *Great Britain*.

This act not to extend to commanders of his Majesty's ships, or transport vessels, etc.;

nor to tow-boats in the port of *Bristol*.

Ships and boats forfeited by this act may be seized by any officer of customs or excise.

When any ships, etc. shall be seized as are not fit for his Majesty's service, their hulls may be broken up and sold.

In what cases writs of delivery may be granted out of the exchequer for such ships, etc.

exchequer for any such ship, vessel, or boat, so seized by any officer of the customs or excise, and which by any former act relating to the customs or excise is directed to be burnt or destroyed, or to be used in his Majesty's service, and which is hereby liable to be broken up, unless the officer seizing the same shall delay proceeding to the trial and condemnation thereof for the space of three terms; and in that case, not without good security being given, in double the value of such ship, vessel, or boat, to return the same upon condemnation, in order to be broken up, or used in his Majesty's service.

Penalty of 200*l.* on the master of any ship coming from abroad having more than 100 pounds of tea on board, (not being an *East India* ship); or more than 100 gallons of foreign spirits (besides two gallons for each seaman on board), being in casks under 60 gallons.

Officers of customs or excise may arrest such masters, etc.

VII. 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-nine, in all cases where the officers of customs or excise shall discover and find on board any ship or vessel, coming and arriving from foreign parts, within the limits of any of the ports of this kingdom, more than one hundred pounds weight of tea, not being in ships belonging to or employed by the United Company of merchants of *England* trading to the *East Indies*; or more than one hundred gallons of foreign brandy, or of other foreign spirituous liquors, over and above the quantity of two gallons for every seaman then belonging to and on board such ship or vessel, and being in casks under sixty gallons; the master, or other person having or taking the charge of such ship or vessel, shall forfeit the sum of three hundred pounds; and it shall and may be lawful in such case for any officer or officers of the customs or excise, and for all other persons acting in their aid and assistance, and they and each of them is and are hereby authorized to arrest, take, and detain, the said master or other person so having the charge or command of such ship or vessel, and to carry and convey the person so taken before any one of his Majesty's justices of the peace, residing near to the place where such ship or vessel shall then be, or where such person shall be arrested and taken; and the person so carried and conveyed shall be obliged to enter into a recognizance to his Majesty, his heirs and successors, before such justice, in the sum of three hundred pounds, (which recognizance such justice is hereby authorized and required to take), with condition to enter an appearance in the courts of exchequer in *England* and *Scotland* respectively, within the first four days of the term next ensuing such arrest, to any information which shall or may be exhibited against him; and such justice shall, and he is hereby required forthwith to transmit every such recognizance to the King's remembrancer in such of the said respective courts; and if such person shall refuse to enter into such recognizance as aforesaid, then such justice shall commit such person to the next county gaol, there to remain until he shall enter into such recognizance.

Officers of customs or excise, and their assistants, may arrest all persons found aiding in unshipping uncustomed or prohibited goods;

and carry them before a justice, who may commit them.

VIII. And it is further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and seventy-nine, it shall and may be lawful for any officer or officers of the customs or excise, and for all other persons acting in their aid and assistance, to arrest, stop, and detain, all and every person and persons who shall be found aiding or assisting in unshipping to be laid on land any tea, foreign brandy, or other foreign spirituous liquors, or any goods or merchandizes whatsoever, (customs and other duties not being first paid or secured), or which are or may be prohibited to be imported into this kingdom; and such officer or officers, and all persons acting in their aid and assistance, shall forthwith carry and convey the said person or persons before one or more of his Majesty's justices of the peace residing near to the place where such offences shall be committed; and such justice or justices shall, if he or they see cause, commit such person or persons to the next county gaol, there to remain, without bail or mainprize, until the next general quarter sessions

sessions of the peace to be holden for the same county or place, to be tried and dealt with as by this act is herein-after directed.

IX. And be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and seventy-nine, if any persons, to the number of two or more in company, shall be found passing in any part of this kingdom with one or more horse or horses, or with any cart or carriage, whereon there shall be laden or put more than six pounds weight of tea, or foreign brandy, or other foreign spirituous liquors, exceeding the quantity of five gallons, not having paid the respective duties by law charged thereon, and not having an authentick permit or permits with the same; and shall carry any offensive arms or weapons, or wear any vizard, mask, or other disguise, when passing with such tea, or foreign spirituous liquors, as aforesaid; it shall and may be lawful for any officer or officers of the customs or excise, and all other persons acting in their aid and assistance, to stop, arrest, and detain, the person and persons so passing as aforesaid, in whose charge, care, custody, or possession, the said tea, foreign brandy, or other foreign spirituous liquors, or either of them, shall then be found; and the said officer and officers, and the persons acting in their aid and assistance, shall and may, and they are hereby authorised to convey the person or persons, so offending as aforesaid, before any one or more of his Majesty's justices of the peace; who, if he or they see cause, shall commit the offender or offenders to the next county gaol, there to remain, without bail or mainprize, till the next general quarter sessions of the peace of the county or place, to be tried and dealt with as by this act is herein-after directed.

Two or more persons traveling together armed, or in disguise, with any horse or carriage laden with more than six pounds of tea, or five gallons of foreign spirits, without a permit, may be arrested by any officers of customs or excise, and carried before a justice,

who may commit them.

X. And be it further enacted by the authority aforesaid, That if, from and after the said first day of *August*, one thousand seven hundred and seventy-nine, any person or persons whatsoever shall assault, resist, oppose, molest, obstruct, or hinder, any officer or officers of the customs or excise in due seizing or securing any coffee, tea, cocoa-nuts, chocolate, foreign brandy, or other foreign spirituous liquors, or any other goods whatsoever which by any officer or officers of the customs or excise shall or may be liable to be seized by virtue of or in pursuance of any act now in force; or shall by force or violence rescue, or shall cause to be rescued, any of the said goods, after the same shall have been seized by such officer or officers as aforesaid, or shall attempt or endeavour so to do; or, after such seizure, shall cut, strike, break, or otherwise destroy or damage, any casks, vessels, boxes, or package, wherein the same respectively shall be contained; it shall and may be lawful to and for the officers of the customs and excise, and for all persons acting in their aid and assistance, to stop, arrest, and detain, all and every the person and persons so offending, and him, her, or them, forthwith to carry and convey before one or more of his Majesty's justices of the peace, near to the place where the offence shall be committed or done; and the justice or justices shall, if he or they see cause, commit the person or persons, so brought before him or them, to the next county gaol, until the next general quarter sessions of the peace to be holden for the same county or place, there to be tried and dealt with as by this act is herein-after directed.

Any person who shall obstruct any officer of customs or excise in seizing uncustomed or prohibited goods;

or shall attempt to rescue the same;

or shall damage any casks, etc. in which such goods shall be contained; may be arrested by the officers, etc. and carried before a justice, who may commit the offender.

XI. And be it further enacted by the authority aforesaid, That the officer or officers who shall convey any offender, arrested by the authority of this act, before any justice of the peace as aforesaid, shall, in case such offender shall be committed to the county gaol as aforesaid, enter into a recognizance to his said Majesty, his heirs and successors, before such justice, in the sum of forty pounds, conditioned to appear at such general quarter sessions of the peace, and to prosecute the person so committed; and the commissioners of customs and excise respectively are hereby directed

Officers to enter into recognizance to prosecute.

Charges of prosecution to be paid by

receiver-general of customs or excise.

rected and required to order the charges of such prosecution to be paid out of any money in the hands of the receiver-general of the customs and excise respectively, arising by any branch of the revenue under their respective management.

Persons committed as aforesaid to be tried by the quarter sessions;

XII. And be it further enacted by the authority aforesaid, That where any person or persons shall be arrested, detained, and committed, as aforesaid, for any offence against this act, to any county gaol, there to remain until the next general quarter sessions as aforesaid, it shall and may be lawful for the justices at such sessions, and they are hereby authorized and required to examine, hear, try, and determine, all and every such offence and offences; and if the person or persons so committed as aforesaid, shall be duly convicted before them of any offence against this act, then, and in every such case, it shall and may be lawful for the said justices, at such general quarter sessions, and they are hereby respectively authorized and required, in lieu of any other punishment to which such offender or offenders might be liable for the same offence by any former act, to commit such person or persons to hard labour in the house of correction of the county, city, town, or place, there to remain for a term not exceeding three years, nor less than one year.

who, on conviction, shall commit the offender to hard labour in the house of correction of the county, &c.

But if such convict shall be deemed a proper person to serve his Majesty by land or sea, the justices shall deliver him over to the proper officers.

XIII. Provided always, That if any person so convicted shall be approved of by any officer of his Majesty's land forces or fleet, as an able and proper person to serve his Majesty, it shall and may be lawful for the said justices, at such general quarter sessions, and they are hereby respectively authorized and required, in lieu of any other punishment to which such offender may be liable by this or any former act for the same offence or offences, to order and adjudge every such offender to serve his Majesty as a soldier or sailor, and to cause such man to be delivered over to such officer of his Majesty's land forces or fleet, such officer giving a receipt under his hand acknowledging what men are so delivered to him, which receipt such officer is hereby required to give; and such officer may, in case he shall find it necessary, detain such man in some secure house or place; and no person so delivered in pursuance of this act shall be liable to be taken out of his Majesty's service by any process other than for some criminal matter.

If justices, at the time of convicting any such offender, shall not be attended by a proper officer, they may adjourn, and give notice to officer, &c.

XIV. And be it further enacted by the authority aforesaid, That if the said justices in their sessions shall not be attended, at the time of convicting such offender or offenders as aforesaid, by some proper officer of his Majesty's land forces or fleet, it shall and may be lawful for the said justices to adjourn themselves to some other convenient day, and to give such directions as they shall think proper for securing such offenders as aforesaid, and to cause notice to be given to any such officer of the day and place of such adjournment; and such officer is hereby required to attend, or appoint some other person to attend, the said justices at such adjournment, and to receive such persons as they shall adjudge or order to be so delivered as aforesaid, in case such officer shall approve of such person or persons as able and proper to serve his Majesty in manner aforesaid.

Justices may levy a fine upon gaoler, &c. for suffering an escape, or on parish officers for making default in execution of warrants, &c.

XV. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful for the said justices to impose upon any gaoler, or keeper of any house of correction, or of any prison, who shall suffer any person, committed to his custody in pursuance of this act, to escape, or upon any constable, headborough, tithingman, or parish or town officer, for every wilful neglect or default in the execution of any warrant, order, or precept, to them, or any of them, directed in pursuance of this act, a fine not exceeding ten pounds, and to cause every such fine to be levied by distress and sale of the offender's goods, rendering the overplus

(if any) to the owners, and to pay the said fine to the informer or informers.

XVI. And be it further enacted by the authority aforesaid, That the justices, upon such conviction as aforesaid, and delivery of such persons to such officer or officers receiving such persons as aforesaid, shall cause the second and sixth sections of the articles of war against mutiny and desertion to be read to the person so to be delivered as aforesaid, in the presence of the said justices; and the said justices shall tender to every such person the oath mentioned in the third section of the articles of war; and the said justices shall, and they are hereby required forthwith to certify under their hands, that such person or persons is or are ordered and adjudged to serve his Majesty, setting forth the name, age, parish, and last place of abode, of him or them respectively, if known, and that the second and sixth sections of the articles of war against mutiny and desertion were read to him or them, and that he or they had taken the oath mentioned in the said articles of war, or had refused to take the said oath; and shall deliver such certificate, together with such man or men, to the said officers or persons appointed to receive them, and such man or men shall thereupon be deemed and taken to be enlisted, to all intents and purposes whatsoever, and shall and may be proceeded against as if he or they had taken the said oath according to the said articles of war; and the said justices shall also forthwith cause an entry or memorial to be made, in a book or books to be kept by them, or by the clerks of the peace of the county or place, for that purpose, of the names of the men so delivered as aforesaid, the ages, parishes, and places of their last abode, if they can be known, and of the time and place when and where such men were delivered to the said officers or persons appointed to receive them, and the names of the officers or persons who received them, and for what regiment or company, or ship they were so received; and shall cause true copies or duplicates of such entries, attested by the said justices, or the clerk of the peace, within forty days after the delivering such men as aforesaid, to be transmitted into the office of the secretary at war, or into the office of the commissioners for executing the office of lord high admiral.

The second and sixth sections of the articles of war against mutiny and desertion to be read to the persons so delivered, &c.

Justices to certify that such persons are adjudged to serve his Majesty, &c.

which certificate, together with such men, is, a delivered to the proper officers, and they shall be thereupon deemed to be enlisted.

An entry to be made of the names, ages, and places of abode, &c. of the men so delivered, and of the names of the officers who received them, &c.

XVII. And, for the more effectually preventing any frauds or abuses that may be practised in the discharging of such persons, be it further enacted by the authority aforesaid, That no person who shall be ordered and adjudged to serve his Majesty as a soldier or as a sailor, by virtue of this act, and shall have been approved of as aforesaid, shall, on any account, during the term of five years, unless disabled within that time by unavoidable accident or bodily infirmity, be discharged from his Majesty's service; and any officer of his Majesty's land forces, marines, or sea service, who shall presume, knowingly and wilfully, to discharge any person so raised, levied, and delivered over, as aforesaid, contrary to this act, or shall, by false muster or certificate, or in consideration of a gratuity of any kind, or by any other collusive or evasive ways or means whatsoever, suffer or permit any such person to avoid the actual service hereby intended, every such officer shall, for such offence, be cashiered.

Persons adjudged to serve his Majesty by virtue of this act, (unless disabled by accident, &c.) shall not be discharged within five years, nor suffered to avoid actual service.

Officers of sending herein to be cashiered.

XVIII. And, for the better preventing the clandestine sale and disposal of coffee, tea, cocoa-nuts, chocolate, foreign brandy, or other foreign spirituous liquors, whereby the illegal importation and running of such goods is greatly encouraged, and that innocent persons may not unwarily be rendered liable to penalties, be it further enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and seventy-nine, every druggist, grocer, chandler, coffee-house keeper, chocolate-house keeper, and all and every other person or persons,

Every druggist, grocer, or other person, who shall sell coffee, tea, or cocoa-nuts, or make or sell chocolate, shall cause to be painted over the door of

his shop, etc. the words dealer in coffee, tea, &c. on penalty of 200 l.

who shall be a feller of, or dealer in, coffee, tea, cocoa-nuts, or of any or either of them, or shall be a maker or seller of chocolate, shall cause to be painted or written in large legible characters over the door of each and every shop, coffee-house, chocolate-house, and other place, by him, her, or them respectively made use of for the keeping coffee, tea, cocoa-nuts, or chocolate, the words *dealer in coffee, tea, cocoa-nuts, or chocolate*, as the case may be, upon pain of forfeiting the sum of two hundred pounds for every shop, coffee-house, chocolate-house, or place, which, from and after the said first day of *August*, one thousand seven hundred and seventy-nine, shall be so made use of by any such druggist, grocer, chandler, coffee-house keeper, chocolate-house keeper, or any other person or persons, who shall be a feller or dealer as aforesaid respectively, without having the said words painted or written thereon as aforesaid: And that, from and after the said first day of *August*, one thousand seven hundred and seventy-nine, all and every importer for sale, or dealer in foreign brandy, arrack, rum, spirits, or other foreign strong waters, who shall sell the same, either by wholesale or retail, shall cause to be painted or written in large legible characters, over the outer door, or in the front, or on some conspicuous part of each and every house, shop, warehouse, storehouse, cellar, vault, and other places by him, her, or them respectively, made use of for the keeping of foreign brandy, or other foreign spirituous liquors, the words *importer of, or dealer in, foreign spirituous liquors*, upon pain of forfeiting, for every such shop, warehouse, storehouse, cellar, vault, or other place, which, from and after the said first day of *August*, one thousand seven hundred and seventy-nine, shall be so made use of by any such importer, feller, or dealer respectively, without having the said words painted or written as is hereby directed, the sum of fifty pounds.

Additional penalty of 200 l. on every dealer who shall buy goods or liquors of any person not having the words aforesaid painted, etc.

XIX. And be it further enacted by the authority aforesaid, That if any dealer or dealers in tea, coffee, cocoa-nuts, or chocolate, shall buy, or procure or employ any person to buy for him, her, or them, or for his, her, or their use, any tea, coffee, cocoa-nuts, or chocolate, of any other person or persons than of a dealer in such commodities, over the door of whose shop, coffee-house, chocolate-house, and other place by him, her, or them respectively, made use of for the keeping of coffee, tea, cocoa-nuts, or chocolate, shall be painted or written, as aforesaid, the words *dealer in coffee, tea, cocoa-nuts, or chocolate*, as the case shall be, every such dealer so offending shall forfeit and lose, for every such offence, the sum of one hundred pounds, over and above all former penalties; and if any importer or dealer in foreign spirituous liquors shall buy, or procure or employ any person to buy for him, her, or them, or for his, her, or their use, any foreign spirituous liquors of any other person than of an importer or dealer, over the door of whose shop, warehouse, storehouse, cellar, vault, and other place, by him, her, or them respectively, made use of for the keeping of foreign brandy, and other foreign spirituous liquors, shall be written or painted, as aforesaid, the words *importer of, or dealer in, foreign spirituous liquors*; every such importer or dealer so offending shall forfeit, for every such offence, the sum of one hundred pounds, over and above all former penalties.

Certain cases in which dealers shall not be subject to the said penalty of 200 l.

XX. Provided always, That no such dealer in coffee, tea, cocoa-nuts, or chocolate, shall be subject to the said penalties of one hundred pounds for or by reason of any purchase or transfer of any tea, coffee, or cocoa-nuts, whilst the same shall remain in the respective warehouses wherein the same shall be lodged and put, according to the directions of an act, made in the tenth year of the reign of his late Majesty King *George* the first; nor by reason of any purchase of any tea, coffee, or cocoa-nuts, or chocolate, at any sale or sales made by the direction of the *East India* Company,

Company, or of the commissioners of customs or excise respectively; or at any sale made of any tea, coffee, or cocoa-nuts, sold for the benefit of the insurers or proprietors thereof, and which may be sold free of duty to defray the charges of salvage; nor by reason of any first purchase of any prize teas: Nor shall any such dealer in foreign spirituous liquors be subject to the said penalty of one hundred pounds by reason of the purchase of any foreign spirituous liquors, whilst the same remain on board the ships in which the same were lawfully imported, or on the quays upon which they shall have been lawfully landed; nor to the purchase of any rum whilst the same remains in any warehouse wherein the same shall have been put, according to the directions of the act of the fifteenth and sixteenth years of the reign of his late Majesty King George the Second; nor to the purchase of any arrack whilst the same remains in the warehouses of the United Company of merchants of *England* trading to the *East Indies*; nor to the purchase of any prize foreign spirituous liquors; nor to the purchase of any foreign spirituous liquors sold for the benefit of the insurers or proprietors thereof, and which may be sold free of duty to defray the charges of salvage; any thing herein-before contained to the contrary notwithstanding.

XXI. And be it further enacted by the authority aforesaid, That if, at any time after the said first day of *August*, one thousand seven hundred and seventy-nine, any person or persons whatsoever, other than such as shall have duly made entry, at the proper offices of excise, of the places by them respectively made use of for keeping of coffee, tea, cocoa-nuts, or chocolate, or for the keeping of foreign brandy, or foreign spirituous liquors, shall paint or write, or cause to be painted or written, over the door or in the front of any place to them respectively belonging, the words *dealer in coffee, tea, cocoa-nuts, or chocolate*, as the case shall be, or the words *importer of, or dealer in, spirituous liquors*; every person and persons respectively offending therein, shall forfeit and lose the sum of fifty pounds, and shall also be subject to the several penalties and forfeitures to which persons selling of, or dealing in, coffee, tea, cocoa-nuts, chocolate, or foreign spirituous liquors, without entry, are now subject unto.

XXII. And be it further enacted by the authority aforesaid, That if any person whatsoever, not being such importer or dealer as aforesaid, shall buy or procure, or employ any other to buy for him or her, any tea, coffee, cocoa-nuts, chocolate, foreign brandy, or any other foreign spirituous liquors (save and except at such sales, and in such manner as is herein-before provided and excepted) of any other person or persons than of such person or persons respectively over whose door, or in the front, or on some conspicuous part of whose house, shop, warehouse, storehouse, cellar, vault, or other place, such words shall be painted or written as aforesaid; every such person so buying, or so procuring or employing any other to buy for him, her, or them, any such goods as aforesaid, shall, for each offence, forfeit and lose the sum of ten pounds; and if the person or persons, who shall have sold any tea, coffee, cocoa-nuts, or chocolate, foreign brandy, or other foreign spirituous liquors, to any dealer therein, or to any other person or persons, contrary to the true intent and meaning of this act, shall, within twenty days next after such sale, and before any information has been lodged against him or them for such offence, discover and inform against the person or persons who bought, or who procured or employed any other to buy for him, her, or them, such tea, coffee, cocoa-nuts, or chocolate, foreign brandy, or other foreign spirituous liquors, as aforesaid, every such person so discovering and informing shall thereupon be discharged and indemnified from all penalties to which, at

Penalty on persons, not having made proper entries, who shall paint over their doors, &c.

If any person, not being importer or dealer, shall buy any tea, &c. (except as before excepted), of any person not having the aforesaid words painted, &c. he shall forfeit 10 l.

If the seller, &c. inform against the buyer within 20 days, the seller shall be indemnified.

the

the time of such information given, he might be liable, for or by reason of such his own offence.

Recital of act
89 Geo. 2. c.
54.

XXIII. And whereas by an act, made in the nineteenth year of the reign of his late Majesty King George the Second, intituled, *An act for the further punishment of persons going armed or disguised in defiance of the laws of customs or excise; and for indemnifying offenders against those laws upon the terms in this act mentioned; and for the relief of officers of the customs in informations upon seizures;* and which said act was to continue in force for the space of seven years, and from thence to the end of the next session of Parliament; and which, by several subsequent statutes, of the twenty-sixth and thirty-second years of the reign of his said late Majesty, and the fourth, eleventh, and eighteenth years of the reign of his present Majesty, was further continued until the twenty-ninth day of *September*, one thousand seven hundred and eighty-five, and from thence to the end of the then next session of Parliament; persons charged with being guilty of offences in the said act mentioned and prescribed, were required to surrender themselves within a time limited by the said act, and that on neglect or refusal of surrender, such persons were to be adjudged, deemed, and taken to be convicted and attainted of felony: And whereas doubts have arisen whether the methods and orders in the said act directed and prescribed, relative to the apprehending and harbouring the offenders therein mentioned, or for causing such offenders to surrender, are or were re-enacted and continued by the said several acts: Now, to put an end to such doubts, be it enacted and declared by the authority aforesaid, That all and every the methods, orders, directions, rules, proclamations, penalties, punishments, rewards, matters, and things, provided, ordered, settled, directed, imposed, given, and required, by the said act of the nineteenth year of the reign of his said late Majesty, relative to the surrender, proclaiming, apprehending, harbouring, and punishing such offenders, was, were, and are continued and re-enacted by the said several acts, made in the twenty-sixth and thirty-second years of the reign of his said late Majesty, and in the fourth, eleventh, and eighteenth years of the reign of his present Majesty, and the same may be lawfully exercised, practised, applied, used, and imposed, in regard to all and every person and persons that offend, or shall in future offend, against the said act of the nineteenth year of his said late Majesty.

All the rules, &c. in the recited act, relative to the surrender, and harbouring, &c. of the offenders therein mentioned, are continued by the several acts made for continuing the said recited act.

All foreign thread lace imported, to be marked.

XXIV. And it is hereby further enacted by the authority aforesaid, That all foreign thread lace which, from and after the first day of *August*, one thousand seven hundred and seventy-nine, shall be imported into this kingdom, shall, after the same hath been entered at the custom-house, and before it shall be discharged by the officers, and delivered into the custody of the importer, or his agent, be marked or sealed at each end of every piece, with such mark or seal, and by such officer or officers, as the respective commissioners of the customs in *Great Britain* shall direct and appoint for that purpose.

Persons possessed of foreign thread lace, to bring it to the nearest custom-house, and have it marked, &c.

XXV. And it is hereby further enacted by the authority aforesaid, That if any person or persons, having in his, her, or their custody or possession, in any part of this kingdom, for sale, any foreign thread lace so directed to be marked or sealed as aforesaid, shall, on or before the first day of *February*, one thousand seven hundred and eighty, bring or cause such lace to be brought to the custom-house for the port nearest to the place where such lace shall be, and shall make proof on oath before the collector and comptroller, or other principal officer of the customs at such port, (which oath such collector and comptroller, or other officer, is and are hereby required to administer without fee or reward), that the legal duties due and payable to his Majesty were paid upon the impor-

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zation of such lace, if the same was imported by him, her, or them, or that such lace was purchased by such person or persons (having possession thereof) in a legal fair way of trade, and that he, she, or they, verily believe the legal duties due and payable to his Majesty have been duly paid for the same, mentioning the time when, and the port where, such lace was imported, or the time when, and of whom, such lace was purchased, as the case may be, such lace shall be thereupon, without fee or reward, marked or sealed at each end of every piece with such mark or seal, and by such officer or officers, as the respective commissioners of the customs in *Great Britain*, or any three or more of them, shall direct and appoint for that purpose.

XXVI. 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-nine, every person intending to export any such foreign thread lace which shall have been marked or sealed pursuant to the directions of this act, shall, before such lace is shipped in order to be exported, give notice to the proper officer or officers, to be appointed for that purpose by the respective commissioners of the customs in *Great Britain*, when and where he will pack up the same in order to be exported; and the said commissioners of the customs are hereby impowered and required to cause such officer or officers to take care that such marks or seals be taken off from every piece so intended to be exported, without fee or reward; and no person shall be intitled to the drawback allowed upon the exportation of such lace, unless he shall have given suelt notice as hereinbefore is directed, and until such marks or seals shall be taken off by the proper officer or officers as aforesaid.

Persons intending to export such lace, to give notice to the proper officer, &c.

XXVII. And be it further enacted by the authority aforesaid, That, from and after the first day of *February*, one thousand seven hundred and eighty, in case any foreign thread lace shall be found in any shop, warehouse, or other place whatsoever, upon land, within this kingdom, not being marked or sealed, as hereinbefore is directed, upon both ends of every whole and entire piece, or upon one end of every remnant of such lace, the same shall be forfeited and lost, and shall and may be seized by any officer or officers of the customs, and shall and may be prosecuted, recovered, and disposed of in the same manner, and by the same rules and regulations, as foreign thread lace, clandestinely imported and run into this kingdom, may be prosecuted, recovered, and disposed of, by any law now in force.

All foreign thread lace found in this kingdom after Feb. 1, 1780; not marked, shall be forfeited.

XXVIII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time forge or counterfeit any mark or seal, to resemble any mark or seal which shall be provided or used in pursuance of this act, or shall forge or counterfeit the impression of any such mark or seal upon any goods required by this act to be marked or sealed, or shall sell, or expose to sale, or have in his, her, or their custody or possession, any such foreign thread lace with a counterfeit mark or seal thereon, knowing the same to be counterfeited; all and every such offender and offenders, and his, her, and their aiders, abettors, and assistants, shall, for every such offence, forfeit the sum of one hundred pounds, one moiety to his Majesty, and the other moiety to such officer or officers of the customs as shall sue and prosecute for the same; and such offender and offenders shall also be adjudged to stand in the pillory, in some publick place, for the space of two hours.

Penalty on counterfeiting any mark or seal used in pursuance of this act, &c.

XXIX. And whereas, at the same time that the laws for securing the revenues of customs and excise ought to be enforced, for the sake of the fair trader, and the honour and dignity of government, it may be proper to pardon such of those who have been heretofore guilty of such illegal

Conditions upon which offenders against the laws of the customs and excise shall be indemnified.

practices, who are desirous to make such atonement for their past offences, by dedicating themselves to the service of their king and country, be it therefore enacted by the authority aforesaid, That every person who, before the first day of *June*, one thousand seven hundred and seventy-nine, shall have been guilty of illegal running, loading, unshipping, concealing, receiving, or carrying, any wool, prohibited goods, wares, or merchandizes, or any foreign goods liable to the payment of duties of customs or excise, (the same duties not having been paid or secured), or of aiding or assisting therein, or shall have been armed with fire-arms, or other offensive arms or weapons, in order to be aiding or assisting any such offenders as have been guilty of receiving such goods, wares, or merchandizes, or such foreign goods as aforesaid, where duties had not been paid for or secured, after seizure from the officers of the customs or excise, or of any other act or matter whatsoever whereby persons may be deemed and taken to be runners of foreign goods and commodities, within the intent and meaning of any law now in force; or of hindering, opposing, obstructing, wounding, or beating any officer or officers of the customs or excise, in the execution of his or their office or duty, or of aiding or assisting therein; shall be, and are, by the authority of this present act, acquitted, indemnified, released, and discharged, against the King's Majesty, his heirs and successors, or officers of the customs or excise, and every of them, and all and every other person and persons, of and from all and every the said offences, concerning which no suit or information, or prosecution, shall have been commenced, or composition made or offered, before the said first day of *June*, one thousand seven hundred and seventy-nine, upon the following terms and conditions; (that is to say), That he do, before he shall be arrested for the same, and before the twenty-ninth day of *September*, one thousand seven hundred and seventy-nine, enlist or enter himself with some commission officer of his Majesty's land forces or fleet, to serve as a soldier or sailor in the army or fleet, and do, for three years at least, from the time of such enlisting or entry, actually and *bona fide* serve and do duty as such in the said army or fleet; and shall also, before the said twenty-ninth day of *September*, one thousand seven hundred and seventy-nine, register his name, employment, and usual place of abode, with the clerk of the peace of the county, riding, or division, where he resides, in a book which is hereby directed to be kept, by the said clerk among the records of the sessions for the said county, riding, or division, for this purpose; and shall sign such register, signifying that he claims the benefit of this act, and that he has enlisted or entered himself with a certain commission officer, by the name of his Majesty's land forces or fleet, as the case shall be, to serve as a soldier or sailor, which entry shall be in the following form:

Offenders to enter into his Majesty's service for three years, &c.

A. B. of _____ claims the benefit of an act of the nineteenth year of his Majesty King George the Third, and has entered himself with C. D. a commission officer of his Majesty's land forces [or fleet], and has registered his name in the book kept by the clerk of the peace of this county, (riding, or division), this _____ day of _____ pursuant to the directions of the said act.

For which entry or register there shall be paid the clerk of the peace for such county, riding, or division, one shilling, and no more; and that the said clerk of the peace shall, immediately after the said twenty-ninth day of *September*, one thousand seven hundred and seventy-nine, transmit to the commissioners of the customs and excise an exact account of all the persons who have, by such entry or register as aforesaid, entitled themselves to claim the benefit of this act.

XXX. Provided always, That every person who shall make such entry, and claim the benefit of this present act as aforesaid, and shall afterwards be guilty of, or commit any of the like offences as those herein-before mentioned, or hereby intended to be acquitted, released, and discharged, or shall at any time after desert from the said service, or, within the said term of three years, procure his discharge therefrom, shall be subject and liable to be prosecuted, not only for or in respect of such new offence, but shall also be subject and liable to all the same penalties, pains, and forfeitures, as he would have incurred or been subject and liable to, in case this indemnity had never been given; any thing herein contained to the contrary notwithstanding.

Penalty on persons claiming the benefit of this act, who shall afterwards be guilty of the like offences, or who shall desert, &c.

XXXI. Provided also, That if any officer of his Majesty's land forces or navy shall, by false muster or certificate, or by any other collusive or evasive ways or means whatsoever, suffer or permit such person or persons to avoid the actual service as aforesaid, such person shall not only lose the benefit of this act, but every such officer shall suffer the penalty of five hundred pounds.

Penalty on officer suffering such persons to avoid actual service.

XXXII. And be it further enacted by the authority aforesaid, That in case any officer of the customs or excise shall not use his best endeavours to seize any tea, coffee, foreign brandy, or other foreign spirituous liquors liable to forfeiture, and which it shall be the duty of such officer to seize; or to stop, detain, and carry and convey before one or more justice or justices of the peace, any person or persons whom such officer is hereby authorized to stop, detain, and carry and convey before one or more justice or justices of the peace; that then, and in any of the said cases, it shall and may be lawful to and for any justice or justices of the peace residing near to the place where such officer shall make default in the performance of his duty, upon complaint thereof made to such justice within three months after such default, to examine into the truth of such complaint upon the oath of credible persons, which oath such justice is hereby authorized to administer; and if it shall appear to such justice that there is a reasonable ground for such complaint, then such justice is hereby required to transmit the said complaint, together with the examinations taken before him thereon, unto the commissioners of the customs, if the officer complained against shall belong to the customs; and if such officer shall belong to the excise, then unto the commissioners of excise; which commissioners of the customs and excise respectively, are hereby required to make enquiry, by such ways and means as to them shall seem meet, into the truth of the said complaint; and in case they think fit on the ground thereof to dismiss the officer, against whom such complaint shall be made, from his Majesty's service, then such officer is hereby made incapable of executing any office in his Majesty's revenue of customs or excise for the future: Provided nevertheless, That no person shall be compelled to go above five miles from the usual place of his abode to be examined before any justice of the peace upon any complaint to be made to him as aforesaid.

Any justice, on complaint made of any officer for neglect of duty, may examine into the same;

and if there appear reasonable grounds of complaint, the justice shall transmit the complaint, with the examination taken before him, to the commissioners, &c.

XXXIII. And be it further enacted, That no person who shall be prosecuted or punished by any of the provisions in this act, shall be liable to be prosecuted or punished for the same offence by any other act or acts; any thing therein contained to the contrary notwithstanding.

No person prosecuted under this act, liable to any other prosecution for the same offence.

XXXIV. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, (not otherwise hereby directed), shall be sued for, levied, and recovered, or mitigated, by such ways, means, or methods, as any fine, penalty, or forfeiture, is or may be recovered or mitigated by any law or laws of excise, or by

Penalties and forfeitures how to be recovered and applied.

action

action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*; and that one moiety of every such fine, penalty, and forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall inform, sue for, or discover the same.

Limitation of actions.

XXXV. And it is hereby further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued or prosecuted for any thing by him or them done or executed in pursuance of, or by colour of, this act, or of any matter or thing in this act contained, such action or prosecution shall be commenced within the space of three months after the offence shall be committed; and such person or persons shall

General issue.

and may plead the general issue, and give this act and the special matter in evidence, for his and their defence, and that the same was done in pursuance and by authority of the said act: And if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as the defendant or defendants hath or have in other cases by law.

Treble costs.

20 GEORGII III. Cap. IX.

An Act for extending the Provisions of Two Acts, made in the Eighteenth Year of His present Majesty's Reign, and in the last Session of Parliament, with respect to bringing Prize Goods into this Kingdom, to Spanish Prize Goods; and for repealing so much of the said last-mentioned Act as relates to the Certificates for Prize Tea and East India Goods exported from this Kingdom to Ireland; for the Removal of East India Goods condemned as Prize at any Out-port to London for Sale, and of Prize Goods for Exportation; and for reducing the Duty on Foreign Prize Tobacco.

[So much thereof as relates to the *East India Company*.]

East India goods condemned as prize in any out-port, shall be brought to London for sale.

Extended to prize teas brought into and condemned in Britain, 27 G. 3. c. 5. and 28 G. 3. c. 22.

IV. **A**ND whereas goods of the growth, product, or manufacture of the *East Indies* taken as prize, have been and may, during the present hostilities with *France* or *Spain*, be carried into some of the out-ports of this kingdom and condemned; and from the inexperience of the officers of the customs at such ports, difficulties have arisen in computing and charging the duties thereon: For remedy whereof, be it further enacted by the authority aforesaid, That in all cases where such goods shall be carried into any out-port in this kingdom, and condemned as prize, bond, with sufficient security shall be given to his Majesty, in treble the value of such goods, that the same shall be brought to *London*, and delivered to his Majesty's warehouse-keeper at the custom-house for the port of *London*, to be deposited by him in warehouses provided at the expence of the captors or their agents, and approved of by the commissioners of the customs, or any four or more of them; and with further condition to produce a certificate from such warehouse-keeper, within three months from the date of such bond, that the goods have been delivered accordingly; which security the collector and comptroller, or other principal officer of the customs,

toms, at the port from whence such goods are to be removed, are hereby authorised and empowered to take, and to cancel and discharge such bond upon receiving the certificate from the warehouse-keeper, as herein-before directed; and if such goods shall be sent by land carriage, they shall be removed under the seals of office of such collector and comptroller, or principal officer of the customs, and shall be accompanied with a *transire* expressing the number and marks of the packages; and all such goods so removed, either by land or water, shall afterwards be publicly exposed to sale in the city of *London*, by the captors or their agents, they giving notice of such sale to the proper officers of the customs and excise appointed or to be appointed for that purpose; and the duties due and payable for such goods shall be thereupon computed and charged by the proper officers of the customs or excise respectively concerned therein, by the same rules, regulations, and restrictions; in all respects (excepting any allowance for warehouse rent) as the duties payable upon the like goods imported by, and sold at the sales of, the United Company of merchants of *England* trading to the *East Indies*, are computed and charged; and the duties due by law thereon shall be accordingly paid and applied; any custom or usage to the contrary notwithstanding.

How the duties thereon shall be computed.

20 GEORGII III. Cap. XIX.

An Act to continue several Laws relating to the better securing the lawful Trade of His Majesty's Subjects to and from the East Indies, and for the more effectual preventing all His Majesty's Subjects trading thither under Foreign Commissions; to the importing Salt from Europe into the Province of Quebec in America; to the permitting the free Importation of Raw Goat Skins into this Kingdom; to the allowing the Exportation of certain Quantities of Wheat, and other Articles, to His Majesty's Sugar Colonies in America; and to the permitting the Exportation of Tobacco-pipe Clay from this Kingdom to the British Sugar Colonies or Plantations in the West Indies.

WHEREAS the laws herein-after mentioned have by experience been found useful and beneficial, and are near expiring; 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 an act, made in the fifth year of the reign of his late Majesty King George the Second, intituled, *An act for reviving an act, made in the fifth year of the reign of his late Majesty King George the First, intituled, 'An act for the better securing the lawful trade of his Majesty's subjects to and from the East Indies, and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions;* which was to continue in force from the first day of *May*, one thousand seven hundred and thirty-two; for the term of seven years, and from thence to the end of the then next session of Parliament; and which was by two acts, made in the thirteenth and twentieth years of the reign of his late Majesty King George the Second, further continued until the twenty-fifth day of *March*, one thousand seven hundred and eighty; shall be and the same is hereby further continued from

Preamble,

§ Geo. 2. c. 29. relating to the trade to the East Indies,

See § G. 1. c. 21. 9 G. 1. c. 26. 20 G. 2. c. 47.

further continued till March 25, the 1800, etc.

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20 GEORGII III. Cap. xxxv.

the expiration thereof, until the twenty-fifth day of *March*, one thousand eight hundred, and from thence to the end of the then next session of Parliament.

20 GEORGII III. Cap. XXXV.

An Act for granting to His Majesty additional Duties upon Malt, and upon Low Wines and Spirits made for home Consumption, and upon foreign Spirits imported into Great Britain, and upon the Produce of the said several Duties; and for granting a Duty on Licences to be taken out by all Persons trading in, vending, or selling of, Coffee, Tea, or Chocolate.

[So much thereof as relates to the East India Company.]

After July 5, 1780, 5s. to be paid for every licence for selling coffee, tea, or chocolate;

XIII. AND, for the more effectual raising the said supply granted to his said Majesty, be it further enacted by the authority aforesaid, That, from and after the fifth day of *July*, one thousand seven hundred and eighty, there shall be paid unto his Majesty, his heirs and successors, a duty of five shillings for any licence to be taken out, in manner herein-after mentioned, by each person trading in, selling, or vending, coffee, tea, or chocolate, or either of them.

and no person to sell any of the said goods without having taken out such licence.

XIV. And be it further enacted by the authority aforesaid, That, from and after the fifth day of *July*, one thousand seven hundred and eighty, no person or persons whatsoever, who now, or at any time or times hereafter, doth or shall trade in, sell or vend, any coffee, tea, or chocolate, shall presume, by him, her, or themselves, or by any other person or persons whatsoever, employed by him, her, or them, for his, her, or their benefit, either publickly or privately, to trade in, sell or vend any coffee, tea, or chocolate, or either of them, without first taking out a licence for that purpose in manner herein-after mentioned, before he, she, or they shall trade in, sell, or vend, any coffee, tea, or chocolate; for which licence he, she, or they, shall, immediately upon taking out thereof, pay down for the same the sum of five shillings, in manner following; that is to say, if such licence be taken out within the limits of the chief office of excise in *London*, then such licence shall be granted under the hands and seals of two or more of his Majesty's commissioners for the duties of excise for the time being, or of such person or persons as the commissioners of excise shall from time to time appoint for that purpose, and the duty for the same shall be paid at the chief office of excise in *London*; but if such licences shall be taken out in any part of *England* or *Wales* not within the said limits, then such licences to be granted under the hands and seals of the several collectors and supervisors of excise, within their respective collections and districts; and the said duty of five shillings shall be paid for the same to the collector of excise within whose collection such licence shall be so granted: And in case such licence shall be taken out within the limits of the city of *Edinburgh*, such licence shall be granted under the hands and seals of two or more of his Majesty's commissioners of excise in *Scotland* for the time being, or of such person or persons as the commissioners of excise in *Scotland* shall from time to time appoint for that purpose, and the duties for the same shall be paid at the chief office of excise in *Edinburgh*; but if such licence shall be taken out in any other part of *Scotland*, without the limits aforesaid, then such licences shall be granted under the hands

Who shall grant such licences in *England*;

and who in *Scotland*.

hands and seals of the several collectors and supervisors of excise within their respective collections and districts, and the duties for the same shall be paid to the collectors of excise within whose collection such licence shall be so granted; and such respective commissioners of excise, and the persons so to be appointed by them respectively, and also all such collectors, are hereby respectively authorised and required to grant and deliver such licences to the persons who shall apply for the same, upon their payment of five shillings for each licence.

XV. And be it further enacted by the authority aforesaid, That every person or persons who shall take out any such licence as aforesaid, is and are hereby required to take out a fresh licence ten days at least before the expiration of twelve calendar months after taking out the first licence, before he, she, or they do presume to trade in, sell or vend, any coffee, tea, or chocolate; and in the same manner to renew every such licence from year to year, paying down the like sum of five shillings for each and every new or renewed licence, in manner, and at the places and times before-mentioned: And if any person or persons shall, after the said fifth day of July, one thousand seven hundred and eighty, presume or offer to trade in, sell or vend, any coffee, tea, or chocolate, without first taking out such licence, and renewing the same yearly, in manner aforesaid, he, she, or they, shall respectively forfeit and lose the sum of twenty pounds for each offence.

How licences are to be renewed.

Penalty for selling coffee, &c. without a licence.

XVI. Provided always, That persons in partnership, and carrying on their trade or business of selling or vending coffee, tea, or chocolate, in one house or shop only, shall not be obliged to take out more than one licence in any one year, for carrying on such trade; and that no licence which shall be granted by virtue of this act, shall authorise or empower any person or persons, to whom the same shall be granted, to trade in, sell, or vend, any coffee, tea, or chocolate, in any other house or place, except in such houses, or places thereto belonging, wherein he, she, and they shall inhabit and dwell at the time of granting such licence.

Persons in partnership not obliged to take out more than one licence for carrying on trade in one house, &c.

XVII. And, for the better collecting, raising, levying, and securing the duties by this act imposed on licences for dealing in, vending and selling, coffee, tea, or chocolate; be it further enacted by the authority aforesaid, That such of the said duties as are charged upon such licences in *England, Wales, or the town of Berwick upon Tweed*, shall be under the management of the commissioners and officers of his Majesty's revenue of excise in *England* for the time being; and such of the said duties as are charged upon such licences in *Scotland*, shall be under the management of the commissioners and officers of excise in *Scotland* for the time being; which said several and respective commissioners of excise, or the major part of them, shall be his Majesty's commissioners for granting such licences; and the said respective commissioners of excise, or the major part of them, have hereby power, by commission under their respective hands and seals, to constitute and appoint under them such officers as shall be necessary in that behalf; and all monies arising by the said licences (the necessary charges of raising and accounting for the same excepted), shall, from time to time, be paid into the receipt of his Majesty's exchequer, distinctly and apart from all other branches of the publick revenues, subject and liable to the uses and purposes herein-after mentioned.

The duties on licences to be under the management of the commissioners of excise in *England* and *Scotland* respectively;

and to be paid into the exchequer apart from all other duties.

20 GEORGII III. Cap. LVI.

An Act for continuing in the Possession of the United Company of Merchants of England trading to the East Indies, for a further Time, and under certain Conditions, the Territorial Acquisitions and Revenues lately obtained in the East Indies; and for reviving, and continuing for a further Time, so much of an Act, made in the Thirteenth Year of the Reign of his present Majesty, (intituled, An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe), as hath expired in the Course of the present Year, and for indemnifying the said Company for any Money they have paid, or may pay, in or about the building of Three Ships of the Line for the Service of the Publick.

Preamble.

Recital of 23
Geo. 3: c. 64.

WHEREAS by an act, passed in the thirteenth year of the reign of his present Majesty, (intituled, *An act for granting to his Majesty a sum of money, to be raised by exchequer bills, and to be advanced and applied, in the manner, and upon the terms, therein mentioned, for the relief of the United Company of merchants of England trading to the East Indies*), it was directed, That the commissioners of his Majesty's treasury, or the lord high treasurer for the time being, should cause to be prepared and made any number of exchequer bills, not exceeding in the whole the amount of one million four hundred thousand pounds, to be lent, advanced, and issued, as in the said act was directed, for the relief of the United Company of merchants of England trading to the East Indies: And whereas by the said act it was declared, That in the then circumstances of the East India Company, it would not be in their power to provide for the repayment of the loan aforesaid, and for establishing their affairs upon a more secure foundation for the time to come, unless the publick should agree to forego, for the then present time, all participation in the profits arising from the territorial acquisitions and revenues lately obtained in the East Indies; and therefore it was by the said act enacted, That, until the aforesaid sum of one million four hundred thousand pounds should be repaid, and the bond debt of the Company be reduced to the sum of one million five hundred thousand pounds, the whole clear profits arising from the aforesaid territorial acquisitions and revenues, after defraying the charges and expences attending the same, together with all the clear revenue and profits of the said Company, after providing for the current payments of interest, and other outgoings, charges, and expences, of the said Company, should, from time to time, be disposed of and applied in the manner as in the said act was directed; that is to say, Until the aforesaid sum of one million four hundred thousand pounds should be repaid, and so long as the said sum, or any part thereof, should remain unpaid, there should, in the first place, be set apart and applied, out of the said clear revenues and profits, such a sum as might be sufficient for answering a dividend to the proprietors of the stock of the said Company, not exceeding the rate of six pounds *per centum per annum* upon the capital stock of the said Company; and all the surplus of the said clear revenues and profits should be applied in diminution of the said sum of one million four hundred thousand pounds, or such part thereof as should be remaining unpaid, and for defraying the charges incurred in respect thereof; and after the repayment of the whole of the money so advanced and applied as aforesaid, and until the bond debt of the said Company should be reduced to the sum of one million five hundred thousand pounds, there should in like manner be

set

set apart and applied, in the first place, out of the said clear revenues and profits, such sum as might be sufficient for answering a dividend not exceeding the rate of seven pounds *per centum per annum*, upon the capital stock of the said Company; after which all the surplus of the said clear revenues and profits should be applied in reducing the bond debt of the said Company: And whereas the said sum of one million four hundred thousand pounds has been repaid and fully discharged, and all the charges incurred in respect thereof have been defrayed, and the bond debt of the said Company has been reduced to, or under, the sum of one million five hundred thousand pounds, whereby the circumstances, in consideration whereof it was in the aforesaid act declared, that the publick should agree to forego, for the then present time, all participation in the profit arising from the territorial acquisitions and revenues lately obtained in the *East Indies*, have ceased and are determined; but whereas, notwithstanding, it may be expedient that the aforesaid territorial acquisitions and revenues should, for a limited time, and under certain conditions and restrictions, remain in the possession of the United Company of merchants of *England* trading to the *East Indies*: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all the territorial acquisitions and revenues lately obtained in the *East Indies*, shall remain in the possession of the United Company of merchants of *England* trading to the *East Indies*, and their successors, for and during the term of one year, to be computed from the fifth day of *April*, in the year of our Lord one thousand seven hundred and eighty.

II. *Provided always, and be it further enacted by the authority aforesaid, That, for and during the said term, the whole clear profits arising from the said territorial acquisitions and revenues, after defraying the charges and expences attending the same, together with all the clear revenue and profits of the said Company, after providing for the current payments of interest, and other outgoing, charges, and expences, of the said Company, shall be disposed of and applied in manner following; (that is to say), It shall and may be lawful, out of the said clear revenues and profits, to set apart and apply, in the first place, such sum as may be sufficient for answering a dividend to the proprietors of the stock of the said Company, not exceeding the rate of eight pounds per centum per annum upon the capital stock of the said Company; after which the whole surplus of the said clear revenues and profits shall be reserved and await any future agreement that may be made between the publick and the said Company.*

III. *And be it further enacted by the authority aforesaid, That, during the continuance of this act, the said United Company do cause, and they are hereby directed and required to cause, to be made up half-yearly, with as much accuracy as the nature of the case will admit, a statement or account of the profit and loss upon the whole of the trade and revenues of the said Company, together with a state of the debts of the said Company in *England*, exclusive of their bond debt, to the first day of *September*, and the first day of *March*; the first of such statements or accounts to be made up from the first day of *March* to the first day of *September*, one thousand seven hundred and eighty; and to transmit such statement or account fairly written, and signed by two or more of the directors of the said United Company, within twenty-one days after the day to which such statement or account shall be made up respectively, to the commissioners of his Majesty's treasury, or the bigg treasurer for the time being.*

IV. *And be it enacted by the authority aforesaid, That, during*

The loan of 1773 repaid by the Company to the publick, and the bond debt reduced to 1,500,000 l.

All the territorial acquisitions and revenues, lately obtained in the *East Indies*, to remain in possession of the Company till *April 5*, 1781.

No dividend to be made by the Company, before *April 5*, 1781, of more than eight per cent. per ann.

The Company are to cause to be made up half-yearly, during the continuance of this act, an account of the profit and loss upon their trade, etc. which shall be transmitted to the commissioners of the treasury.

The Company restricted from accepting bills

above a cer-
tain sum
drawn on
them by their
officers, &c. in
the East Indies
See 13 G. 3.
c. 34. *sect.* 16.
19 G. 3. c. 61.
sect. 4. 23 G.
3. c. 65. *sect.*
26. and 24 G.
3. c. 34. *sect.*
1 & 2.
without the
consent of the
commissioners
of the trea-
sury.

Recital of 13
Geo. 3. c. 61.

The governor-
general and
counsellors of
the presidency
of Fort Wil-
liam shall con-
tinue in their
offices during
the continu-
ance of this
act, except
they should
be removed by
his Majesty,
&c.
See 21 G. 3. c.
65. *sect.* 35.
24 G. 3. c. 25.
26 G. 3. c. 16
& 25.
Vacancies to
be supplied
by the direc-
tors.

the continuance of this act, it shall not be lawful for the said United Company, or their successors, or any of their officers or servants on their account, to accept or otherwise bind the said Company, or their successors, for the payment of any bill or bills of exchange, drawn by any of their officers or servants, at any of their presidencies in the East Indies, for any sum exceeding the sum of three hundred thousand pounds, exclusive of certificates, to the amount of eight thousand pounds, to the commanders and officers of each of the Company's ships, without the consent and order first had and obtained of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being; who are hereby respectively authorized to give such consent, or to make such order thereon, as they shall judge expedient; and every acceptance or engagement made contrary to the true meaning and intent of this act, shall be null and void to all intents and purposes.

V. And whereas by another act, passed in the same session of Parliament, (intituled, *An act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe*), it was, among other things, enacted, That, for the government of the presidency of Fort William in Bengal, there should 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, Babar, and Orissa, should, during such time as the territorial acquisitions and revenues should remain in the possession of the said United Company, be vested in the said governor-general and council of the said presidency of Fort William in Bengal; and also that the governor-general, and four first counsellors, appointed by the said act, should each of them 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 should not be removeable in the mean time, except by his Majesty, his heirs and successors, upon representation made by the court of directors for the said United Company for the time being: And whereas it may be expedient that the said regulation should be revived, and extended to the person and persons who, at the time of passing this act, shall have and enjoy the respective offices of governor-general, and counsellors of the said presidency; be it therefore enacted by the authority aforesaid, That the person and persons who, at the time of passing this act, shall have and enjoy the office and offices of governor-general and counsellors of the said presidency, shall hold and continue in his and their respective offices for and during the continuance of this act, 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 for the said United Company for the time being; and shall have and enjoy all and singular the powers and authorities vested by the said act in the first governor-general and four first counsellors by the said act appointed, and shall be subject to the said restrictions and limitations as by the said act the first governor-general and first four counsellors were made subject; and that in case of the avoidance of the offices of such governor-general, or any of the said counsellors, such office shall be respectively supplied in the same manner as the same office would by the said act have been supplied, during the remainder of the term of five years which was computed from the time that the first governor-general and four first counsellors took upon them the government of the said presidency.

VI. Provided always nevertheless, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to affect the rights of the crown, or of the said Company, after the expiration of this act; but that the same shall remain, continue, and be, in the same state and condition, in all respects, as though this act had never been made.

This act not to affect the rights of the Crown, or of the company, after the expiration thereof.

VII. And whereas the United Company of merchants of England trading to the *East Indies*, have resolved to build three ships of the line of battle for the use of the publick, and great progress hath been made in building the said ships, the expences whereof will amount to a very considerable sum of money: And whereas by an act, made in the last session of Parliament, (intituled, *An act for continuing in the possession of the United Company of merchants of England trading to the East Indies, for a limited time, and under certain conditions, the territorial acquisitions and revenues lately obtained in the East Indies, and for continuing, for a limited time, so much of an act, made in the thirteenth year of the reign of his present Majesty, intituled, "An act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe," as will expire in the course of the present year*), the said United Company are restrained from disposing of the revenues and profits of the said Company, otherwise than in the said act is particularly mentioned; and it is necessary that the said United Company should be indemnified with respect to any sum or sums of money which they have already paid, or may hereafter pay, on account of building the said ships: Be it therefore enacted by the authority aforesaid, That the said United Company shall be, and they are hereby fully indemnified, exonerated, and discharged, for and upon account of all such sum and sums of money as they already have paid, or may hereafter pay, for any expences incurred, or to be incurred, in building the said three ships for the use of the publick; any thing herein-before, or in any other law or statute, contained to the contrary thereof in any wise notwithstanding.

The Company indemnified for all sums of money they have paid, or shall pay, for building three ships for the use of the publick.

VIII. 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 all other persons whatsoever, without specially pleading the same.

Publick act.

21 GEORGII III. Cap. V.

An Act for extending the Provisions of Three Acts, made in the Eighteenth, Nineteenth, and Twentieth Years of his present Majesty's Reign, with respects to bringing Prize Goods into this Kingdom, to Prizes taken from the States General of the United Provinces; for declaring what Goods shall be deemed Military or Ship Stores; for regulating the Sale of and ascertaining the Duties upon East India Goods condemned as Prize in the Port of London; for permitting the Purchasers of Prize Goods condemned Abroad to import such Goods into this Kingdom, under the like Regulations and Advantages as are granted by Law to Captors themselves; and for reducing the Duties on Foreign Prize Tobacco.

[So much thereof as relates to the *East India Company*.]

Regulations relative to the sale of, and payment of the duties on, *East India* goods condemned as prize in the port of *London*.
By 22 G. 3. c. 21. extended to prize tea brought and condemned at home.

III. **A**ND be it further enacted by the authority aforesaid, That all goods, of the growth, product, or manufacture of the *East Indies*, which have been taken as prize during the present hostilities, and brought by the captors into the port of *London*, and which now remain there unsold, and all such *East India* goods as shall be brought into and condemned as prize in the port of *London*, after the passing of this act, shall be publicly exposed to sale in the city of *London*, by the captors or their agents; and the duties due and payable thereon shall be computed and paid by the same rules, regulations, and restrictions, in all respects, as are prescribed by the before-recited act of the last session of Parliament for the like goods carried into any out-port in this kingdom and there condemned, and afterwards brought to the port of *London* for sale; any custom or usage to the contrary notwithstanding.



21 GEORGII III. Cap. LXV.

An Act for establishing an Agreement with the United Company of Merchants of England trading to the East Indies, for the Payment of the Sum of Four hundred thousand Pounds for the Use of the Publick, in full Discharge and Satisfaction of all Claims and Demands of the Publick from the Time the Bond Debt of the said Company was reduced to One million five hundred thousand Pounds, until the First Day of March, one thousand seven hundred and eighty-one, in respect of the Territorial Acquisitions and Revenues lately obtained in the East Indies; and also for securing to the Publick in respect thereof, for a Term therein mentioned, a certain Part or Proportion of the clear Revenues and Profits of the said Company; and for granting to the said Company, for a further term, the sole and exclusive Trade to and from the East Indies, and Limits therein mentioned; and for establishing certain Regulations for the better Management of the Affairs of the said Company, as well in India as in Europe, and the recruiting the military Forces of the said Company.

WHEREAS by an act made in the seventeenth year of the reign of his late Majesty King George the Second, (intituled, *An act for granting to his Majesty the surplus or remainder of the monies arisen, or to arise, by the duties on spirituous liquors, granted by an act of the last session of Parliament; and for explaining and amending the said act, in relation to the retailers of such liquors; and for establishing an agreement with the United Company of merchants of England trading to the East Indies*), it was, amongst other things, enacted, That the United Company of merchants of England trading to the East Indies should, subject to the proviso of determination therein-after contained, have, use, and enjoy, and should continue to have, use, and enjoy, the whole, sole, and exclusive trade and traffick, and the only liberty, use, and privilege of trading, trafficking, or using or exercising the trade or business of merchandize in, to, and from the East Indies, and from all the islands, ports, havens, coasts, cities, towns, and places, between the Cape of Good Hope and the Straights of Magellan; and limits, in an act made in the ninth year of the reign of his late Majesty King William the Third, or in a charter of the fifth day of September, in the tenth year of his said late Majesty's reign, mentioned; in as ample and beneficial a manner as the said Company could thereby or otherwise lawfully trade thereto, with such prohibition to all other his Majesty's subjects to trade thereto, and under such penalties and forfeitures, as in the said act of the seventeenth year of the reign of his said late Majesty King George the Second; and by the said last-mentioned act it was provided and enacted, That, at any time, upon three years notice to be given by Parliament after the twenty-fifth day of March, one thousand seven hundred and eighty, upon the expiration of the said three years, and repayment to the said United Company of merchants of England trading to the East Indies; or their successors, of the capital stock, debt, or sum of four millions two hundred thousand pounds, in the said act mentioned, and all arrears of annuity payable in respect thereof, in case the same should not have before been repaid, then, and from thenceforth, and not before or sooner, the said right, title, and interest, of the said United Company of merchants of England trading to the East Indies, to the whole, sole, and exclusive trade to the East Indies, and parts aforesaid, should cease and determine: And whereas, on the seventh day of April, one thousand seven hundred and eighty, notice was given to the said United

Preamble.
Recital of 17
G. a. c. 171

Company, pursuant to the power reserved in the said recited act for the purpose, that the capital stock, debt, or sum of four millions two hundred thousand pounds, and all arrears of annuity in respect thereof, due from the publick to the said United Company, would be redeemed and paid off on the tenth day of *April*, one thousand seven hundred and eighty-three: And whereas, by an act made in the seventh year of the reign of his present Majesty, (intituled, *An act for establishing an agreement for the payment of the annual sum of four hundred thousand pounds, for a limited time, by the East India Company, in respect of the territorial acquisitions and revenues lately obtained in the East Indies*), it was directed, That the said United Company, and their successors, should advance and pay into the receipt of his Majesty's exchequer, for his Majesty's use, the sum of four hundred thousand pounds *per annum*, for and during the term of two years, to be computed from the first day of *February*, one thousand seven hundred and sixty-seven, by half-yearly payments of two hundred thousand pounds each, at or before such times as are therein limited; and it was thereby enacted and declared, That all the territorial acquisitions and revenues, lately obtained in the *East Indies*, should remain in possession of the said United Company, and their successors, during the said term of two years, to be computed from the said first day of *February*, one thousand seven hundred and sixty-seven: And whereas, by an act made in the ninth year of the reign of his present Majesty, (intituled, *An act for carrying into execution certain proposals made by the East India Company for the payment of the annual sum of four hundred thousand pounds, for a limited time, in respect of the territorial acquisitions and revenues lately obtained in the East Indies*), it was directed, That the said United Company of merchants of *England* trading to the *East Indies*, and their successors, should advance and pay into the receipt of his Majesty's exchequer, for his Majesty's use, the sum of four hundred thousand pounds *per annum*, for and during the term of five years, to be computed from the first day of *February*, one thousand seven hundred and sixty-nine, at or before such times as are therein limited; and it was thereby enacted and declared, That all the territorial acquisitions and revenues (in the said recited act before mentioned) lately obtained in the *East Indies*, should remain in possession of the said United Company, and their successors, during the said term of five years: And whereas, by an act made in the thirteenth year of the reign of his present Majesty, (intituled, *An act for granting to his Majesty a sum of money, to be raised by exchequer bills; and to be advanced and applied, in the manner and upon the terms therein mentioned, for the relief of the United Company of merchants of England trading to the East Indies*), it is, among other things, recited, That the United Company of merchants of *England* trading to the *East Indies* did then labour, and had for some time past laboured under great and unusual difficulties in carrying on of their affairs, from which it greatly imported the publick, as well as the said United Company, that they should, as speedily as possible, be relieved; and, by the said act, provision was made for advancing to the said United Company, by way of loan from the publick, the sum of one million four hundred thousand pounds: And it was by the said act also recited, That, in the then circumstances of the *East India* Company, it would not be in their power to provide for the repayment of such loan, and for establishing their affairs upon a more secure foundation for the time to come, unless the publick should agree to forego for the present all participation in the profits arising from the territorial acquisitions and revenues lately obtained in the *East Indies*, in order that provision be made by Parliament for applying as well the whole of the profits arising from the said territorial acquisitions and

7 Geo. 3. c. 57;

9 Geo. 3. c. 24;

13 G. 3. c. 64;

and revenues, as well as the revenue and profits of the Company, after providing for certain necessary payments and deductions to be made thereout, to the repayment of the said sum of one million four hundred thousand pounds, and to the reduction of the Company's bond debt: And by the said act it was enacted, That, until the said sum of one million four hundred thousand pounds should have been repaid, and the bond debt of the said Company be reduced to the sum of one million five hundred thousand pounds, the whole clear profits arising from the said territorial acquisitions and revenues, after defraying the charges and expences attending the same, together with all the clear revenue and profits of the said Company, after providing for the current payments of interest, and other outgoings, charges, and expences of the said Company, should from time to time be disposed of and applied in manner following; (that is to say), until the whole of the money, so advanced and applied as aforesaid, should have been repaid, it should and might be lawful, out of the said clear revenues and profits, to set apart and apply, in the first place, such sum as might be sufficient for answering a dividend to the proprietors of the stock of the said Company, not exceeding the rate of six pounds *per centum per annum* upon the capital stock of the said Company; and all the surplus of the said clear revenues and profits should be applied in diminution of the said sum of one million four hundred thousand pounds, or such part thereof as should be remaining unpaid, and for defraying the charges incurred in respect thereof; and after the repayment of the whole of the money so advanced and applied as aforesaid, and until the bond debt of the said Company should be reduced to the sum of one million five hundred thousand pounds, it should and might be lawful, in like manner, to set apart and apply, in the first place, out of the said clear revenues and profits, such sum as might be sufficient for answering a dividend not exceeding the rate of seven pounds *per centum per annum* upon the capital stock of the said Company; after which all the surplus of the said clear revenues and profits should be applied in reducing the bond debt of the said Company: And whereas, by a certain other act of Parliament, made in the nineteenth year of the reign of his present Majesty, (intituled, *An act for continuing in the possession of the United Company of Merchants of England trading to the East Indies, for a limited time, and under certain conditions, the territorial acquisitions and revenues lately obtained in the East Indies; and for continuing for a limited time, so much of an act, made in the thirteenth year of the reign of his present Majesty, intituled, 'An act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe, as will expire in the course of the present year*), it is, amongst other things, recited, That the said sum of one million four hundred thousand pounds had been repaid and fully discharged, and all the charges incurred in respect thereof had been defrayed, and the bond debt of the said Company had been reduced to or under the sum of one million five hundred thousand pounds, whereby the circumstances, in consideration whereof it was in the aforesaid act declared, that the publick should agree to forego, for the then present time, all participation in the profit arising from the territorial acquisitions and revenues lately obtained in the *East Indies*, have ceased and are determined; but whereas notwithstanding it might be expedient that the aforesaid territorial acquisitions and revenues should, for a limited time, and under certain conditions and restrictions, remain in the possession of the United Company of merchants of *England* trading to the *East Indies*: And by the said recited act it was enacted, That all the territorial acquisitions and revenues lately obtained in the *East Indies* should remain in the possession of the United Company of merchants of *England* trading to the *East Indies*, and their successors, for and

and during the term of one year, to be computed from the fifth day of April, in the year of our Lord one thousand seven hundred and seventy-nine: And it was also, by the said last recited act, further provided and enacted, That for and during the said term, the whole clear profits arising from the said territorial acquisitions and revenues, after defraying the charges and expences attending the same, together with all the clear revenue and profits of the said Company, after providing for the current payments of interest, and other outgoing, charges, and expences, of the said Company, should be disposed of and applied in manner following; (that is to say), it should and might be lawful, out of the said clear revenues and profits, to set apart and apply, in the first place, such sum as might be sufficient for answering a dividend to the proprietors of the stock of the said Company, not exceeding the rate of eight pounds *per centum per annum* upon the capital stock of the said Company; after which the whole surplus of the said clear revenues and profits should be reserved, and await any future agreement that might be made between the publick and the said Company: And whereas, by a certain other act of Parliament, passed in the twentieth year of the reign of his present Majesty, (intituled, *An act for continuing in the possession of the United Company of merchants of England trading to the East Indies, for a further time, and under certain conditions, the territorial acquisitions and revenues lately obtained in the East Indies, and for reviving, and continuing for a further time, so much of an act, made in the thirteenth year of the reign of his present Majesty, intituled, "An act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe," as hath expired in the course of the present year; and for indemnifying the said Company for any money they have paid, or may pay, in or about the building of three ships of the line for the service of the publick*); it is enacted, That all the said territorial acquisitions and revenues lately obtained in the *East Indies* should remain in the possession of the said United Company of merchants of *England* trading to the *East Indies*, and their successors, for and during the further term of one year, to be computed from the fifth day of April, in the year of our Lord one thousand seven hundred and eighty, upon the same conditions and restrictions as are contained in the said recited act, passed in the nineteenth year of the reign of his present Majesty: And whereas the said sum of one million four hundred thousand pounds was repaid and fully discharged, and all the charges incurred, in respect thereof were defrayed, and the bond debt of the said United Company was reduced to or under the sum of one million five hundred thousand pounds, on or before the twenty-fourth day of June, one thousand seven hundred and seventy-eight; and the said United Company have, in pursuance of the several recited acts, remained in the possession of all the territorial acquisitions and revenues lately obtained in the *East Indies*, and have, out of the profits arising from the same, and the revenue and profits of the said United Company, made a dividend to the proprietors of the stock of the said Company, of eight pounds *per centum per annum*, upon the capital stock of the said Company, from the twenty-fifth day of December, one thousand seven hundred and seventy-seven: And whereas the said United Company presented a petition to the house of Commons, on the twenty-sixth day of June, one thousand seven hundred and eighty-one, setting forth, that they were desirous to have the exclusive trade in, to, and from the *East Indies*, continued to them for a further term of years, and were willing that the publick should participate with them in the profits arising from the territorial acquisitions and revenues lately obtained in the *East Indies*; and that the said United Company, at several general courts lately held, had taken into consideration the terms and conditions of an agree-

20 Geo. 3. c.
36.

Recital that
the Company
have repaid
1,400,000 l.
and reduced
their bond
debt to
1,500,000 l.

That they
have continu-
ed in possession
of the territo-
ries;

and have
divided 8 l.
*per cent. per
ann.* on their
capital stock.

Recital of
their petition
to Parliament.

The Compa-
ny's propo-
sals.

ment to be made between the publick and the said United Company; and
 a court of proprietors, held on the twenty-fifth day of the said month
 of *June*, the said United Company agreed to the propositions annexed to
 their said petition for those purposes, and for the purpose of establishing
 certain regulations for the better management of their affairs, by which
 said propositions the said United Company did offer to advance and pay
 into his Majesty's exchequer, by installments, in the course of the present
 year, the sum of four hundred thousand pounds, in full discharge of all
 the claims of the publick upon the said United Company until the first day
 of *March*, one thousand seven hundred and eighty-one; and proposed that
 the said United Company should remain in possession of all the territorial
 acquisitions and revenues lately acquired in the *East Indies*, for and during
 the term of the exclusive trade to be granted to the said United Company,
 without prejudice to the claim of the publick or of the said United Com-
 pany; and that the participation between the publick and the said United
 Company should be in the manner, and upon the terms and conditions
 herein-after mentioned and declared: 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 the sum of four hundred thousand pounds
 shall, by the said United Company of merchants of *England* trading to the
East Indies, be paid into the receipt of his Majesty's exchequer, at the
 times and in the proportions following; that is to say, the sum of one
 hundred thousand pounds on or before the first day of *September*, one thou-
 sand seven hundred and eighty-one; the further sum of one hundred thou-
 sand pounds on or before the first day of *October* then next following; the
 further sum of one hundred thousand pounds on or before the first day of
November then next following; and the remaining sum of one hundred
 thousand pounds, on or before the first day of *December* then next follow-
 ing; for the use of the publick, in full discharge and satisfaction of all
 claims and demands of the publick upon the said United Company, from
 the time the bond debt of the said United Company was reduced to one
 million five hundred thousand pounds, until the first day of *March*, one
 thousand seven hundred and eighty-one: And in case the said United Com-
 pany of merchants of *England* trading to the *East Indies*, or their successors,
 shall make failure in any of the said payments hereby appointed to be made
 into the receipt of his Majesty's exchequer on or before the respective days
 or times herein-before limited, that then and from time to time, as often
 as such case shall so happen, the money whereof such failure in payment
 shall be made, shall and may be recovered to his Majesty's use by action
 of debt, or upon the case, bill, suit, or information, in any of his Majesty's
 courts of record at *Westminster*, wherein no esoin, protection, privilege, or
 wager of law, shall be allowed, or any more than one imparlance; in
 which action, bill, suit, or information, it shall be lawful to declare, that
 the said United Company of merchants of *England* trading to the *East In-
 dies*, or their successors, are indebted to his Majesty the monies of which
 they have made default in payment, according to the form of the statute,
 and have not paid the same, which shall be sufficient; and in or upon such
 action, bill, suit, or information, there shall be further recovered to his
 Majesty's use, against the said United Company of merchants of *England*
 trading to the *East Indies*, or their successors, damages, after the rate of
 fifteen pounds *per centum per annum*, for the respective monies so unpaid
 contrary to this act, together with full costs of suit; and the said United
 Company, and their successors, and all their stock, funds, and all other
 their estates and property whatsoever and wherefoever, shall be, and are
 hereby

Agree to pay
400,000 l. to
the publick
in discharge
of claims to
March, 1781.

The condi-
tions.

The act.

400,000 l. to
be paid into
the exche-
quer by the
Company, by
instalments.

See further 22
G. 3. c. 51. 23
G. 3. c. 36 &
34. 24 G. 3.
c. 3 & 34. and
26 G. 3. c. 62.

The Company
may be sued
in case of
failure;

and pay da-
mages of 15 l.
*per cent. per
annum*, and
costs of suit.

hereby made subject and liable to the payment of such monies, damages, and costs.

The proviso in 17 Geo. 2. c. 17. for determining the exclusive trade of the Company, &c. repealed.

II. And be it further enacted by the authority aforesaid, That the proviso contained in the said in part recited act, made in the seventeenth year of the reign of his late Majesty King *George* the Second, for determining the right, title, and interest of the said United Company to the whole, sole, and exclusive trade to the *East Indies*, and parts aforesaid, shall be, and the same is hereby repealed and made void, and the notice herein-before mentioned to have been given in pursuance of the power reserved by the said proviso, to determine the sole and exclusive trade of the said United Company, is hereby made and declared to be void and of no effect.

The right to the exclusive trade to the *East Indies* continued to the Company.

III. And it is hereby further enacted by the authority aforesaid, That the said United Company of merchants of *England* trading to the *East Indies*, shall (subject to the proviso of determination herein-after contained) have, use, and enjoy, and shall continue to have, use, and enjoy, the whole, sole, and exclusive trade and traffick, and the only liberty, use, and privilege, of trading, trafficking, and exercising the trade or business of merchandize, in, to, and from; the *East Indies*, and in, to, and from, all the islands, ports, havens, coasts, cities, towns, and places, between the *Cape of Good Hope* and *Streights of Magellan*, and limits, in the said act of the ninth year of the reign of his said late Majesty King *William* the Third, or in the said charter of the fifth day of *September*, in the tenth year of his said Majesty's reign, mentioned, in as ample and beneficial manner as the said Company could thereby, or otherwise lawfully trade thereto; and the said *East Indies*, or the islands, havens, coasts, ports, cities, towns, and places, within the limits aforesaid, or any of them, shall not from henceforth, at any time before such determination of the said sole and whole trade of the said United Company of merchants of *England* trading to the *East Indies*, as is herein-after mentioned, be repaired or failed to, visited, frequented, or haunted by, any other the subjects of his Majesty, his heirs or successors whatsoever: And if any of the said subjects of his Majesty, his heirs or successors, of what degree or quality soever they be, other than the factors, agents, and servants, of the said United Company of merchants of *England* trading to the *East Indies*, or such as shall be by them thereunto licensed or authorized, shall, at any time or times hereafter, before such determination of the said Company's whole and sole trade as aforesaid, directly or indirectly sail, or go to, visit, haunt, frequent, traffick, trade, or adventure in, to, or from, the said *East Indies*, or other the limits or parts aforesaid, contrary to the true meaning hereof, all and every such offender and offenders shall incur the forfeiture and loss of all the ships and vessels which shall be employed in such voyage, trade, traffick, or adventure, with the guns, tackle, apparel, and furniture, thereunto belonging; and also all the goods laden thereupon, or that were, or shall be sent to, acquired, traded, trafficked, or adventured, within the said *East Indies*, or parts aforesaid, and all the proceeds and effects of the same, and every of them, and double the value thereof; which penalties and forfeitures shall be so sued for, seized, distributed and distributable, recovered and recoverable, as in and by an act made in the seventh year of the reign of his late Majesty King *George* the First, (intituled, *An act for the further preventing his Majesty's subjects from trading to the East Indies under foreign commissions; and for encouraging, and further securing, the lawful trade thereto; and for further regulating the pilots of Dover, Deal, and the isle of Thanet.*) is appointed, directed, and enacted, concerning the penalties and forfeitures in that act mentioned or referred to, with respect to the said United Company, or their trade to the *East Indies*.

Penalty on persons trading thither without licence from the Company. See further provisions in respect to illicit traders and licences, 26 G. 3. c. 57. f. 30. etc.

IV. And

IV. And moreover it is hereby enacted by the authority aforesaid, That the said United Company of merchants of *England* trading to the *East Indies* shall, at all times hereafter for ever, subject as aforesaid, have, hold, and enjoy, and be intitled unto, all and every the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, and all penalties and forfeitures, and disabilities, provisions, matters, and things whatsoever, which by any former act, or acts of Parliament, or by any charter or charters founded thereupon, or by any clause or clauses in the said acts or charters contained, are enacted, given, granted, provided, inflicted, limited, established, or declared, to, for, touching, or concerning the said Company, or body politick and corporate, either by the name of *The General Society, intituled to the advantages given by an act of Parliament for advancing a sum not exceeding Two millions, for the service of the crown of England, or the said body politick and corporate, called by the name of The English Company trading to the East Indies, or the said body politick and corporate, now called by the name of The United Company of Merchants of England trading to the East Indies, and not by this act altered, or intended to be altered, according to the tenor and true meaning of the said acts and charters, freed and discharged from all provisos and conditions of redemption and determination therein contained; and the same, and every of them, are hereby ratified and confirmed, and shall continue to be held and enjoyed, and be practised, and put in execution, by the said United Company of merchants of England trading to the East Indies, and their successors, for the better and more effectual settling and securing to them, and their successors, the whole, sole, and exclusive trade to the East Indies, and parts aforesaid; and for the preventing all other his Majesty's subjects trading thither, and for securing also their possessions, estate, and effects, and governing their affairs and business, in all respects as fully and effectually as if the same profits, benefits, advantages, trade, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters, and things, were severally repeated, and at large re-enacted in the body of this act; subject nevertheless to such restrictions, covenants, and agreements, as are contained in the said acts and letters patent now in force, and not herein or hereby varied or altered, and subject also to the proviso herein-after mentioned.*

The Company to enjoy all the profits, privileges, etc. granted by former acts or charters,

and not altered by this act.

V. Provided always, and it is hereby enacted by the authority aforesaid, That at any time, upon three years notice to be given by Parliament, after the first day of *March*, which shall be in the year of our Lord one thousand seven hundred and ninety-one, upon the expiration of the said three years, and repayment to the said United Company of merchants of *England* trading to the *East Indies*, or their successors, of the said capital stock, debt, or sum of four millions two hundred thousand pounds, and all arrears of annuity payable in respect thereof, in case the same shall not have been before repaid; then, and from thenceforth, and not before, or sooner, the said right, title, and interest, of the said United Company of merchants of *England* trading to the *East Indies*, to the whole, sole, and exclusive trade to the *East Indies*, and parts aforesaid, shall cease and determine.

Continuance of the term granted to the Company of the exclusive right to trade to the East Indies.

VI. Provided always, and it is hereby further enacted, That nothing in the above proviso, or in any proviso in the said act of the ninth year of the reign of his said late Majesty King *William* the Third, or in the said charter of the fifth day of *September*, in the tenth year of his said late Majesty's reign, or in any other act or charter contained, shall extend, or be construed to extend, to determine the corporation of the said United Company of merchants of *England* trading to the *East Indies*, or to hinder, prevent,

The Company, after the determination of their exclusive right, may continue to trade with their joint stock, etc.

prevent, or exclude, the said United Company from carrying on, at all times after such determination of the right to the sole, whole, and exclusive trade, as aforesaid, a free trade in, to, and from the *East Indies*, and parts aforesaid, with all or any part of their own joint stock in trade, goods, merchandizes, estate, and effects, in common with other the subjects of his Majesty, his heirs and successors, trading in, to, or from those parts.

What shall be deemed a good notice to the Company.

VII. And be it further enacted by the authority aforesaid, That any notice in writing, signified by the speaker of the House of Commons for the time being, by order of the said house, shall be deemed and adjudged a due and proper notice by Parliament, to and for all the ends, intents, and purposes for which such notices are directed by this act to be given to the said Company.

The territorial acquisitions to remain in the possession of the Company.

VIII. And be it further enacted by the authority aforesaid, That all the territorial acquisitions and revenues lately obtained in the *East Indies* shall remain in the possession of the United Company of merchants of *England* trading to the *East Indies*, for and during the term of the exclusive trade granted to the said United Company.

How the profits arising from the territorial acquisitions, and the trade of the Company, shall be disposed of.

See further provisions 23 G. 3. c. 83. f. 8. 24 G. 3. c. 34. f. 4.

IX. And be it further enacted by the authority aforesaid, That from and after the first day of *March*, one thousand seven hundred and eighty-one, for and during so long time as the said United Company, under the authority of this present act, shall be intitled to the whole, sole, and exclusive trade and traffick in, to, and from the *East Indies* and places aforesaid, the whole clear profits arising from the said territorial acquisitions and revenues, after defraying the charges and expences attending the same, together with all the clear revenues and profits of the said Company, after providing for the current payments of interest, and other outgoings, charges, and expences of the said Company, shall from time to time be disposed of and applied in manner following; (that is to say,) it shall and may be lawful for the said United Company to set apart and retain, in the first place, in each and every year, such sum as shall be equal to eight pounds *per centum per annum* upon the capital stock of the said United Company of three millions two hundred thousand pounds; and in case there shall remain a surplus of the said clear revenues and profits above the said sum of eight pounds *per centum per annum*, so to be retained by the said United Company as aforesaid, three fourth parts of such surplus profits shall be set apart and applied for the use of the publick, and the remaining fourth part thereof shall be reserved and retained by the said United Company for their own use.

Surplus profits appropriated to the publick to be paid annually into the exchequer.

The said payments to be made on or before *May* 1, in every year.

On failure of payment, how the money shall be recovered.

X. And be it further enacted by the authority aforesaid, That the surplus profits appropriated to the publick as aforesaid, shall be paid annually into the receipt of his Majesty's exchequer, as herein-after mentioned, and shall be there reserved for the disposition of Parliament.

XI. And be it further enacted by the authority aforesaid, That the said United Company of merchants of *England* trading to the *East Indies*, and their successors, shall, and they are hereby directed and required to pay into the receipt of his Majesty's exchequer, for his Majesty's use, the parts and proportions of the clear revenue and profits herein-before directed to be set apart and applied for the use of the publick, on or before the first day of *May* in each and every year; and in case the said United Company of merchants of *England* trading to the *East Indies*, or their successors, shall make failure in payment hereby appointed to be made, into the receipt of his Majesty's exchequer, on or before the said first day of *May* in each and every year, that then, and in such case, the money whereof such failure in payment shall be made, shall and may be recovered to his Majesty's use, by action of debt, or upon the case, bill, suit,

or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, shall be allowed, or any more than one imparlance; in which action, bill, suit, or information, it shall be lawful to declare, that the said United Company of merchants of *England* trading to the *East Indies*, or their successors, are indebted to his Majesty the monies of which they shall have made default in payment, according to the form of this statute, and have not paid the same, which shall be sufficient; and in or upon such action, bill, suit, or information, there shall be further recovered to his Majesty's use, against the said United Company of merchants of *England* trading to the *East Indies*, or their successors, damages after the rate of fifteen pounds *per centum per annum* for the respective monies so unpaid, contrary to this act, together with full costs of suit; and the said United Company, and their successors, and all their stock, funds, and all other their estates and property whatsoever and whereforever, shall be, and are hereby made subject and liable to the payment of such monies, damages, and costs.

XII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said United Company to apply such money as they are herein-before authorized to retain to themselves out of the yearly net profits of the said United Company, and also so much money as they shall receive in respect of the fourth part of the expence of victualling his Majesty's ships and vessels in the *East Indies*, herein-after directed to be paid to the said United Company, during the continuance of the war with *France*, *Spain*, and *Holland*, together with the surplus profits belonging to the said United Company on the first day of *March*, one thousand seven hundred and eighty-one, after payment of the said sum of four hundred thousand pounds to the publick, as herein-before is directed, not exceeding two hundred eighty-eight thousand and twenty-five pounds, seventeen shillings, and ten-pence, in the payment of dividends to the proprietors of the stock of the said United Company, not exceeding the rate of twelve pounds, ten shillings, *per centum per annum*; provided that the bond debt of the said United Company shall not at any such time exceed the sum of one million five hundred thousand pounds; and provided, that they do not increase the present dividend of eight pounds *per centum per annum* more than at the rate of one pound *per centum* in each and every year.

XIII. And, in order to ascertain the yearly net profits arising from the said United Company's trade and revenues, be it further enacted by the authority aforesaid, That the said United Company shall, and they are hereby directed and required, to cause to be made up yearly, for each and every year during the term before-mentioned, with as much accuracy as the nature of the case will admit, a statement of the profit and loss upon the whole of the trade and revenues of the said United Company, together with a state of the debts of the said United Company in *England*, from the first day of *March*, in every year, to the first day of *March* in each succeeding year, the first of which statements or accounts shall be made up to the first day of *March*, one thousand seven hundred and eighty-two; and every such statement or account shall be fairly written, and shall be signed by two or more of the directors of the said United Company, and transmitted, within thirty days after the day to which such statements or accounts shall be made up respectively, to the commissioners of his Majesty's treasury, or the high treasurer for the time being.

XIV. And be it further enacted by the authority aforesaid, That the said United Company shall cause to be made out, at the same time with the account herein-before directed, an account of the value of all the said United Company's goods which shall remain unsold in their warehouses

The Company's share of the net profits, and the money they shall receive for victualling ships in the *East Indies*, how to be applied.

A statement of the profit and loss upon the trade and revenues of the Company, with a state of their debts, to be made up yearly, signed by two directors, and transmitted to the commissioners of the treasury:

And also an account of the value of all goods remaining unsold in their warehouses

houses in England, exclusive of discounts, etc.

in England at the time of making up the said account, exclusive of discounts, customs, commission to supercargoes, and of all and every other charge whatsoever to be deducted therefrom; which account shall be fairly written, and shall be signed by two or more of the directors of the said United Company, and transmitted, with the account herein-before mentioned, to the commissioners of his Majesty's treasury, or the high treasurer for the time being.

Accounts of the gross amount of the territorial revenues, and of all the Company's disbursements, etc. to be made up annually, and delivered to the commissioners of the treasury.

XV. And be it further enacted by the authority aforesaid, That accounts of the gross amount of all the territorial revenues received by the said United Company, and of all their disbursements, charges of management, civil, military, and other expences and charges, and also of the said United Company's debts at each of their settlements in the *East Indies*, and accounts of their net proceeds at each of their settlements in the *East Indies*, shall be made up annually, and delivered to the commissioners of his Majesty's treasury, or the high treasurer for the time being, on or as soon after the first day of *March*, in each year, as the receipt of the necessary materials from the *East Indies* shall enable the said United Company to prepare such accounts.

Directors to lay copies of said accounts before a general court.

XVI. And be it further enacted by the authority aforesaid, That the directors of the said United Company shall cause copies of the said accounts, so directed to be made up as aforesaid, to be laid before the general court of proprietors, to be holden next after the same shall be so made up.

The Company to pay to his Majesty two lacks of rupees per ann. for each regiment of 1000 men sent to the *East Indies* by their desire, etc.

XVII. Provided always, and be it further enacted by the authority aforesaid, That the said United Company shall, and they are hereby required to pay to his Majesty, his heirs and successors, in the *East Indies*, two lacks of current rupees per annum for each and every regiment consisting of one thousand men, already sent, or hereafter to be sent, by his Majesty, his heirs or successors, to the *East Indies*, on the requisition of the said United Company, over and above the extraordinary now borne and defrayed by the said United Company, and in that proportion for any greater or less number of men, and for any greater or less space of time; such payment to be computed, with respect to the forces already sent, from the twenty-fourth day of *June*, one thousand seven hundred and eighty-one, and with respect to such forces as hereafter shall be sent to the *East Indies*, from the time of the embarkation of such forces, and shall be paid until the return of the said regiments to *Great Britain*, or for so long time as the said United Company shall be possessed of the territorial revenues in the provinces of *Bengal*, *Babar*, and *Orissa*; which said payment shall be made in manner following; that is to say, the subsistence of such forces there shall be regularly paid to the orders of the officers commanding each respective regiment, and the remainder of such allowances shall be paid according to such regulations as shall be settled between the paymaster general of his Majesty's forces and the secretary at war for the time being, and the court of directors of the said United Company.

From July 5, 1781, during hostilities with France, etc. the Company to supply the victualling for his Majesty's ships to be sent to the *East Indies* upon their requisition, etc.

XVIII. Provided also, and be it further enacted by the authority aforesaid, That, from and after the fifth day of July, one thousand seven hundred and eighty-two, until peace shall be restored with France, Spain, and Holland, the said United Company shall provide and supply all the victualling to be delivered in the *East Indies* necessary for his Majesty's ships and vessels already sent, or hereafter to be sent, to the *East Indies*, upon the requisition of the said United Company, and also for the sick and hurt seamen belonging to such ships and vessels, during the time such ships and vessels shall be employed in the *East Indies*; and that a just and true account shall be kept thereof, and shall be properly authenticated and vouched by the governor, or president and council of the said United Company's settlements in India respectively, where such victualling

tualling shall be provided and supplied; and such account shall, from time to time, be transmitted to the court of directors of the said United Company, who are hereby required to lay such accounts before the commissioners of his Majesty's treasury, or the high treasurer for the time being, who shall thereupon refer the said accounts to the commissioners of his Majesty's navy, victualling, and sick and wounded seamen, to be considered in the proper offices; and all such victualling so provided and supplied as aforesaid, shall be put in charge against the officer, or officers to whom the same was delivered, or against the hospital for sick and hurt respectively, as the case may be; and the commissioners of his Majesty's treasury, or the high treasurer for the time being, from time to time, during the time aforesaid, within forty days after the receipt of such accounts so properly authenticated and vouched as aforesaid, shall pay, or cause to be paid, to the said United Company, one fourth part of the total amount of the value of all such victualling so provided by the said United Company; which sum, so paid, shall be deemed and taken to be the sole right and property of the said United Company, freed and discharged from all claims or right of participation on the behalf of the publick, and shall be set apart and applied for the use and benefit of the said United Company: And in case it shall happen, at any time during the time aforesaid, that, by means of the said United Company being put to such expences on account of providing and supplying such victualling as aforesaid, the net profits of the said United Company realised in Great Britain, shall be so reduced as not to be sufficient, together with one fourth part of such expences, as to produce to the said United Company a sum equal to eight pounds per centum per annum upon their capital stock of three millions two hundred thousand pounds, that then and in every such case the publick shall repay in Great Britain so much more of the expences of providing and supplying such victualling for his Majesty's ships and vessels, (if the amount of the value of such victualling, so provided and supplied as aforesaid, be equal thereto), as shall be sufficient to make up to the said United Company a sum equal to a dividend of eight pounds per centum per annum on the capital stock of the said United Company, such payments to be made in sterling money of Great Britain, the exchange for the rupee being rated and taken at the usual current price of the rupee at the time the same shall be advanced and paid in the East Indies.

XIX. And be it further enacted by the authority aforesaid, That, from and after peace shall be restored with France, Spain, and Holland, the said United Company shall, in like manner, provide and supply all such victualling at their own proper expence, cost, and charge.

XX. And be it further enacted by the authority aforesaid, That the said United Company shall, as soon as they shall be enabled so to do, on the requisition and under the inspection of the commissioners of his Majesty's navy and office of ordnance, send out to the East Indies such naval and military stores, in such quantities, and of such quality, and to such places, as the said commissioners of his Majesty's navy shall direct; and the said United Company shall make timely requisition to the commissioners of his Majesty's navy for such naval and military stores as cannot be provided by the said United Company; and the said United Company shall also pay to the said commissioners, of his Majesty's navy for all such naval and military stores so provided by them: And for all such naval and military stores exported from Great Britain to the East Indies, by the said United Company, upon the requisitions of the commissioners of his Majesty's navy, the commissioners of his Majesty's treasury, or the high treasurer for the time being, shall, within forty days after an account of such naval and military stores shall have been so actually exported, and proof made thereof, and certificates shall be delivered of such exportation to the commissioners of his Majesty's navy, pay and ad-

Commissioners of the treasury to pay to the Company one fourth part of the value of such victualling.

In case the Company shall not be able to make a dividend of eight per cent. then the publick shall repay more than a fourth part of the expences of victualling.

Company to supply such victualling after the restoration of peace.

Company to send to the East Indies such naval and military stores as the commissioners of the navy, etc. shall direct.

Treasury to pay to the Company, within 40 days after delivering in the account, etc. a sum nearly equal to the value of such stores.

vance,

The remainder of the value when to be paid.

vance, or cause to be paid and advanced, to the said United Company, by way of imprest, upon account of such naval and military stores, a sum of money nearly adequate to the value thereof; and the remainder of the value of such stores shall be paid for after they shall be delivered in the *East Indies*, for the use of his Majesty's ships and vessels, within forty days next after certificates shall have been delivered to the commissioners of his Majesty's treasury, or the high treasurer for the time being, that such naval and military stores have been furnished and supplied to any of his Majesty's ships or vessels employed in the *East Indies*; which certificates the officer or officers receiving the said naval and military stores is and are hereby required to give to the said United Company in triplicate, on delivery of such stores.

In case such stores should be taken by enemies, or lost by unavoidable accident, the Company to be paid the full value thereof.

From June 24, 1782, the Company to supply naval and military stores for repairs, &c. of his Majesty's ships in the *East Indies*:

The prime cost whereof shall be repaid by the treasury, during hostilities with *France*, &c.

But after the restoration of peace, the Company shall furnish the said stores at their own expence.

Commissioners of the navy, &c.

XXI. Provided always, That in case of the loss or damage of the said naval and military stores, or of any part thereof, by sea, or by being taken or destroyed by enemies, or by any other accident not imputable to, or occasioned by, the fault or neglect of the said United Company, or their servants, or any person employed by them, the said imprest shall be allowed to the said United Company, and moreover the said United Company shall be paid the surplus value of such naval and military stores, beyond the sum so imprested to them as aforesaid.

XXII. And be it further enacted by the authority aforesaid, That, from and after the twenty-fourth day of *June*, one thousand seven hundred and eighty-two, the said United Company shall, to the utmost of their power, supply, for the wear and tear and repairs of such ships and vessels belonging to his Majesty as shall be employed in the *East Indies*, all such naval and military stores as shall be required by the officer commanding the fleet in the *East Indies*, or by any officer commanding any of his Majesty's ships or vessels so employed in the *East Indies*, such officer giving triplicate certificates for such naval and military stores; and the prime cost of all such naval and military stores as shall be supplied in the *East Indies* for the use of his Majesty's navy, shall be repaid to the said United Company in *England*, until peace shall be restored with *France*, *Spain*, and *Holland*, within forty days after certificates shall have been delivered to the commissioners of his Majesty's treasury, or to the high treasurer for the time being, that such naval and military stores have been furnished and supplied to any of his Majesty's ships and vessels so employed in the *East Indies*.

XXIII. And be it further enacted by the authority aforesaid, That, from and after peace shall be restored with *France*, *Spain*, and *Holland*, the said United Company, so long as they shall remain in the possession of the territorial acquisitions and revenues in the provinces of *Bengal*, *Babar*, and *Orissa*, shall furnish, at their own proper costs and charges, such naval and military stores as shall be necessary and be required for the use of such of his Majesty's ships and vessels as shall, at the request of the said United Company, remain on service in the *East Indies* in time of peace with the *European* powers, for which certificates shall be granted by the officers commanding such ships and vessels respectively; and all certificates so granted for such naval and military stores, shall be sent to the court of directors of the said United Company, and shall be by the said court of directors transmitted to the commissioners of his Majesty's treasury, or the high treasurer for the time being; and such certificates, so transmitted, shall be sent to the commissioners of his Majesty's navy and office of ordnance, who are hereby required to put the same in charge against the officers respectively receiving such naval and military stores.

XXIV. And, in order to prevent any extravagant demand being made, or any frauds being committed in the victualling any of his Majesty's ships

ships or vessels, and in supplying them with naval and military stores, and that all expences relating thereto may be properly checked and controuled, be it enacted by the authority aforesaid, That the commissioners of his Majesty's navy, and the commissioners of victualling, and sick and wounded seamen, and office of ordnance, and the court of directors of the said United Company, shall settle and establish such rules, orders, and regulations, for the providing such supplies, and in paying such expences as aforesaid, as they shall see proper; and all such rules, orders, and regulations, shall be observed and obeyed, as well by the servants of the said United Company, as by the officers of his Majesty's navy respectively; and the accounts of such supplies and expences shall be returned, examined, checked, and passed, in such manner as by the said rules, orders, and regulations shall be established: And in case it shall appear, upon the examination of such accounts, that any monies or stores, received by any of his Majesty's officers, shall not be properly accounted for, the amount and value thereof shall be recovered from such officer or officers, by such ways and means as shall be agreeable to the usage and custom of the navy in such cases; and such part of the money so recovered, as shall have arisen during the war with *France, Spain, and Holland*, shall be paid and applied for the use of his Majesty, and such part as shall have arisen subsequent to the end of the war with *France, Spain, and Holland*, shall be paid to the said United Company.

and the courts of Directors, shall establish regulations for providing stores; etc.

Monies or stores not accounted for by officers, how to be recovered.

XXV. 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 of *England* 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.

Reservation of the rights of the Company.

XXVI. And be it further enacted by the authority aforesaid, That, during the continuance of this act, it shall not be lawful for the said United Company, or their successors, or any of their officers or servants on their account, to accept or otherwise bind the said Company, or their successors, for the payment of any bill or bills of exchange, drawn by any of their officers or servants, at any of their presidencies in the *East Indies*, for any sum exceeding the sum of three hundred thousand pounds, exclusive of certificates, to the amount of eight thousand pounds, to the commanders and officers of each of the Company's ships, in the space of any one year, without the consent and order first had and obtained of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being, who are hereby respectively authorized to give such consent, or to make such order thereon, as they shall judge expedient; and every acceptance or engagement made contrary to the true meaning and intent of this act, shall be null and void to all intents and purposes.

Restrictions on bills of exchange drawn on the Company in the *East Indies*. See 13 G. 3. c. 34. f. 16. 19. G. 3. c. 61. f. 4. 20 G. 3. c. 56. f. 4. 24 G. 3. c. 34. f. 2 & 2.

XXVII. And be it further enacted by the authority aforesaid, That no bill, promissory note, or other obligation for money issued, or to be issued, by any of the said United Company's presidents and councils, or servants in the *East Indies*, or in *Cbina* respectively, and made payable in the *East Indies*, or in *Cbina* respectively, shall be payable in *England*, without the consent of eighteen of the directors of the affairs of the said United Company first had and obtained for that purpose; nor shall the said United Company be liable to the payment of any bill, promissory note, or other obligation for money, issued or to be issued as aforesaid, and made payable in *England*, unless accepted by, or by order of a court of directors.

Bills issued in *India*, and made payable there, shall not be payable in *England*, without the consent of 18 directors; etc.

British subjects in India to reside within ten miles of some principal settlement.

XXVIII. And be it further enacted by the authority aforesaid, That during the continuance of this act, it shall not be lawful for any *British* subject or subjects, in the service of the said United Company, or licensed by them to proceed to *India*, to reside in any other place in *India* than in one of the principal settlements belonging to the said United Company, or within ten miles of such principal settlement, without the special licence of the said United Company, or of the President or Governor and Council of such principal settlement, in writing first had and obtained; nor shall any such *British* subject or subjects reside beyond the limits aforesaid, for any longer space of time than shall be specified in the orders of the said United Company, or in his or their licence or licences respectively.

British subjects residing in India not to lend money to any foreign Company, etc.

XXIX. And be it further enacted by the authority aforesaid, That it shall not be lawful for any servant or servants of the said United Company, or any other *British* subject or subjects residing in *India*, to lend any sum or sums of money to any foreign Company or Companies, or to any foreign *European* merchant or merchants, or to purchase any goods in *India* for or on account of such foreign Company or Companies, *European* merchant or merchants, or to be concerned in lending such sum or sums of money, or in purchasing such goods, directly or indirectly, or to furnish such foreign Company or Companies, *European* merchant or merchants, with the credit of bills drawn upon the correspondents of such servant or servants, or *British* subject or subjects, or any other person or persons in *Europe*.

Penalty on British subjects (other than the Company) who shall send Indian goods to Europe.

XXX. And be it further enacted by the authority aforesaid, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-two, it shall not be lawful for any *British* subject, either in his own name, or in the name of any other person or persons whatsoever, to carry on or be concerned in any trade or traffick whatsoever, in sending any kind of goods and merchandizes, the produce or manufacture of the *East Indies* or *China*, by the way of *Suez*, or by any other channel, to *Europe*; and in case any *British* subject or subjects shall carry on or be concerned in any such trade or traffick as aforesaid, he or they shall forfeit and pay to the said United Company double the value of the goods and merchandizes which shall so be sent to *Europe*, to be recovered in any court of justice in the *East Indies*, or in his Majesty's court of King's Bench at *Westminster*.

Suits brought by the court of directors against private traders, etc. not to be stopped, nor the penalty or damages mitigated, etc.

XXXI. And be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-one, in case the court of directors for the affairs of the said United Company shall order any suit or suits at law or in equity to be brought against any person or persons for trading to or from the *East Indies*, without or beyond the licence and permission of the said United Company, or for any offence or offences committed by, or any misbehaviour of any such person or persons, in his or their station or employment in the *East Indies*, it shall not be lawful for the said court of directors of the said United Company to put a stop to such suit or suits, or to remit or mitigate the penalty, damages, or satisfaction sought to be recovered thereby, before a final judgement or decree shall be obtained in such suit or suits.

Regulations relative to raising recruits for the Company's service in India.

XXXII. And whereas it is necessary for the said United Company to keep and maintain a military force in the *East Indies*, and the present method of obtaining recruits to keep up the same hath been found very inconvenient and defective; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the said United Company, by licence from his Majesty for that purpose, from time to time to enlist such number of men, being his Majesty's subjects, and of such ages, and for such time, as shall be expressed in such licence, to serve them as soldiers

in the *East Indies*, and to deposit and keep such men, not exceeding two thousand at any one time in time of war, and one thousand at any time in time of peace, at such place or places, in any part of his Majesty's dominions in *Europe*, as shall be approved of for that purpose by his Majesty, until they can be sent to *India*; and in case any person or persons so enlisting and engaging, after he shall have signed an agreement for that purpose, and shall have declared before a magistrate, at the distance of twenty-four hours at the least after his first enlisting, that he freely and voluntarily signed such agreement, and is willing to go to and serve the said United Company as a soldier in the *East Indies*, shall desert from the place appointed for him to reside at till the time of his embarkation to go to the *East Indies*, or shall refuse to perform his agreement, it shall be lawful for any person or persons to apprehend such person or persons, and convey him before a magistrate; and it shall be lawful for such magistrate, on proof of the case, to commit such person or persons to gaol, there to be kept in safe custody, and maintained at the expence of the said United Company, until such person can be sent to *India*; and it shall be lawful for the said United Company to cause such person or persons to be conveyed in custody on shipboard, to be carried to the *East Indies*, in such service as aforesaid.

Deferters may
becommitted.

XXXIII. And whereas doubts have arisen, whether, agreeable to the provisions contained in an act, made in the twelfth year of the reign of his Majesty King *Charles* the Second, intituled, *An act for the encouraging and increasing of shipping and navigation*, goods and merchandize can lawfully be exported to, and imported from the *East Indies*, and places beyond the *Cape of Good Hope*, in ships and vessels the property of the said United Company, by reason that many foreigners are proprietors of stock of the said United Company: And whereas it is fit and proper that ships belonging to the said United Company should be considered as *British* ships; be it therefore enacted by the authority aforesaid, That all ships and vessels belonging to the said United Company, whether built or purchased by the said United Company, shall be considered, deemed, and taken to be *British* ships, within the true intent and meaning of the said act of the twelfth year of the reign of his Majesty King *Charles* the Second; and the said United Company in respect thereof shall be intitled to all and every the privileges and advantages in and by the said act given and granted to the owners of ships wholly belonging to *British* subjects, the same being navigated in the manner prescribed by the laws now in being respecting *British* built ships; any thing in the said act of the twelfth year of the reign of his Majesty King *Charles* the Second in anywise notwithstanding.

All vessels belonging to the Company shall be deemed *British* ships, within the meaning of the navigation act 12 Car. 2. c. 18.

XXXIV. And be it further enacted by the authority aforesaid, That the court of directors of the said United Company shall, and they are hereby required and directed, to deliver to the commissioners of his Majesty's treasury, or any three or more of them for the time being, or to the high treasurer for the time being, copies of all such letters and orders as shall or may any way relate to the management of the revenues of the said United Company, fourteen days at the least before the sending or dispatching of such letters and orders respectively; and in like manner shall deliver, to one of his Majesty's principal secretaries of state, copies of all such letters and orders as shall or may any way relate to the civil and military affairs and government of the said United Company, to any of their servants in *India*, and such copies shall be signed by two or more of the Directors of the said United Company; and that the said court of Directors of the said United Company shall, and they are hereby required to pay due obedience to, and shall be governed and bound by, such instructions as they shall receive from his Majesty, by one of his Majesty's principal secretaries of

Court of directors to deliver to commissioners of the treasury copies of all letters and orders relative to the management of their revenues; 14 days before such letters are sent; and to one of the secretaries of state, copies of all letters, etc. relative to their civil and military affairs, etc.

Repealed by 24
G. 3. c. 25. f.
30.

state, so far as relates to the conduct and transactions of the said United Company, and their governors, presidents, and councils respectively, with the country powers in the East Indies, and also to the levying war and making peace, in such orders as the said court of directors shall from thenceforth give to the Governor and council of their presidency of Fort William in Bengal, and also to their president and council in the other settlements respectively belonging to the said United Company: Provided nevertheless, That in case the secretary of state, to whom the copies of such letters aforesaid shall be delivered, shall not, within fourteen days after the delivery thereof, communicate such orders and instructions as aforesaid, in writing, to the said court of directors, then, and in such case, it shall and may be lawful for the said court of directors to dispatch and send such orders to their servants in India, in such manner as they shall think fit.

Recital of 13
G. 3. c. 63.

XXXV. And whereas by another act, passed in the thirteenth year of the reign of his present Majesty, intituled, *An act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe*, it was, among other things, enacted, That, for the government of the presidency of Fort William in Bengal, there should be appointed a Governor-general, and four councillors, 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, Babar, and Orissa, should, during such time as the territorial acquisitions and revenues should remain in the possession of the said United Company, be vested in the said Governor-general and council of the said presidency of Fort William in Bengal; and also that the Governor-general and four first councillors, appointed by the said act, should each of them 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 should not be removeable in the mean time, except by his Majesty, his heirs and successors, upon representation made by the court of directors for 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 should, during the remainder of the term aforesaid, as often as the case should happen, be supplied by the person of the council who should stand 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 were thereby 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 as therein is mentioned, a person to succeed to the office so become vacant in the said council; and until such appointment should be made, all the powers and authorities vested in the Governor-general and council should rest and continue in, and be exercised and executed by, the Governor-general and council remaining and surviving: And whereas it may be expedient that certain parts of the said recited act, which are expired, should be revived and continued, subject to such variations as herein-after are mentioned; be it therefore enacted by the authority aforesaid, That the person and persons who at the time of the passing of this act shall have and enjoy the office and offices of Governor-general, and councillors of the said presidency, shall hold and continue in his and their respective offices for and during the continuance of this act, 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 for the said United Company for the time being; and shall have and enjoy all and singular the powers and authorities vested by the

The persons who were, Governor-general and councillors of the presidency of Fort William in Bengal, at the passing of this act, shall not be removed during the con-

the said act in the first Governor-general and four first councillors by the said act appointed, and shall be subject to the same restrictions and limitations as by the said act the first Governor-general, and first four councillors, were made subject; and that in case of the avoidance of the offices of such Governor-general, or any of the said councillors, such office shall be respectively supplied in the same manner as the same office would by the said act have been supplied during the remainder of the term of five years, which was computed from the time that the first Governor-general, and four first councillors, took upon them the government of the said presidency.

XXXVI. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the directors of the said United Company, and they are hereby impowered 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, any one of the council of the said presidency of *Fort William in Bengal*, or any other person, to succeed to the place and office of Governor-general of the said presidency of *Fort William in Bengal*, and from time to time to revoke the said nomination and appointment; and the person so nominated and appointed shall succeed to the said place or office when the same shall happen to become vacant by the death, resignation, or removal of the Governor-general of the said presidency for the time being, and have all and every the powers and authorities of Governor-general of the said presidency of *Fort William in Bengal*, in like manner as if he had succeeded after a vacancy had happened; but nevertheless the person so to be appointed as aforesaid to succeed to the vacant office of Governor-general of the said presidency of *Fort William in Bengal*, shall not be intitled to any salary, perquisite, allowance, or advantage whatsoever, as Governor-general, until he shall become intitled unto, and take upon himself the said office of Governor-general of the said presidency; and in case he shall not happen to be at *Fort William in Bengal* aforesaid, at the time the said vacancy shall happen, then and in such case the said office shall be supplied, until the time of his arrival at *Fort William* aforesaid, by the senior councillor of the said presidency.

XXXVII. And whereas it may be inconvenient to suffer the office of a councillor of the said presidency of *Fort William in Bengal* to remain vacant till the same can be supplied in *England*, after the advice of such vacancy; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the directors of the said United Company, and they are hereby impowered, from time to time, 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, one or two persons to succeed respectively to the office of a councillor of the said presidency of *Fort William in Bengal*, whenever a vacancy shall happen in that office by any of the ways in the said recited act mentioned, and to declare which of the said two persons shall first succeed to the said office of a councillor, and upon the first vacancy in that office the said persons respectively shall succeed thereto accordingly, and have all and every the powers and authorities of a councillor of the said presidency of *Fort William in Bengal*, in like manner as if he had been appointed thereto after a vacancy had happened; and it shall and may be lawful for his Majesty, his heirs and successors, upon the representation of the court of directors of the said United Company for the time being, from time to time to revoke the nomination and appointment of such persons to succeed to the vacant office of a councillor of the said presidency, in like manner as a councillor of the said presidency may be removed from such office under the authority of the said recited act; but, nevertheless, the persons so to be appointed as aforesaid to succeed to the vacant office of a councillor of the said presidency,

finance of this act, except by his Majesty, etc.
See 24 G. 3. c. 25. and 26 G. 3. c. 26 & 25.

Directors, with the consent of his Majesty, may appoint a new Governor-general, in case of death, resignation, etc.
See 24 G. 3. c. 25. and 26 G. 3. c. 26 & 25.

but he shall not be intitled to any salary, as such, until he actually takes upon himself the said office.

Directors impowered to appoint, with his Majesty's consent, two persons to succeed whenever vacancies shall happen in the said presidency, etc.

See 24 G. 3. c. 25. f. 26.

but the persons so to be appointed shall not be intitled to any salary, until

they actually take upon themselves the said office of councillor. Commander in chief of the Company's forces, if appointed a councillor, shall take rank as second in council; but shall not succeed as Governor-general, without a special appointment. See 24 G. 3. c. 25. f. 18. 25 G. 3. c. 16. f. 5. Claims to the territorial acquisitions not affected. Publick act.

dency, shall not be intitled as a councillor to any salary, perquisite, allowance, or advantage whatsoever, until he shall become intitled unto, and take upon himself, the office of a councillor of the said presidency.

XXXVIII. And be it further enacted by the authority aforesaid, That the commander in chief of all the said United Company's military forces in the *East Indies* for the time being, provided he shall be appointed one of the councillors of the said presidency of *Fort William* in *Bengal*, shall, from time to time, and at all times hereafter, take rank as second in council at the said presidency, but shall in no case succeed to the government of the said presidency without a special appointment for that purpose; but in case of the vacancy of Governor-general of the said presidency at a time when no person shall be appointed to succeed to the office of Governor-general, the councillor next in rank to such commander in chief shall succeed to and hold the office of Governor-general until some other person shall be appointed thereto, as herein-before is mentioned.

XXXIX. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to prejudice or affect the rights or claims of the publick, or the said United Company, respecting the said territorial acquisitions and revenues.

XL. 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 all other persons whatsoever, without specially pleading the same.

21 GEORGII III. Cap. LXX.

An Act to explain and amend so much of an Act, made in the Thirteenth Year of the Reign of his present Majesty, intituled, An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe, as relates to the Administration of Justice in Bengal; and for the Relief of certain Persons imprisoned at Calcutta in Bengal, under a Judgement of the Supreme Court of Judicature; and also for indemnifying the Governor-general and Council of Bengal, and all Officers who have acted under their Orders or Authority, in the undue Resistance made to the Process of the Supreme Court.

Preamble.

Recital of
23 G. 3. c. 63.

WHEREAS, in virtue of an act passed in the thirteenth year of his present Majesty's reign, intituled, *An act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe*, his Majesty, by his royal letters patent of the twenty-sixth day of *March*, in the fourteenth year of his reign, did create and constitute a court of record, to be within the factory of *Fort William*, at *Calcutta* in *Bengal*, called *The Supreme Court of Judicature at Fort William in Bengal*, with sundry directions, powers, and authorities to the said court, in the said letters patent set forth and expressed: And whereas many doubts and difficulties have arisen concerning the true intent and meaning of certain clauses and provisions in the said act and letters patent, and by reason thereof dissension hath arisen between the judges of the supreme court and the Governor-general and council of *Bengal*, and the minds of many inhabitants, subject to the said government, have been disquieted with fears and apprehensions, and further mischiefs may possibly

possibly ensue from the said misunderstandings and discontents, if a reasonable and suitable remedy be not provided: And whereas it is expedient that the lawful government of the provinces of *Bengal*, *Babar*, and *Orissa*, should be supported, that the revenues thereof should be collected with certainty, and that the inhabitants should be maintained and protected in the enjoyment of all their antient-laws, usages, rights, and privileges: 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 the Governor-general and council of *Bengal* shall not be subject, jointly or severally, to the jurisdiction of the supreme court of *Fort William* in *Bengal*, for or by reason of any act or order, or any other matter or thing whatsoever, counselled, ordered, or done by them in their publick capacity only, and acting as Governor-general and council.

The governor-general and council of *Bengal* not to be subject to the supreme court.

II. And it is hereby enacted and declared; That if any person or persons shall be impeached, in any action or process, civil or criminal, in the said supreme court, for any act or acts done by the order of the said Governor-general and council in writing, he or they may plead the general issue, and give the said order in evidence; which said order, with proof that the act or acts done has or have been done according to the purport of the same, shall amount to a sufficient justification of the said acts, and the defendant shall be fully justified, acquitted, and discharged from all and every suit, action, and process whatsoever, civil or criminal, in the said court.

Persons impeached in the supreme court for acts done by order of the Governor-general, &c. may plead the general issue.

III. Provided always, That with respect to such order or orders of the said Governor-general and council as do or shall extend to any *British* subject or subjects, the said court shall have and retain as full and competent jurisdiction as if this act had never been made.

Provido.

IV. Provided also, That nothing herein contained shall extend, or be construed to extend, to discharge or acquit the said Governor-general and council, jointly or severally, or any other person or persons acting by or under their order, from any complaint, suit, or process, before any competent court in this kingdom, or to give any other authority whatsoever to their acts, than acts of the same nature and description had, by the laws and statutes of this kingdom, before this act was made.

The governor-general, &c. to remain liable to any complaint before a competent court in this kingdom.

V. And, in order to prevent all abuse of the powers given to the Governor-general and council, be it further enacted, That in case any person, by himself, or his attorney or counsel, shall make a complaint to the supreme court, and enter the same in writing, and upon oath, of any oppression or injury, charging the same to be committed by the said Governor-general, or any member or members of the council, or any other person or persons by or in virtue of any order given by the said Governor-general and council, and shall execute a bond, with some other person whom the said court shall deem responsible, jointly and severally, to the *United East India* Company, in such a penalty as the court shall appoint, effectually to prosecute the said complaint by indictment, information, or action, in some competent court in *Great Britain*, within two years of the making of the same, or of the return into *Great Britain* of the party or parties against whom the same is made; that then, and in such case, the party complaining shall be, and is hereby enabled to compel, by order of the court, the production in the said supreme court of true copy or copies of the order or orders of council complained of, and to have the same authenticated by the court, and to examine witnesses upon the matter of the said complaint, and also on the part of the person or persons complained of; and the said parties, as well complaining as com-

If any person making complaint to the supreme court against the Governor-general, &c. shall execute a bond to the Company to prosecute the same in some competent court in *Great Britain*, &c.

such person may compel, by order of the court, the production of copies of the orders complained of, &c.

complained of, shall have and enjoy severally all manner of advantages, rights, and privileges, relative to proof of the said complaint or defence, and also relative to any *Mandamus* or commission to be issued by any of his Majesty's courts in *Westminster-hall*, in case the court upon motion shall think fit to issue the same, as are provided in case of any suit in such cases by an act of the thirteenth year of his Majesty's reign, intituled, *An act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe*; and the supreme court shall have the same powers for the compelling witnesses to appear and be examined, and the same rules and directions shall be observed for the transmitting the depositions of witnesses and other papers to this kingdom, as are provided by the said recited act.

Authenticated copies of orders, &c. shall be received in evidence in the courts at *Westminster*.

Limitation of actions.

Supreme court not to have any jurisdiction in any matter concerning the revenue.

No person shall be subject to the jurisdiction of the supreme court on account of his being a land-owner or farmer of land, &c.

nor for being employed by the Company, &c.

except in actions for trespasses, &c.

The name, description, and place of abode, of every native employed in the service of the Company, in any judicial office, &c.

VI. And be it further enacted, That all copies so authenticated of orders of the said Governor-general and council, and also the depositions which shall have been taken in manner aforesaid before the supreme court, shall be received in evidence in any of his Majesty's courts of law or equity at *Westminster*.

VII. And be it further enacted, That no prosecution or suit shall be carried on against the said Governor-general, or any member of the council, before any court in *Great Britain*, (the high court of Parliament only excepted), unless the same shall be commenced within five years after the offence committed, or within five years after his arrival in *England*.

VIII. And be it further enacted, That the said supreme court shall not have or exercise any jurisdiction in any matter concerning the revenue, or concerning any act or acts ordered or done in the collection thereof, according to the usage and practice of the country, or the regulations of the Governor-general and council.

IX. And, for removing all doubts concerning the persons subject to the jurisdiction of the said supreme court, be it enacted, That no person shall be subject to the jurisdiction of the supreme court, for or by reason of his being a landowner, landholder, or farmer of land, or of land rent, or for receiving a payment or pension in lieu of any title to, or ancient possession of, land or land rent, or for receiving any compensation or share of profits for collecting of rents payable to the publick out of such lands or districts as are actually farmed by himself, or those who are his undertenants in virtue of his farm, or for exercising within the said lands and farms any ordinary or local authority commonly annexed to the possession or farm thereof, within the provinces of *Bengal*, *Babar*, and *Orissa*, or for or by reason of his becoming security for the payment of the rents reserved or otherwise payable out of any lands or farms, or farms of land, within the provinces of *Bengal*, *Babar*, and *Orissa*.

X. And be it further enacted, That no person, for or by reason of his being employed by the Company, or the Governor-general and council, or by any person deriving authority under them, or for or on account of his being employed by a native or descendant of a native of *Great Britain*, shall become subject to the jurisdiction of the supreme court in any matter of inheritance or succession to lands or goods, or in any matter of dealing or contract between party or parties, except in actions for wrongs or trespasses, and also except in any civil suit by agreement of parties in writing to submit the same to the decision of the said court.

XI. And, for the more perfectly ascertaining those of the natives who shall be subject to the jurisdiction of the supreme court, on account of their being employed by any of his Majesty's *British* subjects; be it enacted, That, on or before the first day of *January*, one thousand seven hundred and eighty-three, the Governor-general and council shall cause the name, description, and place of usual abode, of all and every native employed

ployed in the service of the *East India* Company in any judicial office, or as principal native officer of any district in the collection of revenue, or in any commercial concerns of the Company, (except as herein-before excepted), to be entered in a book or books alphabetically disposed, distinguishing the district in which the said officers are employed; of which book or books two copies shall be made, one of which shall remain in the provincial office, and the other of which shall be registered in the supreme court; and the governor-general and council are hereby required to register, or cause to be registered, the name of every person who shall afterwards be appointed to succeed to any office vacant or new created, within three months of the said appointment or creation.

shall be entered in a book.

XII. And be it further enacted, That whenever any person or persons shall happen to die, or shall be removed from any judicial office or employment whatsoever, in the service of the *East India* Company, the name or names of such person or persons so dying or removed, as aforesaid, shall be entered in a book or books for that purpose, to be kept in the manner aforesaid.

On the death of any person employed by the Company, his name shall be entered in a book.

XIII. And it is hereby further enacted, That all and every of his Majesty's *British* subjects shall, in like manner, cause to be entered in the provincial office of the district in which the said *British* subject doth most commonly reside, the name, description, and place of abode, of his native steward or stewards, agent or agents, or partner or partners, in any concern of revenue or merchandize (if any such steward, agent, or partner he hath), and in like manner shall enter, or cause to be entered, within three months from the time of succession, or new appointment, or new partnership, the names of him or them who are dismissed, dead, or new appointed, in the said provincial office; and the president of the said council is directed to transmit, within three months, to *Calcutta* the name of every person who shall succeed to the said employment or partnership, for which a fee of one *Sicca* rupee for every entry, and no more, shall be paid to the officer keeping the said register.

All *British* subjects shall enter, in the provincial office, the name and place of abode of their native stewards, agents, etc.

XIV. And be it further enacted, That if any *British* subject shall be convicted, before the supreme court, of employing any native agent, or engaging with any native partner, not registered as herein-before is provided, or who shall be *bona fide*, and in effect and substance, such agent or partner, (although by covin, collusion, or deceit, the same may be covered and concealed, contrary to the true intent and meaning of this act), the said *British* subject, if in the Company's service, shall forfeit, on conviction, the sum of five hundred pounds, and if not in the Company's service, shall forfeit one hundred pounds, to any person suing for the same.

Penalty on *British* subject employing any native agent, etc. not to registered.

XV. And it is hereby further enacted, That no native shall, after the first day of *January*, one thousand seven hundred and eighty-three, be entitled to receive any fee or salary, except from the day of the date of his registry.

No native entitled to any salary before he is registered.

XVI. And be it further enacted, That if any *British European* subject shall engage in any concern of trade with a native partner not registered as herein directed, the said *British* subject shall not be entitled to recover or receive any sum or sums of money by reason of the said joint concern, or to compel an account thereof, by any suit in law or equity, in any court within the said provinces; and any person, prosecuting to conviction, in the supreme court, a *British* subject having a native partner or agent not being registered as aforesaid, shall be entitled to, and shall recover, by due process of the said court, the whole of the salary engaged for, and shall also be entitled to an account and receipt of the said *British* subject's share

Penalty on *British European* subjects engaging in trade with native partners not registered.

of profit of any partnership entered into with any person or persons not conforming to the regulations of this act.

How the supreme court shall determine actions between *Mabomedan* and *Gentú* inhabitants of *Calcutta*.

XVII. Provided always, and be it enacted, That the supreme court of judicature at *Fort William* in *Bengal*, shall have full power and authority to hear and determine, in such manner as is provided for that purpose in the said charter or letters patent, all and all manner of actions and suits against all and singular the inhabitants of the said city of *Calcutta*; provided that their inheritance and succession to lands, rents, and goods, and all matters of contract and dealing between party and party, shall be determined, in the case of *Mabomedans*, by the laws and usages of *Mabomedans*, and in the case of *Gentús*, by the laws and usages of *Gentús*; and where only one of the parties shall be a *Mabomedan* or *Gentú*, by the laws and usages of the defendant.

The authority of fathers and masters of families, among the natives, to be preserved, etc.

XVIII. And, in order that regard should be had to the civil and religious usages of the said natives, be it enacted, That the rights and authorities of fathers of families, and masters of families, according as the same might have been exercised by the *Gentú* or *Mabomedan* law, shall be preserved to them respectively within their said families; nor shall any acts done in consequence of the rule and law of cast, respecting the members of the said families only, be held and adjudged a crime, although the same may not be held justifiable by the laws of *England*.

The supreme court may frame such forms of process, etc. in suits against the natives, as shall suit their religion and manners.

XIX. And be it further enacted, That it shall and may be lawful for the supreme court of judicature at *Fort William* in *Bengal*, to frame such process, and make such rules and orders for the execution thereof, in suits civil or criminal against the natives of *Bengal*, *Babar*, and *Orissa*, as may accommodate the same to the religion and manners of such natives, so far as the same may consist with the due execution of the laws and attainment of justice.

Such forms to be transmitted to one of the secretaries of state, for his Majesty's approbation.

XX. Provided always, and be it enacted, That such new forms of process, and rules and orders for the execution thereof, shall be forthwith transmitted to one of his Majesty's principal Secretaries of State, to be laid before his Majesty, for his royal approbation, correction, or refusal; and such process shall be used, 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.

The Governor-general, etc. may determine on appeals, and shall be deemed a court of record;

XXI. And whereas the Governor-general and council, or some committee thereof or appointed thereby, do determine on appeals and references from the country or provincial courts in civil causes; be it further enacted, That the said court shall and lawfully may hold all such pleas and appeals, in the manner and with such powers as it hitherto hath held the same, and shall be deemed in law a court of record; and the judgements therein given shall be final and conclusive, except upon appeal to his Majesty, in civil suits only, the value of which shall be five thousand pounds and upwards.

and shall determine on all offences committed in collecting the revenue, etc.

XXII. And it is hereby further enacted, That the court aforesaid shall, and is hereby declared to be a court to hear and determine on all offences, abuses, and extortions, committed in the collection of revenue, or of severities used beyond what shall appear to the said court customary or necessary to the case, and to punish the same according to sound discretion, provided the said punishment does not extend to death, or maiming, or perpetual imprisonment.

The said court may frame regulations for the provincial courts, etc.

XXIII. And it is hereby enacted, That the Governor-general and council shall have power and authority, from time to time, to frame regulations for the provincial courts and councils; and shall, within six months after the making the said regulations, transmit, or cause to be transmitted, copies of all the said regulations to the court of directors, and to one of his

his Majesty's principal Secretaries of State; which regulations his Majesty in council may disallow or amend; and the said regulations, if not disallowed within two years, shall be of force and authority to direct the said provincial courts, according to the tenor of the said amendment, provided the same do not produce any new expence to the suitors in the said court.

XXIV. And whereas it is reasonable to render the provincial magistrates, as well natives as *British* subjects, more safe in the execution of their office; be it enacted, That no action for wrong or injury shall lie in the supreme court, against any person whatsoever exercising a judicial office in the country courts, for any judgement, decree, or order of the said court, nor against any person for any act done by or in virtue of the order of the said court.

Judicial officers in the country courts not liable to actions for wrong, &c. in the supreme court for their decrees, &c.

XXV. And be it further enacted, That in case of an information intended to be brought or moved for against any such officer or magistrate; for any corrupt act or acts, no rule or other process shall be made or issued thereon until notice be given to the said magistrate or officer, or left at his usual place of abode, in writing, signed by the party or his attorney, one month, if the person exercising such office shall reside within fifty miles of *Calcutta*, two months if he shall reside beyond fifty miles, and three months if he shall reside beyond one hundred miles from *Calcutta*, before the suing out or serving the same; in which notice the cause of complaint shall be fully and explicitly contained; nor shall any verdict be given against such magistrate, until it be proved on trial that such notice hath been given, and in default of such proof, a verdict with costs shall be given for the defendant.

No rule, &c. shall be made on information against any such officer, until proper notice has been given to him.

XXVI. And be it further enacted, That no magistrate shall be liable, in any such case, to any personal caption or arrest, nor shall be obliged to put in bail, until he shall have declined to appear to answer after notice given as directed by this act, and service of the process directing his appearance by himself or his attorney.

No such magistrate liable to arrest, until he shall have declined to appear to answer, &c.

XXVII. And whereas certain natives of *India* residing at *Patna*, by the names and descriptions of *Mir Burcut Ulla*, and *Gulam Musdum*, men of the law, attendant on the provincial council of *Patna*, and a native of *Hindoostan*, called *Bebader Beg*, are now, and have been for upwards of two years, imprisoned at *Calcutta*, in execution for damages recovered against them in certain actions in the said supreme court: And whereas, through ignorance or other misapprehension of the law, the time during which an appeal might have been presented to his Majesty in the privy council, hath expired; be it therefore enacted, That the said three persons shall be forthwith discharged from the said imprisonment by the person or persons in whose custody they now are, or shall be, by virtue of the said executions, on security being given for the damages recovered; which security the governor-general and council are hereby required to cause to be given on their behalf; and that it shall be competent to appeal to his Majesty in council against the aforesaid judgement, in like manner, and to the same effect, as if such appeal had been presented within the time for that purpose limited by the charter.

Certain natives, prisoners in *Calcutta*, to be discharged;

on security being given for damages by the Governor-general and council,

XXVIII. And whereas, in the late dissentions between the Governor-general and the judges in *Bengal*, many things have been done not justifiable by the strict rules of the law; it is hereby further enacted and declared by the authority aforesaid, That the said governor-general and council, and advocate-general, are jointly and severally, and all persons acting under their orders, so far as the same relates to the resistance to any process of the supreme court, from the first day of *January*, one thousand seven hundred and seventy-nine, to the first day of *November*, one thousand seven hundred and eighty, be, and are hereby indemnified, discharged, and

The governor-general, &c. indemnified for resisting the execution of the orders of the supreme court.

and saved harmless from any action, suit, or prosecution whatsoever, for or on account of the said disobedience and resistance to the execution of the orders of the said court.

22 GEORGII III. Cap. XXI. /

An Act to extend so much of Two Acts, of the Twentieth and Twenty-first Years of His present Majesty's Reign, as relate to the Sale of, and ascertaining the Duties upon, East India Goods, to Tea, and all other Goods of the Growth, Product, or Manufacture of China, or any Country within the Limits of the East India Company's Charter, which have been, or shall, during the present Hostilities, be brought into this Kingdom, and condemned as Prize; for equalizing the Duties upon, and regulating the Importation, of Foreign Snuff into this Kingdom; and for preventing the Importation and Running of Foreign Spirituous Liquors, Tea, and other prohibited Goods, into this Kingdom, in Vessels fitted out and armed as Privateers.

[So much thereof as relates to the East India Company.]

Preamble.
Recital of
20 G. 3. c. 9.

WHEREAS by an act of Parliament, made in the twentieth year of the reign of his present Majesty, intituled, *An act for extending the provisions of two acts, made in the eighteenth year of his present Majesty's reign, and in the last session of Parliament, with respect to bringing prize goods into this kingdom, to Spanish prize goods; and for repealing so much of the said last-mentioned act as relates to the certificates for prize tea and East India goods exported from this kingdom to Ireland; for the removal of East India goods condemned as prize at any out-port to London for sale, and of prize goods for exportation; and for reducing the duty on foreign prize tobacco; it is, amongst other things, enacted, That all goods of the growth, product, or manufacture of the East Indies, taken as prize, during the present hostilities with France or Spain, and carried into any out-port of this kingdom, and condemned as prize, shall be brought to London, under the restrictions and securities in the said act mentioned, and be publickly exposed to sale in the city of London; and that the duties due and payable for such goods shall be thereupon computed and charged, by the proper officers of the customs and excise respectively concerned therein, by the same rules, regulations, and restrictions, in all respects, (excepting any allowance for warehouse rent,) as the duties payable upon the like goods imported by, and sold at the sales of, the United Company of merchants of England trading to the East Indies, are computed and charged, and the duties due by law thereon shall be accordingly paid and applied: And whereas, by another act, made in the last session of Parliament, intituled, *An act for extending the provisions of three acts, made in the eighteenth, nineteenth, and twentieth years of his present Majesty's reign, with respect to bringing prize goods into this kingdom, to prizes taken from the States General of the United Provinces; for declaring what goods shall be deemed military or ship stores; for regulating the sale of, and ascertaining the duties upon, East India goods condemned as prize in the port of London; for permitting the purchasers of prize goods condemned abroad to import such goods into this kingdom, under the like regulations and advantages as are granted by law to captors themselves; and for reducing the duties on foreign prize tobacco; it is, amongst other things, enacted, That all such East India goods as shall be brought into, and condemned as prize in the port of London, shall be publickly**

and at Cor. 3.
c. 5.

publicly exposed to sale in the city of *London*; and the duties due and payable thereon shall be computed and paid by the same rules, regulations, and restrictions, in all respects, as are prescribed by the herein-before recited act of the twentieth year of his Majesty's reign, for the like goods carried into any out-port in this kingdom, and there condemned, and afterwards brought to the port of *London* for sale: And whereas doubts have arisen whether the herein-before recited acts do extend to tea, and all other goods which are usually imported into this kingdom by the *East India* 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 the said recited acts, and the several rules and restrictions therein prescribed, so far as they relate to any goods of the growth, product, or manufacture of the *East Indies*; condemned as prize in this kingdom, shall in like manner extend, and be construed to extend, to tea, and all other goods or commodities whatsoever of the growth, product, or manufacture of *China*, or any other country or place within the limits of the charter granted to the United Company of merchants of *England* trading to the *East Indies*, which have been, or shall, during the present hostilities, be brought into any port of this kingdom, and condemned as prize, as fully and effectually, to all intents and purposes, as if such tea, and other goods, had been particularly and expressly enumerated in the said acts.

The recited acts, so far as they relate to *East India* goods, extended to tea, etc. which has been, or shall be, during the present hostilities, brought into this kingdom, and condemned as prize.

IV. And whereas the clandestine importation and running of spirits, tea, and other prohibited goods, into this kingdom, has, since the present hostilities, been carried on to a great degree in large vessels fitted out and armed as privateers: And whereas, by means of this illicit commerce, so prejudicial to the publick revenue, and the fair trader, the powers with whom *Great Britain* is now at war may, and it is, apprehended, do, often receive intelligence very detrimental to this kingdom: For the better preventing whereof, be it further enacted by the authority aforesaid, That, from and after the first day of *May*, one thousand seven hundred and eighty-two, if any ship or vessel whatsoever, which shall be commissioned by letters of marque, or general reprisals, or otherwise, by his Majesty's commissioners for executing the office of lord high admiral of *Great Britain*, shall be found at sea, in any part of this kingdom, at any distance from the coasts thereof, having on board any foreign brandy, or other foreign spirituous liquors, in any vessels or casks which shall not contain sixty gallons at the least, except only for the use of the seamen then belonging to and on board such ship or vessel, not exceeding two gallons for each seaman, or any tea, not exceeding the quantity of six pounds weight, or any other goods whatsoever which are or may be liable to forfeiture, by any act of Parliament, upon being imported into *Great Britain*, then not only all such goods, but also the ship or vessel on board which they shall be found as aforesaid, with all her guns, furniture, ammunition, tackle, and apparel, shall be forfeited and lost, and the same shall and may be carried and delivered into the care and custody of the collector and comptroller of his Majesty's customs, at any port in this kingdom which shall be nearest to the place where such ship or vessel shall be found; and the same shall be seized, prosecuted, recovered, and disposed of, by such ways and rules, and in such manner and form, as such vessels and goods would be liable to be seized, prosecuted, recovered, and disposed of, by any law in force, if the same had been found within the limits of any port of this kingdom; and the letters of marque, or

Privateers having on board foreign spirits in any vessel less than 60 gallons, or tea, etc. above a certain quantity, shall be forfeited, with all their guns, etc.

Amended in respect to tea by 22 G. 3. c. 49.

general reprisal, or any other commission granted for such ship or vessel, shall be null and void; any law, custom, or usage, to the contrary notwithstanding.

22 GEORGII III. Cap. XLIX.

An Act to rectify a Mistake in an Act of this Session of Parliament, with respect to preventing the Importation and Running of Tea into this Kingdom, in armed Vessels having Letters of Marque, or other Commissions from the Admiralty.

Preamble.
Recital of c.
25, of the present session.

WHEREAS by an act made in this present session of Parliament, intituled, *An act to extend so much of two acts, of the twentieth and twenty-first years of his present Majesty's reign, as relate to the sale of, and ascertaining the duties upon, East India goods, to tea, and all other goods of the growth, produce, or manufacture of China, or any country within the limits of the East India Company's charter, which have been, or shall, during the present hostilities, be brought into this kingdom, and condemned as prize; for equalizing the duties upon, and regulating the importation of foreign snuff into this kingdom; and for preventing the importation and running of foreign spirituous liquors, tea, and other prohibited goods, into this kingdom, in vessels fitted out, and armed as privateers;* it is, amongst other things, enacted, That if any ship or vessel whatsoever, which shall be commissioned by letters of marque, or general reprisals, or otherwise, by his Majesty's commissioners for executing the office of lord high admiral of Great Britain, shall be found at sea, in any part of this kingdom, at any distance from the coasts thereof, having on board, amongst other goods, in the said act mentioned, any tea, not exceeding the quantity of six pounds weight, then not only all such goods, but also the ship or vessel on board which they shall be found as aforesaid, with all her guns, furniture, ammunition, tackle, and apparel, shall be forfeited and lost: And whereas it was intended that the said forfeitures in the said act should extend to such ships or vessels as should be found as aforesaid having any tea exceeding the quantity of six pounds weight on board thereon; but the words *not exceeding* are by mistake inserted in the said act, instead of the word *exceeding*: 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 the said act shall extend, and be construed to extend, to any such ships or vessels only, which shall be found as aforesaid having any tea exceeding the quantity of six pounds weight on board thereon; and such tea, and also the ship or vessel on board which the same shall be found as aforesaid, with all her guns, furniture, ammunition, tackle, and apparel, shall be forfeited, and shall and may be seized, prosecuted, recovered, and disposed of, as directed by the said recited act, as fully and effectually, to all intents and purposes, as if the said word *not* had been omitted to be inserted therein; any thing in the said recited act contained to the contrary notwithstanding.

A mistake in the recited act rectified.

22 GEORGII III. Cap. Li.

An Act to discharge and indemnify the United Company of Merchants of England trading to the East Indies, from all Damage, Interests, and Losses, in respect to their having made Default in certain Payments due to the Publick, on such Payments being made at a future stipulated Time; and to enable the said Company to continue a Dividend of Eight Pounds per Centum to the Proprietors of their Stock for the present Year.

WHEREAS the United Company of merchants of England trading to the East Indies, stand indebted to his Majesty, for customs on goods imported, in sundry sums of money, amounting together to the sum of three hundred ninety-six thousand four hundred sixty-six pounds, two shillings, and sixpence, after making certain deductions and allowances, to which, by law, the said Company are intitled, on due payment of the said customs on or before the respective days on which the same become due; which said customs became due at the several and respective times herein-after mentioned; that is to say, The sum of one hundred sixty-three thousand three hundred sixty-seven pounds, twelve shillings, and four-pence, part thereof, on the first day of December, one thousand seven hundred and eighty-one; the sum of one hundred ninety-one thousand eight hundred sixty-eight pounds, four shillings, and eight-pence, other part thereof, on the twenty-third day of January, one thousand seven hundred and eighty-two; the sum of fifteen thousand nine hundred thirty-one pounds, and seventeen shillings, other part thereof, on the twenty-second day of February, one thousand seven hundred and eighty-two; the sum of two thousand one hundred and fifty pounds, four shillings, and sixpence, other part thereof, on the twenty-third day of February, one thousand seven hundred and eighty-two; the sum of twenty-three thousand one hundred forty-eight pounds, and four shillings, residue thereof, on the twenty-sixth day of February, one thousand seven hundred and eighty-two: And whereas, by means of the said customs not being paid at the respective times the same became due as aforesaid; the said Company, besides losing the benefit of the said deductions and allowances, are liable to pay interest for the same, at and after the rate of six pounds per centum per annum: And whereas by an act, made in the twenty-first year of the reign of his present Majesty, intituled, *An act for establishing an agreement with the United Company of merchants of England trading to the East Indies, for the payment of the sum of four hundred thousand pounds, for the use of the publick, in full discharge and satisfaction of all claims and demands of the publick from the time the bond debt of the said Company was reduced to one million five hundred thousand pounds, until the first day of March, one thousand seven hundred and eighty-one, in respect of the territorial acquisitions and revenues lately obtained in the East Indies; and also for securing to the publick in respect thereof, for a term therein mentioned, a certain part or proportion of the clear revenues and profits of the said Company; and for granting to the said Company, for a further term, the sole and exclusive trade to and from the East Indies, and limits therein mentioned; and for establishing certain regulations for the better management of the affairs of the said Company, as well in India as in Europe, and the recruiting the military forces of the said Company; it was, amongst other things, enacted, That the sum of four hundred thousand pounds should, by the said United Company, be paid into the receipt of his Majesty's exchequer, at the times, and in the proportions therein mentioned, the last of which payments*

Preamble; stating that the Company owe 396,466 l. 2 s. 6 d. for customs, and 100,000 l. being the last instalment of 400,000 l. to be cured by 21 Geo. 3. c. 65.

Recital of 21 Geo. 3. c. 65.

ments was of the sum of one hundred thousand pounds, and was to have been made on the first day of *December*, one thousand seven hundred and eighty-one, for the use of the publick, as therein is mentioned; and in case the said United Company should make failure in any of the said payments, on or before the days therein mentioned, then the money, whereof such failure in payment should be made, should be recovered to his Majesty's use, by such action or suit as therein is mentioned; and upon such action or suit there should be further recovered to his Majesty's use, against the said United Company, damages after the rate of fifteen pounds *per centum per annum*, for the respective monies so unpaid contrary to the said act, together with full costs of suit: And it was thereby further enacted, That, from and after the first day of *March*, one thousand seven hundred and eighty-one, for and during so long time as the said United Company, under the authority of that act, should be intitled to the whole, sole, and exclusive trade and traffick in, to, and from, the *East Indies*, and places aforesaid, the whole clear profits arising from the said territorial acquisitions and revenues, after defraying the charges and expences attending the same, together with all the clear revenues and profits of the said Company, after providing for the current payments of interest, and other outgoings, charges, and expences of the said Company, should, from time to time, be disposed of and applied in manner therein and herein-after mentioned; that is to say, it should be lawful for the said United Company to set apart and retain, in the first place, in each and every year, such sum as should be equal to eight pounds *per centum per annum*, upon the capital stock of the said United Company of three millions two hundred thousand pounds; and in case there should remain a surplus of the said clear revenues and profits, above the said sum of eight pounds *per centum per annum*, so to be retained by the said United Company as aforesaid, three fourth parts of such surplus profits should be set apart, and applied for the use of the publick, and the remaining fourth part thereof should be reserved and retained by the said United Company for their own use: And it was thereby further enacted, That it should be lawful for the said United Company to apply such money as they were therein-before authorized to retain to themselves, and also other money in the said act mentioned, in the payment of dividends to the proprietors of the stock of the said United Company, not exceeding the rate of twelve pounds and ten shillings *per centum per annum*, provided the bond debt of the said United Company did not at any such time exceed one million five hundred thousand pounds; and provided that they did not increase the present dividend of eight pounds *per centum per annum*, more than at the rate of one pound *per centum* in each and every year: And, in order to ascertain the yearly net profits arising from the said United Company's trade and revenues, it was further enacted, That the said United Company should cause to be made up yearly, for each and every year during the term therein mentioned, with as much accuracy as the nature of the case would admit, a statement of the profit and loss upon the whole of the trade and revenues of the said United Company, together with a state of the debts of the said United Company in *England*, from the first day of *March* in every year, to the first day of *March* in each succeeding year; which said account was to be signed and delivered to the commissioners of his Majesty's treasury, or the high treasurer for the time being, as therein is mentioned: And whereas a statement hath been duly made up of the profit and loss upon the whole of the trade and revenues of the said United Company, from the first day of *March*, one thousand seven hundred and eighty-one, to the first day of *March*, one thousand seven hundred and eighty-two, whereby it appears, that the net profits of the said United Company,

A statement
hath been
made up of
the profit and
loss of the
Company
from *March*,
1781, to
March, 1782.

pany, in that year, did not amount to so much as a dividend upon the stock of the said United Company, at the rate of eight pounds *per centum per annum*, by the sum of twenty-two thousand and twenty-three pounds: And whereas, by means of the late arrival of eighteen of the said United Company's ships from *India* and *China*, in the last year, whose cargoes could not be disposed of, and converted into money, within the usual period, and by means of the payments made by the said United Company, to the use of the publick, of the sum of three hundred thousand pounds, in part of the said sum of four hundred thousand pounds, the said United Company were not able to pay the said customs, and the said remaining sum of one hundred thousand pounds, at the respective times the same became due, without borrowing money for those purposes; wherefore the commissioners of his Majesty's treasury consented to postpone the said payments to the twenty-first day of *June*, one thousand seven hundred and eighty-two; and as the default of the said Company, in respect to the said payments arose by such means as aforesaid, and the said Company are still in distress, it is fit that the said payments should be further postponed, and that the said Company should be discharged and indemnified from all damages, interest, losses, and disadvantages arising thereby; and it is also fit that the said United Company should be allowed to continue a dividend at the rate of eight pounds *per centum*, to the proprietors of their stock for the present year: 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 lords commissioners of his Majesty's treasury for the time being, or any three or more of them, to postpone and allow further time for the payment of the said sum of three hundred and ninety-six thousand four hundred sixty-six pounds, two shillings, and six-pence, which became due, for customs, at such several times as herein-before are mentioned; and of the said sum of one hundred thousand pounds, which became due on the first day of *December*, one thousand seven hundred and eighty-one, or any part or parts of the said sums respectively, unto such time or times as they shall think fit, not exceeding the first day of *April*, one thousand seven hundred and eighty-three; and if the said United Company do and shall pay the said sums respectively, at such time or times to which the said payment shall be postponed as aforesaid, the same shall be accepted and received in like manner as if the said sums respectively had been paid on or before the several and respective days on which the same became due, as herein-before is mentioned; and the said United Company, upon such payment, at such postponed time or times, shall be freed and discharged from all damages, interest, and losses, which they became liable to by means of not having made the said payments respectively, at the several and respective times on which the same became due, and shall be entitled unto, and have the same discounts, allowances, and advantages, as if the said sums respectively had been paid on or before the several and respective days on which they became due; any thing in the said recited act, or in any other act or acts of Parliament, in any wise notwithstanding.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said United Company to set apart and apply, in the course of the present year, from the first day of *March*, one thousand seven hundred and eighty-two, to the first day of *March*, one thousand seven hundred and eighty-three, so much money as shall be equal to eight pounds *per centum*, on the capital of three millions two hundred thousand pounds, as and for a dividend to the proprietors of the stock of the said Company, and to

Profit less than dividend of 8 l. per cent. 22,023 l.

The cause of the deficiency.

Treasury consented to postpone payment of the said sums for customs and interest.

Commissioners of the treasury may allow the Company further time for payment of certain sums due to the publick;

Further provisions are made in respect to the Company's debts by 23 G. 3. c. 36 & 84-24 G. 3. c. 3 & 34. and 26 G. 3. c. 62.

on payment whereof the Company shall be indemnified.

The Company impowered to set apart, between *March* 1, 1782, and *March* 1, 1783, a sum sufficient to pay a dividend of 8 per cent.

charge the same as a debt in the annual account to be made up to the first day of March, one thousand seven hundred and eighty-three; and if it shall happen that there shall be a deficiency in such annual account, it shall and may be lawful for the said United Company to carry forward such deficiency, as a charge in the account of the succeeding year, any thing in the said recited act contained to the contrary notwithstanding.

The deficiency in last year's account to be carried forward as a charge in the present year.

III. And be it further enacted by the authority aforesaid, That the said deficiency of twenty-two thousand and twenty-three pounds, appearing in the said annual account made up to the first day of March, one thousand seven hundred and eighty-two, shall be carried forward as a charge in the account of the present year.

23 GEORGII III. Cap. XXXVI.

An Act to discharge and indemnify the United Company of Merchants of England trading to the East Indies, from all Damages, Interest, and Losses, in respect to their not making regular Payment of certain Sums due, and to become due, to the Publick, and to allow further Time for such Payment; and to enable the Company to borrow a certain Sum of Money; and to make a Dividend of Four Pounds per Centum to the Proprietors at Midsummer, One thousand seven hundred and eighty-three.

Preamble.

The Company indebted for customs 396,466 l. 2 s. 6 d. to 26 Feb. 1782, and in 42,105 l. 6 s. 10 d. accrued since; and will be further indebted for customs in July, 1783; the sum of 230,000 l.

WHEREAS the United Company of merchants of England trading to the East Indies, stand indebted to his Majesty, for customs on goods imported, in sundry sums of money, amounting together to the sum of three hundred ninety-six thousand four hundred and sixty-six pounds, two shillings, and six-pence, after making certain deductions and allowances, to which, by law, the said Company are intitled, on due payment of the said customs on or before the respective days on which the same become due; which said customs became due at the several and respective times herein-after mentioned; that is to say, the sum of one hundred sixty-three thousand three hundred and sixty-seven pounds, twelve shillings, and four-pence, part thereof, on the first day of December, one thousand seven hundred and eighty-one; the sum of one hundred ninety-one thousand eight hundred and sixty-eight pounds, four shillings, and eight-pence, other part thereof, on the twenty-third day of January, one thousand seven hundred and eighty-two; the sum of fifteen thousand nine hundred thirty-one pounds, and seventeen shillings, other part thereof, on the twenty-second day of February, one thousand seven hundred and eighty-two; two thousand one hundred and fifty pounds, four shillings, and six-pence, other part thereof, on the twenty-third day of February, one thousand seven hundred and eighty-two; the sum of twenty-three thousand one hundred forty-eight pounds, and four shillings, residue thereof, on the twenty-sixth day of February, one thousand seven hundred and eighty-two: And whereas the said United Company also became indebted to his Majesty for customs, on the twenty-first day of March, one thousand seven hundred and eighty-three, after such deductions and allowances as aforesaid, in the further sum of forty-two thousand one hundred and five pounds, six shillings, and ten-pence; and will become further indebted to his Majesty, for other customs on goods, before the first day of July, one thousand seven hundred and eighty-three, in further sums of money, to the amount of two hundred and thirty thousand pounds, or thereabouts:

And

And whereas, by means of the said customs already due, and hereafter to become due, not being paid at the respective times the same became due, or shall become due, as aforesaid, the said Company, besides losing the benefit of the said deductions and allowances, are and will be liable to pay interest for the same, at and after the rate of six pounds *per centum per annum*: And whereas by an act, made in the twenty-first year of the reign of his present Majesty, intituled, *An act for establishing an agreement with the United Company of merchants of England trading to the East Indies, for the payment of the sum of four hundred thousand pounds, for the use of the publick, in full discharge and satisfaction of all claims and demands of the publick from the time the bond debt of the said Company was reduced to one million five hundred thousand pounds, until the first day of March, one thousand seven hundred and eighty-one, in respect of the territorial acquisitions and revenues lately obtained in the East Indies; and also for securing to the publick in respect thereof, for a term therein mentioned, a certain part or proportion of the clear revenues and profits of the said Company; and for granting to the said Company, for a further term, the sole and exclusive trade to and from the East Indies, and limits therein mentioned; and for establishing certain regulations for the better management of the affairs of the said Company, as well in India as in Europe, and the recruiting the military forces of the said Company*; it was, amongst other things, enacted, That the sum of four hundred thousand pounds should, by the said United Company, be paid into the receipt of his Majesty's exchequer, at the times, and in the proportions therein mentioned, the last of which payments was of the sum of one hundred thousand pounds, and was to have been made on the first day of *December*, one thousand seven hundred and eighty-one, for the use of the publick; as therein is mentioned; and in case the said United Company should make failure in any of the said payments, on or before the days therein mentioned, then the money, whereof such failure in payment should be made, should be recovered to his Majesty's use, by such action or suit as therein is mentioned; and upon such action or suit there should be further recovered to his Majesty's use, against the said United Company, damages after the rate of fifteen pounds *per centum per annum*, for the respective monies so unpaid, contrary to the said act, together with full costs of suit: And it was thereby further enacted, That, from and after the first day of *March*, one thousand seven hundred and eighty-one, for and during so long time as the said United Company, under the authority of that act, should be intituled to the whole, sole, and exclusive trade and traffick in, to, and from the *East Indies*, and places aforesaid, the whole clear profits arising from the said territorial acquisitions and revenues, after defraying the charges and expences attending the same, together with all the clear revenues and profits of the said Company, after providing for the current payments of interest, and other outgoings, charges and expences of the said Company, should, from time to time, be disposed of and applied in manner therein and herein-after mentioned; (that is to say), it should be lawful for the said United Company to set apart and retain, in the first place, in each and every year, such sum as should be equal to eight pounds *per centum per annum*, upon the capital stock of the said United Company of three millions two hundred thousand pounds; and in case there should remain a surplus of the said clear revenues and profits, above the said sum of eight pounds *per centum per annum*, so to be retained by the said United Company as aforesaid, three fourth parts of such surplus profits should be set apart, and applied for the use of the publick, and the remaining fourth part thereof should be reserved and retained by the said United Company for their own use: And it was thereby further enacted, That it should be lawful for the said United Company to apply such money as they were therein before authorised to retain to themselves, and

Recital of an
G. 3. c. 65.

also

also other money mentioned in the said act, in the payment of dividends to the proprietors of the stock of the said United Company, not exceeding the rate of twelve pounds ten shillings *per centum per annum*, provided the bond debt of the said United Company did not at any such time exceed one million five hundred thousand pounds; and provided that they did not increase the present dividend of eight pounds *per centum per annum*, more than at the rate of one pound *per centum* in each and every year: And whereas the payment of the said sum of three hundred ninety-six thousand four hundred sixty-six pounds, two shillings, and six-pence, which became due for customs at such several times as herein-before are mentioned, and of the said sum of one hundred thousand pounds, which became due on the first day of *December*, one thousand seven hundred and eighty-one, hath been postponed, and further time allowed for the payment thereof, until the first day of *April*, one thousand seven hundred and eighty-three, by the lords commissioners of his Majesty's treasury, pursuant to power to them for that purpose given in and by an act made in the last session of Parliament, (intituled, *An Act to discharge and indemnify the United Company of merchants of England trading to the East Indies, from all damage, interest, and losses, in respect to their having made default in certain payments due to the publick, on such payments being made at a future stipulated time; and to enable the said Company to continue a dividend of eight pounds per centum, to the proprietors of their stock for the present year*): And whereas, besides the said debts due to the publick, the said United Company have been obliged to postpone many of their commercial debts: And whereas, by means of the expences of the wars and hostilities in *India*, and the homeward bound ships of the said Company not having duly arrived, the said Company is become much distressed in their affairs at home, and have applied to Parliament for relief: But, in regard such application cannot be fully considered, and an adequate relief applied in due time in respect to some of the debts owing by the said Company, it is necessary that a temporary relief should be granted to the said Company, and that they should be allowed to continue their present dividend at *Midsummer* next, at the rate of eight pounds *per centum per annum*: 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 lords commissioners of his Majesty's treasury for the time being, or any three or more of them, to postpone and allow further time for the payment of the said sum of three hundred ninety-six thousand four hundred sixty-six pounds, two shillings, and six-pence, which became due, for customs, at such several times as herein-before are mentioned; and of the said sum of one hundred thousand pounds, which became due on the first day of *December*, one thousand seven hundred and eighty-one; and to allow time for payment of the said sum of forty-two thousand one hundred and five pounds, six shillings, and ten-pence, which became due the twenty-first day of *March*, one thousand seven hundred and eighty-three; and of such sums as shall become due for customs before the first day of *July*, one thousand seven hundred and eighty-three, or any part or parts of the said several sums respectively, unto such time or times as they shall think fit, not exceeding the first day of *October*, one thousand seven hundred and eighty-three: And if the said United Company do and shall pay the said sums respectively, at such time or times to which the said payments, or any part thereof respectively, shall be postponed as aforesaid, the same shall be accepted and received in like manner as if the said sums respectively had been paid on or before the several and respective days on which the said sums became due, or shall become due, respectively; and the said

Recital of 22 Geo. 3. c. 57.
 22 Geo. 3. c. 57.
 Recital of 22 Geo. 3. c. 57.

Recital of 22 Geo. 3. c. 57.

Other commercial debts owing by the Company.

The Company in distress by means of the war.

Necessity of granting them a temporary relief.

Commissioners of the treasury may allow the Company further time for payment of certain sums due to the publick;

For further provisions for payment of these debts, see 23 G. 3. c. 83. 24 G. 3. c. 3 & 34. and 26 G. 3. c. 62.

United Company, upon such payment, at such postponed time or times, shall be freed and discharged from all damages, interest, and losses, which they became or shall become liable to by means of not having made the said payments respectively at the several times on which the same became due, and shall be intitled unto, and have the same discounts, allowances, and advantages, as if the said sums respectively had been paid on or before the several and respective days on which they became due; any thing in the said recited acts, or any other act or acts of Parliament, in any wise notwithstanding.

on payment whereof the Company shall be indemnified.

II. And in order to give a temporary relief to the said United Company in respect to their commercial debts; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said United Company to borrow money upon, and issue bonds under their common seal, as the affairs of the said Company may require, not exceeding the sum of five hundred thousand pounds beyond the amount of the Company's present bond debt.

Company empowered to increase their present bond debt;

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said United Company to set apart and apply, at Midsummer next, so much money as shall be equal to four pounds per centum, on the capital of three millions two hundred thousand pounds, as and for a dividend to the proprietors of the stock of the said Company for half a year, from the fifth day of January, one thousand seven hundred and eighty-three to the fifth day of July, one thousand seven hundred and eighty-three,

and to make a dividend of 4 per cent. at Midsummer next.

23 GEORGII III. Cap. LXXXIII.

An Act for granting Relief to the United Company of Merchants of England trading to the East Indies, by allowing further Time for the Payment of certain Sums due, and to become due to the Publick, and by advancing to the said Company, on the Terms therein mentioned, a certain Sum of Money to be raised by Loans or Exchequer Bills; and to enable the said Company to make a Dividend of Four Pounds per Centum to the Proprietors at Christmas, one thousand seven hundred and eighty-three; and to regulate the future Payment of Debentures of Drawbacks on East India Goods.

WHEREAS the United Company of merchants of England trading to the East Indies, stand indebted to his Majesty, for customs on goods imported, in sundry sums of money, amounting together to the sum of six hundred forty-four thousand seven hundred forty-three pounds, seventeen shillings, and two-pence, after making certain deductions and allowances, to which by law the said Company are intitled, on due payment of the said customs on or before the respective days on which the same become due; which said customs became due at the several and respective times herein-after mentioned; (that is to say), The sum of one hundred sixty-three thousand three hundred sixty-seven pounds, twelve shillings, and four-pence, part thereof, on the first day of December, one thousand seven hundred and eighty-one; the sum of one hundred ninety-one thousand eight hundred sixty-eight pounds, four shillings, and eight-pence, other part thereof, on the twenty-third day of January, one thousand seven hundred and eighty-two; the sum of fifteen thousand nine hundred thirty-one pounds, and seventeen shillings, other part thereof, on the twenty-second day of February,

Preamble.

Company owe 644,743 l. 17 s. 2 d. for customs.

bruary, one thousand seven hundred and eighty-two; the sum of two thousand one hundred and fifty pounds, four shillings, and seven-pence, other part thereof, on the twenty-third day of *February*, one thousand seven hundred and eighty-two; the sum of twenty-three thousand one hundred forty-eight pounds, four shillings, and four-pence, other part thereof, on the twenty-sixth day of *February*, one thousand seven hundred and eighty-two; the sum of forty-two thousand one hundred and five pounds, six shillings, and ten-pence, other part thereof, on the twentieth day of *March*, one thousand seven hundred and eighty-three; and the sum of two hundred and six thousand one hundred seventy-two pounds, seven shillings, and five-pence, residue thereof, on the first day of *June*, one thousand seven hundred and eighty-three: And whereas the said United Company will become further indebted to his Majesty for other customs on goods, before the tenth day of *December*, one thousand seven hundred and eighty-three, in further sums of money, to the amount of two hundred and seventy thousand pounds, or thereabouts: And whereas, by means of the said customs, already due and hereafter to become due, not being paid at the respective times the same became due or shall become due, as aforesaid, the said Company, besides losing the benefit of the said deductions and allowances, are and will be liable to pay interest for the same, at and after the rate of six pounds *per centum per annum*: And whereas, by an act made in the twenty-first year of the reign of his present Majesty, (intituled, *An act for establishing an agreement with the United Company of merchants of England trading to the East Indies, for the payment of the sum of four hundred thousand pounds, for the use of the publick, in full discharge and satisfaction of all claims and demands of the publick from the time the bond debt of the said Company was reduced to one million five hundred thousand pounds, until the first day of March, one thousand seven hundred and eighty-one, in respect of the territorial acquisitions and revenues lately obtained in the East Indies; and also for securing to the publick in respect thereof, for a term therein mentioned, a certain part or proportion of the clear revenues and profits of the said Company; and for granting to the said Company, for a further term, the sole and exclusive trade to and from the East Indies, and limits therein mentioned; and for establishing certain regulations for the better management of the affairs of the said Company, as well in India as in Europe, and the recruiting the military forces of the said Company*), it was amongst other things enacted, That the sum of four hundred thousand pounds should, by the said United Company, be paid into the receipt of his Majesty's exchequer, at the times and in the proportions therein mentioned; the last of which payments was of the sum of one hundred thousand pounds, and was to have been made on the first day of *December*, one thousand seven hundred and eighty-one, for the use of the publick, as therein is mentioned; and in case the said United Company should make failure in any of the said payments, on or before the days therein mentioned, then the money whereof such failure in payment should be made, should be recovered to his Majesty's use by such action or suit as therein is mentioned; and upon such action or suit there should be further recovered to his Majesty's use, against the said United Company, damages after the rate of fifteen pounds *per centum per annum*, for the respective monies so unpaid contrary to the said act, together with full costs of suit: And it was thereby further enacted, That, from and after the first day of *March*, one thousand seven hundred and eighty-one, for and during so long time as the said United Company, under the authority of that act, should be intitled to the whole, sole, and exclusive trade and traffick in, to, and from the *East Indies*, and places aforesaid, the whole clear profits arising from the said territorial acquisitions and revenues, after

Recital of
21 Geo. 3.
c. 65.

after defraying the charges and expences attending the same, together with all the clear revenues and profits of the said Company, after providing for the current payment of interest, and other outgoings, charges, and expences of the said Company, should from time to time be disposed of and applied in manner therein and herein-after mentioned; (that is to say), it should be lawful for the said United Company to set apart and retain, in the first place, in each and every year, such sum as should be equal to eight pounds *per centum per annum*, upon the capital stock of the said United Company of three millions two hundred thousand pounds; and in case there should remain a surplus of the said clear revenues and profits, above the said sum of eight pounds *per centum per annum*, to be retained by the said United Company, as aforesaid, three fourth parts of such surplus profits should be set apart and applied for the use of the publick, and the remaining one fourth part thereof should be reserved and retained by the said United Company for their own use: And it was therein further enacted, That it should be lawful for the said United Company to apply such money as they were therein before authorised to retain to themselves, and also other money in the said act mentioned, in the payment of dividends to the proprietors of the stock of the said United Company, not exceeding the rate of twelve pounds and ten shillings *per centum per annum*, provided the bond debt of the said United Company did not at any such time exceed one million five hundred thousand pounds; and provided that they did not increase the present dividend of eight pounds *per centum per annum* more than at the rate of one pound *per centum* in each and every year: And, in order to ascertain the yearly net profits arising from the said United Company's trade and revenues, it was further enacted, That the said United Company should cause to be made up yearly, for each and every year, during the term therein mentioned, with as much accuracy as the nature of the case would admit, a statement of the profit and loss upon the whole of the trade and revenues of the said United Company, together with a state of the debts of the said United Company in England, from the first day of *March* in every year, to the first day of *March* in each succeeding year; which said account was to be signed and delivered to the commissioners of his Majesty's treasury, or the high treasurer for the time being, as therein is mentioned: And whereas a statement hath been duly made up of the profit and loss upon the whole of the trade and revenues of the said United Company from the first day of *March*, one thousand seven hundred and eighty-two, to the first day of *March*, one thousand seven hundred and eighty-three; whereby it appears, that the net profits of the said United Company in that year did not amount to so much as a dividend upon the stock of the said United Company at the rate of eight pounds *per centum per annum*, by the sum of two hundred fifty-five thousand eight hundred and thirteen pounds: And whereas the payment of the said sum of six hundred forty-four thousand seven hundred forty-three pounds, seventeen shillings, and two-pence; which became due for customs at such several times as herein-before are mentioned, and of the said sum of one hundred thousand pounds, which became due on the first day of *December*, one thousand seven hundred and eighty-one, hath been postponed, and further time allowed for the payment thereof until the tenth day of *August*, one thousand seven hundred and eighty-three, by the lords commissioners of his Majesty's treasury, pursuant to power to them for that purpose given in and by an act made in this present session of Parliament, (intituled, *An act to discharge and indemnify the United Company of merchants of England trading to the East Indies, from all damages, interest, and losses, in respect to their not making regular payment of certain sums due, and to become due, to the publick, and to allow*

Profit and
loss from
March 1782,
to *March*
1783.

Profit deficient
to pay a
dividend of
8 l. per cent.
by 255,813 l.

Treasury have
postponed
payment, pur-
suant to 23 G.
3. c. 36.

allow further time for such payment; and to enable the Company to borrow a certain sum of money; and to make a dividend of four pounds per centum to the proprietors at Midsummer, one thousand seven hundred and eighty-three; and by the same act, in order to give a temporary relief to the said United Company, in respect to their commercial debts, it was enacted, That it should be lawful for the said United Company to borrow money upon, and issue bonds under their common seal, as the affairs of the said Company might require, not exceeding the sum of five hundred thousand pounds beyond the amount of the Company's then present bond debt: And whereas the issuing of such bonds as aforesaid will increase the said Company's bond debt beyond the sum of one million five hundred thousand pounds: And whereas, by means of the expences of the wars and hostilities in *India* and in *Europe*, the said Company is become much distressed in their affairs at home; upon consideration whereof, it is found necessary to grant further relief to the said Company, by allowing further time for the payment of the said debts, due and to become due to his Majesty, and by lending the said Company a further sum of money, as herein-after is mentioned; and it is fit and expedient that the said Company should be allowed to continue their present dividend at *Christmas* next, at the rate of eight pounds *per centum per annum*; 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 commissioners of his Majesty's treasury for the time being, or any three or more of them, to postpone and allow further time for the payment of the said sum of six hundred forty-four thousand seven hundred forty-three pounds, seventeen shillings, and two-pence, which became due for customs at such several times as herein-before are mentioned, and of the said sum of one hundred thousand pounds, which became due on the first day of *December*, one thousand seven hundred and eighty-one, and to allow time for payment of such sums as shall become due for customs before the tenth day of *December*, one thousand seven hundred and eighty-three, or any part or parts of the said several sums respectively, unto such time or times as they shall think fit, not exceeding forty days next after the commencement of the next session of Parliament; and if the said United Company do and shall pay the said sums respectively, at such time or times to which the said payments, or any part thereof respectively, shall be postponed as aforesaid, the same shall be accepted and received in like manner as if the said sums respectively had been paid on or before the several and respective days on which the said sums became due; and the said United Company, upon such payment at such postponed time or times, shall be freed and discharged from all damages, interest, and losses, which they became liable to by means of not having made the said payments respectively at the several times on which the same became due; and shall be intitled unto, and have the same discounts, allowances, and advantages, as if the said sums respectively had been paid on or before the several and respective days on which they became due; any thing in the said recited acts, or any other act or acts of Parliament in any wise notwithstanding.

II. And, in order to give further relief to the said United Company in respect to their debts, and the better to enable them to pay the same, we, your Majesty's most dutiful and loyal subjects, the Commons of *Great Britain*, in Parliament assembled, do most humbly beseech your Majesty that it may be enacted; and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury now and for the time being, or any three or more of them,

23 G. 3. c. 36.
l. 2.

Company in
distress, and in
want of fur-
ther relief.

Dividend to
be continued
at *Christmas*,
1783.

Commission-
ers of the
treasury im-
powered to
allow the
Company fur-
ther time for
payment of
the sums due,
and to become
due, to his
Majesty.

Time enlarged
by 24 G. 3. c.
3 & 34.
See also 26 G.
3. c. 62.

Commission-
ers of the
treasury im-
powered to
make exche-
quer bills to
the amount
of 300,000 l.;

or

or for the high treasurer for the time being, and he and they respectively are or is hereby authorized and impowered, at any time or times before the tenth day of *October*, one thousand seven hundred and eighty-three, by his or their warrant or warrants, to direct, or cause to be prepared and made, at the receipt of his Majesty's exchequer, any number of exchequer bills, for such sum or sums of money as he or they shall think most proper and convenient, so as all the principal sums to be contained in the bills so to be made forth by virtue of this act, do not exceed in the whole the sum of three hundred thousand pounds, (exclusive of any exchequer bills that are or may be made forth by virtue of any other act or acts passed in this session of Parliament, for the publick service); and the said exchequer bills, so to be made forth in pursuance of this act, shall bear an interest not exceeding the rate of four pounds and fifteen shillings *per centum per annum*, and proportionably for any greater or less sum to be contained therein, to be payable to the bearers thereof respectively; which said exchequer bills shall be made out in the like manner, form, and order, and according to the same or like rules and directions, as in and by an act of this present session of Parliament, (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and eighty-three*), are enacted and prescribed concerning the exchequer bills authorized to be made forth in pursuance of the said act; and the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, are or is hereby authorized and impowered to direct the said exchequer bills to be delivered to or to the order of the court of directors of the said United Company, to be by them passed away and negotiated for the purpose of raising money to pay the debts, and to answer other the occasions and affairs of the said Company.

to bear an interest of 4 l. 15 s. per cent. per ann.

The bills to be delivered to the court of directors, etc.

III. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last mentioned act, relating to the exchequer bills authorized to be made out by the same act, (except such clauses as do charge the same on the duties granted by the same act, and except such clauses as limit the rate of interest to be paid for the forbearance of the money lent on the credit of the said act, and also except as herein-after is mentioned), shall be applied and extended to the exchequer bills to be made forth in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same exchequer bills had been originally authorized by the said last mentioned act, or as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this act.

All the clauses, etc. relating to exchequer bills, in the land tax act of this session,

(except, etc.) shall be applied to the bills to be made in pursuance of this act.

IV. Provided always, and be it further enacted by the authority aforesaid, That no exchequer bill or bills, to be made out by virtue of this act, shall, after the same hath or have been issued at the receipt of the exchequer, be afterwards, at any time before the sixth day of *April*, one thousand seven hundred and eighty-six, received, or pass or be current to any receiver or collector in *Great Britain* of the customs, excise, or any revenue, supply, aid, or tax whatsoever, due or payable to his Majesty, his heirs and successors, or at the receipt of the exchequer, from any such receiver or collector, or from any other person or persons, bodies politick or corporate, otherwise or on any other account than for the discharge and cancelling of such bills, in case the same shall be in due course or order of payment before the said sixth day of *April*; nor shall any receiver or collector exchange, at any time before the said sixth day of *April*, for any money of such revenues, aids, taxes, or supplies, in his hands, any exchequer bill or bills which shall have been issued as aforesaid by virtue of this act;

Exchequer bills so issued not to be received again in payment of any taxes,

nor exchanged before April 6, 1786.

Action not to lie for such refusal.

Money so raised to be repaid out of the monies to be paid into the exchequer by the *East India Company*;

and if sufficient monies shall not be so paid in before *April 6, 1786*, to be charged on the next parliamentary aid;

and collaterally on the sinking fund.

Monies so issued out of the sinking fund, to be replaced out of the first supplies.

Bank authorized to advance the said sum on the credit of this act;

an act 5 & 6 *Geo. & Maria* notwithstanding.

nor shall any action be maintained against any such receiver or collector for neglecting or refusing to exchange any such bill or bills for ready money, before the said sixth day of *April*; any thing in the said act, made in this session of Parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and eighty-three*, or in this act, contained to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, That all such exchequer bills, together with the interest, premium, rate, and charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the monies to be paid into the receipt of his Majesty's exchequer by the United Company of merchants of *England* trading to the *East Indies*, in the manner and at the times herein-after directed and appointed; and in case such monies, so to be paid into the receipts of the exchequer, shall not be sufficient to satisfy and discharge all the principal monies contained in such exchequer bills, together with all the interest, premium, rate, and charges, incident to and attending the same, and that shall incur and grow due thereupon before the said sixth day of *April*, then, and in such case, the said exchequer bills, or such part thereof as shall remain unsatisfied and uncanceled, together with all the interest due and to grow due thereupon, and all other charges and expences incurred, or to be incurred, in respect of the same exchequer bills, shall be charged and chargeable upon, and payable out of, the first aids or supplies that shall or may be granted by Parliament, for the service of the year one thousand seven hundred and eighty-six; and in case sufficient aids or supplies for that purpose shall not be granted before the fifth day of *July*, one thousand seven hundred and eighty-six, then all the said exchequer bills, together with the interest, premium, rate, and charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon such monies as, at any time or times at or before the said fifth day of *July*, shall be or remain in the receipt of the exchequer, of the surplusses, excesses, overplus-monies, and other revenues composing the fund commonly called *The Sinking Fund*, (except such monies of the said sinking fund as are appropriated to any particular use or uses by any act or acts of Parliament in that behalf); and such monies of the said sinking fund shall and may be issued and applied, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging, such exchequer bills so remaining uncanceled and unpaid, together with the interest, premium, rate, and charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

VI. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said surplusses, excesses, overplus monies, and other revenues composing the said sinking fund, shall, from time to time, be replaced by and out of the first aids or supplies to be then after granted in Parliament.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor and company of the Bank of *England* to advance or lend to his Majesty, at the receipt of the exchequer, or to the said United Company, upon the credit of the exchequer bills directed to be made forth by virtue of this act, any sum or sums of money, not exceeding in the whole the sum of three hundred thousand pounds; any thing in an act, made in the fifth and sixth years of the reign of King *William* and Queen *Mary*, intituled, *An Act for granting to their Majesties several*

veral rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds, towards carrying on the war against France, to the contrary thereof in any wise notwithstanding.

VIII. And whereas, in the present circumstances of the *East India* Company, it will not be in their power to provide for the payment of the said debts due to his Majesty, or for the repayment of such loan as aforesaid, and for again reducing their bond debt to one million five hundred thousand pounds, (which is expedient to be done), unless the publick should agree to forego, for the present, all participation in the profits arising from the territorial acquisitions and revenues lately obtained in the *East-Indies*; in order that provision may be made for such payments as aforesaid; be it therefore further enacted by the authority aforesaid, That until the said debts due to his Majesty shall be paid, the said sum of three hundred thousand pounds repaid, and the bond debt of the said Company be again reduced to one million five hundred thousand pounds, the whole clear profits arising from the said territorial acquisitions and revenues, after defraying the charges and expences attending the same, together with all the clear revenues and profits of the said Company, after providing for the current payments of interest, and other outgoings, charges, and expences, of the said Company, and for such dividends to the proprietors of the stock of the said Company as they shall be entitled or allowed to make, receive, and take, shall from time to time be disposed of and applied in manner following; that is to say, in the first place, in diminution and payment of the said debts due to his Majesty, until the same shall be fully paid; and afterwards in diminution and payment of the said sum of three hundred thousand pounds, and interest, and for defraying the charges incurred in respect thereof; and then in reducing the bond debt of the said Company until the same shall be reduced to one million five hundred thousand pounds.

IX. And be it further enacted by the authority aforesaid, That after the said debts due to his Majesty shall be paid, and until the said sum of three hundred thousand pounds shall have been repaid, the said United Company shall from time to time pay, or cause to be paid, into the receipt of his Majesty's exchequer, such surplus of the clear revenues and profits of the said Company as is herein-before directed to be applied in such payment; which said payments shall be made as often as the said Company shall have money which can be appropriated for that purpose; and the same shall be applied, in the first place, for answering and paying all such interest, premium, rate, and charges, as shall have grown due in respect of the exchequer bills made out, issued, and circulated, as aforesaid; and in the next place, as far as the same will extend, for paying off, cancelling, and discharging, all such of the said exchequer bills as shall then remain uncanceled.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said United Company to set apart and apply at *Christmas* next, so much money as shall be equal to four pounds *per centum* on the capital of three millions two hundred thousand pounds, as and for a dividend to the proprietors of the stock of the said Company for half a year, from the fifth day of *July*, one thousand seven hundred and eighty-three, to the fifth day of *January*, one thousand seven hundred and eighty-four.

XI. And be it further enacted by the authority aforesaid, That the said deficiency of two hundred fifty-five thousand eight hundred and thirteen pounds, appearing in the said annual account made up to the first day

How the profits arising from the territorial acquisitions and the trade of the Company, shall be applied.

See further provisions, 24 G. 3. c. 34. J. 4.

After the debts due to his Majesty are paid, the surplus profits of the Company to be paid into the exchequer.

Application thereof.

Company empowered to pay 4 per cent. for the next half-yearly dividend.

Deficiency of 255,813 4 in the last annual account, to be carried forward as a

charge in this
year's ac-
count.

Clause relative
to payment of
debentures for
drawbacks on
East India
goods.

of *March*, one thousand seven hundred and eighty-three, shall be carried forward as a charge in the account of the present year.

XII. And whereas sundry drawbacks of part of the duties of customs payable on *East India* goods, are allowed on the exportation of such goods from this kingdom, the debentures for which drawbacks are often paid to the *East India* Company as cash, in part of payment of goods sold at the Company's sales: And whereas the said debentures cannot be received and allowed, by the officers of his Majesty's customs, in payment of any duties of customs other than the customs due for the same species of goods for which the said debentures are made, by reason whereof the said Company are often obliged to keep the said debentures for a great length of time; be it therefore enacted by the authority aforesaid, That all and every debentures, for payment of any drawbacks of the duties of customs on *East India* goods, shall at all times be received from the United Company of merchants of *England* trading to the *East Indies*, by the officers of his Majesty's customs, in payment of any kind of duties of customs due from the said United Company on *East India* goods, in like manner as if such debentures were paid in for duties of customs due on the same kind of goods therein mentioned and contained.

24 GEORGII III. Sess. I. Cap. III.

An Act to continue so much of an Act made in the last Session of Parliament, as allows further Time for the Payment of certain Sums due, and to become due to the Publick, from the United Company of Merchants of England trading to the East Indies.

Preamble.

23 G. 3. c. 83.
recited.

WHEREAS, by an act made in the last session of Parliament, intituled, *An act for granting relief to the United Company of merchants of England trading to the East Indies, by allowing further time for the payment of certain sums due, and to become due to the publick, and by advancing to the said Company, on the terms therein mentioned, a certain sum of money to be raised by loans or exchequer bills; and to enable the said Company to make a dividend of four pounds per centum to the proprietors, at Christmas, one thousand seven hundred and eighty-three; and to regulate the future payment of debentures of drawbacks on East India goods; it is, among other things, enacted, That it should and might be lawful to and for the commissioners of his Majesty's treasury for the time being, or any three or more of them, to postpone and allow further time for the payment of the sum of six hundred forty-four thousand seven hundred forty-three pounds, seventeen shillings, and two-pence, which became due for customs at the several times in the said act mentioned; and of the sum of one hundred thousand pounds, which became due on the first day of *December*, one thousand seven hundred and eighty-one; and to allow time for payment of such sums as should become due for customs before the tenth day of *December*, one thousand seven hundred and eighty-three, or any part or parts of the said several sums respectively, unto such time or times as they should think fit, not exceeding forty days next after the commencement of the then next session of Parliament: And whereas it is expedient that such power should be continued for a further time: 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*

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 commissioners of his Majesty's treasury for the time being, or any three or more of them, to postpone and allow further time for the payment of the said sum of six hundred forty-four thousand seven hundred forty-three pounds, seventeen shillings, and two-pence, which became due for customs at the several times in the said act mentioned, and of the said sum of one hundred thousand pounds, which became due on the first day of *December*, one thousand seven hundred and eighty-one, and to allow time for payment of such sums as shall become due for customs before the tenth day of *December*, one thousand seven hundred and eighty-three, or any part or parts of the said several sums respectively, unto such time or times as they shall think fit, not beyond the first day of *May*, one thousand seven hundred and eighty-four; and if the said United Company do and shall pay the said sums respectively at such time or times to which the said payments, or any part thereof respectively, shall be postponed as aforesaid, the same shall be accepted and received in like manner as if the said sums respectively had been paid on or before the several and respective days on which the said sums became due; and the said United Company, upon such payment at such postponed time or times, shall be freed and discharged from all damages, interest, and losses, which they became liable to by means of not having made the said payments respectively at the several times on which the same became due, and shall be entitled unto, and have the same discounts, allowances, and advantages, as if the said sums respectively had been paid on or before the several and respective days on which they became due; any thing in any act or acts of Parliament in any-wise notwithstanding.

Commissioners of the treasury may allow the Company further time for the payment of their debts due to the publick.

24 GEORGII III. Sess. II. Cap. VI.

An Act to empower the East India Company to make a Dividend to the Proprietors of East India Stock, at Midsummer, One thousand seven hundred and eighty-four.

WHEREAS the affairs of the *East India* Company are now under the consideration of Parliament, but cannot be determined so soon as the dividend for the half year, ending the fifth day of *July*, one thousand seven hundred and eighty-four, is required to be declared; yet, in regard it would be injurious to the credit of the said Company, if the said dividend should be postponed or delayed till the said Company's affairs can be fully investigated, it is expedient that, in the mean time, such dividend as herein-after is mentioned should be allowed to be made for the said half year; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said United Company, in the usual manner, to set apart and apply so much money as shall not exceed the rate of four pounds *per centum* on the capital of three millions and two hundred thousand pounds, as and for a dividend to the proprietors of the stock of the said United Company, for the half year from the fifth day of *January*, one thousand seven hundred and eighty-

Preamble.

East India Company empowered to make a dividend for the half year ending *July* 5. 1784.

four, to the fifth day of July, one thousand seven hundred and eighty-four; any thing in any act or acts of Parliament in anywise notwithstanding.

24 GEORGII III. Cap. XXV.

An Act for the better Regulation and Management of the Affairs of the East India Company, and of the British Possessions in India; and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East Indies.

Preamble.

His Majesty empowered to appoint six privy councillors to be commissioners for the affairs of India :

Three of whom shall form a board.

Who shall be president.

Powers of the commissioners.

President to have the casting vote.

His Majesty may revoke the commission at pleasure, and appoint new commissioners.

FOR the better government and security of the territorial possessions of this kingdom in the *East Indies*, 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 King's Majesty, his heirs and successors, by any commission to be issued under the great seal of *Great Britain*, to nominate and appoint such persons, not exceeding six in number, as his Majesty shall think fit, being of his Majesty's most honourable privy council, of whom one of his Majesty's principal secretaries of state for the time being, and the chancellor of the exchequer for the time being, shall be two, to be, and who shall accordingly be commissioners for the affairs of *India*.

II. And be it further enacted by the authority aforesaid, That any number, not less than three of the said commissioners, shall form a board for executing the several powers which, by this or any other act, shall be vested in the commissioners aforesaid.

III. And be it further enacted, That the said secretary of state, and, in his absence, the said chancellor of the exchequer, and, in the absence of both of them, the senior of the said other commissioners, according to his rank in seniority of appointment, shall preside at, and be president of the said board; and that the said commissioners shall have, and they are hereby invested with, the superintendance and controul over all the *British* territorial possessions in the *East Indies*, and over the affairs of the United Company of merchants trading thereto, in manner herein-after directed.

IV. And be it further enacted, That in case the members present at the said board shall at any time be equally divided in opinion, in respect to any matter depending before them, then, and in every such case, the then president of the said board shall have two voices, or the casting vote.

V. And be it further enacted, That it shall and may be lawful for the King's Majesty, his heirs and successors, from time to time, at his and their will and pleasure, to revoke and determine the commission aforesaid, and from time to time to cause any new commission or commissions to be sealed as aforesaid, for appointing any other person or persons, being of his Majesty's most honourable privy council, of whom, one of his Majesty's principal secretaries of state, and the chancellor of the exchequer, for the time being, shall always be two, to be commissioners and members of the said board, when and so often as his Majesty, his heirs or successors, shall think fit, so that the number of commissioners therein to be named, shall in no wise exceed the aforesaid number of six.

VI. And

VI. And be it further enacted, That the said board shall be fully authorised and impowered, from time to time, to superintend, direct, and controul, all acts, operations, and concerns, which in anywise relate to the civil or military government or revenues of the *British* territorial possessions in the *East Indies*, in the manner herein-after directed.

Government and revenues of the *British* territorial possessions in *India*, subject to the controul of the board.

VII. And be it further enacted, That the said secretary of state for the time being shall nominate and appoint such secretaries, clerks, and other officers, as shall be necessary to attend upon the said board, who shall be subject to dismissal at the pleasure of the said board; and that all proceedings whatsoever to be had by or before the said board shall be entered in proper books; and that the said secretaries, clerks, and other officers, shall be paid such salaries as his Majesty shall, by warrant under his sign manual, direct.

Secretaries, etc. to attend the board, how to be appointed and paid.

VIII. Provided always, and be it further enacted, That the members of the said board, before they shall proceed to act in the execution of any of the powers or authorities to them given by this act, (save only the power of administering the oath after mentioned), shall severally take and subscribe the following oath; (that is to say);

Members of the board to be sworn.

I A. B. do faithfully promise and swear, That, as a commissioner or member of the board for the affairs of India, I will give my best advice and assistance for the good government of the British possessions in the East Indies; and will execute the several powers and trusts reposed in me, according to the best of my skill and judgement, without favour or affection, prejudice or malice, to any person whatsoever.

The oath.

Which said oath any two of the members of the said board shall, and are hereby impowered to administer; and the said oath shall be entered by the said secretary amongst the acts of the board, and be duly subscribed and attested by the members thereof, at the time of their taking and administering the same to each other respectively.

IX. And be it further enacted, That the several secretaries, clerks, and other officers of the said board, shall also take and subscribe, before the said board, such oath of secrecy and office as the said board shall direct.

Secretaries, etc. to be sworn.

X. And, for avoiding any doubt which may arise, whether the office or place of a commissioner of the said board for the affairs of *India*, or of a secretary to the said board, be within any of the provisions contained in an act of the sixth year of the reign of Queen *Anne*, intituled, *An act for the security of her Majesty's person and government, and of the succession of the Crown of Great Britain in the protestant line*; or whether the appointment of any such commissioner or secretary, being a member or members of the House of Commons, shall vacate his or their seat or seats in that house; be it further enacted and declared, That the said respective offices, places, or appointments of a commissioner, or of the chief secretary of the said board for the affairs of *India*, to be made under the authority of this act, shall not be deemed or taken to be within the intent or purview of the said act of the sixth year of Queen *Anne*, whereby to disqualify any such commissioner or chief secretary from being elected, or sitting or voting as a member of the House of Commons; nor shall the appointment of any such commissioner or chief secretary, if a member or members of the said house, vacate his or their seat or seats in the said house; any thing contained in the said act of the sixth year of Queen *Anne*, or in any other act, to the contrary notwithstanding.

6 *Anne*, c. 7.

Neither the commissioners, nor their chief secretary, disqualified from being elected members of Parliament.

XI. And, to the intent that the said board may be duly informed of all transactions of the said Company, in respect to the management of their concerns in the *East Indies*; be it further enacted, That all the members

Members of the board to have access to, and to be furnished with copies of any

papers belonging to the India Company.

Court of directors to deliver to the board copies of all minutes, etc. of courts of proprietors, or directors, relating to the government or revenues of the territorial possessions, etc.

and shall obey all orders received from the board relative thereto.

Copies of letters, etc. to be returned to the directors within 14 days, etc.

Clause relative to sending dispatches to India.

Court of directors, on receiving or

bers of the said board shall, at all convenient times, have access to all papers and monuments of the said United Company, and shall be furnished with such extracts or copies thereof, as they shall from time to time require; and that the court of directors of the said United Company shall, and they are hereby required and directed to deliver to the said board, copies of all minutes, orders, resolutions, and other proceedings, of all general and special courts of proprietors of the said Company, and of the said court of directors, so far as relate to the civil or military government or revenues of the *British* territorial possessions in the *East Indies*, within eight days after the holding of such respective courts; and also copies of all dispatches which the said directors, or any committee of the said directors, shall receive from any of their servants in the *East Indies*, immediately after the arrival thereof; and also copies of all letters, orders, and instructions whatsoever, relating to the civil or military government or revenues of the *British* territorial possessions in the *East Indies*, proposed to be sent or dispatched, by the said court of directors, or any committee of the said directors, to any of the servants of the said Company in the *East Indies*; and that the said court of directors of the said United Company shall, and they are hereby required to pay due obedience to, and shall be governed and bound by, such orders and directions as they shall from time to time receive from the said board, touching the civil or military government and revenues of the *British* territorial possessions in the *East Indies*.

XII. And be it further enacted, That, within fourteen days after the receipt of such copies last-mentioned, the said board shall return the same to the said court of directors, with their approbation thereof, subscribed by three of the members of the said board, or their reasons at large for disapproving the same, together with instructions from the said board to the said court of directors in respect thereto; and that the said court of directors shall thereupon dispatch and send the letters, orders, and instructions, so approved or amended, to their servants in *India*, without further delay, unless, on any representation made by the said directors to the said board, the said board shall direct any alterations to be made in such letters, orders, or instructions; and no letters, orders, or instructions, until after such previous communication thereof to the said board, shall at any time be sent or dispatched by the said court of directors to the *East Indies*, on any account or pretence whatsoever.

XIII. And, for the readier dispatch of the civil and military concerns of the said United Company, be it further enacted, That whenever the court of directors of the said United Company shall neglect to transmit to the said board their intended dispatches on any subject, within fourteen days after requisition made, it shall and may be lawful to and for the said board to prepare and send to the directors of the *East India* Company (without waiting for the receipt of the copies of dispatches intended to be sent by the said court of directors as aforesaid) any orders or instructions to any of the governments or presidencies aforesaid, concerning the civil or military government of the *British* territories and possessions in the *East Indies*; and the said directors shall, and they are hereby required to transmit dispatches in the usual form (pursuant to the tenor of the said orders and instructions, so transmitted to them) to the respective governments and presidencies in *India*, unless, on any representation made by the said directors to the said board, touching such orders or instructions, the said board shall direct any alteration to be made in the same; which directions the said court of directors shall in such case be bound to conform to.

XIV. And be it further enacted, That in case the said board shall send any orders or instructions to the said court of directors, to be by them transmitted

transmitted to *India*, which, in the opinion of the said court of directors, shall relate to points not connected with the civil or military government and revenues of the said territories and possessions in *India*, then, and in any such case, it shall be lawful for the said court of directors to apply, by petition, to his Majesty in council, touching such orders and instructions; and his Majesty in council shall decide whether the same be, or be not, connected with the civil or military government and revenues of the said territories and possessions in *India*; which decision shall be final and conclusive.

XV. Provided nevertheless, and be it further enacted, That if the said board shall be of opinion that the subject matter of any of their deliberations, concerning the levying of war or making of peace, or treating or negotiating with any of the native princes or states in *India*, shall require secrecy, it shall and may be lawful for the said board to send secret orders and instructions to the secret committee of the said court of directors for the time being, who shall thereupon, without disclosing the same, transmit their orders and dispatches in the usual form, according to the tenor of the said orders and instructions of the said board, to the respective governments and presidencies in *India*; and that the said governments and presidencies shall pay a faithful obedience to such orders and dispatches, and shall return their answers to the same, sealed (under cover) with their respective seals, to the said secret committee, who shall forthwith communicate such answers to the said board.

XVI. And be it enacted by the authority aforesaid, That it shall and may be lawful to and for the court of directors of the said United Company for the time being, and they are hereby required, from time to time, to appoint a secret committee, to consist of any number of the said directors for the time being, not exceeding three; which secret committee shall, from time to time, upon the receipt of any such secret orders and instructions concerning the levying of war or making of peace, or treating or negotiating with any of the native princes or states of *India*, from the said commissioners for the affairs of *India*, as are herein-before mentioned, transmit to the respective governments and presidencies in *India* a duplicate or duplicates of such orders and instructions, together with orders in writing, signed by them the members of the said secret committee, to carry the same into execution; and to all such orders and instructions, so transmitted, the several governments and presidencies in *India* are hereby required to pay the same obedience as if such orders and directions had been issued and transmitted by the court of directors of the said United Company.

XVII. Provided also, and be it further enacted and declared by the authority aforesaid, That nothing in this act contained shall extend to give unto the said board the power of nominating or appointing any of the servants of the said United Company; any thing herein contained to the contrary notwithstanding.

XVIII. And be it further enacted, That as soon as the office of any one of the counsellors of the presidency of *Fort William* in *Bengal* (other than the commander in chief) shall become vacant, by death, removal, or resignation, the vacancy so happening shall not be supplied by the said court of directors, but the said supreme government shall from thenceforward consist of a Governor-general and three supreme counsellors only; and that the commander in chief of the Company's forces in *India* for the time being, shall have voice and precedence in council next after the said Governor-general; any thing in any former act of Parliament contained to the contrary notwithstanding.

ders from the board not connected with the government and revenues of the territorial possessions, may appeal to his Majesty in council.

Matters requiring secrecy may be sent by the board to the secret committee, who shall transmit their orders to *India* agreeable thereto. By 26 Geo. 3. c. 16. s. 16. the secret committee are to be sworn.

Directors to appoint a secret committee;

who are to transmit to the governments in *India* duplicates of such secret orders sent them from the board, etc.

The board not to appoint any servants of the Company.

The first vacancy of a counsellor at *Fort William* shall not be supplied by the court of directors.

Repeated by 26 G. 3. c. 16. s. 5.

Clause relative to the government of Fort St. George, and Bombay.

Repeated by 26 Geo. 3. c. 16. f. 3.

Court of directors to appoint a governor and two counsellors of Fort Saint George;

and a governor, &c. of Bombay.

Governor general, &c. to have the casting vote.

His Majesty, by writing under his sign manual, or the directors, by writing under their hands, may recall any Governor-general, or other officer, from India.

How vacancies of offices in India shall be supplied.

XIX. And be it further enacted, That the government of the several presidencies and settlements of *Fort Saint George* and *Bombay* shall, after the commencement of this act, consist of a governor or president, and three counsellors only, of whom the commander in chief in the said several settlements for the time being shall be one, having the like precedence in council as in the presidency of *Fort William* in *Bengal*, unless the commander in chief of the Company's forces in *India* shall happen to be present in either of the said settlements; and in such case the said commander in chief shall be one of the said counsellors, instead of the commander in chief of such settlement; and that the said commander in chief of such settlement shall during such time have only a seat, but no voice in the said council.

XX. And be it further enacted, That the court of directors of the said United Company shall, within the space of one calendar month next after the passing of this act, nominate and appoint, from amongst the servants of the said Company in *India*, or any other persons, a fit and proper person to be the governor of the said presidency or settlement of *Fort Saint George*, and two other fit and proper persons from amongst the said servants in *India*, who, together with the commander in chief at *Fort Saint George* for the time being, shall be the council of the same presidency or settlement; and that the said court of directors shall also, in like manner, and within the time aforesaid, nominate and appoint fit and proper persons to be the governor and council of the said presidency or settlement of *Bombay*, under the same restrictions as are herein-before provided in respect to the governor or president and council of *Fort Saint George*.

XXI. And be it further enacted, That in case the members present at any of the boards or councils of *Fort William*, *Fort Saint George*, or *Bombay*, shall at any time be equally divided in opinion in respect to any matter depending before them, then and in every such case the said Governor-general, or the governor or president, as the case may be, shall have two voices, or the casting vote.

XXII. And be it further enacted, That it shall and may be lawful to and for the King's Majesty, his heirs and successors, by any writing or instrument under his or their sign manual, countersigned by the said secretary of state, or for the court of directors of the said United Company for the time being, by writing under their hands, to remove or recall the present or any future Governor-general of *Fort William* at *Bengal*, or any of the members of the council of *Fort William* aforesaid, or any of the governors or presidents, and members of the councils, of the presidencies or settlements of *Fort Saint George* and *Bombay*, or of any other *British* settlements in *India*, or any other person or persons holding any office, employment, or commission, civil or military, under the said United Company in *India*, for the time being; and to vacate and make void all and every or any appointment or appointments of any person or persons to any of the offices or places aforesaid; and that all and every the powers and authorities of the respective persons so removed or recalled, or whose appointment shall be so vacated, shall cease or determine at or from such respective time or times as in the said writing or writings shall be expressed and directed: Provided always, That a duplicate or copy of every such writing or instrument, under his Majesty's sign manual, attested by the said secretary of state for the time being, shall, within eight days after the same shall be signed by his Majesty, his heirs or successors, be transmitted or delivered, by the said secretary of state, unto the chairman or deputy chairman, for the time being of the said United Company, to the intent that the court of directors of the said Company may be apprized thereof.

XXIII. And be it further enacted, That whenever any vacancy or vacancies of the office of Governor-general or president, or of any member

of the council, shall happen in any of the presidencies aforesaid, either by death, resignation, or recall, as aforesaid, then and in such case the court of directors of the said United Company shall proceed to nominate and appoint a fit person or persons to supply such vacancy or vacancies from amongst their covenanted servants in India, except to the office of Governor-general, or the office of governor or president of *Fort Saint George* or *Bombay*, or of any commander in chief, to which several offices the said court of directors shall be at liberty, if they shall think fit, to nominate and appoint any other person or persons respectively.

His Majesty's approbation unnecessary, 26 G. 3. c. 25.

Explained by 26 G. 3. c. 16. s. 1 & 2.

XXIV. Provided always, and be it further enacted, That the said commanders in chief, at each of the said presidencies respectively, shall in no case succeed to the office of Governor-general or president of *Fort William*, *Fort Saint George*, or of *Bombay*, unless thereunto specially appointed by the court of directors of the said United Company; but that in case of the vacancy of the said offices of Governor-general or president respectively, when no person shall be specially appointed to succeed thereunto, the counsellor next in rank to such commander in chief shall succeed to such office, and hold the same, until some other person shall be appointed thereunto by the said court of directors.

Commanders in chief not to succeed to the office of Governor-general or president at *Fort William*, &c. unless specially appointed by the directors.

XXV. Provided always, and be it further enacted, That when and so often as the court of directors shall not, within the space of two calendar months, to be computed from the day whereon the notification of the vacancy shall have been received by the said court of directors, proceed to supply the same, then and in any such case, and so often as the same shall happen, it shall be lawful for his Majesty, his heirs and successors, to constitute and appoint, by writing under his or their royal sign manual, (under the same restrictions and regulations as are herein-before provided, with respect to the nominations and appointments made by the said court of directors), such person or persons as his Majesty, his heirs and successors, shall think proper to succeed to and supply the respective office or place, offices or places, so vacant, or from which any person or persons shall be so recalled or removed, or whose appointment or appointments shall have been vacated and made void as aforesaid; and that every person or persons so constituted and appointed, shall have and be invested with the same powers, privileges and authorities, as if he or they had been nominated and appointed by the said court of directors, and shall be subject to recall only by the King's Majesty, his heirs or successors; any thing herein contained to the contrary notwithstanding.

If directors neglect to supply vacancies, his Majesty may do it.

XXVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the court of directors of the said United Company, if they shall so think fit, subject to the like limitations and restrictions as are herein-before enacted, respecting the persons qualified to be appointed members of the government of the respective settlements of the said United Company at *Fort William*, *Fort Saint George*, and *Bombay*, to appoint, from time to time, fit and proper persons to succeed, in case of vacancy, to the several offices of Governor-general, or president of *Fort Saint George* or *Bombay*, or commander in chief of the said Company's forces at any of the said settlements, or member of any of the said councils; and such appointments respectively at their pleasure again to revoke; but that no person so appointed to succeed to any of the said offices, in case of vacancy, shall be entitled to any salary, advantage, or allowance whatsoever, by reason of such appointment, until such persons respectively shall take upon themselves the offices to which they shall so respectively have been appointed.

Directors may appoint eventual successors to the offices of Governor-general, or president, etc. of *Fort St. George*, or *Bombay*.

XXVII. And be it further enacted by the authority aforesaid, That when and so often as the number of members of any of the said councils of *Fort William*, *Fort Saint George*, or *Bombay*, shall, by death or absence,

Temporary counsellors how to be appointed at *Fort William*, by &c.

Repealed by 26
Geo. 3. c. 16.
f. 3. with re-
spect to the se-
nior servants on
the spot.

by reason of sickness or otherwise, for fourteen days be reduced to two, including the Governor-general or president of such council, the person who shall stand senior in such provisional appointment as is herein-before mentioned, or in case there shall be no such appointment, then the senior civil servant of the said Company upon the spot, shall be called to such council, and shall have a voice therein in like manner as if he had been appointed thereunto by the court of directors of the said Company; and shall hold such office, in case the vacancy shall have happened by death, until a successor thereunto shall be appointed by the said court of directors; or if such vacancy shall have happened by absence or sickness, until the return or recovery of such sick or absent member; and that all persons so exercising the office of a counsellor at any of the said presidencies shall be entitled, for the time he shall so hold the same, to the like advantages, as if he had been thereunto permanently appointed by the said court of directors.

Resignation of
the office of
Governor-gen-
eral, etc. to
be in writing.

XXVIII. And be it further enacted, That no resignation to be made of the office of the Governor-general, or governor or president of any of the subordinate settlements, or commander in chief, or member of the respective councils of any of the said presidencies in *India*, shall be deemed or construed to be legal or valid, or shall be accepted as such, unless the same be made by an instrument in writing under the hand of the officer or person resigning the same.

Orders, etc. of
the court of
directors, ap-
proved by the
board, not to
be revoked by
a general
court.

XXIX. And be it further enacted, That no order or resolution of any general court of the proprietors of the said United Company shall be available to revoke or rescind, or in any respect to affect, any act, order, resolution, matter, or proceeding, of the said court of directors, by this act directed or authorised to be made or done by the said court, after the same shall have been approved by the said board, in the manner herein-before directed; any law or usage to the contrary notwithstanding.

Part of act 21
Geo. 3. c. 65.
repealed.

XXX. And be it further enacted, That so much and such parts of an act, made in the twenty-first year of the reign of his present Majesty, as directs the court of directors of the said United Company to deliver to the commissioners of the treasury, or to the high treasurer for the time being, or to one of his Majesty's principal secretaries of state, copies of any letters or orders relating to the management of the revenues, or the civil and military affairs of the said Company, and also all such powers and authorities given to or vested in the proprietors and directors of the said United Company, or in any general or special court thereof respectively, in and by any act of Parliament or charter, as are contrary or repugnant to this act, or any thing herein contained, shall be, and the same are hereby repealed; any thing contained in any act or charter, or any custom or usage to the contrary notwithstanding.

Governor-
general and
council of
Fort William,
in certain
points, to
controul all
the other
governments
belonging to
the Company.

XXXI. And be it further enacted, That the Governor-general and council of *Fort William* aforesaid shall have power and authority to superintend, controul, and direct the several presidencies and governments now or hereafter to be erected or established in the *East Indies* by the said United Company, in all such points as relate to any transactions with the country powers, or to war or peace, or to the application of the revenues or forces of such presidencies and settlements in time of war, or any such other points as shall, from time to time, be specially referred by the court of directors of the said Company to their superintendance and controul.

Directions re-
lative to or-
ders issued
from *Fort
William* to the
other govern-
ments.

XXXII. And, in order to prevent the embarrassment and difficulty which may arise from any question, whether the orders or instructions of the Governor-general and council of *Fort William* relate to other points than those aforesaid, be it further enacted, That notwithstanding any doubt which may be entertained by the said presidencies or settlements to whom

whom such orders or instructions shall be given, respecting the power of the Governor-general and council to give such orders, yet the said presidencies or settlements shall be bound to obey such orders and directions of the said Governor-general and council in all cases whatever, except only where they shall have received positive orders and instructions from the said court of directors, or from the secret committee of the said court of directors, repugnant to the orders and instructions of the said Governor-general and council, and not known to the said Governor-general and council at the time of dispatching their orders and instructions as aforesaid; and the said Governor-general and council shall, at the time of transmitting all such orders and instructions, transmit therewith the dates of, and the times of receiving, the last dispatches, orders, and instructions which they have received from the court of directors, or from the secret committee of the said court of directors, on any of the points contained therein: And the said presidencies and governments, in all cases where they have received any orders from the said court of directors, or from the secret committee of the said court of directors, as aforesaid, which they shall deem repugnant to the orders of the said Governor-general and council of *Fort William*, and which were not known to the said Governor-general and council at the time of dispatching their orders and instructions as aforesaid, shall forthwith transmit copies of the same, together with an account of all resolutions or orders made by them in consequence thereof, to the Governor-general and council of *Fort William*, who shall, after the receipt of the same, dispatch such further orders and instructions to the said presidencies and settlements as they may judge necessary thereupon.

XXXIII. And be it further enacted, That the Governor-general and council of *Fort William* aforesaid, and the several presidents and counsellors of *Fort Saint George* and *Bombay*, shall, at their several and respective boards and councils, proceed, in the first place, to the consideration of such questions and business as shall be proposed by the said Governor-general or presidents respectively; and when and so often as any matter or question shall be propounded at any of the said boards or councils, by any of the counsellors thereof, it shall be competent to the said Governor-general and presidents respectively, to postpone or adjourn the discussion of the matter or question so propounded to a future day: Provided always, That no such adjournment shall exceed forty-eight hours, nor shall the matter or question so proposed be adjourned more than twice, without the consent of the counsellor who originally proposed the same.

XXXIV. And whereas to pursue schemes of conquest and extension of dominion in *India*, are measures repugnant to the wish, the honour, and policy of this nation; be it therefore further enacted by the authority aforesaid, That it shall not be lawful for the Governor-general and council of *Fort William* aforesaid, without the express command and authority of the said court of directors, or of the secret committee of the said court of directors, in any case (except where hostilities have actually been commenced, or preparations actually made for the commencement of hostilities, against the *British* nation in *India*, or against some of the princes or states dependant thereon, or whose territories the said United Company shall be at such time engaged by any subsisting treaty to defend or guaranty) either to declare war or commence hostilities, or enter into any treaty for making war against any of the country princes or states in *India*, or any treaty for guarantying the possessions of any country princes or states; and that in such case it shall not be lawful for the said Governor-general and council to declare war or commence hostilities, or enter into any treaty for making war, against any other prince or state than such as shall be actually committing hostilities, or making preparations as aforesaid, or to make such

Directions respecting the consideration of business at the several boards in *India*.

Governor-general, etc of *Fort William* not to declare war against any *Indian* power, unless authorized by the directors. (Exception.)

treaty for guarantying the possessions of any prince or state, but upon the consideration of such prince or state actually engaging to assist the Company against such hostilities commenced, or preparations made as aforesaid; and in all cases where hostilities shall be commenced or treaty made, the said Governor-general and council shall, by the most expeditious means they can devise, communicate the same unto the said court of directors, together with a full state of the information and intelligence upon which they shall have commenced such hostilities, or made such treaties, and their motives and reasons for the same at large.

No governor or president, etc. of any subordinate settlement shall issue any order for levying war, etc. (except in cases of emergency), unless by order of the Governor-general, etc. of Fort William, or the court of directors.

XXXV. And be it further enacted, That it shall not be lawful for the governors or presidents, and counsellors, of *Fort Saint George* and *Bombay*, or of any other subordinate settlement respectively, to make or issue any order for commencing hostilities, or levying war, or to negotiate or conclude any treaty of peace, or other treaty, with any *Indian* prince or state (except in cases of sudden emergency or imminent danger, when it shall appear dangerous to postpone such hostilities or treaty), unless in pursuance of express orders from the said Governor-general and council of *Fort William* aforesaid, or from the said court of directors, or from the secret committee of the said court of directors; and every such treaty shall, if possible, contain a clause for subjecting the same to the ratification or rejection of the Governor-general and council of *Fort William* aforesaid: And the said presidents and counsellors of the said presidencies and settlements of *Fort Saint George* and *Bombay*, or other subordinate settlement, are hereby required to yield due obedience to all such orders as they shall from time to time respectively receive from the said Governor-general and council of *Fort William* aforesaid, concerning the premises.

Subordinate presidents and counsellors disobeying the orders of the said Governor-general, etc. may be suspended.

They are to transmit copies of all acts in council to the said Governor-general, etc.

XXXVI. And be it further enacted, That all and singular the said presidents and counsellors who shall wilfully refuse to pay due obedience to such orders and instructions as they shall receive from the said Governor-general and council of *Fort William* as aforesaid, shall be liable to be suspended from the exercise of their respective offices or powers, by order of the said Governor-general and council of *Fort William*; and all and every of them are hereby further required, constantly and diligently to transmit to the said Governor-general and council of *Fort William* aforesaid, true and exact copies of all orders, resolutions, and acts in council, of their respective governments, presidencies, and councils; and also advice and intelligence of all transactions and matters which shall come to their knowledge, material to be communicated to the Governor-general and council of *Fort William* aforesaid, or which the said Governor-general and council shall from time to time require.

Court of directors to take into consideration the demands of *British* subjects on the Nabob of *Arco*;

XXXVII. And whereas very large sums of money are claimed to be due to *British* subjects by the Nabob of *Arco*, in the recovery whereof it is expedient that such assistance should be given them as shall be consistent with the rights of the said United Company, the security of the creditors, and the honour and dignity of the said Nabob; be it enacted, That the court of directors of the said Company shall, as soon as may be, take into consideration the origin and justice of the said demands, as far as the materials they are in possession of shall enable them to do; and that they shall give such orders to their presidencies and servants abroad for completing the investigation thereof, as the nature of the case shall require, and for establishing, in concert with the said Nabob, such fund for the discharge of those debts which shall appear to be justly due, according to their respective claims of priority, as shall be consistent with the rights of the said United Company, the security of the creditors, and the honour and dignity of the said Nabob.

XXXVIII. And

XXXVIII. And, for settling upon a permanent foundation the present indeterminate rights and pretensions of the Nabob of *Arrot*, and the Rajah of *Tanjore*, with respect to each other, be it further enacted by the authority aforesaid, That the court of directors of the said United Company shall take into their immediate consideration the said indeterminate rights and pretensions, and take and pursue such measures as in their judgement and discretion shall be best calculated to ascertain and settle the same, according to the principles and the terms and stipulations contained in the treaty of one thousand seven hundred and sixty-two, between the said Nabob and the said Rajah.

and also the disputes between the said Nabob and the Rajah of *Tanjore*.

XXXIX. And whereas complaints have prevailed, that divers Rajahs, Zemindars, Polygars, Talookdars, and other native landholders within the *British* territories in *India*, have been unjustly deprived of, or compelled to abandon and relinquish, their respective lands, jurisdictions, rights, and privileges, or that the tributes, rents, and services required to be by them paid or performed for their respective possessions to the said United Company, are become grievous and oppressive: And whereas the principles of justice, and the honour of this country, require that such complaints should be forthwith inquired into and fully investigated, and if founded in truth effectually redressed: Be it therefore enacted, That the court of directors of the said United Company shall, and they are hereby accordingly required forthwith to take the said matters into their serious consideration, and to adopt, take, and pursue such methods for enquiring into the causes, foundation, and truth of the said complaints, and for obtaining a full and perfect knowledge of the same, and of all circumstances relating thereto, as the said court of directors shall think best adapted for that purpose; and thereupon, according to the circumstances of the respective cases of the said Rajahs, Zemindars, Polygars, Talookdars, and other native landholders, to give orders and instructions to the several governments and presidencies in *India*, for effectually redressing, in such manner as shall be consistent with justice and the laws and customs of the country, all injuries and wrongs which the said Rajahs, Zemindars, Polygars, Talookdars, and other native landholders, may have sustained unjustly in the manner aforesaid, and for settling and establishing, upon principles of moderation and justice, according to the laws and constitution of *India*, the permanent rules by which their respective tributes, rents, and services, shall be in future rendered and paid to the said United Company, by the said Rajahs, Zemindars, Polygars, Talookdars, and other native landholders.

Complaints of Rajahs, Zemindars, etc. to be taken into consideration by the directors.

and their grievances redressed.

XL. And, to the end and intent that the *British* establishments in *India*, as well civil as military, may be regulated and improved, for the greater security of the state, the advantage of the service, and the benefit of the said United Company; be it enacted by the authority aforesaid, That the directors of the *East India* Company shall take into their immediate consideration the respective establishments, civil and military, of their several presidencies and settlements in *India*, and give such orders as the case will admit, for every practicable retrenchment and reduction in the same; and shall also require, from the said settlements and presidencies respectively, such farther information as may be necessary to furnish them with a knowledge of the state of such establishments, together with full, minute, accurate, and particular lists and accounts to be stated, of all the offices and employments on the civil establishment of the said United Company in *India*, and of all the forces within the several *British* settlements in the pay or service of the said United Company in *India*, distinguishing the different bodies, nations, or people which compose the same, and the salaries and emoluments appertaining to all and every of the said offices

All the Company's establishments, civil or military, in *India*, to be taken into consideration by the directors, who shall make all practicable retrenchments and reductions therein.

and employments, and the pay and emoluments of the commissioned and non-commissioned officers and private men in the army there, as well in peace as in war, together with the opinions of the respective governments and presidencies, what method or system can be adopted, for the better regulation as well of the said offices and employments as of the said forces, for retrenching unnecessary expences, and for introducing a just and laudable œconomy in every branch of the said civil and military departments: And the court of directors of the said United Company shall, as soon as may be after the receipt of the said lists and accounts, take the same into their consideration, and thereupon, by their order, declare what offices, places, and employments, as well civil as military, will in their judgement be adequate to the support of the honour and dignity of this kingdom in the *East Indies*, and the safety, defence, and security of the *British* possessions there; and make and transmit to the said presidencies and settlements complete and perfect lists of the said offices, places, and employments; and specify and direct the rate and quantum of the respective pay, salaries, and emoluments to be hereafter allowed in respect thereof by the said United Company, as well in peace as in war: And the said court of directors shall, and they are hereby required, within fourteen days after the commencement of every session of Parliament, to bring before the two houses of Parliament a perfect list of all offices, places, and employments, in the civil and military establishments of the said United Company in the *East Indies*, with the salaries or pay, and emoluments belonging thereto, or allowed or paid by the said Company in respect thereof.

A list of all offices, etc. in the Company's establishments in *India*, to be laid before the two houses of Parliament.

Restrictions on the directors relative to sending new servants to *India*.

XLII. And be it further enacted, That until the said several lists of the offices, places, and employments shall have been made and established as aforesaid, the said court of directors shall be, and they are hereby prohibited from appointing or sending to *India* any new servant, civil or military, under the degrees of the respective counsellors and commanders in chief; and after such lists shall have been perfected and established, the said court of directors shall in no wise appoint or send out any greater number of persons to be cadets or writers, or in any other capacity, than will be actually necessary, in addition to the persons on the spot, to supply and keep up the proper complement or number of officers and servants contained in the said lists, according to such returns of vacancies as the proper officers of the said Company shall, from time to time, transmit from *India* to the said court of directors.

Regulations relative to promotions of officers, etc. in *India*.

Explained by 26 G. 3. c. 16. s. 13, 14, 15.

XLIII. And be it further enacted, That, from and after the commencement of this act, all promotions and advancements of the officers and servants of the said United Company in *India*, as well civil as military, in their respective lines or professions, under the degrees of the respective counsellors and commanders in chief, shall be made according to seniority of appointment, in a regular progressive succession, unless any of the said governments and presidencies shall, on any very urgent occasion, by a vote in council, see cause to deviate from the said general rule hereby directed to be observed; and on every such occasion the said government or presidency shall cause a full and perfect entry to be made upon their minutes of consultation, specifying all the circumstances of the case, and their reasons and inducements at large for making such deviation, and shall transmit the same to the said court of directors, by the first opportunity that shall occur, for their order and direction therein; and that all nominations and appointments to be made repugnant or contrary to the directions of this act, whether the same shall be made by the court of directors of the said United Company, or by any of the said governments or presidencies, (save and except in cases of urgency as aforesaid), shall be null and void.

XLIII. And

XLIII. And be it further enacted, That from and after the passing of this act, no person shall be capable of acting, or of being appointed or sent out by the said court of directors to the *East Indies*, in the capacity of a writer or cadet, whose age shall be under fifteen years, or shall exceed the age of twenty-two years; and that no person shall be capable of acting, or of being appointed or sent out in either of such capacities, until he shall have procured and left with the secretary of the said United Company, or of the said court of directors, a certificate of his age, under the hand of the minister of the parish in which he was baptized, or keeper of the registry of the same; and that when no such registry shall exist or can be found, an affidavit of that fact shall be made by the party, with his information and belief that his age is not less than fifteen years, and doth not exceed twenty-two years; and such affidavit shall and may, if the said court of directors shall so think fit, be received and left with the said secretary in the stead of such certificate: Provided that nothing herein contained shall extend to prevent the said court of directors from appointing any persons to be cadets, who shall have actually been one whole year commissioned officers in his Majesty's service, or in the militia, or fencible men, when embodied and called out into actual service, or from the company of cadets in the royal regiment of artillery, and whose age shall not exceed twenty-five years.

At what age writers and cadets may be sent to *India*.

XLIV. And be it further enacted, That all his Majesty's subjects, as well servants of the said United Company as others, shall be and are hereby declared to be, amenable to all courts of justice (both in *India* and *Great Britain*) of competent jurisdiction to try offences committed in *India*, for all acts, injuries, wrongs, oppressions, trespasses, misdemeanors, crimes, and offences whatsoever, by them or any of them done, or to be done or committed, in any of the lands or territories of any native prince or state, or against their persons or properties, or the persons or properties of any of their subjects or people, in the same manner as if the same had been done or committed within the territories directly subject to and under the *British* government in *India*.

British subjects amenable to justice for all acts done in *India*.

See further 26 G. 3. c. 57. s. 29.

XLV. And be it further enacted, That the demanding or receiving of any sum of money, or other valuable thing, as a gift or present, or under colour thereof, whether it be for the use of the party receiving the same, or for, or pretended to be for, the use of the said Company, or of any other person whomsoever, by any *British* subject holding or exercising any office or employment under his Majesty, or the said United Company, in the *East Indies*, shall be deemed and taken to be extortion, and shall be proceeded against and punished as such, under and by virtue of this act; and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received, or the full value thereof.

Receiving of presents to be deemed extortion, and punished as such.

XLVI. Provided always, and be it further enacted, That the court or jurisdiction before whom every such offence shall be tried, shall have full power and authority to direct the said present or gift, or the value thereof, to be restored to the party who gave the same, or to order the whole, or any part thereof, or of any fine which the court shall set on the offender, to be paid or given to the prosecutor or informer, as such court in its discretion shall think fit.

Court may order presents to be returned, &c.

XLVII. And be it further enacted, That so much of the aforesaid act of the thirteenth year of the King's Majesty's reign, as subjects any person receiving or accepting gifts or presents to any penalty or forfeiture for so doing, or as directs that such gifts, presents, penalties, or forfeitures, shall belong to the said Company, shall be repealed, from and after the first day of *January*, one thousand seven hundred and eighty-five: Provided that no prosecutions or other suits, already commenced, or to be commenced

Part of act 13 Geo. 3. c. 63. repealed.

commenced before the first day of *January*, one thousand seven hundred and eighty-five, upon the said act, shall be affected by such repeal.

Counsellors,
physicians, &c.
not prohibited
from taking
fees.

XLVIII. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any person exercising the profession of counsellor at law, physician, or surgeon, or any chaplain, from accepting, taking, or receiving fees, gratuities, or rewards, (*bona fide*), in the way of his profession only.

Disobeying
the orders of
the directors,

XLIX. And be it further enacted, That the wilful disobeying, or the wilfully omitting to execute the orders or instructions of the court of directors of the said United Company, by any of the officers or servants of the said United Company in the *East Indies*, (unless in cases of necessity, the burthen of the proof of which necessity shall be on the party so disobeying or omitting to execute such orders and instructions as aforesaid), and every wilful breach of the trust and duty of any office or employment under the said United Company, by any of the officers or servants of the said United Company in the *East Indies*, shall be deemed and taken to be a misdemeanor at law, and shall be proceeded against and punished as such by virtue of this act.

or making any
corrupt bargain
to obtain,
&c. any office
under the
Company in
India, to be
punished as a
misdemeanor.

L. And be it further enacted by the authority aforesaid, That the making or entering into, or being a party to any corrupt bargain or contract, for the giving up, or for obtaining, or in any other manner touching or concerning the trust and duty of any office or employment under the said United Company in the *East Indies*, by any *British* subjects whomsoever there resident, shall be deemed and taken to be a misdemeanor at law, and shall be proceeded against and prosecuted as such by virtue of this act.

Company's
servants dismissed
by any
competent
court, not to
be restored,
&c.

LI. And be it further enacted, That after sentence or judgement of any court having competent jurisdiction, whether in *Great Britain* or in *India*, 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, or for any extortion or other misdemeanor, it shall not be lawful for the said United Company, upon any pretence whatsoever, to release or compound such sentence or judgement, or to restore any servant or servants of the said Company, who shall have been removed or dismissed from his or their office or employment, for or on account of misbehaviour, by the sentence of any of the said courts.

Company's
revenue officers
(being
British born
subjects) to
be sworn.

LII. And, for the remedying of the abuses which have prevailed in the collection and receipt of the revenues of the said United Company, be it further enacted by the authority aforesaid, That every person (being a *British* born subject), who is or shall be appointed or authorized to collect, manage, controul, or receive the rents, duties, or revenues of and belonging, and due and payable to the said United Company, shall, before he enters upon the collection and receipt thereof, take and subscribe the following oath; which oath the chief justice, or one of the puisne judges of the supreme court of judicature at *Bengal*, or the mayor or other magistrate in any of the other presidencies or settlements, shall, and is hereby authorized and commanded to administer; and such oath, so administered, shall be recorded in the supreme court at *Calcutta*, or in one of the said provincial or mayor's courts; (that is to say);

The oath.

I A. B. do promise and swear, That I will, to the utmost of my endeavours, well and faithfully execute and discharge the duties of an officer of revenue, reposed in and committed to me by the United Company of merchants of England trading to the East Indies; and that I will not demand, take, or accept, directly or indirectly, by myself, or by any other person for my use or on my behalf, of or from any rajah, zemindar, talookdar, polygar, renter, ryot, or other person,

person, paying or liable to pay any tribute, rent, or tax, or to or for the use of the said United Company, any sum of money, or other valuable thing, by way of gift, present, or otherwise, over and above, or besides and except, the actual tribute, rent, or tax, authorized to be taken by and for the use of the said United Company; and that I will justify and truly account and answer for the same to the said United Company.

So help me G Q D.

LIII. And be it further enacted, That it shall and may be lawful for the Governor-general of *Fort William* afore said for the time being, to issue his warrant under his hand and seal, directed to such peace officers and other persons as he shall think fit, for securing and detaining in custody any person or persons suspected of carrying on, mediately or immediately, any illicit correspondence, dangerous to the peace or safety of the settlement, or of the *British* possessions in *India*, with any of the princes, rajahs, zemindars, or other person or persons whomsoever having authority in *India*, or with the commanders, governors, or presidents of any factories established in the *East Indies* by any *European* power, contrary to the rules and orders of the said Company, or of the Governor-general and council of *Fort William* afore said; and if, upon examination, taken upon oath in writing, of any person or persons (other than the person so secured and detained) before the Governor-general and council of *Fort William* afore said, there shall appear reasonable grounds for the charge, the said Governor-general shall be, and is hereby authorized and empowered to commit such person or persons above described to safe custody, and shall within a reasonable time, not exceeding five days, cause to be delivered to him or them the charge or accusation on which he has or they have been committed; and the party so confined shall be permitted to deliver in his defence in writing, together with a list of such witnesses as he shall desire to be examined in support of his defence, who shall be examined accordingly in his presence, and their examinations taken down in writing; and if, notwithstanding such defence, there shall appear to the said Governor-general and council reasonable grounds for the former proceeding, and for continuing the confinement, the party shall remain in custody until he or they shall be brought to trial in *India*, or sent to *England* for that purpose; and that all such examinations and proceedings shall be transmitted to the said court of directors by the first dispatches; and in case such person or persons are to be sent to *England*, the said Governor-general shall, and he is hereby required to cause such person or persons to be sent by the first convenient opportunity, unless such person or persons shall be disabled by illness from undertaking the voyage.

Governor-general of *Fort William* may issue his warrant for securing any person suspected of carrying on illicit correspondence, etc.

and may commit him.

If the party accused cannot exculpate himself, he shall remain in custody till trial.

LIV. And be it further enacted, That the several presidencies and governments of *Fort Saint George*, and *Bombay*, shall have the like powers, and subject to the same regulations and restrictions, to secure and detain persons suspected of any such illicit correspondence as afore said, within their respective presidencies and settlements, as are hereby given to the said Governor-general and council of *Fort William*.

Presidencies of *Fort Saint George* and *Bombay* to have similar powers.

[N. B. The next eight sections of this act relate to the delivery of inventories for the disclosure of the property acquired by the Company's servants in *India*; but are repealed by 26 Geo. 3. c. 57. sect. 31. and are therefore omitted.]

LXIII. And be it further enacted, That no person or persons whatsoever, who shall have been appointed to any civil or military station, office, or capacity whatsoever, in the *East Indies*, by the sole appointment

No officer of the Company in *India*, after returning to this kingdom,

and residing in Europe for five years, (unless it were on account of his health), shall be capable of any appointment to India again.

Exception.

Method of procedure against British subjects who shall be guilty of extortion, or other misdemeanors, in the East Indies.

Explained by 26 G. 3. c. 57. s. 25, 29.

of the said United Company, or who shall have been appointed to such station, office, or capacity, in the service of the said United Company, by his Majesty, his heirs or successors, upon the said court of directors neglecting to make such appointment as aforesaid, shall be capable of being appointed to the same, or any other station, office, or capacity, in the East Indies, or to claim or exercise, or be capable of claiming or exercising, any power, authority, or jurisdiction there, after he or they, having returned to this kingdom, shall have been resident therein, or in any other part of Europe, for the space of five years, unless it shall be made appear, by the oath of credible witnesses, or other authentick testimony, to the satisfaction as well of the said board for the affairs of India, as of the court of directors of the said United Company, that such residence in Europe was on the account of, and became actually necessary for, the health of such person or persons respectively; any law or usage to the contrary notwithstanding: Provided always, That nothing hereina contained shall extend, or be construed to extend, to any appointment which shall be made by the court of directors of the said United Company, with the consent and approbation of three fourths of a general court of proprietors of the said United Company, specially convened for that purpose.

LXIV. And whereas it would conduce to the better government, management, and ordering of the territories, possessions, revenues, and commerce of the said United Company, if some more effectual course than the common law hath provided were devised, for the prosecuting and bringing to speedy and condign punishment persons guilty of the crime of extortion, and other misdemeanors, committed in the East Indies, by British subjects holding offices or employments there under his Majesty, his heirs or successors, or under the said United Company; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the coroner and attorney of our Lord the King, in the court of King's Bench, by rule of the Court of King's Bench, to be obtained upon motion to be made for that purpose, at the instance of any person or persons, (and which rule the said court is hereby empowered to grant at their discretion, if the magnitude and circumstances of the case shall appear to the said court to render it proper), or for his Majesty's attorney general, or for the court of directors or court of proprietors of the said United Company, in the name of the said United Company, to exhibit in the said court of King's Bench, an information against any such person, for any such offence as aforesaid, committed after the first day of March, one thousand seven hundred and eighty-five; whereupon the said court shall and may, at the instance of the prosecutor, cause the party against whom such information shall have been exhibited as aforesaid to be attached, and may and shall order him to stand committed to the prison of the Marshalsea, or to the Tower of London, or to the gaol of Newgate, at the discretion of the said court, there to be detained until he shall be delivered by due course of law, or until he, together with two sufficient sureties, shall have entered into a recognizance unto the King's Majesty, his heirs and successors, in such sum of money, and with such condition for his appearance, and for satisfying the judgement to be pronounced in and upon such information, as to the said court in its discretion shall seem meet; and when the defendant shall have appeared and pleaded to the said information, the chief justice, or some of the justices of the said court of King's Bench, shall, within ten days, (unless any mandamus shall be granted for the examination of witnesses as herein-after provided, upon a motion to be made within a time to be limited by the said court of King's Bench for that purpose), deliver the record of the said information

and plea to the lord high chancellor of *Great Britain*, or lord keeper, or lords commissioners for the custody of the great seal of *Great Britain*, who shall thereupon issue a commission under the said great seal in manner herein-after provided.

LXV. And be it further enacted, That if any person or persons against whom any information shall be exhibited under the authority of this act, shall neglect or refuse, within such respective times as shall be allowed to him or them for those purposes, by the rules, or according to the discretion of the said court, to appear and plead Not guilty to such information; it shall and may be lawful for his Majesty's attorney general, or other prosecutor, to cause an appearance, and the plea of Not guilty, to be entered for such person or persons; and the said information shall thereupon proceed as if the party or parties had appeared, and pleaded Not guilty thereto.

LXVI. And be it further enacted, That within thirty days from the commencement of the next and every future session of Parliament, the Lords spiritual and temporal shall proceed to chuse, nominate, and appoint, twenty-six or more members of their house; and the Commons of *Great Britain*, in Parliament assembled, forty or more members of the said house of Commons, to be chosen by ballot; and the speaker of each house respectively shall cause the list of the said names, so chosen, to be transmitted, under their respective hands and seals, to the clerk of the crown in chancery, or his deputy: And that whenever a commission is to be issued under the great seal of *Great Britain*, by virtue of this act, the lists so returned shall be delivered over to such three judges of the courts of king's bench, common pleas, or exchequer, as the said courts shall for that purpose respectively appoint, one judge being nominated from each of the said courts respectively; and if the said lists shall contain more than twenty-six members of the house of Lords, or forty of the house of Commons respectively, the said judges shall, within three days from the receipt thereof, cause the names contained in the said list or lists of either or both houses respectively (as the case may happen) to be put into a box or boxes, and twenty-six names of the said Peers, and forty names of the said Commons, to be publickly drawn by lot, in the presence of the said judges; and that the said three judges shall have power and authority, and they are hereby required to give notice to all such members of the two houses of Parliament, whose names shall have been so returned, or drawn by lot as aforesaid, and also to his Majesty's attorney-general, or other prosecutor, and also to the party accused, as the case may require, of the time and place to be appointed by the said judges (not exceeding twenty days from such lists being delivered to them as aforesaid) for proceeding in the execution of this act; and the names of all such members of either house of Parliament as shall not attend in consequence of such notice, shall be transmitted to the speaker of each house respectively, within three days, if Parliament be then sitting, or if not, within three days after the next meeting of Parliament; and all such persons as shall appear to have made default as aforesaid, shall forfeit to his Majesty; his heirs and successors, the sum of five hundred pounds each, unless they shall offer such excuses as shall appear to each house of Parliament respectively to be valid and sufficient: And if any member of either house of Parliament, whose name shall have been drawn by lot in the presence of the said judges as aforesaid, shall have departed this life, or shall hold any civil office of profit under the Crown during his Majesty's pleasure, or shall be, or shall have been, a member of the said board for the affairs of *India*, or shall be, or shall have been a director of the said Company, or shall hold, or shall have held, any office or employment in the service of the said Company in *India*, then, in each and every

If any person accused shall neglect to appear, etc. the information shall proceed notwithstanding.

Within 30 days from the commencement of every session, the house of Lords shall chuse by ballot 26 members of their house, and the house of Commons 40 of theirs.

The lists to be delivered to three judges appointed by the different courts.

Names of the members of either house returned, etc. who shall not attend, on receiving proper notice, to be transmitted to the speaker. Defaulters to forfeit 500 l. each.

such case, another name shall be drawn out of the same box (if any such name there be) instead of the name of such person.

The senior judge present to be president of the meeting.

LXVII. And be it further enacted, That the senior of the said three judges present at the respective meetings of the said special commissioners shall be the president of such meeting or meetings; and that all questions, resolutions, and determinations before the said special commissioners, shall be by a majority of voices of the special commissioners then and there present; and if the voices shall be equal, the then president shall have a second or casting voice.

Twenty-six members of the house of Peers, how to be chosen.

Varied by 26 G. 3. c. 57. f. 3.

LXVIII. And be it further enacted, That the members of the house of Peers hereby directed to be named by the said house for the purposes aforesaid, shall be chosen, nominated, and appointed, in the manner following; (that is to say), That at any time within thirty days from the commencement of the next and every future session of Parliament, when it shall appear that there are fifty Lords spiritual and temporal, at the least, then present, the Lords shall be called; and if there are fifty present, the Lords shall thereupon proceed to deliver in at the table lists, each of which lists shall contain the names of twenty-six Lords, and shall be signed by the Lord who delivers such list; which list being delivered in, shall be referred to a committee of Lords to be then appointed, who shall examine the said lists, and forthwith report to the house the name of every such Lord whose name shall appear on ten such lists; and if the names so returned shall not amount to twenty-six at the least, the Lords present shall be required to deliver in fresh lists, each list containing a number of names equal to that number by which the list returned shall fall short of twenty-six, and so as often as the case shall happen; and no Lord present when the house shall be called over shall depart until the said lists of twenty-six Peers shall be made as aforesaid.

Member of choosing the 40 members of the house of Commons.

Varied by 26 G. 3. c. 57. f. 3.

LXIX. And be it further enacted, That the members of the house of Commons, hereby directed to be named by that house for the purposes aforesaid, shall be chosen, nominated, and appointed, in the manner following; (that is to say), That at any time within thirty days from the commencement of the next and every future session of Parliament (and after the speaker of the said house shall have taken the chair), it shall and may be lawful for any member, after four of the clock in the afternoon, to require that the doors of the house shall be locked, and that the house shall be told by the speaker; and if it shall appear that there are two hundred members or more then present, the members of the house shall thereupon proceed to deliver in at the table lists, each of which lists shall contain the names of forty members; which lists being delivered in, shall be referred to a committee of five members to be then appointed, who shall examine the said lists, and shall forthwith report to the house the name of every such member whose name shall appear on twenty of the said lists; and if the names so returned shall not amount to forty at the least, the members present shall be required to deliver in fresh lists, each list containing a number of names equal to that number by which the list returned shall fall short of forty, and so often as the case shall happen; and the doors of the house shall not be opened until the said list of forty members, or more, shall be fully completed in manner aforesaid.

Names of persons holding offices under the Crown during pleasure, etc. to be struck out of the list.

LXX. Provided always, and be it enacted, That if any of the persons named in such lists shall appear to hold any civil office of profit under the Crown during his Majesty's pleasure, or to be, or to have been, a member of the said board for the affairs of India, or to be, or to have been, a director of the said Company, or to hold, or to have held, any office or employment in the service of the said Company in India; the names of all and every such persons shall be struck out of the said list returned to the house by the said committee, upon such list being read over at the table.

The party to be tried shall have liberty

LXXI. And be it further enacted, That the names of all such members of either house of Parliament, contained in the said lists of twenty-six Peers and

of forty Commoners, which shall have been drawn by lot in presence of the three judges as aforesaid, as shall personally appear at the time and place appointed as aforesaid, shall be put into a box, to be drawn out by lot, in presence of the said judges, and of the parties, or their counsel or agents; and the person against whom such information shall have been exhibited as aforesaid, shall have the liberty, as the names are drawn out, to make peremptory challenges, to the number of thirteen of the Peers, and twenty of the members of the house of Commons, whose names shall have been put into the said box; and his Majesty's attorney general, or other prosecutor, as the case may happen, shall have power to make challenges to any of the names which shall be so drawn out, and to assign for cause of challenge any such matter as in the opinion of the three judges, or the majority of them, shall appear in their discretion sufficient to set them aside, for the purpose of obtaining them equal justice; and the first four names of the said peers, and likewise the first six names of the said commoners, which shall be drawn out after the said number of challenges respectively, or which, being drawn out, shall not be so challenged, shall be returned by the said judges to the lord high chancellor, who shall cause the names of the said Peers, and members of the house of Commons, together with those of the said three judges appointed as aforesaid, to be inserted in the special commission to be issued by virtue of this act; and the persons whose names are so inserted in the commission shall appear, within ten days, at the time and place to be appointed by the said three judges, and take the following oath, before the lord high chancellor, or lord keeper, or lords commissioners of the great seal for the time being, or any one of them.

to challenge 13 Peers, and 20 Commoners.
Further challenges for cause given by 26 G. 3. c. 57. f. 5.
Prosecutor may also make challenges.

The first four names of the Peers, and the first six of the Commoners, drawn out after the challenges, etc. shall be returned by the judges to the lord chancellor, to be inserted, with those of the said judges, in a special commission, etc.
By 26 G. 3. c. 57. f. 5. five Peers and seven Commoners are to constitute the court.

Oath to be taken by the special commissioners.

I A. B. do swear, That I will well and truly try and determine, to the best of my judgement, the matter now to be brought before me, according to the evidence that shall be given.

So help me GOD.

And in case the challenges shall reduce the number of names so drawn out to less than four Peers and six Commoners respectively, then and in such case, the said three judges shall certify the same to the respective houses of Parliament, who shall proceed with all convenient dispatch to appoint and ballot afresh for lists of members to be transmitted to the clerk of the crown, or his deputy, and afterwards to be inserted in a new commission to be issued in the manner hereinbefore directed; and the said special commissioners shall have full power and authority to bear and determine every such information, and to pronounce judgement thereon, according to the effect of the judgement of the common law, upon convictions had and obtained according to the course of the common law, for extortion, or other misdemeanor; and also to declare the party so convicted incapable of serving the said United Company in any capacity whatsoever; and that such judgement, to be pronounced by the said special commissioners as aforesaid, in and upon such information, shall be good, and effectual, and conclusive, to all intents and purposes whatsoever; and that no certiorari shall be granted, by any court whatsoever, for removing the proceedings of the said special commissioners on such information into any court whatsoever; and the proceedings of the said special commissioners shall not be impeached, or the validity thereof questioned, in any action or suit, or other proceeding, in any court of law or equity whatsoever.

Their powers.

Their proceedings not to be removed by certiorari.

LXXII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said special commissioners, or any seven or more of them, (of whom one of the said three judges, at the least, shall always be one), to bear and determine every such information, and from time to time to adjourn, as they shall think fit; and in case any number of the said special commissioners shall, before the said commission shall have been fully executed, depart this life,

Seven commissioners to make a quorum.

By 26 G. 3. c. 57. f. 8. ten commissioners make a quorum, and their

power to adjourn is restricted by s. 23.

When the commissioners shall, by death, &c. be reduced to six, the commission shall be void, and a new one awarded.

Commissioners to appoint a register.

See 26 G. 3. c. 57. s. 14.

Subpœnas may be issued for the attendance of witnesses.

Non-attendance to be deemed a misdemeanor.

Commissioners may send for persons, papers, and records;

and may commit prevaricators to the Fleet, &c.

The recognizance aforesaid shall bind all the goods of the principal party at the time of entering into the same, &c.

or be rendered incapable of acting, so that the number of the said special commissioners shall be reduced to six; or if all the said three judges shall happen to die, or be rendered incapable of acting, whilst the said commission shall be depending, then, and in either of such cases, and from thenceforth, the said commission, and the force and effect thereof, shall cease, and a new commission shall be awarded for bearing the matter of such information for which such former commission was issued, and the proceedings therein shall begin de novo; save only and except with respect to the examination or deposition of any witnesses (if any) which shall have been taken in writing under the said former commission; which examinations or depositions shall and may be received and admitted as evidence under such new commission.

LXXIII. And be it further enacted, That the said special commissioners shall nominate and appoint a fit and proper person or persons to act as their register or registers in the execution of the said commission; and when and so soon as the said commission shall have been fully executed, the said commission, and the information and plea, and the judgement had thereupon, and all the depositions and examinations, and other proceedings concerning the premises, shall be delivered over by such register or registers unto the clerk of the crown in the court of King's Bench, to be kept and recorded in that court.

LXXIV. And be it further enacted by the authority aforesaid, That subpœnas requiring the attendance, before the special commissioners to be appointed under this act, of any witness or witnesses as or on behalf of any person or persons prosecuted under the authority of this act, may be issued out of the crown office of the court of King's Bench; and in case any witness, having due notice of such subpœna, shall not attend in obedience to such subpœna, his non-attendance shall be deemed a misdemeanor, and subject him to be indicted; and in case any such witness shall attend, but shall refuse to be examined, it shall and may be lawful for the said special commissioners to punish such witness by fine or imprisonment, at their discretion.

LXXV. And be it further enacted, That the said special commissioners shall have full power and authority, by virtue of this act, to send for persons, papers, and records, and to examine all witnesses who shall come or be brought before them upon oath, to be taken before them, and to cause the examinations of such witnesses, if they shall so think fit, to be reduced into writing, and to be signed and subscribed by such witnesses respectively; and if any person brought before the said special commissioners shall prevaricate in his evidence, or shall otherwise misbehave himself before the said special commissioners, the said special commissioners shall and may, if they shall so think fit, commit such person to the prison of the Fleet, or the gaol of Newgate, there to remain for such time as the said special commissioners shall appoint, unless the said commissioners shall order them to be released sooner, which they are hereby impowered to do; and if any such witness shall wilfully give any false evidence before the said special commissioners, such witness shall be deemed guilty of wilful and corrupt perjury, and shall and may be indicted and punished for the same accordingly.

LXXVI. And be it further enacted, That the recognizance to be entered into as aforesaid, shall bind the property of all and singular the goods and chattels, which were the goods and chattels of the principal party entering into such recognizance at the time of his entering into the same, or which he shall or may acquire at any time afterwards, and before he shall be discharged from such recognizance; and shall also bind all estate and interest in all lands, tenements, and hereditaments, whereof the said principal party shall be seized or possessed, or whereof any person or persons, in trust for the party so entering into such recognizance (at the time

of his entering into the same, or at any time afterwards, and before he shall be discharged therefrom) shall be seised or possessed.

LXXVII. And be it further enacted, That where the party against whom such information shall have been exhibited as aforesaid shall be adjudged to be guilty of the crime charged in such information, and shall be adjudged to pay a fine unto his Majesty, his heirs and successors, that if shall and may be lawful for his Majesty's attorney general, or for the said United Company, or other prosecutor, to exhibit interrogatories before the court of exchequer, for the examination of the party adjudged to pay such fine as aforesaid, as to his estate and effects sufficient to answer the same fine; and if the said party shall not appear, or shall refuse to answer to such interrogatories, or shall wilfully conceal any part of his estate or effects, herein-before declared to be bound by such recognizance as aforesaid, or which shall by law be liable to be extended in satisfaction thereof, such party, on his default of appearance before such court, or on his refusal to answer such interrogatories, shall forfeit to the King's Majesty, his heirs and successors, all and singular his goods and chattels, lands, tenements, and hereditaments whatsoever, and shall be liable to be imprisoned in the gaol of *Newgate*, or the Tower of *London*, for such time as the said court of exchequer shall direct.

LXXVIII. 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 informations laid or exhibited by virtue of this act in the said court of King's Bench, for misdemeanors 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 his Majesty's attorney general, or other prosecutor, or of the defendant or defendants, to award a writ or writs of *mandamus*, requiring the chief justice and judges of the supreme court at *Fort William* in *Calcutta* for the time being, or the judges of the mayor's court of any of the *British* settlements in *India*, as the case may require, who are hereby respectively authorized 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 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 summonses 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, *viva 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 supreme court; and one or more of the judges of the said supreme court 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 in what manner the same came into his hands), and that the same has not been

Where the party shall be found guilty, and adjudged to pay a fine, he may be examined by interrogatories in the court of exchequer as to his estate and effects: If he shall not appear, or refuse to answer, etc. he shall forfeit all his estate, and be committed.

Depositions of witnesses taken in *India*, and transmitted to the court of King's Bench, may be read before the special commissioners, and shall be deemed competent evidence.

Extended to the judges of the mayor's courts by 26 G. 3. c. 57. s. 22.

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 before the said special commissioners, and shall be deemed as good and competent evidence as if such witness had been present, and sworn and examined *viva voce*, at any trial before the said special commissioners, for such crimes or misdemeanors as aforesaid, any law or usage to the contrary notwithstanding; and all parties concerned shall be entitled to take copies of such depositions at their own costs and charges; and the chief justice of the said court of King's Bench, or one of the judges of the said court, shall, with all convenient speed after such deposition shall have been so received, together with the said information and plea, cause the same to be delivered over to the lord high chancellor, or lord keeper, or lords commissioners for the custody of the great seal of *Great Britain*, who shall thereupon issue the commission under the great seal, in the manner by this act directed.

Chief justice of the King's Bench, etc. to deliver the deposition, etc. to the lord chancellor.

Restriction as to the delivery thereof.

LXXIX. Provided always, and it is hereby further enacted, That no information, or plea, or deposition, which by this act is directed to be delivered over by the chief justice of the court of King's Bench, or one of the judges of the said court, to the lord high chancellor, or lord keeper, or lords commissioners for the custody of the great seal of *Great Britain*, shall be so delivered over, at any other time than during some one of the three usual and accustomed terms herein-after mentioned; that is to say, *Hilary* term, *Easter* term, or *Michaelmas* term.

Writings received by the court of directors from *India*, and copies of writings sent by the court to their servants there, relative to the charge in the information, etc. may be admitted by the commissioners as evidence.

LXXX. And, in order to promote the ends of justice in ascertaining facts committed at so great a distance from this country, by such evidence as the nature of the case will render practicable; be it further enacted, That in all proceedings upon such information as aforesaid, as well the depositions taken under such commission or commissions, after the publication thereof, as also all writings which shall have been transmitted from the *East Indies* to the court of directors of the said United Company, by their officers or servants resident in the *East Indies*, in the usual course of their correspondence with the said court of directors, and copies of all writings which shall have been transmitted by the said court of directors, or by any committee thereof, to the officers and servants of the said United Company resident in the *East Indies*, and which in any manner relate to the subject matter of the charge to be contained in such information, or to the defence to be made thereto, may be admitted by the said commissioners to be offered in evidence, and shall not be deemed inadmissible or incompetent, unless upon objections arising from the nature of the contents of the said writings; subject nevertheless to be impeached, in point of credibility, by such observations and objections as the nature of such evidence, or other circumstances, may suggest; any rule of the common law to the contrary notwithstanding.

Court of King's Bench, at the prayer of the prosecutor, etc. may order an examination of witnesses upon interrogatories, etc.

LXXXI. And be it further enacted, That the said court of King's Bench shall have power and authority, at the prayer of his Majesty's attorney general, or other prosecutor, or of the party against whom such information shall be exhibited, to order an examination *de bene esse*, of witnesses, upon interrogatories to be had and taken before an examiner to be by them appointed for that purpose, or by commission, as the case shall require, and to cause the depositions of such witnesses to be published, when the same shall appear to them to be proper and necessary; and which depositions shall be afterwards admitted to be read in evidence before the said commissioners, and shall be deemed good and sufficient evidence in the law as aforesaid; saving all just exceptions to be taken to such depositions, when the same shall be offered to be read as aforesaid.

Limitation of prosecutions.

LXXXII. And be it further enacted by the authority aforesaid, That no prosecution in consequence of this act shall be commenced, unless within the

the space of three years after the return of the party prosecuted into *Great Britain*, or within three years after the delivery of the inventory or particular required by this act.

Repealed by
26 G. 3. c. 57.

LXXXIII. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to prejudice or affect the rights or claims of the publick, or the said United Company, respecting the said territorial acquisitions and revenues.

Not to affect
the claims respecting
the territorial
acquisitions.

LXXXIV. And be it further enacted, That this act shall take place and have commencement, in *Great Britain*, immediately after the same shall have received his Majesty's royal assent; and shall take place and have commencement, in the several presidencies aforesaid, and in the territories thereunto belonging, from the first day of *January*, one thousand seven hundred and eighty-five.

Commencement
of this act.

LXXXV. And be it further enacted, That this act shall, and shall be deemed and taken to be a publick act.

Publick act.

24 GEORGII III. Cap. XXXIV.

An Act for the Relief of the East India Company, with respect to the Payment of certain Sums due to the Publick, and to the Acceptance of certain Bills drawn upon the said Company, and for regulating the Dividends to be made by the said Company.

WHEREAS the United Company of merchants of *England* trading to the *East Indies*, on and at sundry times before the first day of *December*, one thousand seven hundred and eighty-three, became and now stand indebted to his Majesty, for duties of customs on goods imported, in sundry sums of money, amounting together to the sum of nine hundred twenty-three thousand five hundred and nineteen pounds, five shillings, and two-pence, after making certain deductions and allowances to which, by law, the said Company are intitled, on due payment of the said customs on or before the respective days on which the same became due; and the said Company also stand indebted to his Majesty in the further sum of one hundred thousand pounds, which became due on the first day of *December*, one thousand seven hundred and eighty-one, for the last payment appointed to have been made in respect of the sum of four hundred thousand pounds, mentioned in an act made in the twenty-first year of the reign of his present Majesty, intituled, *An act for establishing an agreement with the United Company of merchants of England trading to the East Indies, for the payment of the sum of four hundred thousand pounds, for the use of the publick, in full discharge and satisfaction of all claims and demands of the publick from the time the bond debt of the said Company was reduced to one million five hundred thousand pounds, until the first day of March, one thousand seven hundred and eighty-one, in respect of the territorial acquisitions and revenues lately obtained in the East Indies, and also for securing to the publick in respect thereof, for a term therein mentioned, a certain part or proportion of the clear revenues and profits of the said Company, and for granting to the said Company, for a further term, the sole and exclusive trade to and from the East Indies, and limits therein mentioned; and for establishing certain regulations for the better management of the affairs of the said Company, as well in India as in Europe, and the recruiting the military forces of the said Company: And whereas by the said act, made in the twenty-first year of the reign of his present Majesty,*

Preamble.

Debt for
customs
923,519 l. 5 s.
2 d.

Debt of
100,000 l. on
act of 21 Geo.
3. c. 65.

jefty.

Recital of the
said act of
21 G. 3. c. 65.

Application of
the revenues
and profits of
trade.

State of profit
and loss upon
the trade de-
livered to the
treasury.

Deficiency
141,941 l. to
answer a divi-
dend of 2 l.
per cent.

Bond debt in-
creased to two
millions.

jeſty, it was, amongſt other things, enacted, That, from and after the firſt day of *March*, one thouſand ſeven hundred and eighty-one, for, and during ſo long time as the ſaid United Company, under the authority of that act, ſhould be intitled to the whole, ſole, and excluſive trade and traffick in, to, and from the *East Indies*, and places in the ſaid act mentioned, the whole clear profits ariſing from the ſaid territorial acquiſitions and revenues, after defraying the charges and expences attending the ſame, together with all the clear revenues and profits of the ſaid Company, after providing for the current payment of intereſt, and other outgoings, charges, and expences of the ſaid Company, ſhould, from time to time, be diſpoſed of and applied in manner therein and herein-after mentioned; (that is to ſay); It ſhould be lawful for the ſaid United Company to ſet apart and retain, in the firſt place, in each and every year, ſuch ſum as ſhould be equal to eight pounds *per centum per annum*, upon the capital ſtock of the ſaid United Company of three millions two hundred thouſand pounds; and in caſe there ſhould remain a ſurplus of the ſaid clear revenues and profits above the ſaid ſum of eight pounds *per centum per annum*, ſo to be retained by the ſaid United Company as aforeſaid, three fourth parts of ſuch ſurplus profits ſhould be ſet apart and applied for the uſe of the publick, and the remaining one fourth part thereof ſhould be reſerved and retained by the ſaid United Company for their own uſe: And it was thereby further enacted, That it ſhould be lawful for the ſaid United Company to apply ſuch money as they were therein-before authorized to retain to themſelves, and alſo other money in the ſaid act mentioned, in the payment of dividends to the proprietors of the ſtock of the ſaid United Company, not exceeding the rate of twelve pounds ten ſhillings *per centum per annum*; provided the bond debt of the ſaid Company did not at any ſuch time exceed one million five hundred thouſand pounds; and provided that they did not increaſe the preſent dividend of eight pounds *per centum per annum*, more than at the rate of one pound *per centum* in each and every year: And in order to aſcertain the yearly net profits ariſing from the ſaid United Company's trade and revenues, it was further enacted, That the ſaid United Company ſhould cauſe to be made out yearly, for each and every year, during the term therein mentioned, with as much accuracy as the nature of the caſe would admit, a ſtatement of the profits and loſs upon the whole of the trade and revenues of the ſaid United Company, together with a ſtate of the debts of the ſaid United Company in *England*, from the firſt day of *March* in every year, to the firſt day of *March* in each ſucceeding year; which ſaid account was to be ſigned and delivered to the commiſſioners of his Majeſty's treasury, or the high treaſurer for the time being, as therein is mentioned: And whereas, purſuant to the ſaid act, ſuch ſtatement as therein is mentioned of the profit and loſs upon the whole of the trade and revenues of the ſaid United Company hath been annually made up and delivered to the commiſſioners of his Majeſty's treasury, and by the laſt of ſuch accounts, made up from the firſt day of *March*, one thouſand ſeven hundred and eighty-three, to the firſt day of *March*, one thouſand ſeven hundred and eighty-four, it appears, that after debiting and bringing forward the deficiencies of former years, and the ſaid dividend of eight pounds *per centum*, allowed to be retained by the Company, there was a deficiency on the ſaid account, up to the firſt day of *March*, one thouſand ſeven hundred and eighty-four, of the ſum of one hundred forty-one thouſand nine hundred and forty-one pounds: And whereas, beſides the ſaid debts due to his Majeſty, as aforeſaid, the ſaid Company have been allowed to increaſe their bond debt to the amount of five hundred thouſand pounds, over and above the ſum of one million five hundred thouſand pounds, mentioned in the ſaid act of the twenty-ſirſt year of his preſent

present Majesty's reign; and the said Company also stand indebted in the sum of three hundred thousand pounds, lent and advanced to them upon sundry exchequer bills, which will become due and payable on the sixth day of April, one thousand seven hundred and eighty-six, the same having been made out and delivered to the said Company, pursuant to an act, made in the twenty-third year of the reign of his present Majesty, intituled, *An act for granting relief to the United Company of merchants of England trading to the East Indies, by allowing further time for the payment of certain sums due, and to become due to the publick, and by advancing to the said Company, on the terms therein mentioned, a certain sum of money to be raised by loans or exchequer bills; and to enable the said Company to make a dividend of four pounds per centum to the proprietors at Christmas, one thousand seven hundred and eighty-three; and to regulate the future payment of debentures of drawbacks on East India goods; by which said act it was enacted, That, until the debts therein and herein-before mentioned to be due to his Majesty should be paid, the said sum of three hundred thousand pounds repaid, and the bond debt of the said Company be again reduced to one million five hundred thousand pounds, the whole clear profits arising from the said territorial acquisitions and revenues, after defraying the charges and expences attending the same, together with all the clear revenues and profits of the said Company, after providing for the current payment of interest, and other outgoings, charges, and expences of the said Company; and for such dividends to the proprietors of the stock of the said Company, as they should be entitled or allowed to make, receive, and take, should, from time to time, be disposed of and applied in manner following; (that is to say); In the first place, in diminution and payment of the said debts due to his Majesty until the same should be fully paid; and afterwards, in diminution and payment of the said sum of three hundred thousand pounds and interest, and for defraying the charges* incurred in respect thereof; and then, in reducing the bond debt of the said Company until the same should be reduced to one million five hundred thousand pounds: And whereas, over and besides the said debts due to his Majesty, the said increased bond debt, and the said exchequer bills, sundry bills of exchange have been drawn upon the court of directors of the said United Company from their different presidencies and settlements in *India*, to the amount of one million six hundred and ninety thousand pounds, or thereabouts, over and besides bills drawn from the factory at *China*, and over and besides the sum of three hundred thousand pounds a year in bills of exchange, allowed to be accepted and paid by the court of directors of the said Company of their own authority, and other bills of exchange are expected to be drawn upon the said court of directors: And whereas it is expedient that a further reasonable time should be allowed to the Company for the payments of the debts due as aforesaid, on consideration of their revenues and profits, beyond a reasonable dividend to the proprietors, being appropriated to such payments, as fast as the same shall come into cash: 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 commissioners of his Majesty's treasury for the time being, or any three or more of them, to postpone and allow further time for the payment of the said sum of nine hundred and twenty-three thousand five hundred and nineteen pounds, five shillings, and two-pence, which became due for customs at such several times as herein-before are mentioned; and of the said sum of one hundred thousand pounds, which became due on the first day of *December*, one thousand seven hundred and*

Debt on exchequer bills
300,000 l.

Recital of
23 G. 3. c. 85.

Bills of exchange.

See 13 G. 3.
c. 64. f. 26.
19 G. 3. c. 61.
f. 4. 20 G. 3.
c. 56. f. 4.
21 G. 3. c. 65.
f. 26.

Expediency that further time for payment of the debts to the publick be allowed.

Commissioners of the treasury may allow the Company further time for payment of the sums due to the publick, but not beyond Jan. 1, 1786.

See 25 Geo. 3.
c. 62.

eighty-one, or any part or parts of the said several sums respectively, unto such time or times as they shall think fit, not beyond the first day of *January*, one thousand seven hundred and eighty-six; and if the said United Company do and shall pay the said sums respectively, at such time or times to which the said payments, or any part thereof, respectively shall be postponed as aforesaid, the same shall be accepted and received in like manner as if the said sums respectively had been paid on or before the several and respective days on which the said sums became due; and the said United Company, upon such payment at such postponed time or times, shall be freed and discharged from all damages, interest, and losses, which they became liable to by means of not having made the said payments respectively at the several times on which the same became due; and shall be intitled unto, and have the same discounts, allowances, and advantages, as if the said sums respectively had been paid on or before the several and respective days on which they became due; anything in any act or acts of Parliament in anywise notwithstanding.

Directors, with consent of commissioners of the treasury, may accept certain bills of exchange, etc.
See the restriction, 13 Geo. 3. c. 64. f. 16.

Priority in payment of such bills, how to be adjusted.

The clear revenues and profits of the Company, to be applied in manner following:

For making a dividend of 8 per cent. to the proprietors;

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the court of directors of the said United Company, by and with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, to accept and pay the said bills of exchange drawn and to be drawn upon them as aforesaid, at such time or times respectively, and upon such terms and conditions; and with such interest, as the said commissioners of his Majesty's treasury for the time being, or any three or more of them, shall think fit, and shall allow by writing under their hands.

III. Provided nevertheless, and be it enacted, That the said commissioners of the treasury, in so adjusting and settling the payments of the said bills of exchange, shall give a priority in the respective payments, according as the same would have accrued if the said bills had been discharged in regular course; due regard therein being had to the several dates of the said bills; to the times when the same were severally tendered for acceptance, and to the respective periods in which they were originally made payable.

IV. And, in order to make proper provision, and give security to the creditors of the said Company for the payment of the said debts, be it further enacted by the authority aforesaid, That until the said debts due to his Majesty, and the said bills of exchange, to be accepted with such consent and approbation as aforesaid, shall be paid, the said sum of three hundred thousand pounds, borrowed on the said exchequer bills, repaid, and the bond debt of the said Company be again reduced to one million five hundred thousand pounds, the whole clear profits arising from the said territorial acquisitions and revenues, after defraying the charges and expences attending the same, together with all the clear revenues and profits of the said Company, after providing for the said bills of exchange to be accepted with such consent and approbation as aforesaid, together with the current payment of interest, and other outgoings, charges, and expences of the said Company, shall, from time to time, be disposed of and applied in manner following; (that is to say), it shall and may be lawful to and for the said United Company to set apart and retain, in the first place, in each and every year, such sum as shall be equal to eight pounds *per centum per annum*, upon the capital stock of the said United Company of three millions two hundred thousand pounds; and the said Company shall and may, from time to time, make dividends to the proprietors of the stock of the said Company, not exceeding the rate of eight pounds *per centum per annum*, notwithstanding any thing contained in the said recited acts, or either of them; and, in the next place, the said clear profits shall be applied

applied in payments of the said debts due to his Majesty, and the said three hundred thousand pounds, borrowed upon the said exchequer bills, and the interest and charges thereof; and from and after such payments as aforesaid shall be made, then in diminution and payment of the bond debt of the said Company, until the same shall be reduced to the sum of one million five hundred thousand pounds; and from and after such reduction of the said bond debt, such division of the said profits between the publick and the said United Company shall again take place and be resumed, as is mentioned in the said act of the twenty-first year of the reign of his present Majesty.

its payment of the debts due to his Majesty, etc.; and in reducing the bond debt, etc.

V. And be it further enacted by the authority aforesaid, That the said deficiency of one hundred forty-one thousand nine hundred and forty-one pounds, appearing in the said annual account made up to the first day of *March*, one thousand seven hundred and eighty-four, shall be carried forward as a charge in the account of the present year; and in case any deficiency shall appear in the account of any subsequent year, during the continuance of the participation between the publick and the Company, mentioned in the said act of the twenty-first year of the reign of his present Majesty, such deficiency shall, from time to time, be carried forward to, and charged in, the account of the then next year.

Deficiency in the annual account, ending *March* 1, 1784, to be carried forward as a charge in the account of the present year.

24 GEORGII III. Cap. XXXVIII.

An Act for repealing the several Duties on Tea, and for granting to His Majesty other Duties in lieu thereof; and also several Duties on inhabited Houses; and upon the Importation of Cocoa Nuts and Coffee; and for repealing the Inland Duties of Excise thereon.

Most Gracious Sovereign;

WHEREAS the several rates and duties upon tea, exposed for sale in these kingdoms; amount together to so considerable a sum, in proportion to the value of that commodity, as to afford great encouragement to the fraudulent importation thereof, and have contributed greatly to other illicit practices highly detrimental to the revenue, and of dangerous consequences to the publick, the prevention of which is become an object of the utmost importance; we, your Majesty's most dutiful and loyal subjects, the Commons of *Great Britain*, in Parliament assembled, do therefore think it would be for the advantage of the publick to repeal the several duties imposed upon tea, and in lieu thereof to grant unto your Majesty the several new duties herein-after mentioned: And we do most humbly beseech 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 fifteenth day of *September*, one thousand seven hundred and eighty-four, the several rates, duties, and other impositions upon tea imported, sold, or used in this kingdom, shall cease, determine, and be no longer paid or payable.

From *Sept.* 15, 1784, the duties on tea shall cease.

II. And be it further enacted by the authority aforesaid, That the United Company of merchants of *England* trading to the *East Indies* shall be, and they are hereby discharged, of and from the payment of all duties whatsoever, by any act or acts heretofore imposed upon all tea, the property

East India Company discharged from payment of duties on tea in their warehouses, &c. at that period.

of the said United Company, which shall, on the said fifteenth day of *September*, one thousand seven hundred and eighty-four, remain in the warehouses of the said Company in *Great Britain*, under the lock, or in the custody of the officers of his Majesty's revenue, having charge thereof.

For all tea delivered by the Company to the purchasers thereof after that period, there shall be paid a duty of 12 l. 10s. per cent.;

which shall be drawn back upon exportation, &c.

All tea in such warehouses, on *Sept. 15, 1784*, for which the duty shall not have been paid, and entered for exportation, &c. shall be delivered from the warehouses free of duty.

Directions for the Company relative to their sales of tea.

Restriction of the prices put up at the first four sales:

Bohea, 1s. 7d. per pound;
Congo, 2s. 5d.

III. And be it further enacted by the authority aforesaid, That upon all tea which, from and after the said fifteenth day of *September*, one thousand seven hundred and eighty-four, shall be delivered to the buyers thereof by the said United Company, there shall be paid to the King's Majesty, his heirs and successors, by the purchaser or purchasers of such tea, a duty of twelve pounds ten shillings *per centum*, to be computed upon the gross prices at which such tea shall be sold; which duty shall be paid, by the said purchaser or purchasers, to the said United Company, at such time or times as shall, by the conditions of such sales, be from time to time appointed for payment of the price of such tea, to the said United Company; and that the said United Company shall at all times, together with the proper officers of the customs, make up an account of twelve pounds ten shillings *per centum*, to be computed upon the gross prices at which such tea shall be sold, and pay the same to the collector inwards of his Majesty's customs, within thirty days after the expiration of each quarterly sale, which duty shall be again drawn back and repaid upon the exportation of such tea to any place where a drawback of the duties is now allowed by law.

IV. And it is hereby further enacted by the authority aforesaid, That all tea upon which the duty hereby imposed shall not have been paid, and which, from and after the fifteenth day of *September*, one thousand seven hundred and eighty-four, shall be entered for exportation to any place where a drawback of the duties is allowed by law, shall and may be delivered from such warehouse wherein the same shall be secured as aforesaid for that purpose, free of any duty, subject to the same rules, regulations, restrictions, securities, penalties, and forfeitures, in all other respects, to which such tea would have been liable if the duty thereon had been paid and drawn back as herein-before directed.

V. And whereas it is just and reasonable that the said United Company should, in consideration of the great benefit which may result to their commerce from the reduction of duties hereby made, contribute their utmost endeavours for securing to the publick the full benefit which will arise from an immediate and permanent reduction of prices; be it further enacted by the authority aforesaid, That the said United Company shall, as soon as may be after the passing of this act, put up and expose to publick sale, at the least, five millions of pounds weight of tea; and shall, in like manner, at some other time before the thirty-first day of *December*, one thousand seven hundred and eighty-four, make another sale, at which they shall, in the like manner, put up, at the least, two millions five hundred thousand pounds weight of tea; and shall thenceforward continue to make, at the least, four sales in every year, and, as near as conveniently may be, at equal distances of time, and shall put up at such sales such quantities of tea as shall be judged sufficient to supply the demand; and that at each and every such sale, the tea so put up shall be sold without reserve to the highest bidder, provided an advance of one penny per pound shall be bid upon the prices at which the same shall be put up; and that at the four first sales, which shall be made after the passing of this act, the prices at which the said tea shall be put up and exposed to sale shall not exceed the following rates; *videlicet*;

For bohea tea, one shilling and seven-pence *per pound*;
For congo tea, two shillings and five-pence *per pound*;

For

- For fouchong tea, three shillings and three-pence *per pound*;
- For single tea, three shillings and three-pence *per pound*;
- For hyson tea, four shillings and eleven-pence *per pound*;

Souchong;
3 s. 3 d.
Single, 3 s. 3 d.
Hyson, 4 s. 11 d.

And that it shall not be, at any time hereafter, lawful for the said United Company to put up their tea for sale at any prices which shall, upon the whole of the tea so put up at any one sale, exceed the prime cost thereof, with the freight and charges of importation, together with lawful interest from the time of the arrival of such tea in *Great Britain*, and the common premium of insurance, as a compensation for the sea risk incurred thereon; and that the said United Company shall from time to time send orders for the purchase of such quantities of tea, and provide sufficient ships to import the same, as, being added to the stock in their warehouses, and to the quantities ordered and not arrived, shall amount to a sufficient supply for the keeping a stock at least equal to one year's consumption, according to the sales of the last preceding year, always before hand; and that the said United Company shall, from time to time, lay before the lord high treasurer, or the commissioners of the treasury for the time being, copies of the accounts and estimates upon which such orders for importation, of prices for sale, or quantities put up to sale, shall be grounded, whenever such orders shall be sent out, or such sales made, or as often as they shall be called upon for the same, by the said lord high treasurer, or any three or more of the said commissioners of the treasury for the time being.

Restriction at all future sales.

Company to keep a proper stock of tea in their warehouses, &c.

VI. And whereas, for the relief of all persons now possessed of tea bought of the said United Company, but remaining in their warehouses, as aforesaid, it hath been agreed by the said United Company, in compliance with the unanimous opinion of a general meeting of the said persons, to take back from them all such tea at prime cost, as shall, on the said fifteenth day of *October*, one thousand seven hundred and eighty-four, remain in the warehouses of the said Company in entire lots, or in lots not diminished after the date of such agreement; be it further enacted by the authority aforesaid, That all bargains made by the said United Company respecting such tea as is herein-before described, as (having been sold at their sales) shall, on the said fifteenth day of *September*, one thousand seven hundred and eighty-four, remain in their warehouses not delivered to the buyers thereof, shall be, and they are hereby declared to be, null and void; and that the said Company shall forthwith grant to each of the said buyers a certificate of the sum of money which each of the said buyers shall have paid to the said United Company in respect thereof; which certificates shall be received by the said Company as and in lieu of cash to the same amount, in payment for any tea bought at their next ensuing sale; or, if not so tendered in payment, the said Company shall, upon demand, at any time after the prompt day, or day of payment, to be appointed for tea to be so bought at their next sale, pay the same in cash to the holder thereof.

Clause relative to tea sold by the Company, but which shall remain in their warehouses, in entire lots, &c. on Sept. 15, 1784.

VII. And be it further enacted, That it shall and may be lawful for all and every tea dealer, not residing within the bills of mortality, or the borough of *Southwark*, who shall, at the time of passing this act, have in his, her, or their possession, one or more entire chest or chests of tea in the same package in which it was originally imported into this kingdom by the United Company of merchants trading to the *East Indies*, and for which the inland duties shall have been paid by or in the name of such dealer, and which shall have been purchased at either of the two last sales of the said Company, and which shall have been conveyed directly from the warehouses of the said Company to the warehouse or shop of such tea dealer, to return such chest or chests of tea, by the most proper and speedy

Tea dealers, not residing within the bills of mortality; or borough of *Southwark*, who are possessed of any chests of tea in the package wherein it was imported, &c.

may return, the same to the Company's warehouse-keeper:

And if the Company are satisfied such tea has not been unpacked, etc. they are to allow the dealer the prime cost paid for the same, etc.

Company not obliged to receive any such chest, unless the particulars herein mentioned are complied with.

Owners of certain prize teas to be repaid the duties paid for such part as shall remain

conveyance, to the warehouse-keeper of the said Company; a list of which chests, containing an account of the number of each chest, the weight of tea contained in it, and the price which it cost at the Company's sale, together with the name of the ship in which it was imported, and the folio in which it was printed in the Company's sale book, shall be delivered to the warehouse-keeper of the said Company within eight days after the passing of this act, and the said chest or chests of tea shall be taken into the warehouses of the said Company; and if it shall appear, to the satisfaction of the said Company, that the tea which is contained in any chest so returned has not been unpacked since it was delivered from the warehouses of the said Company, but is the same which was originally contained therein, then the prime cost of such chest or chests of tea, which shall have been paid by such dealer or dealers, shall be allowed to such dealer or dealers, in part of payment for such tea purchased at the next sale of the *East India* Company; but if the said *East India* Company shall be of opinion that the tea contained in such chest or chests, so returned is not the same as was originally contained therein, or that any unfair practice shall have been made use of, it shall be lawful for the said Company to refuse such chest or chests of tea; and that, for every chest of tea accepted, as herein-before provided, by the said *East India* Company, the commissioners of excise shall deliver a certificate of the sum of money which has been paid for the inland duties on the tea contained in such chest, to the dealer returning the same; and such certificate shall be taken by the commissioners of his Majesty's customs in payment of the customs which shall be due on the teas to be purchased at the next sale of the *East India* Company; provided that every dealer shall, within five days after the passing of this act, deliver to the excise officer who usually surveys the stock of such dealer, a list of the teas proposed to be returned to the warehouses of the *East India* Company, in all respects similar to that herein-before directed to be delivered to the warehouse-keeper of the said Company.

VIII. Provided always, That no dealer shall be permitted to return to the *East India* Company any whole package either of green or black tea, unless it shall appear that such dealer had in his stock, at the last survey made thereof, previous to the first day of *August*, one thousand seven hundred and eighty-four, as much of either or both of those sorts, over and above the chests so intended to be returned, as would, according to his usual consumption, to be computed upon the average of the last four months previous to the said first day of *August*, be sufficient to supply the same from that time till the fifteenth day of *September* next; and an account of the usual consumption of such dealer, and of the amount of his stock of green and black teas respectively, at the time any whole packages are returned, shall be transmitted, by the officer of excise who usually surveys such dealer, to the commissioners of excise, and also to the warehouse-keeper of the *East India* Company; and such officer of excise shall also transmit to the directors of the *East India* Company an account of all teas which have, since the twenty-fifth day of *July* last, been taken into the stock of any dealer who shall send any chest of tea to be returned as aforesaid, to the end, that if it should appear to the said directors that there is just cause to suspect that any of the tea so taken into the stock of such dealer has not paid the full duties to which the same by law was liable, the said directors may, in such case, refuse to receive any teas whatever from such dealer.

IX. And whereas there are certain quantities of prize teas now remaining under the locks of his Majesty's officers of the customs and excise, for which the duties of customs have been paid, and certain other quantities of prize teas damaged by salt water are now remaining in two private warehouses under the survey of his Majesty's officers of excise, where they were

were removed for the convenience of drying the same, for which the duties of customs and excise have been paid; be it further enacted and declared, That it shall and may be lawful for the commissioners of his Majesty's treasury, or any three or more of them, to direct, by warrants under their hands, the commissioners of his Majesty's custom or excise respectively to repay to the owners or proprietors of such teas the amount of the duties which have been received for such part of the said teas as shall be remaining in the custody and under the survey above mentioned; on the fifteenth day of *September*, one thousand seven hundred and eighty-four; provided it shall be made appear, to the satisfaction of the said commissioners of the treasury, that the duties on the said teas, so remaining on the day above mentioned, have been actually received by the officers of the customs and excise: Provided always, That the owners or proprietors of the said teas shall pay the duty of eighteen pounds and ten shillings *per centum*, according to the prices at which the same were bought, for such parts or parcels thereof as shall be remaining under the locks of his Majesty's officers of customs or excise, or under survey in the two warehouses as above mentioned.

in the warehouses on Sept. 15, 1784:

But for which they shall pay the duty of 18 l. 10 s. per cent.

X. And be it further enacted by the authority aforesaid, That, from and after the tenth day of *October*, one thousand seven hundred and eighty-four, there shall be charged, raised, levied, and paid, unto his Majesty, his heirs and successors, the several and respective additional rates and duties upon all inhabited houses, as herein-after mentioned, according to the number of windows or lights in each; (that is to say);

[Here follow the several duties on windows (called "the Commutation Duties for Tea"), with clauses for regulating the mode of assessment, and for the appropriation of those duties, as well in England as in Scotland; and also clauses for imposing new duties on cocoa-nuts and coffee.]

25 GEORGII III. Cap. XLIV.

An Act for regulating Insurances on Ships, and on Goods, Merchandizes, or Effects.

WHEREAS it hath been found by experience, that the making or effecting insurances on ships or vessels, and on goods, merchandizes, and effects, in blank, and without specifying therein the name or names of any person or persons for whose use and benefit, or on whose account, such insurances are made or effected, hath been, in many respects, mischievous, and productive of great inconveniencies; for remedy whereof, 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 fifth day of *July*, one thousand seven hundred and eighty-five, it shall not be lawful for any person or persons, who shall live or reside in *Great Britain*, to make or cause to be made any policy or policies of assurance upon his, her, or their interest in any ship or ships, vessel or vessels, or on any goods, merchandizes, effects, or other property, without inserting, in such policy or policies, his, her, or their own name or names, as the person or persons interested therein, or the name or names of the person or persons who shall effect the same, as the

Preamble.

From July 5, 1785, no policy of insurance on ships or goods to be made, without inserting therein the names of the persons interested, or of their agents.

the agent or agents of the person or persons so really interested therein, or for whose use or benefit, or on whose account, such policy or policies is or are so made or underwrote; and that it shall not be lawful, from and after the said fifth day of July, one thousand seven hundred and eighty-five, for any person or persons who shall not live or reside in Great Britain, to make or cause to be made any policy or policies of assurance upon his, her, or their interest in any ship or ships, vessel or vessels, or on any goods, merchandizes, effects, or other property, without inserting in such policy or policies the name or names of the agent or agents of the person or persons so really interested therein, or for whose use or benefit, or on whose account, the same is or are so made or underwrote; and that every policy or policies of assurance, made or underwrote contrary to the true intent and meaning hereof, shall be null and void to all intents and purposes whatsoever.

Policies made contrary hereto, shall be void.

25 GEORGE III. Cap. LXXIV.

An Act for repealing the Duty imposed on Tea by an Act passed in the last Session of Parliament, and for granting other Duties in lieu thereof; for repealing so much of several Acts as relates to the Removal of Tea, for discharging the Officers of Excise to examine and certify the Exportation of exportable Commodities, and for better securing the Duties on Candles.

[So much thereof as relates to the East India Company.]

Preamble.

24 G. 3. c. 28.

WHEREAS by an act, passed in the last session of Parliament, intituled, *An act for repealing the several duties on tea, and for granting to his Majesty other duties in lieu thereof; and also several duties on inhabited houses; and upon the importation of cocoa nuts and coffee; and for repealing the inland duties of excise thereon;* it was enacted, That, from and after the fifteenth day of September, one thousand seven hundred and eighty-four, the several rates, duties, and other impositions upon tea, imported, sold, or used in this kingdom, should cease, determine, and be no longer paid or payable; and that upon all tea, which, from and after the said fifteenth day of September, one thousand seven hundred and eighty-four, should be delivered to the buyers thereof by the United Company of merchants of England trading to the East Indies, there should be paid to the King's Majesty, his heirs and successors, by the purchaser or purchasers of such tea, a duty of twelve pounds ten shillings *per centum*, to be computed upon the gross prices at which such tea should be sold; which duty should be paid as in and by that act is in that behalf directed and appointed: And whereas it is expedient that the said duty, by the said act granted upon tea, should be repealed; and in lieu of the said duty, by the said act granted upon tea, to grant unto his Majesty the two new duties of five pounds *per centum*, and seven pounds and ten shillings *per centum*, herein-after mentioned; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That, from and after the first day of August, one thousand seven hundred and eighty-five, the said duty, by the said act granted upon tea, shall cease, determine, and be no longer paid or payable, save and except in all cases relating to the recovering any arrears of the said duty, which may at that time remain unpaid, or

From Aug. 1, 1785, the duty on tea granted by the recited act repealed.

to any penalty or forfeiture, penalties or forfeitures, relating thereto respectively, which shall have been incurred upon, or at any time before the said first day of *August*, one thousand seven hundred and eighty-five.

II. And be it further enacted by the authority aforesaid, That upon all tea which, from and after the said first day of *August*, one thousand seven hundred and eighty-five, shall be sold by the said United Company, there shall be paid to the King's Majesty, his heirs and successors, one duty of five pounds *per centum*, to be computed upon the gross prices at which such tea shall be sold; and also one other duty of seven pounds and ten shillings *per centum*, to be also computed upon the gross prices at which such tea shall be sold; which said duties of five pounds *per centum*, and seven pounds and ten shillings *per centum*, shall be paid, by the purchaser or purchasers of such tea, to the said United Company, at such time or times as shall, by the conditions of such sales, be from time to time appointed for the payment of the price of such tea to the said United Company; and the said United Company shall at all times, together with the proper officers of the customs, make up an account of five pounds *per centum*, to be computed upon the gross prices at which such tea shall be sold, and pay the same to the collector inwards of his Majesty's customs, within forty days after the expiration of each quarterly sale; which said duty of five pounds *per centum* shall be under the management of the commissioners of the customs for the time being, and shall be again drawn back and repaid upon the exportation of such tea to any place where a drawback of the duty on tea is now allowed by law; and the said United Company shall also, at all times, together with the proper officer of excise, make up an account of seven pounds and ten shillings *per centum*, to be computed upon the gross prices at which such tea shall be sold, and pay the same to the commissioners of excise for the time being, within forty days after the expiration of each quarterly sale; which last mentioned duty shall be, and shall be deemed and taken to be an inland duty, and shall be under the management of the commissioners of excise for the time being, and shall be again drawn back and repaid upon the exportation of such tea to any place where a drawback of the duty on tea is now allowed by law; and such tea shall and may, from time to time, be exported to any place or places, where the exportation of tea is now allowed by law, upon the same terms and conditions, and under and subject to the same rules, restrictions, regulations, and provisions, (not otherwise directed by this act), which in and by an act made in the twenty-first year of the reign of his late Majesty King George the second, intituled, *An act for permitting tea to be exported to Ireland, and his Majesty's plantations in America, without paying the inland duties charged thereupon by an act of the eighteenth year of his present Majesty's reign; and for enlarging the time for some of the payments to be made on the subscription of six millions three hundred thousand pounds, by virtue of an act of this session of Parliament; or in or by any other act or acts of Parliament relating to the exportation of tea, in force at the time of the passing of the said act, made in the last session of Parliament, are contained, provided, settled, or established, relating to the exportation of tea; and such rules, restrictions, regulations, and provisions, shall be in full force, and be duly observed, practised, applied, used, and put in execution, throughout the whole kingdom of Great Britain, upon such exportation of any such tea, any thing herein, or in any other act or acts of Parliament, contained to the contrary in any-wise notwithstanding.*

New duties in lieu thereof

Duty of 5 per cent. to be under the management of commissioners of customs, etc.

Duty of 7 l. 10 s. per cent. to be under the management of the commissioners of excise, etc.

22 G. 2. C. 14.

Provisions in said act, etc. relative to exportation of tea, to be applied in executing this act.

III. And be it further enacted by the authority aforesaid, That in case the monies by the said act of the last session of Parliament, directed to be

Receiver general of the customs, in case of a sur-

plus of duties,
to pay the
same to the
commissioners
of excise.

The 5 per
cent. duty
(except the
surplus) to be
paid into the
exchequer ;

and also the
7 l. 10 s. per
cent. duty.

Application of
the duties.

In case of a
deficiency of
duties, the
same to be
made good
out of the
sinking fund.

paid to the receiver general of the customs, (other than the duty on tea hereby repealed), shall, together with the monies arising by the said duty of five pounds *per centum*, by this act granted, at any time in any one quarter (the necessary costs, charges and expences of raising, receiving, collecting, levying, accounting for, and paying the same being first deducted), exceed the sum of eighty-seven thousand one hundred and thirty-six pounds, sixteen shillings, and eight-pence farthing, the said receiver general shall pay over such excess or surplus into the hands of the said commissioners of excise for the time being.

IV, And be it further enacted by the authority aforesaid, That all the monies that shall arise by the said duty of five pounds *per centum*, granted by this act, (other than and except such excess or surplus as aforesaid), and all the arrears of the said duty hereby repealed, shall be applied and paid by the said collector inwards, into the receipt of the exchequer, upon the several distinct heads of *Subsidy* or *Customs*, as the duty hereby repealed has been paid in there, pursuant to the said act of the last session of Parliament; and the said duty of seven pounds and ten shillings *per centum*, hereby granted, together with such excess or surplus as aforesaid, shall (all costs, charges, and expences of raising, receiving, collecting, levying, accounting for, and paying the same, being first deducted) be, by the said commissioners of excise for the time being, distributed in due proportion to the respective heads of excise to which the inland duties on teas, repealed by the said act of the last session of Parliament, were applicable, and shall be by them paid into the receipt of the exchequer, at the rate of one hundred and thirty-eight thousand nine hundred and seventy-nine pounds, five shillings, and ten-pence halfpenny *per quarter*; and such monies, so paid into the receipt of the exchequer, by the said collector inwards, and commissioners of excise, respectively, shall be applied to the same uses and purposes as the said duty on tea, repealed by the said act of the last session of Parliament, were applicable unto; and in case, in any one quarter, the monies arising by the duties granted by the said act of the last session of Parliament, (other than the duty on tea hereby repealed), together with the said duty of five pounds *per centum* by this act granted, over and above all costs, charges, and expences of raising, receiving, collecting, levying, accounting for, and paying the same, shall be less than the sum of eighty-seven thousand one hundred and thirty-six pounds, sixteen shillings, and eight-pence farthing, the said receiver general shall return a certificate thereof into the office of the auditor of the receipt of the exchequer aforesaid; and in case, in any one quarter, the monies arising by the duty of seven pounds and ten shillings *per centum* by this act granted, together with such excess or surplus as aforesaid, over and above all costs, charges, and expences of raising, receiving, collecting, levying, accounting for, and paying the same, shall be less than the sum of one hundred and thirty-eight thousand nine hundred and seventy-nine pounds, five shillings, and ten-pence halfpenny, the said commissioners of excise shall return a certificate thereof into the said office of the auditor of the receipt of the exchequer aforesaid; and such deficiencies respectively shall, from time to time, be made good by or out of such money as shall be or remain in the receipt of the exchequer or for the surplusses, excesses, or overplus money, or other revenues composing the fund commonly called *The Sinking Fund*, at the quarter day next after the said certificates respectively shall have been returned into the office of the auditor of the said receipt; and whatever monies shall be issued out of the said fund to make good such deficiencies respectively, shall be replaced by or out of the first supplies to be there- after granted by Parliament.

V. Pro-

V. Provided always, and be it enacted, That the receipts of the commissioners of excise, or the major part of them, shall be a sufficient discharge to the receiver general of the customs for such monies as he shall pay to them in pursuance of this act, and such receipts shall severally be allowed by the proper officer or officers in passing the accounts of such receiver general.

Receipts of commissioners of excise a sufficient discharge to receiver general of customs.

VI. And be it further enacted by the authority aforesaid, That if the monies hereby directed to be paid to the commissioners of excise shall, in any one quarter, produce, over and above all costs, charges, and expences or raising, receiving, collecting, levying, accounting for, and paying the same, more than sufficient to satisfy the said sum of one hundred and thirty-eight thousand nine hundred and seventy-nine pounds, five shillings, and ten-pence halfpenny, the surplus which remains, after satisfying that sum, shall be paid by the said commissioners of excise into the said receipt of the exchequer, and be applied towards making good the like sums charged upon the said subsidy and duty on houses, windows and lights, in the next succeeding quarter.

Surplus of duties, how to be applied.

VIII. And whereas, by a clause in a certain act, made in the twenty-first year of his present Majesty's reign, intituled, *An act for repealing the duties payable upon chocolate made in Great Britain, and for granting certain inland duties upon cocoa nuts in lieu thereof; for the better and more effectual securing the revenue of excise, and of the inland duties under the management of the commissioners of excise, and for preventing frauds therein; for the more punctual and ready payment of the allowances to be made to brewers out of the additional duties imposed on malt; and for redressing a mistake in an act made in this present session of Parliament, with respect to the exempting of candles from the additional duty of five pounds per centum upon the duties of excise imposed by the said act*; it was enacted, That no tea, exceeding the quantity of forty pounds weight, not being in the original chest in which the same tea was imported into this kingdom by the United Company of merchants of England trading to the East Indies, and then continuing in the same state in which it was so imported, at any one time, directed to one and the same person, or persons where there are two or more in joint trade or partnership, should be removed or carried from any city, town, parish, or place, in this kingdom, nor being within the limits of the weekly bills of mortality, or of the chief office of excise in London, to any other place out of the limits aforesaid, not within the said city, town, parish, or place, from which the same should be so removed or carried, under and subject to the forfeitures in the said act mentioned; and by another clause in a certain other act, made in the twenty-second year of his Majesty's reign, intituled, *An act for repealing the duties payable for beer and ale above six shillings the barrel, exclusive of the duties of excise, and not exceeding eleven shillings the barrel, exclusive of such duties, and for granting other duties in lieu thereof; for granting additional duties on coaches, and other carriages therein mentioned; and also additional duties on soap made in Great Britain, and upon the produce of the said additional duties on coaches and on other carriages; and for the better securing the duty upon tea, and other duties of excise; and also for appointing the number of commissioners of excise who may bear causes depending before them relative to the duties on male servants; the removing or carrying tea, exceeding the quantity of twenty pounds weight, in manner in the same act mentioned, was prohibited, under the forfeitures in the same act mentioned; and the last mentioned clause is amended and enforced by another clause in a certain other act of Parliament, made in the twenty-third year of his Majesty's reign, intituled, *An act for the more effectual preventing the illegal importation of foreign spirits, and for putting a stop to the private distillation of British made spirituous liquors; for explaining such**

Recital of a clause in an act Geo. 3. c. 55.

22 G. 3. c. 68.

23 G. 3. c. 70.

part

part of the act imposing a duty upon male servants, as relates to, the right of appeal from the justices of the peace; to amend and rectify a mistake in an act of the last session of Parliament, with respect to the removal of tea from one part of this kingdom to other parts thereof; and for preventing vexatious actions against officers of excise acting in pursuance of the authority given by excise statutes; whereby it is enacted, That if any tea, exceeding the quantity of twenty pounds weight at any one time, directed to one and the same person, or persons (where there are two or more in joint trade or partnership), and not being in the original chest, in which the same was imported into this kingdom by the United Company of merchants of England trading to the East Indies, and then continuing in the same state in which it was imported, should be found removed or carried, or removing or carrying, whether with or without permit, from any city, town, parish, or place, in this kingdom, not being within the limits of the weekly bills of mortality, or of the chief office of excise in London, to any other place out of the limits aforesaid, not within the said city, town, parish, or place, from which the same should be so removed or carried, all such tea, together with the canisters, bags, and other package, containing the same, and the vessels and boats, and the horses, and other cattle and carriages employed in removing and carrying the same, should be forfeited, and should and might be seized by any officer or officers of excise: And whereas the restraining the removing tea from one city, town, parish, or place to another, without the limits of the chief office of excise in London, to so small a quantity at one time as twenty pounds weight, has been found inconvenient; be it therefore enacted, That, from and after the first day of August, one thousand seven hundred and eighty-five, the said several clauses shall be, and the same are hereby repealed.

From Aug. 1, 1785, the recited clauses repealed.

All the powers and provisions in so Geo. 3. c. 10. and other acts in force at the passing the tea act of last session, for raising, recovering, etc. the duty thereby granted, to be deemed to have been in force for securing the duty granted by the said tea act, and shall be applied in executing this act.

IX. And be it further declared and enacted, That all the powers, authorities, methods, rules, directions, regulations, penalties, forfeitures, provisions, clauses, matters, and things, which, in and by an act made in the tenth year of the reign of his late Majesty King George the First; intituled, *An act for repealing certain duties therein mentioned, payable upon coffee, tea, cocoa nuts, chocolate, and cocoa paste imported; and for granting certain inland duties in lieu thereof; and for prohibiting the importation of chocolate ready made, and cocoa paste; and for better ascertaining the duties payable upon coffee, tea, and cocoa nuts imported; and for granting relief to Robert Dalzell, late Earl of Carnwath; or in any other act or acts of Parliament, relating to the duties upon tea, in force at the time of passing of the said act made in the last session of Parliament, are contained, provided, settled, or established, for managing, assessing, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, or securing the duty thereby granted, and for preventing, detecting, and punishing frauds relating thereto, shall be deemed and taken to have been in full force, to all intents and purposes, from the time of the passing of the said act of the last session of Parliament, for the managing, assessing, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, or securing the said duty hereby repealed, and for preventing, detecting, and punishing frauds relating thereto; and the same powers, authorities, methods, rules, directions, regulations, penalties, forfeitures, provisions, clauses, matters, and things, shall be and continue in full force, and be duly observed, practised, applied, used, and put in execution, throughout the whole kingdom of Great Britain, in and for the managing, assessing, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, and securing the said several duties by this act granted, and for preventing, detecting, and punishing frauds relating thereto, as fully and effectually, to all intents and purposes (so far*

as the same are not altered by this act), as if the said powers, authorities, methods, rules, directions, regulations, penalties, forfeitures, provisions, clauses, matters, and things, had been expressly inserted and re-enacted in the said act, passed in the last session of Parliament, or in this act.

X. Provided always, That nothing in this act contained shall extend to subject any person or persons to any penalty or forfeiture for any act done or committed by him or them before the passing of this act, to which such person or persons would not have been liable if this act had not been made, any thing herein before contained to the contrary in any wise notwithstanding.

Not to subject to forfeitures before the passing hereof.

XVI. And whereas by another act of Parliament, made in the tenth year of the reign of Queen Anne; for laying several duties upon all *sope and paper made in Great Britain, or imported into the same; and upon chequered and striped linens imported; and upon certain silks, calicoes, linens, and stuffs, printed, painted, or stained;* and also by another act, made in the twelfth year of the reign of Queen Anne; for laying additional duties on *sope and paper, and upon certain linens, silks, calicoes, and stuffs,* the duties of excise, or inland duties, payable on silks, calicoes, linens, or stuffs, printed, painted, stained, or dyed in Great Britain, are allowed to be drawn back on the exportation of such goods to foreign parts by way of merchandize, and several regulations are provided by the said acts for preventing frauds in the exportation or relanding of such goods; and certain powers and authorities are thereby given to the customers or collectors, or other officers of his Majesty's customs, at the respective ports or places of exportation of the said goods, to administer certain oaths, and to take securities for the due exportation of the said goods, and to grant to the exporter certificates or debentures for the allowance of the duties on goods so exported; And whereas the requiring those regulations, powers, and authorities, to be observed and executed by the customers, collectors, or other officers of his Majesty's customs, has been found inconvenient; be it therefore enacted, That, from and after the tenth day of August, one thousand seven hundred and eighty-five, those parts of the aforesaid two acts of Queen Anne, which require the said regulations, powers, and authorities, to be observed and executed by the customers, collectors, or other officers of his Majesty's customs, shall be repealed, and shall be no longer observed or practised; and that, instead thereof, it shall be lawful for such officer or officers of excise as the commissioners of excise shall appoint for that purpose, and they are hereby required to execute all and every the said regulations, powers, and authorities, as fully and effectually as the customers, collectors, or other officers of the customs, might have done before the passing this act.

Recital of 10 Anne, c. 19.

and 12 Anne, c. 9.

From Aug. 10, 1785, certain parts of the recited acts repealed.

XVII. And be it further enacted by the authority aforesaid, That from and after the said tenth day of August, one thousand seven hundred and eighty-five, it shall be lawful for any person or persons who shall have paid all his Majesty's duties for any such silks, calicoes, linens, or stuffs, printed, painted, stained, or dyed in Great Britain, or for any person or persons who shall buy, or be lawfully intitled to any such goods from the person or persons who actually paid his Majesty's said duties, at any lawful quays, and in the lawful hours, to export any such goods, for which all the duties shall have been paid, to any foreign parts by way of merchandize, upon the terms, and according to the directions, hereinafter mentioned; that is to say, the person or persons intending to export any such goods shall give twelve hours notice within the limits of the chief office of excise in London, and twenty-four hours notice in other places in Great Britain, of his intention to pack up such goods in order to be exported, and of the time and place when and where the same are intended

From Aug. 10, 1785, any such silks, etc. for which the duties have been paid, may be exported.

Notice to be given before packing the same.

to be packed up, to the officer or officers of excise who shall be appointed for that purpose by the respective commissioners of excise in *England* or *Scotland*; and such officer or officers shall attend to see such goods packed up, and shall take care to measure the said goods, and to see that the seals or stamps, denoting the payment of the duties thereupon, are taken off from every piece of such goods before the same are packed up; and every such piece shall be packed up in the presence of such officer or officers, and shall be secured with such fastenings, and sealed with such seal or mark, and in such manner, as the said respective commissioners shall direct; and if any person shall open such package, or wilfully destroy or deface such seal or mark, (save and except the officer of excise at the port of exportation, as herein-after mentioned), every person so offending shall forfeit and lose the sum of twenty pounds for every such offence; and the officer or officers who saw the said commodities packed up shall take an account of the kinds and quantities of such goods so intended to be exported, and make a return thereof to the officer, who shall be appointed by such commissioners to receive the same, at the port of exportation, without any fee or reward for so doing.

Penalty on opening packages, &c.

On failure of beginning to pack agreeable to former notice, a fresh notice to be given.

XVIII. Provided always, That if the person or persons so intending to export such goods, shall not begin and proceed to pack up the same at the time mentioned in such notice, or within one hour after such time, then such notice shall be void; and such person or persons, so intending to pack up such goods, shall be obliged to give a fresh notice to such officer or officers, of the time and place when and where such goods are intended to be packed up in order to be exported.

XIX. And whereas, by an act passed in the present session of Parliament, intituled, *An act for repealing the duties on linens to be printed, painted, stained, or dyed in Great Britain, imposed by an act made in the last session of Parliament, and for granting other duties in lieu thereof; and on cotton stuffs, muslins, fustians, velvets, and velverets, wove in Great Britain, to be printed, stained, painted, or dyed; and upon the importation of linens, cotton stuffs, muslins, fustians, velvets, and velverets, printed, stained, painted, or dyed in foreign parts*, every piece of linen or stuffs, or stuffs made of cotton, to be printed, painted, stained, or dyed in *Great Britain*, after the first day of *August*, one thousand seven hundred and eighty-five, is required to have a seal or stamp denoting the payment of the duties thereupon, and also a frame mark denoting the measure thereof, at both ends of every such piece; and all the regulations of the said act are enacted to extend to all silks, calicoes, linens, and stuffs to be printed, painted, stained, or dyed, in *Great Britain*, after the said first day of *August*, one thousand seven hundred and eighty-five; be it enacted by the authority aforesaid,

25 G. 3. c. 72.

Directions relative to silks, calicoes, &c. painted or dyed before Aug. 1, 1785, and designed for exportation.

That whenever any person shall be desirous of packing up, in order to be exported, any piece or pieces of such silks, calicoes, linens, or stuffs, printed, painted, stained, or dyed, before the said first day of *August*, one thousand seven hundred and eighty-five, and not having such seals or stamps denoting the payment of the duties, and such frame marks denoting the measure thereof, at both ends of such piece or pieces, such person, or his clerk or manager, shall make oath (or, being a quaker, affirmation) before the surveyor or supervisor, or other officer of excise appointed by the commissioners of excise for that purpose, (who is hereby authorised and required to administer the same), that all and every such piece and pieces were printed, painted, stained, or dyed in *Great Britain* before the said first day of *August*, one thousand seven hundred and eighty-five; and such officer or officers shall not permit to be packed up, in order to be exported, any piece of silk, linen, or stuffs, which shall have been printed, painted, stained, or dyed in *Great Britain*, after the said first day of *August*,

one

one thousand seven hundred and eighty-five, not having the seals or stamps denoting the payment of the duties, and also the frame marks denoting the measure thereof, distinct and plain, at both ends of every such piece; which frame marks shall be cut off from both ends, at the same time as the seals or stamps denoting the payment of the duties are cut off from the same; and the person or persons intending to export such goods shall also give six hours notice of the time and place of shipping such goods, unto the officer of excise of the place where the same shall be shipped, who shall attend and see the same put on shipboard; and the exporter of the said goods shall also, before the shipping the same, give sufficient security, to be approved of by the commissioners of excise, or the person by them appointed for that purpose, in treble the value of the duty intended to be drawn back; that the particular goods so intended to be exported, and every part thereof, shall be shipped and exported, and shall not be unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, shipwreck, or other unavoidable accident, excepted; which security the officer of excise of the port where the said goods shall be exported, is hereby directed to take in his Majesty's name, and to his Majesty's use; and the said exporter, or his clerk or manager, shall make oath, (or affirmation, if a quaker), that he believes the duties upon such goods had been paid, and that such goods are the same that are described in the account sent as aforesaid by the officer in whose presence the same were packed, to the officer attending the shipping, (which oath or affirmation the surveyor or supervisor, or other officer appointed by the commissioners for that purpose, is hereby authorized and required to administer); and the said surveyor or supervisor, or other officer aforesaid, and the officer who attended the shipping the said goods, being satisfied of the truth thereof, shall, within one month after the exportation of the said goods, give to the said exporter, or his clerk or manager, a certificate or debenture, expressing the quantities and kinds of such goods, and that all the duties have been paid for the same, and that security has been given before the shipping the same for the due exporting the same; and such certificate or debenture being produced to the collector of the port where the same goods were exported, he shall forthwith pay or allow, to the persons so exporting the same, or their agents, a drawback or allowance of the duties before paid for such goods so exported; and if such collector shall not have money in his hands to pay the same, then the respective commissioners of excise in *England* or *Scotland* are required to pay the said drawback or debenture out of the duties upon silks, callicoes, linens, or stuffs, printed, painted, stained, or dyed in *Great Britain*.

Exporter to give security that the goods shall not be re-laded in *Great Britain*, &c.

Surveyor, &c. within a month after exportation, to give a certificate to the exporter, which shall intitle him to a drawback.

XX. Provided always, That it shall be lawful for the officer attending the shipping such goods, if he shall think it necessary, to open and examine such goods at the port of exportation, in order that he may be satisfied that such goods are the same that are described in the account sent to him by the officer in whose presence the goods were packed.

Officer attending the shipping of goods may examine the same.

XXI. Provided always, That if, after the shipping any such goods, or giving or tendering such security as aforesaid, in order to obtain an allowance or drawback of the duties thereupon, the same goods, or any part thereof, shall be unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, shipwreck, or other unavoidable accident, excepted; then, and in every such case, over and above the penalty of the bond, which shall be levied and recovered to his Majesty's use, all the said goods which shall be so unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, shipwreck, or other unavoidable accident, excepted, or the value thereof, shall be forfeited, and may be seized by any officer of the customs or excise.

Goods, after shipped for exportation, re-laded, shall be forfeited.

XXII. Pro-

Not to authorise the exportation of any other goods,

or in any other manner, than might be done before the passing hereof.

Not to intitle exporters, to any new drawback.

All the powers, penalties, etc. contained in 12 Car. 2. cap. 24. or any other law relating to excise duties, for collecting and recovering the duties thereby granted, shall be applied in executing this act.

Penalties and forfeitures how to be recovered and applied.

Limitation of actions.

General issue.

Treble costs.

XXII. Provided always, That nothing in this act contained shall extend to authorise any person or persons to export any goods whatsoever, to any foreign parts whatsoever, other than such person or persons might have done by law before the making this act.

XXIII. Provided also, That nothing in this act contained shall authorise any person or persons to export any goods whatsoever, in any manner whatsoever, other than such person or persons might have done before the making this act, save and except as in this act is expressly provided.

XXIV. Provided also, That nothing in this act contained shall extend to intitle any person or persons to any other drawback or allowance, upon the exportation of any goods whatsoever, than such person or persons would have been intitled to by law upon the exportation of such goods before the making this act.

XXXII. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, and forfeitures, clauses, matters, and things, which in and by an act made in the twelfth year of the reign of King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and senures in capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenue of excise, or inland duties under the management of the commissioners of excise, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, paying, mitigating, or recovering, adjudging, or ascertaining, the duties or penalties thereby granted, and for preventing, detecting, and punishing of frauds relating thereto; (other than in such cases for which other penalties or provisions are prescribed by this act), shall be exercised, practised, applied, used, and put in execution, in and for the managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering, and paying the several duties hereby granted, as fully and effectually to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, matters, and things, were particularly repeated and again enacted in this present act.

XXXIII. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall be sued for, recovered, levied, or mitigated, by such ways, means, or methods, as any fine, penalty, or forfeiture may be sued for, recovered, levied, or mitigated by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall inform, discover, or sue for the same.

XXXIV. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any thing by him or them done in pursuance of this act, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county; and the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

26 GEORGII III. Cap. XVI.

An Act to explain and amend certain Provisions of an Act, made in the Twenty-fourth Year of the Reign of his present Majesty, respecting the better Regulation and Management of the Affairs of the East India Company.

WHEREAS, by virtue of an act, made and passed in the twenty-fourth year of his present Majesty's reign, intituled, *An act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India; and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies*, it is enacted, That whenever any vacancy of the office of Governor-general or president, or of any member of the council, shall happen in any of the presidencies of *Fort William in Bengal, Fort Saint George, or Bombay* respectively, the court of directors of the said United Company shall proceed to nominate and appoint a fit person to supply such vacancy from amongst their covenanted servants in *India*, except to the office of Governor-general, or the office of Governor or President of *Fort Saint George, or Bombay*, or of any commander in chief, to which several offices the said court of directors have liberty to appoint any other person or persons: And whereas a doubt may arise whether, according to the strict letter of the said act, the nominations and appointments, made or to be made by the said court of directors, of any of the covenanted servants of the said Company to supply the vacant office of any counsellor or counsellors in any of the presidencies aforesaid, are or would be valid or effectual, unless such covenanted servants were actually resident in *India* at the times of the making of such nominations and appointments respectively: Therefore, for obviating any such doubt, may it please your most excellent Majesty that it may be enacted and declared; and be it enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the nominations and appointments which have been, or shall hereafter be made by the said court of directors, for supplying any such vacancy or vacancies as aforesaid, of any person or persons under covenant, or who shall have been under covenant to serve the said United Company in *India*, were and shall be accepted, held, and taken to have been and hereafter to be valid and effectual, wherefoever such persons were or may happen to be resident at the times of the making such nominations and appointments respectively.

II. Provided always, and be it further enacted by the authority aforesaid, That the said court of directors shall not appoint any person to be of the council, in any of the said presidencies, (other than the Governor-general, or the governor or president, or commander in chief), who shall not, at the time of his appointment, have been twelve years at the least, in the whole, resident in *India*, in the civil line of the Company's service; and if any such appointment other than as aforesaid shall be made, the same shall be null and void.

III. And whereas it is in and by the said act also enacted, That when and so often as the number of members of any of the councils of *Fort William, Fort Saint George, or Bombay*, shall by death or absence, or by reason of sickness, or otherwise, for fourteen days, be reduced to two,

Preamble.

24 Geo. 3. c. 25.

Certain nominations of covenanted servants by the court of directors declared valid.

No person to be appointed of the council (except the Governor-general, &c.) who has not been 12 years in the civil line of service.

The 27th section of 24 Geo. 3. c. 25. recited.

including the Governor-general, or president of such council, the person who shall stand senior in such provisional appointment as is therein-before mentioned, or in case there shall be no such appointment, then the senior civil servant of the said Company upon the spot shall be called to such council, and shall have a voice therein, in like manner as if he had been appointed thereunto by the said directors: And whereas the said recited clause or provision hath been productive of difficulty and embarrassment: and repealed. Be it therefore further enacted by the authority aforesaid, That so much and such part of the said recited act, as directs that the senior civil servant of the Company upon the spot shall, upon any of the occasions, or in any of the events aforesaid, be called to the council of any of the said presidencies, or have voice therein, shall be, and the same is hereby repealed.

Temporary
councillors
how to be ap-
pointed at
Fort William,
&c.

IV. And be it further enacted, That when and so often as the number of members of any of the councils of *Fort William*, *Fort Saint George*, or *Bombay*, shall, by death or resignation, be reduced to two, including the Governor-general, or the president of such council for the time being respectively, and there shall happen to be no person on the spot provisionally appointed to succeed to a seat in such council, the governor-general and council within the presidency of *Fort William*, and the Governor or president and council of *Fort Saint George*, and the Governor or president and council of *Bombay*, within their respective presidencies, shall, and they are hereby severally required to call to such their respective councils such person from amongst the civil servants of the said Company in such government or presidency respectively, who shall have been in the service of the said Company in *India*, as a covenanted servant, for the space of twelve years, at the least, in the whole, as the said Governor-general and council, or governors or presidents and councils, in their several presidencies, shall severally and respectively think fit; and the person so called shall have a seat and voice in council, and continue to be a member thereof until the vacancy shall be duly supplied and filled, according to the directions of the said recited act, and this present act; and that every person who shall be so called by the said Governor-general and council, or governors or presidents and councils respectively, to a seat in the council of any of the said presidencies, shall be entitled, for the time he shall continue therein, to the salary and allowance annexed to that office or station, and shall and may continue to hold any other office or employment which he enjoyed at the time of his being called to a seat in council, if compatible therewith; or such office or employment shall and may be held by any deputy, approved and allowed by order in council, during the time of the person so called holding his seat at the council board, such deputy receiving the profits and emoluments thereof for his own use and benefit.

Part of the
18th and 19th
sections of 24
Geo. 3. c. 25.
relative to
commanders
in chief, re-
pealed.

V. And whereas it is in and by the said recited act enacted, That the commander in chief of the Company's forces in *India* for the time being shall have voice and precedence in the supreme council next after the Governor-general of *Fort William*; and that the commanders in chief at *Fort Saint George*, and *Bombay*, shall respectively be of the council in the said respective presidencies: And whereas it may be more expedient that any such commander in chief should not, by virtue of his said office, be a member of any of the said respective councils, unless he be specially appointed thereto: Be it therefore enacted, That so much and such part of the said act as directs, that the commander in chief of the Company's forces in *India* for the time being, or the commanders in chief in the presidencies or settlements of *Fort Saint George* and *Bombay*, shall, by virtue of their said respective offices, be a member or members

of

of any of the councils of *Fort William*, *Fort Saint George*, or *Bombay*, respectively, or have any voice or precedence therein, shall be, and the same is hereby repealed.

VI. Provided always, and be it enacted, That nothing in this or in any former act contained shall extend to preclude the court of directors of the said United Company from appointing the commander in chief of the Company's forces in *India* to be Governor-general, or a member of the supreme council at *Fort William* in *Bengal*; or from appointing either of the said commanders in chief of *Fort Saint George* and *Bombay*, to be president or member of the council for the presidency wherein he shall so be the commander in chief; or to prevent or preclude the court of directors of the said Company from appointing the Governor-general of *Bengal*, or any other member of the supreme council for the time being, to be the commander in chief of the Company's forces in *India*; or from appointing either of the governors or presidents of *Fort Saint George* and *Bombay*, or any of the members of council of the said respective presidencies for the time being, to be commander in chief of the forces within the same presidency of which he shall be the governor or president, or a member of council, if the said court of directors shall think fit and expedient so to do.

Directors may appoint commander in chief to be Governor-general, etc. at *Fort William*; or commander in chief of *Fort Saint George*, or *Bombay*, to be president there; etc.

VII. And whereas it would tend greatly to the strength and security of the *British* possessions in *India*, and give energy, vigour, and dispatch to the measures and proceedings of the executive government within the respective presidencies, if the Governor-general of *Fort William* in *Bengal*, and the several governors or presidents of *Fort Saint George* and *Bombay*, were vested with a discretionary power of acting without the concurrence of their respective councils, or forbearing to act, according to their opinions in cases of high importance, and essentially affecting the publick interest and welfare, thereby subjecting themselves personally to answer to their country for so acting or forbearing to act; be it therefore enacted; That when and so often as any measure or question shall be proposed or agitated in the supreme council at *Fort William* in *Bengal*, or in either of the councils of *Fort Saint George* and *Bombay*, whereby the interests of the said United Company, or the safety or tranquillity of the *British* possessions in *India*, or any part thereof, are or may, in the judgement of the Governor-general, or of the presidents of such councils respectively, be essentially concerned or affected; and the said Governor-general, or such presidents respectively, shall be of opinion, that it will be expedient either that the measures so proposed or agitated ought to be adopted or carried into execution, or that the same ought to be suspended, or wholly rejected, and the several other members of such council then present shall differ in, and dissent from such opinion, the said Governor-general, or the president of such council, and the other members thereof, shall, and they are hereby directed forthwith mutually to exchange with, and communicate in council to each other in writing, under their respective hands, (to be recorded at large on their secret consultations), the respective grounds and reasons of their respective opinions; and if, after considering the same, the said Governor-general or the said presidents respectively, and the other members of the said council, shall severally retain their opinions, it shall and may be lawful to and for the said Governor-general in the supreme council of *Fort William*, or for either of the said governors or presidents in their respective councils, to make and declare any order (to be signed and subscribed by the said Governor-general, or by the governor or president making the same) for suspending or rejecting the measure or question so proposed or agitated, in part or in whole, or to make and declare such order and resolution for adopting and carrying the measure so proposed

In extraordinary cases, the Governor-general, etc. may act without the concurrence of the council,

or agitated into execution, as the said Governor-general, or the said governors or presidents in their respective councils, shall think fit and expedient; which said last mentioned order and resolution, so made and declared, shall be signed, as well by the said Governor-general, or the governor or president, so making and declaring the same, as by all the other members of the council then present, and shall be as effectual and valid to all intents and purposes, as if all the said other members had advised the same, or concurred therein; any thing in the said former act contained to the contrary notwithstanding: And the said members of council, and all officers civil and military, and all other persons concerned, shall be, and they are hereby commanded, authorized, and enjoined to be obedient thereto, and to be aiding and assisting in their respective stations in the carrying the same into execution.

Governor-general, etc. to be responsible.

VIII. And be it further enacted, That the said Governor-general, or the governor or president, who shall declare and command any such order or resolution to be made and recorded without the assent or concurrence of any of the other members of council, shall alone be held responsible for the same, and the consequences thereof.

Restriction of the powers given to the Governor-general, etc.

IX. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to give power to the said Governor-general of *Fort William in Bengal*, or to either of the said governors or presidents of *Fort Saint George* and *Bombay* respectively, to make or carry into execution any order or resolution which, before the passing of this act, could not have been lawfully made and executed with the concurrence of the councils of their respective governments or presidencies; any thing herein contained to the contrary notwithstanding.

Discretionary powers not to be exercised by any Governor-general, etc. who shall casually succeed to such office.

X. Provided also, and be it further enacted and declared, That nothing in this act contained shall extend, or be construed to extend, to give any discretionary power or authority of acting, or forbearing to act, without the concurrence of the other members of council, unto any person on whom the said office of Governor-general, or the said office of governor or president, respectively, shall happen to devolve, by the death or resignation of any Governor-general, governor or president, for the time being respectively, unless such person shall have been provisionally appointed to succeed to such respective office by the court of directors of the said Company, or unless and until he shall be afterwards confirmed in the said office by the said court; but that, during the time any of the said offices shall be so held and executed by any person, on whom the same shall have so casually devolved, unless he shall have been so provisionally appointed thereto, or until he shall be so confirmed therein as aforesaid, all matters, acts, orders, and resolutions of the respective council wherein such persons shall so preside, shall be determined by the majority of the council, in the like manner as if this act had not been made, any thing herein-before contained to the contrary notwithstanding.

Certain cases in which the new powers shall not be exercised by the Governor-general, etc.

XI. Provided also, and be it enacted, That nothing herein contained shall intitle the said Governor-general of *Fort William in Bengal*, or either of the governors or presidents of *Fort Saint George* and *Bombay*, respectively, to make or carry into execution any order or resolution without the concurrence of the councils of their respective governments, in any matter which shall come under the consideration of the said Governor-general and governors or presidents, and their councils respectively, in their judicial capacity, or with respect to the making or repealing or suspending any general rule, order, or regulation, for the good order and civil government of the said United Company's settlements, or with respect to the imposing of any tax or duty within their respective governments or presidencies.

XII. And be it further enacted, That all orders and other proceedings of the said supreme council, and of the said councils of *Fort Saint George* and *Bombay*, respectively, shall in future be expressed to be made by the *Governor-general in council*, or by the *governor or president in council*, and not otherwise; and that all the said orders and proceedings, previous to their being published in the respective presidencies, shall be signed by the chief secretary to the council of the presidency, or his deputy for the time being, by the authority of the *Governor-general in council*, or the *governor or president in council*; any act or usage to the contrary notwithstanding.

By whom the orders of the supreme council, &c. shall be expressed to be made.

XIII. And whereas the principle of promotion and advancement intended to be established by the said act, so far as relates to the civil line of the Company's service in *India*, may be carried into effect with more convenience to the publick service in the manner herein-after directed, be it therefore further enacted, That all vacancies, happening in any of the offices, places, or employments, in the civil line of the Company's service in *India*, (being under the degree of a member of the council), shall be from time to time filled up and supplied from amongst the servants of the said Company belonging to the presidency wherein such vacancies shall respectively happen, subject only to the restrictions in this act contained, and no otherwise; any thing in the said former act contained to the contrary notwithstanding.

Vacancies in civil offices how to be supplied.

XIV. Provided always, and be it enacted, That in the filling up and supplying such vacancies, no office, place, or employment, the salary, perquisites, and emoluments whereof shall exceed five hundred pounds *per annum*, shall be conferred upon or granted to any of the said servants, who shall not have been actually resident in *India*, in the Company's service, for the space of three years at the least in the whole, antecedent to such vacancy; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed one thousand five hundred pounds *per annum*, the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in *India*, in the said service, for the space of six years at the least in the whole, antecedent to such vacancy; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed three thousand pounds *per annum*, the same shall not be granted to or conferred upon any of the said servants, who shall not have been actually resident in *India*, in the Company's service, for the space of nine years at the least in the whole; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed four thousand pounds *per annum*, the same shall not be granted to or conferred upon any of the said servants, who shall not have been actually resident in *India*, in the Company's service, for the space of twelve years at the least in the whole, antecedent to such vacancy; and that all appointments, advancements, and promotions, which shall be made for supplying any such vacancies, other than as aforesaid, shall be null and void.

Rules to be observed in filling up such vacancies.

XV. And be it further enacted, That no person shall for the future be capable of taking in the civil line of the Company's service, two or more offices, places, or employments, the joint amount of the salaries, perquisites, and emoluments of which shall exceed in the whole the annual salary, perquisites, and emoluments respectively prescribed in the regulations and restrictions before mentioned; any law or usage to the contrary notwithstanding.

No person to hold several offices to a greater amount than he is qualified to hold in a single office.

XVI. And whereas the said court of directors for the time being are, in and by the said recited act, required, from time to time, to appoint a secret committee, to consist of any number of the said directors, not exceeding three, for the particular purposes in the said act specified, but

Members of the secret committee to be sworn.

no oath of secrecy was thereby provided or directed to be taken by the members of such secret committee; be it therefore further enacted, That the oath of the members of the said secret committee shall be of the tenor following; (that is to say),

The oath.

I A. B. do swear, That I will, according to the best of my skill and judgement, faithfully execute the several trusts and powers reposed in me as a member of the secret committee, appointed by the court of directors of the United Company of merchants of England trading to the East Indies; I will not disclose or make known any of the secret orders or instructions which shall be given, communicated, or transmitted to me by the commissioners for the affairs of India, concerning the levying of war, or the making of peace, or treating or negotiating with any of the native princes or states of India; save only to the other members of the said secret committee, or to the person or persons who shall be duly nominated and employed in transcribing or preparing the same respectively, unless I shall be authorised by the said commissioners to disclose and make known the same.

So help me GOD.

Oath when to be taken.

XVII. And be it further enacted, That the said oath shall be taken and subscribed by the present members of the said secret committee within fourteen days after this act shall have received his Majesty's assent; and that the future members of the said secret committee shall take and subscribe the said oath, before they shall respectively proceed to act in the execution of the powers and trusts to them given by the said former act, and this present act; and the said oath shall and may be administered by the several and respective members of the said committee to each other; and being so by them taken and subscribed, the same shall be recorded by the secretary of the said court of directors for the time being, amongst the acts of the said court.

Secret committee may employ transcribers;

XVIII. And be it further enacted, That if the said secret committee, in the execution of their said powers and trusts, shall find it necessary to employ any person in transcribing or preparing any secret dispatches, orders, or instructions, required to be transmitted by them to *India*, under the direction of the said former act, the said dispatches, orders, and instructions, shall be transcribed and prepared, either by the secretary of the court of directors for the time being, or by the officer called *The examiner of Indian correspondence*, for the time being, and by no other person or persons, unless with the approbation and consent of the said commissioners for the affairs of *India*, or any three or more of them, for that purpose first had and obtained; and that as well the said secretary and examiner, as every other person who shall be intrusted with the transcribing or preparing any of such dispatches, orders, or instructions, shall, before they shall respectively enter upon that duty, take and subscribe, before two or more of the members of the said secret committee, an oath of secrecy, as near unto the tenor and form of the oath herein-before provided, and directed to be taken by the members of the said secret committee, as the case will admit; and the members of the said committee, or any two of them, are hereby authorised and required to frame and administer such oath accordingly, and to attest the taking and subscribing of the same by the said secretary and examiner, and all other persons who shall be employed by them as aforesaid, and to cause the same to be recorded amongst the acts of the said court of directors.

who shall take an oath of secrecy.

Commencement of this act.

XIX. And be it enacted, That this act shall take place and have commencement, in *Great Britain*, immediately after this act shall have received his Majesty's royal assent; and shall take place and have commencement,

in

in the several presidencies aforesaid, and in the territories thereunto belonging, from the first day of *January*, one thousand seven hundred and eighty-seven.

XX. And be it further enacted, That this act shall be, and shall be Publick act deemed and taken to be, a publick act.

26 GEORGII III. Cap. XXV.

An Act for obviating all Doubts which have arisen, or might arise, with respect to the exclusive Power of the Court of Directors of the East India Company to nominate and appoint the Governor-general and Council of the Presidency of Fort William in Bengal.

WHEREAS doubts have arisen whether, on the nomination and Preamble.
 appointment of a Governor-general, or any of the several other members of the council of the presidency of *Fort William in Bengal*, in the *East Indies*, under and by virtue of an act, passed in the twenty-fourth year of his present Majesty's reign, intituled, *An act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India; and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies*; his Majesty's approbation of the same, under his sign manual, be by law required: Therefore, for removing all doubts respecting the same, may it please your Majesty that it may be declared and enacted; and be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That his Majesty's approbation of the nomination and appointment of the Governor-general, and of the several other members of the council of the presidency of *Fort William in Bengal*, is not, nor shall be necessary to render such appointments respectively good and effectual in law; and that all nominations and appointments of any such Governor-general, or other member or members of the said council of *Fort William*, by authority of the court of directors of the said Company, since the passing of the before-mentioned act, were good, valid, and effectual in the law, notwithstanding his Majesty's approbation of the same was not signified to the said Company, or to the court of directors of the said Company, under his Majesty's sign manual.

24 G. 3. c. 25.
 His Majesty's approbation of the appointment of Governor-general, etc. of Fort William not necessary.

26 GEORGII III. Cap. L.

An Act for the Encouragement of the Southern Whale Fishery.

[So much thereof as relates to the *East India Company*.]

WHEREAS it is proper to encourage, by new and additional Preamble.
 premiums, the fishery carried on by his Majesty's *European* subjects in the seas to the southward of the *Greenland* seas and *Davis's Straights*, for the purpose of taking whales and other creatures found in those seas;

And

And whereas it is of importance that immediate effect should be given to such new and additional premiums, for which reason it is necessary to repeal the laws by which the present premiums are granted; be it therefore enacted, &c.

Ships permitted to sail to the east of *Good Hope*, &c.

XIV. And be it further enacted by the authority aforesaid; That it shall and may be lawful for any ship or vessel, employed in carrying on the said southern whale fishery, to sail and pass for that purpose to the eastward of the *Cape of Good Hope*, and to the westward of *Cape Horn*, or through the *Streights of Magellan*; any law, usage, or custom to the contrary notwithstanding.

Restrictions in their course.

XV. Provided always, and be it further enacted, That any ship or vessel sailing to the eastward of the *Cape of Good Hope*, for the purpose aforesaid, shall not sail or pass to the northward of thirty degrees of south latitude, nor make more than fifteen degrees of east longitude from the said *Cape of Good Hope*; and that any ship or vessel so sailing or passing to the westward of *Cape Horn*, or through the *Streights of Magellan*, for the purpose aforesaid, shall not pass to the northward of the equinoctial line, nor make more than fifty degrees of west longitude from *Cape Horn*.

Ships sailing to the east of *Good Hope*, &c. to take a licence from the *India Company*.

XVI. Provided also, and be it further enacted, That every ship or vessel employed in the said fishery, and intending to sail or pass to the eastward of the *Cape of Good Hope*, or to the westward of *Cape Horn*, or through the *Streights of Magellan*, shall, before she shall proceed on her voyage, be obliged to take a licence for each respective voyage, from the court of directors of the United Company of merchants of *England* trading to the *East Indies*, for the time being, in the name and under the seal of the said Company, specifying which of the said voyages such ship shall be licensed to perform, and such licence shall be valid and effectual only for the voyage therein expressed; and the said court of directors shall not be required to grant any licence to pass to the eastward of the *Cape of Good Hope*, to more than ten ships or vessels in any one year or season, nor to grant any licence to any ship or vessel to sail or pass to the eastward of the *Cape of Good Hope*, unless the person or persons applying for, or demanding such licence, shall deliver to the said court of directors a manifest or certificate under the hand of the collector or comptroller, or other chief officer of the customs belonging to the port or place from whence such ship or vessel is intended to clear out and sail, verified by the oath of the owner or owners, or the master of such ship or vessel, taken before and attested by any magistrate, or other person authorized by law to take affidavits, specifying the names and places of abode of the owner or owners, and master of the said ship, and also the species, quantity, quality, and value of all goods then on board of such ship or vessel, and of all goods (if any) intended to be afterwards taken into, or on board of the same, before her departure outwards; and also unless it shall, by such manifest or certificate, appear unto the said court of directors, that no goods or merchandizes whatever (save and except the stores of such ship or vessel, and the tackle, materials, and other things necessary for the purpose of the voyage) are taken, or intended to be taken into or on board of such ship or vessel.

Conditions on which such licences are to be granted.

Ships sailing out of their limits, or having improper merchandise on board, liable to the penalties of trading to the *East Indies* without licence.

XVII. And be it further enacted, That if any ship or vessel to be employed in the said southern whale fishery, to the eastward of the *Cape of Good Hope*, or the westward of *Cape Horn*, shall proceed or go beyond the limits herein-before specified or expressed, unless driven or forced beyond the same by stress of weather, or other inevitable accident, or being so driven or forced, shall not return back within the limits herein-before prescribed, with as much convenient speed as the safety of the ship or other circumstances will admit; or if any ship or vessel shall depart from

any port or place without having first obtained such licence as aforesaid, and shall go or be found beyond the *Cape of Good Hope*, or beyond the *Streights of Magellan*, or in any other place within the limits of the said Company's exclusive trade; or if any ship or vessel, being so licensed to proceed to the fishery beyond the *Cape of Good Hope*, shall have on board, or shall take on board before her return, any manufactures, goods, or merchandizes, other than and except such as shall have been specified and described in and by such manifest or certificate, and other than and except the oil, head matter, or bone of whales, or other fish or creatures caught or taken in carrying on the said fishery; every such ship or vessel, and the goods, merchandizes, and effects on board the same; and the owner and owners, master and crew thereof, shall be deemed and taken, to all intents and purposes; to be subject to the several provisions, regulations, penalties and forfeitures, by any act or acts, made or imposed upon any person or persons, or their ships, vessels, goods, merchandizes, and effects, who shall repair, sail, adventure, or go to, or traffick, trade, or be found in the *East Indies*, or other place or places within the limits of the said United Company's exclusive trade, without licence having been first obtained from the said Company; and the offenders shall and may be sued and prosecuted, and the penalties and forfeitures incurred shall and may be recovered in any court of justice in *Great Britain*, or in the *East Indies*, wherein suits may be instituted and brought for offences committed against the said acts, or any of them.

XVIII. And be it further enacted by the authority aforesaid, That within thirty days next after the return of any ship or vessel from a fishing voyage to the eastward of the *Cape of Good Hope*, the master of such ship or vessel shall deliver, or cause to be delivered, to the secretary of the said United Company, for the use of the said court of directors, a certificate under the hand of the collector or comptroller, or other chief officer of the customs belonging to the port or place where the said ship or vessel shall arrive, verified by the oath of the said master, taken before and attested by any magistrate or other person authorized by law to take affidavits, that no goods or merchandizes whatever of the growth, produce, or manufacture of any place or places in the *East Indies*, *China*, or elsewhere between the *Cape of Good Hope*, and the *Streights of Magellan*, except oil, head matter, or bone of whales or other fish, have been taken on board such ship or vessel during the said voyage; but in case any such goods and merchandizes shall have been taken on board the said ship or vessel during the said voyage, then the said certificate shall specify the species, quantity, quality, and value of all such goods and merchandizes, and the cause or reason of taking the same on board; and the owner or owners of such ship or vessel shall not be entitled to any bounty under the authority of this act, until such certificate as aforesaid shall have been delivered to the said secretary, and such delivery shall have been proved by a production of his receipt for the same.

XXIX. And be it further enacted by the authority aforesaid, That if any person or persons whatever shall knowingly give or grant any false certificate or certificates for any of the purposes required or directed by this act, such person or persons shall forfeit the sum of five hundred pounds, and be rendered incapable of serving his Majesty, his heirs or successors, in any office whatever: And if any person or persons shall counterfeit, erase, alter, or falsify any certificate or certificates required by this act, or shall knowingly or willingly make use of any false certificate or certificates, or of any certificate or certificates so counterfeited, erased, altered, or falsified, such person or persons shall, for every such offence, forfeit the

Certificates to be delivered to the secretary of the *East India* Company, that no produce of the *East Indies* has been imported, to entitle to a premium.

Persons granting or using false certificates, forfeit 500*l.*

sum of five hundred pounds; and every such certificate or certificates shall be invalid and of no effect.

How penalties are to be appropriated.

XXX. And be it further enacted by the authority aforesaid, That one moiety of the penalties and forfeitures inflicted by this act (except in such cases where other directions are given by this act), shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer or officers of the customs as shall sue or prosecute for the same in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* respectively, where the offence shall be committed.

General issue.

XXXI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons whatever, for any thing done in pursuance of this act, the defendant or defendants, in such action or suit, 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 of and by the authority of this act: And if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or shall discontinue his action, after the defendant or defendants hath or have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

Treble costs.

26 GEORGI II III. Cap. LVII.

An Act for the further Regulation of the Trial of Persons accused of certain Offences committed in the East-Indies; for repealing so much of an Act, made in the Twenty-fourth Year of the Reign of his present Majesty, (intituled, An Act for the better Regulation and Management of the Affairs of the East India Company, and of the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East Indies), as requires the Servants of the East India Company to deliver Inventories of their Estates and Effects; for rendering the Laws more effectual against Persons unlawfully resorting to the East Indies; and for the more easy Proof, in certain Cases, of Deeds and Writings executed in Great Britain or India.

Preamble.

Recital of act
24 G. 3. c. 25.

WHEREAS, by an act made in the twenty-fourth year of his Majesty's reign, intituled, *An act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India; and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies*, divers provisions were made and enacted for the more effectually prosecuting and bringing to speedy and condign punishment the crime of extortion, and other misdemeanors, committed in the *East Indies* by *British* subjects, in the service of his Majesty, or of the said Company; and particularly for constituting a special court of judicature for the trial of any information, to be exhibited in his Majesty's court of King's Bench, against such offenders, under and by virtue of a commission, to be awarded under the great seal of *Great Britain*, directed to four members of the house of Peers, six members of the house of Commons, and three of the judges of his Majesty's

Majesty's courts of law at *Westminster*, such members and judges to be selected and chosen in the manner prescribed by the said act; and the said special commissioners, to be so constituted by such commission, or any seven or more of them, (of whom one of the said three judges was to be one), were, by the said act, invested with full power and authority to hear and determine every such information, and to pronounce judgement thereon, according to the effect of the judgement at common law, upon convictions had and obtained according to the course of the common law, for extortion or other misdemeanor: And whereas the selection of the members of the said respective houses of Parliament, for the purposes aforesaid, may be rendered more easy and convenient: And whereas it is judged expedient, that, instead of seven, not less than ten commissioners, to be constituted by such commission as aforesaid, should have authority to hear and determine any such information, and, for that purpose, that a greater number of members of each house of Parliament, than is directed by the said act, should, together with the said three judges, be named and authorized as commissioners in and by such commission: And whereas it is also expedient, that, for giving greater vigour and efficacy to the proceedings and judgements of the said special commissioners, further regulations should be provided and established: 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 the members of the house of Lords, by the said act directed to be named by the said house for the purposes aforesaid, shall be chosen, nominated, and appointed in the manner following, and no otherwise, any thing in the said recited act contained to the contrary notwithstanding; (that is to say), that within the first thirty sitting days of the house of Lords in every future session of Parliament, the members of the said house, or any of them, may respectively deliver in at the table, lists inclosed in covers, sealed up, and having the words *East India Judicature*, and their respective names or titles of honour, by which they are generally known and distinguished, indorsed on the outside thereof, in their respective proper hand writing; every such list containing the names or titles of twenty-six peers; and that, on the first sitting day after the expiration of the said thirty days, the clerk of the Parliaments, or his deputy or assistant, or such other person as the said house shall direct, shall prepare and lay upon the table of the said house a list of the names or titles of the Lords who shall, within the said thirty days, have delivered such lists; and that, on the next sitting day of the said house, the said covers shall be opened by the clerk of the Parliaments, or his deputy or assistant, or such other person as the said house shall direct, by the order of the speaker of the said house, during the sitting of the said house, and all the lists which shall be so delivered shall be taken out of the said covers and put into a box; and the said lists shall be referred by the said house to a committee, who shall examine the same, and within such time as the said house shall direct, report to the house the name or title of every Lord whose name or title shall appear in ten or more of such lists; and if the names or titles of the respective members so returned shall not amount to twenty-six members at the least, exclusively of such of the members so returned as shall be struck out of the said lists according to the directions of this act, the members of the said house, or any of them, may, on any of the next seven sitting days of the said house, deliver in fresh lists in covers sealed up, and indorsed in the manner herein-before directed, each of such lists containing a number of names or titles of members of the said house, equal to that number by which the list returned by the committee shall, exclusively of the

Within the first 30 sitting days of every session, lists of 26 names to be delivered in sealed up, by the members of the upper house, from which shall be selected 26 Peers;

the members struck out as aforesaid, fall short of twenty-six; and the said covers shall be opened, and the lists disposed of, referred, and proceeded upon after the end of the said seven days, in the manner herein-before directed in respect to the said former lists.

and in the same period, like lists of 40 Commons to be delivered in, from which shall be selected 40 members.

II. And be it further enacted by the authority aforesaid, That the members of the house of Commons, to be named by that house for the purposes aforesaid, shall be chosen, nominated, and appointed in the manner following, and no otherwise, any thing in the said recited act contained to the contrary notwithstanding; (that is to say), That within the first thirty sitting days of the said house in every future session of Parliament, the members of the said house, or any of them, may respectively deliver in at the table lists, inclosed in covers, sealed up, and having the words *East India Judicature*, and their respective names, indorsed on the outside thereof, in their respective proper hand writing, each of which lists shall contain the names of forty members of the said house; and that, on the first sitting day after the expiration of the said thirty days, the clerk of the said house, or his deputy or assistant, or such other person as the house shall direct, shall prepare, and lay upon the table, the names of all the members who shall have delivered such lists; and that on the next sitting day of the said house, the clerk of the said house, or any or either of such other persons as aforesaid, shall, at the table, during the sitting of the said house, by the order of the speaker, take the lists out of the said covers, and put the said lists together into a box; and the said lists shall be immediately referred, by the said house, to a committee, who shall examine the same, and within such time as the house shall direct, report to the house the name of every member whose name shall appear in twenty or more of the said lists; and if the names so returned shall not amount to forty at the least, exclusively of such of the said members therein named as shall be struck out of the said lists according to the directions of this act, the members of the said house, or any of them, may, on any of the next seven sitting days of the said house, deliver in at the table of the said house fresh lists, in covers, sealed up and indorsed in the manner herein-before directed, each list containing a number of names of members of the said house equal to that number by which the list returned by the said committee shall, exclusively of such of the said names as shall be so struck out, fall short of forty, and the said lists shall be opened, disposed of, referred, and proceeded upon, after the end of the said seven days, in the manner herein-before directed in respect to the said former lists: And the like order and course respectively as aforesaid shall be taken in each house of Parliament, until the said numbers of twenty-six members of the house of Lords, and forty members of the house of Commons, shall have been returned to the said respective houses, by the committees to whom the said lists shall be referred, exclusively of such of the members so returned as shall be struck out of the said lists according to the directions of this act.

Persons holding offices under the Crown during pleasure, &c. to be struck out of the lists.

III. Provided always, and be it enacted, That if any of the persons named in any of the lists returned by the said respective committees, shall appear to hold any civil office of profit under the Crown, during his Majesty's pleasure, or to be, or to have been, a commissioner for the affairs of *India*, or to be, or to have been, a director of the said Company, or to hold, or to have held, any office or employment in the service of the said Company in *India*, the names of all and every such persons shall be struck out of the said lists, by the order of the said respective houses of Parliament.

Mode of delivering in of lists left to the

IV. Provided also, and be it further enacted, That if the delivery of the said lists at the tables of the respective houses of Parliament, in the manner

manner directed by this act, shall occasion any interruption of other business, or be found inconvenient in any other respect, it shall be lawful for both or either of the said houses, by their order or orders, to substitute such other mode for the delivery of such lists as the said houses shall respectively think fit, and that the said lists shall, after the making of any such order or orders, be delivered according to the tenor and directions thereof respectively; any thing herein-before contained to the contrary notwithstanding.

houses of Parliament, if that provided be found inconvenient.

V. And be it further enacted, That the names of the twenty-six Peers, and forty members of the house of Commons, which shall have been so chosen by the said respective houses of Parliament, or the names of the twenty-six Peers, and forty members of the house of Commons, which (in case the said lists of both or either of the said houses shall happen to contain a greater number of members than as aforesaid, respectively) shall have been drawn by lot, according to the directions of the said former act, or of such of them as shall personally appear at the time and place appointed, in the manner by the said act directed, shall be put into a box, to be drawn by lot, in the presence of the judges, to be appointed according to the directions of the said recited act, and of the parties to the information to be tried, or their counsel or agents: And the person or persons against whom the said information shall have been exhibited, shall have the liberty, as the said names are drawn out, to make peremptory challenges, to the number of thirteen of the Peers, and twenty of the members of the house of Commons, whose names shall have been put into the said box; and his Majesty's attorney general, or other prosecutor, as the case may happen, and also the party or parties against whom such information shall have been exhibited as aforesaid, shall respectively have power to make challenges to any of the names which shall be so drawn out, and to assign for cause of challenge any such matter as, in the opinion of the three judges, or the majority of them, shall appear, in their discretion, sufficient to set aside the person or persons so challenged, for the purpose of obtaining equal justice: And the first five names of the said Peers, and likewise the first seven names of the said members of the house of Commons, which being drawn out shall not be so challenged, or against whom no challenge shall have been allowed, shall be returned by the said judges to the lord high chancellor, or lord keeper, or lords commissioners for the custody of the great seal of Great Britain, who shall cause the said five Peers, and the said seven members of the house of Commons, by their respective proper names or titles of honour, together with the names of the said three judges, to be inserted in the special commission to be issued by virtue of the said recited act, and of this present act; and the persons who shall be so named and authorized in and by the said commission, shall appear within ten days, at the time and place to be appointed by the said three judges, and shall then and there take the following oath, before the lord high chancellor, or lord keeper, or lords commissioners of the great seal of Great Britain, for the time being, or any one of them:

The party accused may challenge 13 Peers and 20 Commons contained in the lists, as the names are drawing by lot in the presence of the judges, according to the recited act.

Prosecutor may challenge the same number.

The first five Peers, and the first seven Commons, whose names shall be drawn out, and not challenged, to be, with the three judges, appointed special commissioners.

I A. B. do swear, That, as a commissioner appointed by his Majesty's commission for the trial of the information now at issue against C. D. I will diligently attend such trial, and that I will bear and determine the same to the best of my judgement, according to the evidence which shall be given.

Commissioners oath.

So help me GOD.

VI. And be it further enacted, That if, by reason of the challenges as aforesaid, the number of names so drawn out as aforesaid shall be reduced to less than five Peers and seven members of the house of Commons respectively,

If challenger reduce the number to less than five Peers and se-

ven Common-
ers, new lists
to be made
out.

spectively, then, and in such case, the said three judges shall forthwith certify the same to the speakers of the respective houses of Parliament, who shall lay the same before the said houses respectively; and the said houses shall respectively proceed, within any of the next seven days on which the said houses shall respectively sit for the dispatch of business, to choose, nominate, and appoint twenty-six members of the house of Lords, and forty members of the house of Commons, after the manner and course aforesaid, the lists of which said respective members, so chosen and appointed, shall be transmitted to the clerk of the crown in his Majesty's high court of chancery, or his deputy, and be inserted in a new commission, to be issued in the manner herein-before and in the said former act directed: Provided always, That no day on which the house of Commons shall have adjourned, for want of the presence of a sufficient number of members to execute the provisions of the several acts passed in the tenth and eleventh years of the reign of his present Majesty, to regulate the trials of controverted elections or returns of members to serve in Parliament, shall be accounted one of the sitting days of the said house, for any of the purposes of this act.

Power of the
commission-
ers.

VII. And be it further enacted, That the said special commissioners to be appointed as aforesaid shall have full power and authority to hear and determine every such information, and to pronounce judgement thereon according to the effect of the judgement of the common law, upon convictions had and obtained according to the course of the common law, for extortion, or other misdemeanor, and also to declare the party so convicted incapable of serving the King's Majesty, his heirs or successors, or the said United Company, in any capacity whatever; and such judgement so pronounced by the said special commissioners as aforesaid, upon such information, shall be good and effectual, and shall be conclusive, to all intents and purposes; and no *certiorari* shall be granted for removing the proceedings of the said special commissioners, on such information, into any court whatever; and the proceedings of the said special commissioners shall not be impeached, or the validity thereof questioned, in any action or suit, or other proceeding, in any court of law or equity.

Ten commis-
sioners com-
petent to
act.

VIII. Provided always, and be it enacted, That all and every the powers and authorities given and granted by the said recited act, and by this present act, unto the said special commissioners, shall and may be executed by or before any ten or more of them (of whom one of the said three judges shall always be one); and that no act done or executed by or before the said commissioners, unless ten or more of the said commissioners (of whom one of the said three judges shall be one) shall be present at the doing or executing thereof (save and except in the particular cases herein-after specially provided), shall be valid or effectual; any thing in the said former act contained to the contrary notwithstanding.

Majority to
determine,
and the presi-
dent to have a
casting vote.

IX. Provided also, and be it further enacted, That whenever the said special commissioners shall not concur in opinion, upon any question or matter to be decided by or before them, every such question or matter shall be determined by the greater number of the said commissioners who shall be then present, so that the number of commissioners then present be not less than ten as aforesaid; and if the said commissioners shall at any time be equally divided in opinion, on any question or matter depending before them, the judge then sitting as president shall have two voices, or the casting vote.

If by death,
or otherwise,
the number
should be re-
duced under
ten, a new

X. And be it further enacted, That if any of the said special commissioners shall depart this life, or be excused from attending in the manner by this act directed, before the said commission shall have been fully executed, so that there shall not be a sufficient number of commissioners

to proceed in the due execution of such commission, according to the true intent and meaning of this act; or if all the said three judges shall happen to die, or be excused from attending in the manner by this act directed, whilst the said commission shall be depending; then, and in either of such cases, and from thenceforth, the said commission, and the force and effect thereof, shall cease, and a new commission shall be awarded for hearing the matter of such information, for which such former commission was issued, and the trial of such information shall begin *de novo*; save only and except with respect to the examinations or depositions of any witnesses (if any) which shall have been taken in writing under the said former commission, which examinations or depositions shall and may be received and admitted as evidence under such new commission.

commission to be made out.

XI. And be it further enacted, That the said special commissioners shall severally attend in court during the whole trial for which they shall be appointed as aforesaid, and none of the said commissioners shall in anywise absent himself from the same (except as hereafter is provided); and the said court shall at no time proceed in the said trial until all the said special commissioners, not having obtained such leave of absence, or not having been excused as herein-after is provided, shall be met and assembled; and if the said special commissioners (except as aforesaid) shall not all meet and assemble within the space of one hour after the time to which they shall have adjourned, such of them as shall be then present, or the major part of them, shall make an order for a further adjournment of the trial, in which order the cause of such further adjournment shall be expressed, and a copy of such order, signed by the register to the said commissioners, shall be served upon, or left at the usual or last place or places of abode of, the said absent commissioner or commissioners respectively; and at such further adjourned meeting the cause of his or their absence shall be inquired into by the special commissioners who shall be then present, before the said commissioners shall proceed to any other business; and if it shall not be made appear, to the satisfaction of the said commissioners, by facts specially stated, and verified before them upon oath (or, in the case of such facts being verified by a peer of the realm, then upon his honour) that such absent commissioner or commissioners was or were, by sudden accident, or by necessity, prevented from attending at the said former sitting, it shall and may be lawful for the special commissioners then present, or the major part of them, to pass such censure upon such commissioner or commissioners who shall have been so absent, as they shall think fit, and also to impose upon such commissioner or commissioners respectively, for such neglect of duty, or upon any commissioner or commissioners who shall depart from the said court during the sitting, and before an adjournment thereof, such fine or fines as the said commissioners, or the greater number of them then present, shall think fit, so that no such fine shall exceed the sum of five hundred pounds; which fine or fines shall be forthwith estreated by one or more of the said three judges, into the court of exchequer, and the like process shall be awarded by the said court of exchequer, for levying the said fine or fines for his Majesty's use, as is usually awarded for the levying of other fines estreated into the said court of exchequer; and the said special commissioners shall also have full power and authority to order or declare, that any commissioner or commissioners, who shall be so censured, or on whom any such fine or fines shall be imposed, shall be disabled from acting in the further execution of such commission.

Commissioners to attend during the whole trial, unless absent by leave.

If all do not meet, the majority present may adjourn.

Cause of absence to be inquired into.

Absentees may be censured or fined, and disabled from acting.

How fines are to be levied.

XII. Provided always, and be it further enacted, That it shall and may be lawful for the said commissioners, or the greater number of them, to grant leave of absence to any of the said commissioners, upon proof, to their satisfaction, of sickness or other urgent occasion; and such of the said

Leave of absence may be granted to commissioners, but being absent during

part of trial, are not again to sit.

During a trial the commissioners not to adjourn for more than 24 hours, except on occasions herein specified.

Commissioners may appoint clerks, etc. who may be removed, etc.

How clerks, etc. are to be paid.

Court of King's Bench may issue out warrants for apprehending persons accused of extortion, etc. in the *East India* case.

part of trial, are not again to sit. said commissioners who shall obtain leave of absence as aforesaid, and shall accordingly be absent during any part of such trial, shall be no longer capable of acting under such commission; any thing contained in the said former act, or in this act, to the contrary notwithstanding.

XIII. Provided also, and be it further enacted, That, after the trial of any information shall have commenced and been begun by and before the said special commissioners, the said commissioners shall sit every day, *Sunday, Christmas-day, and Good Friday*, only excepted; and the said commissioners shall never adjourn for a longer time than twenty-four hours, unless a *Sunday, Christmas-day, or Good Friday*, shall happen to intervene, in which case their adjournment shall not exceed twenty-four hours, exclusive of such *Sunday, Christmas-day, or Good Friday*: Provided also, That if the number of the said special commissioners capable of acting in the execution of such commission, according to the directions of this act; shall, by death or otherwise, be reduced to ten, and any of such ten commissioners shall be prevented by sudden accident, or by necessity, from attending such trial, the said other commissioners, or the greater number of them, shall and may, at their discretion, adjourn and suspend the proceedings upon such trial, from time to time, as circumstances may require, so that any such adjournment shall not exceed three days, and the number of such successive adjournments shall not, in the whole, exceed ten adjournments; any thing herein-before contained to the contrary notwithstanding.

XIV. And be it further enacted, That it shall and may be lawful to and for the said special commissioners to constitute and appoint such clerks, tipstaffs, messengers, and other officers, to attend upon them in the execution of their said commission, and to do and perform all such matters and things as shall be ordered or given to them in charge by the said commissioners, as the said commissioners shall think fit; and such several clerks and other officers shall be diligently attendant upon, and subject and obedient to the said commissioners, and may be suspended, removed, or discharged, or be punished by fine or fines, to be imposed by the said commissioners, for any neglect of duty or disobedience, at the discretion of the said commissioners; which fines shall be estreated into his Majesty's court of exchequer, by one or more of the said three judges, and shall and may be levied and recovered, for his Majesty's use, by the process of the said court; and all and every of such clerks and other officers shall be paid, by the parties informant or informants, and defendant or defendants, named in such information, the same or the like fees and allowances as the respective officers attendant upon his Majesty's court of King's Bench, upon trials of informations for misdemeanors prosecuted in the said court, are entitled to receive from the parties thereto respectively, according to the stations, and duties of such officers respectively.

XV. And be it further enacted, That whenever an information shall be exhibited in the said court of King's Bench, against any person or persons, for the crime of extortion, or other misdemeanor, committed in the *East Indies*, in every such case, upon a certificate from the coroner and attorney of our Lord the King, (commonly called *the clerk of the crown* in the court of King's Bench, or *the master of the crown office* in the said court), or any or either of his sworn clerks in the said office, that such information hath been filed, (which information, in case the same shall be filed when the court of King's Bench shall not be sitting, shall be considered as filed on the last day of the preceding term), it shall and may be lawful to and for the lord chief justice, or any of the other judges of the said court, at the instance of such prosecutor or prosecutors, to issue his warrant, under his hand and seal, directed to all sheriffs, mayors, bailiffs, constables, and other

other peace officers, and to such other person or persons as shall be named for that purpose by such prosecutor or prosecutors, for apprehending and attaching the party or parties defendant or defendants to such information; and if such party or parties shall escape or go into, reside, or be in any place within that part of *Great Britain* called *Scotland*, it shall and may be lawful for the sheriff or steward depute or substitute, or any justice of the peace of the county or place into which such party or parties shall escape or go, or in which he or they shall reside or be, to indorse his name on the said warrant; which warrant so indorsed shall be a sufficient authority to all persons to whom such warrant was originally directed, and also to all sheriffs officers, stewards officers, constables, and other peace officers of the said county or place, by the sheriff, steward depute or substitute, or justice of the peace whereof such warrant shall be so indorsed, so execute the said warrant in the same county or place, by apprehending the party or parties against whom such warrant shall have been granted, and to convey and bring such party or parties in safe custody before the said court of King's Bench, or before the lord chief justice or any of the judges of the said court, to be further dealt with according to the directions of the said former act, and this present act.

XVI. And be it further enacted, That it shall and may be lawful to and for the party or parties against whom any such information shall be exhibited as aforesaid, (not being attached), to surrender himself or themselves in the said court of King's Bench at any time during the sitting of the said court, to be dealt with according to the directions of the said former act, and this present act, or if the said court shall not be sitting, unto the said lord chief justice, or any other of the judges of the said court; and that when and so often as any such party or parties shall surrender himself or themselves out of court as aforesaid, or shall, during any vacation, or when the said court shall not be sitting, be attached and brought before the said lord chief justice, or other judge, under any warrant or attachment issued by virtue of the said former act or this present act, the said lord chief justice, or other judge, shall and may order such party or parties to stand committed to the prison of the *Marshalsea*, or to the Tower of *London*, or to the gaol of *Newgate*, at the discretion of the said lord chief justice, or other judge, there to be detained until he or they shall be delivered by due course of law, or until he or they, together with two sufficient sureties, shall have entered into a recognizance unto the King's Majesty, his heirs and successors, in such sum of money, and with such condition for his appearance, and for submitting to the judgement to be pronounced in and upon such information, as the said lord chief justice, or other judge, shall, in his discretion, order and direct. Provided always, That it shall and may be lawful for the said commissioners to order any person in custody, under the provisions of this act, to be from time to time brought up and remanded in such manner as to the said commissioners shall seem meet.

XVII. And be it further enacted, That when and so often as any party or parties, against whom any such information as aforesaid shall be exhibited, shall not be attached, or shall not have surrendered as aforesaid, and proof shall be made, by any affidavit or affidavits, to the satisfaction of the said court of King's Bench, that such party or parties is or are beyond the seas, or that, upon enquiry at his or their usual place or places of abode, or last known place or places of residence in *Great Britain*, he or they could not be found, and that there is just ground to believe that such party or parties is or are gone, or doth or do continue out of the realm, or doth or do otherwise abscond, to avoid being attached to answer the matters charged in and by such information; then, and in such case,

Parties informed against to be committed, or to find bail.

Mode of proceeding when parties abscond.

the said court shall and may make a rule or order, directing and appointing such party or parties to surrender himself or themselves in the said court, or to the lord chief justice, or one of the other judges of the said court, at a certain day in and by such rule or order to be limited and expressed, at the discretion of the said court; and a copy of such rule or order shall, within twenty days after the making thereof, be inserted three several times in the *London Gazette*; and another copy of such rule or order shall, within the time aforesaid, be affixed in some conspicuous and public place in the *India House*: And if the said party or parties shall not surrender himself or themselves respectively, according to the tenor of such rule or order, within the time therein to be limited for that purpose, or within such further time as the said court shall appoint or direct (which the said court is hereby empowered to do, on application being made on the behalf of such party or parties, if the said court shall see cause), then, on proof being made of the publication of such rule or order in manner aforesaid, it shall and may be lawful for his Majesty's attorney-general, or other prosecutor, by rule and leave of the said court (which rule and leave the said court is hereby empowered to grant) to cause an appearance, and the plea of Not guilty, to be entered for such party or parties charged by the said information; and the said information shall thereupon proceed as if the party or parties had appeared and pleaded Not guilty thereto.

Notice of trial to be given.

XVIII. Provided always, and be it further enacted, That in all cases where the plea of Not guilty shall be entered for the party or parties defendant or defendants to any information, by the prosecutor or prosecutors thereof, by virtue and according to the directions of this act, it shall be sufficient, in order to the hearing and determining of such information, for such prosecutor or prosecutors to give fourteen days notice of the day appointed for the trial thereof, by advertisement in the *London Gazette*; any law, usage, or practice, to the contrary notwithstanding.

Judgement to be pronounced by the commissioners, though the parties do not appear.

XIX. And be it further enacted, That if any party or parties charged by any such information as aforesaid, shall make default in his or their personal appearance, at the pronouncing of judgement, in the matter of such information, by and before the said special commissioners; it nevertheless shall and may be lawful for the said commissioners to pronounce judgement upon such information, in the same manner as if the said party or parties was or were personally present; and every such judgement shall be as valid, effectual, and conclusive, to all intents and purposes whatever, as if the said party or parties had been personally present at the pronouncing thereof; any law or usage to the contrary notwithstanding.

Parties during trial may be committed.

XX. And be it further enacted, That whenever the party or parties charged by any such information shall personally appear before the said special commissioners, on the hearing or trial thereof, it shall and may be lawful to and for the said special commissioners, at any time during the course of such trial, to order such party or parties to stand committed to the prison of the *Marshalsea*, or to the Tower of *London*, or to the gaol of *Newgate*, at the discretion of the said special commissioners, there to be detained until judgement shall be pronounced in the matter of the said information, unless he or they shall be previously delivered or discharged by the rule or order of the said commissioners.

Disturbance of the court may also be committed.

XXI. And be it further enacted, That if any person or persons shall be guilty of any contempt or disturbance in the court of the said commissioners, during the sitting of the court, it shall and may be lawful to and for the said commissioners to order such person or persons to be taken into custody, by any officer or officers to be appointed by the said commissioners to attend the said court, and to stand committed to the prison of the *Marshalsea*.

halsia, or the gaol of *Newgate*, at their discretion, to be there kept for such time as the said commissioners shall order and direct.

XXII. And be it further enacted, That the judgements which shall be made and pronounced by the said special commissioners, according to the directions, and under the authority of the said recited act, and this present act, shall, when and so soon as the said judgements and other proceedings shall have been delivered over, by the register to the said commissioners, to the Clerk of the crown in the said court of King's Bench, (otherwise called *the coroner and attorney of our Lord the King*, or *the master of the crown office* in the said court), in the manner directed by the said former act, be executed and enforced by the authority of the said court of King's Bench, and such proceedings to outlawry, and other proceedings against the several and respective defendants thereto, shall and may be had thereon, in the like manner as, according to the course and practice of the said court, may be had upon judgement made and pronounced by the said court; and the judgements of the said special commissioners shall be final and conclusive, to all intents and purposes whatever, and shall not be arrested, defeated, reversed, or avoided, or liable to be arrested, defeated, reversed, or avoided, for or by reason or means of any error, defect, or want of form in any such judgement, or in the information whereon the same shall be given or pronounced, or in the award of any process thereon, or in the record of the issue for the trial thereof; any law, statute, or usage to the contrary notwithstanding.

Judgements of the commissioners to be executed by the court of King's Bench, and to be final.

XXIII. Provided always, and be it further enacted and declared, That nothing in the said recited act, or in this present act contained, shall extend, or be construed to extend, to deprive the prosecutor or prosecutors of any such information as aforesaid, or the party or parties defendant or defendants thereto, of any right, liberty, benefit, or advantage, to which, by the law of the land, or the rules of practice of the court of King's Bench, such prosecutor or prosecutors, defendant or defendants, is or are, or would, could, or might have been entitled, upon any other information of a like nature, depending in the said court of King's Bench, before issue in fact joined therein; nor to prevent or restrict the said court of King's Bench from exercising any such power or authority as would, could, or might have been legally exercised by the said court of King's Bench, in the matter of any such information, before issue in fact joined therein, if the said former act, or this present act, had not been made; any thing in the said former act, or this present act, contained to the contrary notwithstanding.

This, or the recited act, not to deprive persons of any right they are entitled to by law, &c.

XXIV. Provided also, and be it further enacted, That if the party or parties charged by any such information as aforesaid, shall enter a demurrer to such information, and such demurrer shall be over-ruled by the said court of King's Bench, such party or parties shall, within eight days next after the said court shall have given judgement on such demurrer, unless a writ of error shall be brought thereon, and then within eight days next after such judgement shall be affirmed, or such writ of error shall be non-pros'd, enter the plea of Not guilty to such information, or, in default thereof, the said plea of Not guilty shall and may be entered, for and in the name or names of such party or parties, by his Majesty's attorney general, or other prosecutor; and the said information shall proceed in the like manner as if no demurrer had been entered thereto; any law, or the usage or practice of the said court, to the contrary notwithstanding.

Mode of proceeding, where demurrers are entered.

XXV. Provided also, and be it further enacted and declared, That if his Majesty's attorney general, or other prosecutor or prosecutors of any such information, shall be desirous of having the same proceeded in, tried, and determined in the said court of King's Bench, and shall move the said

Informations may be determined in the court of King's Bench.

court

court for that purpose, then, and in every such case, the said court shall grant a rule or order for retaining such information in the said court, and the said information shall be accordingly retained by the said court of King's Bench, and shall be heard, tried, adjudged, and determined by the said court of King's Bench, in such and the same manner, to all intents and purposes, as an information of the like nature would, could, or might have been proceeded in, heard, tried, and determined, in and by the said court, in case the said former act or this present act had not been made; any thing in the said former act or this present act contained to the contrary notwithstanding.

How fines,
etc. are to be
recovered.

XXVI. And be it further enacted, That whenever the party or parties, against whom any such information shall have been exhibited as aforesaid, shall be adjudged to pay a fine or fines to his Majesty, his heirs or successors; and also whenever any recognizance or recognizances entered into under the said former act or this present act, shall become forfeited, the said court of King's Bench, or, in case the said court shall not be then sitting, the lord chief justice of the same court, shall and may forthwith, at the instance of his Majesty's attorney general, or other prosecutor, deliver to the lord chief baron, or any other of the barons of the court of exchequer, an estreat of the fine or fines, recognizance or recognizances, so adjudged or become forfeited respectively as aforesaid; and the said lord chief baron, or other of the said barons, shall thereupon, at the requisition of the said attorney general, or other prosecutor, authorise and direct the proper officer of the same court to award, and such officer shall accordingly forthwith award, under the seal of the same court, one or more special writ or writs of *extendi facias* and *capias*, or other special process, against the said party or parties adjudged to pay such fine or fines, or the principal or principals, and sureties, in such recognizance or recognizances respectively, and their lands, tenements, and hereditaments, goods, chattels, and effects, directed into such county or counties, cities, places, or liberties, to the proper sheriffs, or other officers of the same respectively, for the due execution thereof, as the said attorney general, or other prosecutor, shall desire or require in that behalf; and if such party or parties, or such principal or principals, and sureties, or any of them, shall have, or be seized or possessed of, or entitled to, any lands, tenements, or hereditaments, goods, chattels, estate, or effects, situate, lying, or being, within that part of *Great Britain* called *Scotland*, or shall be resident in that part of the said united kingdom, then, and in either of such cases, his Majesty's court of exchequer in *Scotland*, or, when the said court shall not be sitting, the lord chief baron, or any other of the barons of the said court of exchequer in *Scotland*, upon a copy or transcript of the estreat of such fine or fines, recognizance or recognizances, being sent or transmitted into the same court, or delivered to the said lord chief baron, or any other of the barons of the same court, from and under the seal of the court of exchequer in *England*, or under the hand and seal of the lord chief baron, or any other of the barons thereof, (and which copy or transcript the said court of exchequer in *England*, or, when the said court shall not be sitting, the lord chief baron, or any other of the barons of the same court, is and are hereby required, at the instance of his Majesty's attorney general, or other prosecutor, to send and transmit accordingly), shall and may forthwith, at the instance of the said attorney general, or other prosecutor, carry on such proceedings, and award such and the like process and processes as is and are competent by the law of that part of *Great Britain* called *Scotland*, for recovery of debts due to the Crown.

Mode of re-
covering fines
from property
in the *East*

XXVII. And be it further enacted, That if it shall at any time be made to appear, to the satisfaction of the said court of exchequer in *England*,

at the instance of his Majesty's attorney general, or other prosecutor; by motion in the said court on his or their behalf, that such party or parties, principal or principals, or sureties, as aforesaid, or any of them, have no lands, tenements, or other estate or effects in *Great Britain*, or that the same (if any) are not sufficient to answer the sum or sums forfeited by such recognizance or recognizances, or due for such fine or fines, respectively; and that such party or parties, principal or principals, or sureties, or any of them, shall have, or be seized or possessed of, or entitled to, any lands, tenements, or hereditaments, goods, chattels, debts, estate, or effects, within any of the *British* possessions in the *East Indies*, respectively, (the said sum or sums, fine or fines, not being paid and satisfied), then, and in every such case, the said court of exchequer shall and may, by rule or order of the said court, cause one or more transcript or transcripts of the estreats of the said recognizance, or recognizances, fine or fines, to be sealed with the seal of the said court, or to be otherwise attested, as the said court shall direct, and the same, so sealed or attested, shall be closed up under the seals of any two of the barons of the said court, directed to the supreme court of judicature in *Bengal*, and to the mayor's courts at *Madras* and *Bombay*, or to any or either of the said courts, as the case shall or may require; and the same shall be delivered by the said barons, or one of them, to such agent or agents as the prosecutor or prosecutors shall nominate or appoint for that purpose; which agent or agents (or, in the case of his or their death, the person into whose hands the same shall come), shall deliver such transcript or transcripts to one of the judges of the said supreme court, or mayor's courts, respectively, as the case may be or require, and make oath that he or they did receive the same from the hands of one of the said barons (or in what other manner the same came into his or their hands), and that the same hath not, or have not, been opened or altered since he or they so respectively received the same, (which oath any of the said judges of any of the said courts in *India* are hereby authorized and required to administer); and thereupon such transcript or transcripts shall be filed and recorded in such of the said courts in *India* to which the same shall be so directed, as the case may require; and, upon motion to be made in such courts or court for that purpose, for and on the behalf of such prosecutor or prosecutors, the like process and proceedings shall and may, from time to time, be awarded and had, by and in the said supreme court of judicature, and the said mayor's courts at *Madras* and *Bombay*, respectively, or any or either of them, against the lands, tenements, or hereditaments, goods, chattels, debts, estate, and effects of the said party or parties, principal or principals, and sureties, within the limits of the jurisdiction of such respective courts in the *East Indies*, as might or could have been awarded or had in the said court of exchequer in *England*, against the lands, tenements, hereditaments, goods, chattels, debts, estates, and effects of the same party or parties, principal or principals, or sureties in *England*; and the same shall be valid and effectual, any law, usage, or custom to the contrary notwithstanding.

XXVIII. And whereas it is by the said recited act enacted, That in all cases of informations laid or exhibited, by virtue of the said act, in the court of King's Bench, for misdemeanors or offences committed in *India*, it shall be lawful for the said court to award a writ or writs of *mandamus* to the chief justice and judges of the supreme court of *Fort William*, or the judges of the mayor's court of any of the *British* settlements in *India*, as the case may require, who are thereby respectively authorized and required accordingly to hold a court for the examination of witnesses, and receiving other proofs concerning the matters charged in such informations

Recital of act
24 G. 3. c. 25.
l. 28.

respectively, and that such examination shall be then and there openly taken, and reduced into writing, in manner therein mentioned, and 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 supreme court, and that one or more of the judges of the said supreme court 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 in what manner the same came into his hands), and that the same hath not been opened or altered since he so received the same: And whereas a doubt may arise, whether such examinations as may be taken by the judges of the mayor's court in any of the *British* settlements in *India*, by force and virtue of the said act, may be lawfully sent closed up, under the seals of the same judges, and whether any one or more of the same judges is or are empowered to deliver the same to the agent or agents of the party requiring the same; be it therefore enacted, That every examination which shall or may be had or taken by the judges of the mayor's court of any of the *British* settlements in *India*, by force and virtue of the said act (being reduced into writing, as in the said act is directed or mentioned) 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 mayor's court of any of the *British* settlements in *India*, and one or more of the judges of the same court 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 of his Majesty's court of King's Bench, in the publick office, and make such or the like oath as is in and by the said act directed and prescribed; any thing in the said act contained to the contrary notwithstanding.

Examinations in *India* to be sealed up and given to the agents of the parties, to be delivered to the clerks of the King's Bench.

Persons resident in *India* amenable to the courts there.

Sec 24 Geo. 3. sess. 1. c. 25. s. 44.

XXIX. And be it further enacted, That as well the servants of the said United Company, as all other of his Majesty's subjects resident or to be resident in *India*, shall be, and are hereby declared to be amenable to the courts of oyer and terminer and gaol delivery, and courts of general or quarter sessions of the peace, in any of the *British* settlements in *India*, for all murders, felonies, homicides, manslughters, burglaries, rapes of women, perjuries, confederacies, riots, routes, retainings, oppressions, trespasses, wrongs, and other misdemeanors, offences, and injuries whatsoever, by them done, committed, or perpetrated, or to be by them hereafter done, committed, or perpetrated, in any of the countries or parts of *Asia*, *Africa*, or *America*, beyond the *Cape of Good Hope*, to the *Streights of Magellan*, within the limits of the exclusive trade of the said United Company, whether the same shall have been done, committed, or perpetrated, or shall hereafter be done, committed, or perpetrated, against any of his Majesty's subjects, or against any other person or persons whatever.

Governor, &c. of *Fort Saint George*, &c. to have jurisdiction in all matters civil and criminal.

XXX. And be it further enacted and declared, That the Governor or president and council of *Fort Saint George*, for the time being, in their courts of oyer and terminer and gaol delivery, and quarter or general sessions of the peace, and also the mayor's court at *Madras*, according to their several and respective judicatures, shall have cognizance and jurisdiction, as well civil as criminal, over all *British* subjects whatsoever, who now reside or shall hereafter reside within any of the forts, factories, towns, lands, or territories, in the possession of the said United Company,

on

on the coast of *Coromandel*, or in any other part of the *Carnatic*, or in the five northern circars, including those parts of the said circars which lie within the kingdom or province of *Orisa*, or within any of the dominions or territories of the Soubah of the *Deccan*, the nabob of *Arcot*, or the Rajah of *Tanjore*.

XXXI. And be it further enacted, That so much of the said recited act as requires or directs any person or persons now being, or who may hereafter be, in the service of the said United Company in *India*, to deliver any particular or inventory of his or their lands, tenements, goods, chattels, debts, securities for money, and other real and personal estate and property, or as subjects any such person or persons to any pain, penalty, or forfeiture for any neglect or omission therein, or for any untrue specification of his or their estates or properties, or as directs any allowance or reward to be made or given to any person making discovery of any estate or property concealed, or not specified, disclosed, or described, by any such particular or inventory as aforesaid, shall be, and the same is hereby repealed.

So much of recited act as relates to delivery of inventories of effects, &c. repealed.

XXXII. And whereas sundry acts of Parliament have been heretofore made, and are now in force, for securing the whole, sole, and exclusive trade in, to, and from the *East Indies*, and all places between the *Cape of Good Hope* and the *Streights of Magellan*, to the said United Company, by which said acts, or some of them, the offenders against the same are made subject and liable to divers punishments, forfeitures, and penalties, in the said acts respectively mentioned, which offences may be prosecuted, and the said forfeitures and penalties sued for and recovered, in some or one of his Majesty's courts of record at *Westminster*: And whereas it may be necessary and proper, in certain cases, that the said offences should be prosecuted, and the said forfeitures and penalties sued for and recovered, in the courts of justice in the *East Indies*: Be it therefore enacted, That all offences which shall be committed after the first day of *January*, one thousand seven hundred and eighty-seven, against any law now in force for securing the exclusive trade in, to, and from the *East Indies*, and places aforesaid, to the said United Company, and all forfeitures and penalties to be incurred after the said first day of *January*, one thousand seven hundred and eighty-seven, for illicitly trading or for being in the *East Indies*, or doing any other act against the said laws or statutes, or any of them; shall and may be prosecuted, sued for, and recovered in the supreme court of judicature at *Fort William* in *Bengal*, or in the respective mayor's courts of *Fort Saint George* and *Bombay*, in like manner as the same can or may be prosecuted, sued for, and recovered in any of his Majesty's courts of record at *Westminster*; and it shall and may be lawful for the said respective courts in the *East Indies* to pass and give the like judgement, in such prosecutions, actions, and suits, as might be passed and given, for the like matter, cause, or thing, in any of his Majesty's courts of record at *Westminster*, and to carry such judgements into execution, and to order any offender or offenders, after conviction for any such offence, to be sent and conveyed to *Great Britain*; any thing contained in any of the said acts to the contrary notwithstanding.

From Jan. 1, 1787, offences against the laws for securing the *East India* trade may be tried in the *East Indies*.

XXXIII. And be it further enacted, That when any ship, vessel, goods, merchandize, or other effects, shall be seized in the *East Indies*, or other parts within the limits of the said Company's exclusive trade, under the authority or for the use of the said United Company, for or by reason of any forfeiture incurred, or suggested to have been incurred, by the owner or owners thereof, under any of the laws or statutes aforesaid, it shall and may be lawful to and for the said supreme court, or either of the said mayor's courts, to hear and determine the cause of such seizure, or any matter of complaint concerning the same,

Causes of seizure may be determined in the *East Indies*.

and

and to proceed to condemnation or restoration of the property and effects so seized, and to give judgement thereon, and to carry such judgement into execution, in like manner as his Majesty's court of exchequer could or might have done, if such seizure had been made in any port or place in *England*; any law or statute to the contrary notwithstanding.

Persons whose licences have expired, subject to the penalties of unlicensed persons.

XXXIV. And whereas doubts have arisen, whether such persons resident within the limits of the said Company's exclusive trade, whose licences shall have expired, or who shall have ceased to be employed in the service of the said Company, are subject to the several regulations, provisions, penalties, and forfeitures, by any act or acts of Parliament made or imposed touching such persons as shall go to, traffick, trade, or adventure in, or be, or be found within the limits aforesaid, contrary to the prohibitions and restrictions in the said several acts contained; be it enacted by the authority aforesaid, That all and every person and persons whose licence or licences to go to, or trade, traffick, or reside within, the limits aforesaid, shall have ceased and determined, or who shall have been dismissed from, or resigned the said Company's service, and shall be found within the limits aforesaid after such time as shall be allowed by the governor and council of the respective presidencies in *India* wherein such person or persons shall be found, shall be deemed and taken, to all intents and purposes, to be subject to all the provisions, regulations, penalties and forfeitures, by any act or acts made or imposed upon any person or persons who shall repair, sail, or go to, or traffick, trade, or adventure in, or be or be found in any place within the limits aforesaid, without licence having been obtained from the said Company, or without having been in the said Company's service.

Powers of seizing, etc. unlicensed persons and ships, may be exercised by the governor, etc. of *Bengal*, &c.

XXXV. And be it further enacted, That the powers and authorities in and by the said acts, and every or any of them, given, granted, or provided, for taking, arresting, seizing, remitting, tending, or bringing to *England*, any person or persons being in the *East Indies*, or in the limits or parts aforesaid, contrary to the provisions of the said acts, or of this act, and for seizing any ships, vessels, goods, or effects, made liable to seizure by the said Company by any law now in force, shall and may be enforced and put in execution by, or by the order and authority of the Governor-general and council of *Bengal*, or the president and council of *Fort Saint George* and *Bombay*, respectively, or by any resident at any other of the *British* settlements in the *East Indies*, for the time being, respectively, or by, or by the order and authority of the Company's council of supercargoes for the time being, at the town or factory of *Canton*, within the said town or factory, and upon the river of *Canton*, and by such other person or persons as shall, from time to time, be specially deputed and authorised for that purpose by the court of directors of the said Company for the time being, in the name of the said Company.

Persons to whom notice to remove has not been given, may continue in the *Indies* till Jan. 1, 1788.

XXXVI. Provided always, nevertheless, and be it enacted and declared, That no person now being in the *East Indies*, or other parts within the limits of the Company's exclusive trade, and who shall not have had notice given to him, by the order or authority of the said court of directors, or by the Governor-general and council of *Fort William*, or the governor or president and council of *Fort Saint George* or *Bombay*, before the passing of this act, to remove or withdraw himself from the said parts and limits, shall, before the first day of *January*, one thousand seven hundred and eighty-eight, be liable to be arrested, seized, or brought to *England*, under the authority of this act, on account of his going to, or trading, trafficking, residing, or being found in the *East Indies*, or parts aforesaid, without licence or other lawful authority in that behalf; to the intent that every such person may have a reasonable time to settle

settle and adjust his private affairs; any thing in this act, or in any other act, contained to the contrary notwithstanding: Provided also, That it shall and may be lawful to and for the Governor-general and council of *Fort William*, and the governor and council of *Fort Saint George* and *Bombay*, and the resident at *Fort Marlborough*, within their respective presidencies or limits, to grant licences, in their discretion respectively, under their hands and seals, to any of his Majesty's subjects now resident in the presidencies or places aforesaid, for permitting such subjects respectively, or any of them, to remain and continue to trade or reside within the said presidencies, or other places aforesaid, (such person or persons not being, by reason of his or their holding any office or employment, offices or employments, or in any other manner, disabled or prohibited from trading in the *East Indies*, or parts aforesaid, by any act or acts now in force), for any term not exceeding two years, to be computed from the first day of *January*, one thousand seven hundred and eighty-seven, the persons receiving such licences first entering into the like covenants as are usually entered into by persons licensed by the said Company, or such other reasonable covenants as shall be directed by the court of directors of the said Company for the time being; and that all and every of such licences shall be of the same force and effect, during the term for which the same shall be so lawfully granted (unless the same shall be sooner revoked by the said court of directors, or by the governors and councils of the said respective presidencies in *India*, who are hereby authorized, in their discretion, to revoke and determine the same), as if such licences had been granted under the seal of the said Company; any thing in this act, or in any former act, contained to the contrary notwithstanding.

Governors,
etc. may grant
licences for
two years
from Jan. 24
1787.

XXXVII. And be it further enacted, That if any suit or action shall be brought or commenced against the said Company, or any of their servants, or against any persons acting by their authority, for the recovery of any costs or damages for the unlawful taking, arresting, seizing, imprisoning, sending, or bringing to *England*, of any person or persons found in the *East Indies*, or other parts aforesaid, within the limits of the said Company's exclusive trade, or as not being authorized to reside or traffick there, the defendant or defendants to such suit or action shall and may plead the general issue, and give the special matter in evidence, for his or their defence; and the proof shall lie on the plaintiff or plaintiffs, upon the trial of the issue, to shew that at the time or times of arresting or seizing such person or persons respectively, for the cause aforesaid, in the manner in which the same shall be laid or charged to have been done, in and by the declaration or declarations in such suits or actions, the person or persons so arrested or seized was or were in the military or marine service of the King's Majesty, his heirs or successors, or was or were under covenant to serve the said Company in *India*, or was or were duly possessed of a licence or licences in writing, authorising him or them to go to or reside and traffick in *India*, or other the said parts and limits, or that the person or persons (not being in his Majesty's service) was or were, at the time or times of his or their being so seized or arrested, entitled or authorized, by the stipulations of such covenants or licences respectively, to remain and continue in *India*, or other the parts and limits aforesaid; and in failure of such proof, the plaintiff or plaintiffs shall become nonsuited, and in such case, or in any other case wherein the plaintiff or plaintiffs in any such suit or action shall become nonsuited, or wherein judgement shall be given against such plaintiff or plaintiffs upon demurrer, or where a verdict shall pass for the defendant or defendants, the defendant or defendants shall have treble costs awarded, to be paid by the respective plaintiff or plaintiffs in

General issue.

Treble costs.

such suit or action; any law, statute, or provision, to the contrary notwithstanding.

Bonds executed in the *East Indies* shall be evidence in *Britain*, and contrariwise, on proof of the hand writing of the parties.

XXXVIII. And whereas great difficulties, expence, and delay, often arise in giving proof in *Great Britain* of the execution of bonds, and other deeds and writings, executed and witnessed by persons resident in the *East Indies*; and the like difficulties, expence, and delay, also arise in giving proof in the *East Indies*, of the execution of bonds, and other deeds and writings, executed and witnessed by persons resident in *Great Britain*; for remedy thereof, be it enacted, That whenever any bond, or other deed or writing, executed in the *East Indies*, and attested by any person or persons resident there, shall be offered in evidence in any of the courts of justice in *Great Britain*, it shall be sufficient to prove, by one or more credible witness or witnesses, that the name or names subscribed to such bond, deed, or writing, purporting to be of the hand or hands writing of the obligor or obligors to such bond, or of the party or parties to such deed or writing, is or are of the proper hand writing or hands writing of such obligor or obligors, party or parties, respectively, and that the name or names set and subscribed of the witness or witnesses attesting the execution of the same, respectively, is or are of the proper hand or hands writing of the witness or witnesses so attesting the same, and that such witness or witnesses is or are resident in the *East Indies*; and, in like manner, all courts of justice in the *East Indies* shall admit the like proof of the execution of bonds and other deeds and writings executed in *Great Britain*, and witnessed by any person or persons resident in *Great Britain*: And such proofs shall be deemed and taken to be as valid and sufficient evidence of the due execution of such bonds, and other deeds and writings, as if the witness or witnesses thereto was or were dead.

Publick act.
Commencement thereof.

XXXIX. And be it further enacted, That this act shall be deemed and taken to be a publick act, and shall take place and have commencement in *Great Britain*, immediately after the same shall have received his Majesty's royal assent; and shall take place and have commencement in and throughout the *East Indies*, and parts within the limits of the exclusive trade granted to the said Company, from the first day of *January*, one thousand seven hundred and eighty-seven.

26 GEORGII III. Cap. LXII.

An Act to enable the East India Company to raise Money by a Sale of Annuities, and by increasing their Capital Stock.

Preamble.

WHEREAS the publick stands indebted to the United Company of merchants of *England* trading to the *East Indies*, in the sum of four millions two hundred thousand pounds, lent, at various times, under the authority of several acts of Parliament, for which an annuity is now payable to the said United Company, to the amount of one hundred and twenty-six thousand pounds, being an interest on the said debt, at and after the rate of three pounds *per centum per annum*: And whereas the said United Company, pursuant to the powers contained in an act of Parliament made in the twenty-third year of the reign of his late Majesty King *George* the Second, intituled, *An act for giving further time to the proprietors of annuities after the rate of four pounds per centum per annum, to subscribe the same in the manner and upon the terms therein mentioned; and for*

Recital of act
23 G. 2. c. 22.

for redeeming such of the said annuities as shall not be so subscribed; and for empowering the East India Company to raise certain sums by transferrable annuities; have borrowed and taken in by subscription, from sundry persons; the sum of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings, by a grant of annuities called *India Annuities*, which now carry an interest at the rate of three pounds *per centum per annum*, amounting to the yearly sum of eighty-nine thousand seven hundred and seventy-three pounds, four shillings: And whereas, for the purpose of enabling the said United Company to carry on an extended trade, and also to discharge the demands to which they are liable, it is necessary and expedient that the said United Company should be enabled to raise a further sum of money than they are now enabled to do: May it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said United Company, and they are hereby authorized and empowered, by and with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being, at such time or times, and in such manner, as they shall find to be most for the advantage of the said United Company, to borrow and take in; by subscription or otherwise, from any person or persons, bodies politick or corporate, who shall be willing to advance the same, any sum or sums of money, by the sale or mortgage of a fund attended with an annuity at the rate of three pounds *per centum per annum*, not exceeding in the whole the annual sum of thirty-six thousand two hundred and twenty-six pounds, sixteen shillings, being an annuity due to the said United Company from the publick in consideration of one million two hundred and seven thousand five hundred and fifty-nine pounds, sixteen shillings, part of the said sum of four millions two hundred thousand pounds; which said sale shall and may be made at such price or prices as the court of directors of the said United Company, by and with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or the high treasurer for the time being, shall think fit; and that from and after the time of such sale, the said annuities shall be paid and transferred in like manner, and the proprietors and holders shall, in all respects, hold their respective shares of the said fund, to be purchased as aforesaid, in like manner, and upon the same terms as the respective present proprietors now hold and enjoy the respective sums belonging to them in the said annuity fund of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings; and the said annuities, so to be sold as aforesaid, shall be consolidated with the said fund of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings; and the said debt of four millions two hundred thousand pounds, due from the publick to the said United Company, and the annuities payable in respect thereof, shall be a collateral security to the proprietors and holders of the said annuities, so to be sold or mortgaged as aforesaid, in the same manner as for the said sum of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings, heretofore sold under the before recited act of the twenty-third year of the reign of his late Majesty King *George the Second*, but subject nevertheless to such and the like proviso, or condition of redemption by the Company, as the said sum of four millions two hundred thousand pounds, due to the Company by the publick, is or shall be subject and liable by any act or acts of Parliament.

Company may borrow, with the approbation of the treasury, any sum at 3 l. per cent. the annual interest of which does not exceed 35,226 l. 16 s.

The additional annuities to be paid on the same terms as the money borrowed under the recited act, and secured by the publick in the same manner, etc.

Company may add to their capital stock 800,000 l. by subscription.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said United Company, and they are hereby authorized and impowered, by and with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being, at any time or times hereafter, to open books, and to receive subscriptions from any person or persons, natives or foreigners, bodies politick or corporate, for enlarging their present capital stock or fund of three millions two hundred thousand pounds, to any sum not exceeding the further sum of eight hundred thousand pounds capital stock, so as to make their whole capital stock the sum of four millions; which said additional capital stock shall be subscribed and paid for at the rate of one hundred and sixty pounds for every one hundred pounds of such stock, or at such other rate as the court of directors of the said United Company, with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being, shall direct; which said subscription shall be made, and the money for the said additional stock shall be paid in such manner and form, and by such instalments and proportions, as the said court of directors, with such consent and approbation as aforesaid, shall appoint; and the capital stock so subscribed and paid for, shall, from and after the time of such payment, be deemed, considered, and taken, as and for a part of the capital stock of the said Company; and the said subscribers, from and after the time of making full payment for the said additional stock, and their respective executors, or administrators and assigns, shall at all times be deemed and reputed to be members of the said United Company, and incorporated therewith, and shall be intitled unto, and have, hold, and enjoy all and every the profits, benefits, privileges, advantages, and immunities, and be subject and liable to all and every the regulations, rules, and orders, whereto the present stockholders and members of the said United Company, in respect of the stock held by, and belonging to them, are respectively intitled, subject, and liable unto, by any act or acts of Parliament, charter, or bye-law, or otherwise howsoever; and the said additional stock shall be transferrable and assignable in the like manner, and the proprietors and holders thereof shall hold their respective shares of the said additional stock in like manner, as the respective present stockholders of the said Company now do, and hereafter shall hold and enjoy the respective sums now belonging to them in the present capital stock of the said United Company; and the same shall, in all respects, be consolidated and united as one joint stock.

Subscribers to be incorporated with the Company, etc.

Dividends on the additional stock to be paid as on the present stock.

III. And be it further enacted by the authority aforesaid, That the said United Company shall and may, from time to time, make and pay the like dividends, to the proprietors of the said additional stock, as they now do and hereafter shall and may make and pay to the proprietors and holders of the present stock of the said United Company; the first of which said dividends shall commence from such time as shall be specified in the proposals or terms to be offered for the said subscription by the said court of directors, with such consent and approbation as aforesaid.

Preference in subscribing for the additional stock, may be given to the present proprietors, so as not to exceed 50 l. per cent. on the stock

IV. Provided nevertheless, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said court of directors, with such consent and approbation as aforesaid, to give the option and preference, in subscribing for the said additional stock, to such persons as shall hold the said Company's stock at the time or times of such subscription as aforesaid, as far as, and not exceeding the amount of fifty pounds *per centum* on the capital stock which shall then be held by each

each stockholder so subscribing, for all such sums as they shall subscribe on or before the first day of *September*, one thousand seven hundred and eighty-six; and in case the subscriptions, made by them on or before the said first day of *September*, one thousand seven hundred and eighty-six, shall exceed the sum proposed to be sold at that time, a proportionable deduction shall be made from each subscription; and if such subscription shall, on the close thereof, on the first day of *September*, one thousand seven hundred and eighty-six, fall short of the sum proposed to be sold, the deficiency shall be disposed of to other persons, as the said court of directors, with consent and approbation as aforesaid, shall think fit.

V. Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent or restrain the court of directors of the said United Company, by and with such consent and approbation as aforesaid, from agreeing with one or more person or persons, bodies politick or corporate, for the sale of the whole of the said annuity hereby authorized to be sold, or for the sale of the said additional capital stock, or for such part or parts thereof respectively as they shall from time to time think fit, and find it necessary and proper to sell; but it shall and may be lawful for the said court, with such consent and approbation as aforesaid, to contract for and agree to sell the whole, or any part thereof, respectively, to one or more person or persons.

VI. And be it further enacted, That, as soon as reasonably may be after the deposit or first payment shall be made for the said annuities, hereby authorized to be sold, or for the said additional stock to be subscribed for, the said Company's cashier or treasurer shall give a receipt for the same, and so from time to time as future payments shall be made, which said receipts shall be assignable and transferrable by indorsement thereon; and when the first payment shall be made on the said annuities to be sold, and on the said additional stock to be subscribed for as aforesaid, the holder of such receipt, on delivering up the same, shall have his or her name entered, in proper books to be kept by the said United Company for those purposes, with an account of the annuity fund or the capital stock belonging to each proprietor, in like manner as the accounts of the present proprietors of *India* annuities and stock are respectively kept.

VII. Provided always nevertheless, and be it further enacted, That in case any subscriber or subscribers, after having subscribed, shall fail in making all or any the payments agreed at the respective times for such payments, then, and in every such case, the said United Company shall and may take in subscriptions for and sell the annuity fund, or stock subscribed for by such defaulter, to any other person or persons, and all deposits and payments made by such defaulter previous to such default, shall be forfeited to, and become the property of the said United Company.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any guardian or trustee having the disposition of the money of any infant, to purchase the said annuities, and subscribe and pay for the said additional stock, or any part thereof respectively, upon the terms and conditions contained in this act; and such infant, upon the payment of such sum or sums by such guardian or trustee, shall be intitled unto the annuities or stock, so subscribed and paid for on his account, and to all advantages in respect thereof, in like manner as any other purchaser or subscriber; and the said guardian or trustee, as to the sum or sums advanced by him, shall be, and is hereby discharged in respect thereof, so as the name of such infant shall be expressed in the receipt or receipts for such money.

now held by them.

If sum so subscribed be more than sufficient, a proportionable deduction to be made from each subscription.

Court of directors may sell the whole, or part of the stock; to one or more person or persons, with the consent of the treasury.

Receipts to be given for deposits, and to be transferrable by indorsement.

Deposits to be forfeited if subscriptions are not duly paid.

Guardians may purchase for infants, &c.

Publick act.

IX. And be it further enacted, That this act shall be deemed and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

8



A
T A B L E

OF THE

Dates and Titles of divers Acts of Parliament,

(Not printed in this COLLECTION)

For Imposing, Rating, and Securing the Payment of Duties
on Merchandize imported from INDIA, CHINA, and
PERSIA, and for granting Bounties on *British* and *Irish*
Linens exported to those Countries; and for other Purposes
collaterally affecting the Trade and Commerce of the

EAST INDIA COMPANY.

T A B L E

OF THE

Dates and Titles of divers ACTS of PARLIAMENT
collaterally affecting the Trade and Commerce of the
EAST INDIA COMPANY.

12 CAROLI II. Cap. IV.

A Subsidy granted to the King of Tonnage and Poundage, and other sums of money payable upon merchandize exported and imported.

BY this act various *East India* goods were rated to the customs, and such as were not rated were charged at 5 l. per cent. *ad valorem*.

12 CAROLI II. Cap. XXIII.

A grant of certain impositions upon Beer, Ale, and other Liquors, for the increase of his Majesty's revenue during his life.

12 CAROLI II. Cap. XXIV.

An act for taking away the Court of Wards and Liveries, and Tenures in Capite, and by Knights Service, and Purveyance, and for settling a revenue upon his Majesty in lieu thereof.

* BY each of the two last acts, an excise duty of eight-pence *per* gallon was laid upon tea, chocolate, and sherbet, and four-pence *per* gallon on coffee made and sold, to be paid by the maker; but these duties were afterwards repealed, and others substituted, by 1 W. & M. cap. 6, and other acts.

13 & 14 CAROLI II. Cap. XI.

An act for preventing frauds and regulating abuses in his Majesty's customs.

THIS act contains general rules for the clearance of ships and goods inwards and outwards, with explanations of some parts of the Navigation act, and clauses for enforcing it.

15 CAROLI II. Cap. VII.

An act for the encouragement of Trade.

SECT. XII. And forasmuch as several considerable and advantageous trades cannot be conveniently driven and carried on without the species of money or bullion, and that it is found by experience, that they are carried in greatest abundance (as to a common market) to such places as give free liberty for exporting the same; and the better to keep in and increase the current coins of this kingdom, be it enacted, and it is hereby enacted, That from and after the first day of *August*, one thousand six hundred sixty and three, it shall and may be lawful to and for any person or persons whatsoever, to export out of any port of *England* or *Wales*, in which there is a customer or collector, or out of the town of *Berwick*, all sorts of foreign coin or bullion of gold or silver, first making entry thereof in such custom-house respectively, without paying any duty, custom, poundage, or fee for the same; any law, statute or usage to the contrary notwithstanding.

22 & 23 CAROLI II. Cap. V.

An act for an additional excise upon Beer, Ale, and other Liquors.

THIS act imposes further duties by the gallon (since repealed) upon tea, chocolate, sherbet, and coffee.

22 & 23 CAROLI II. Cap. XI.

An act to prevent the delivery up of Merchants Ships, and for the increase of good and serviceable Shipping.

[This act having been omitted to be inserted in its proper place, in the foregoing Collection, is here given at large.]

16 Car. 2. c. 6.

WHEREAS it often happeneth that masters and commanders of merchants ships do suffer their ships to be boarded, and their goods to be taken out by pirates and sea-rovers, notwithstanding they have sufficient force to defend themselves, whereby not only the merchants are much prejudiced, but the honour of the *English* navigation is thereby much diminished, and merchants discouraged from lading their goods on board *English* ships, to the decay of shipping; in the preservation of which the wealth, honour and safety of this nation is so much concerned; To which the said masters are encouraged by a practice used towards them by the *Turks* and others, who after they have taken out the goods, as an encouragement to masters of ships to yield, do not only restore the ship with such goods as are claimed by the masters or seamen, but many times pay unto the masters all or some part of the freight, which hath many times caused suspicion of treachery in the said masters, to the great dishonour of the *English* nation:

II. For the prevention thereof for the future, and for the better encouragement to merchants, as well foreigners as *English*, to freight and use *English* ships; 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, assembled in Parliament, and by authority of the same, That where any goods or merchandizes shall be laden on board any *English* ship, which

No master shall deliver up any ship (of 200 tons and 16 guns) to any pirates or others, without fighting.

ship

ship shall be of the burthen of two hundred tons or upwards, and mounted with sixteen guns or more, if the master or commander shall yield up the said goods to any *Turkish* ships or vessels, or to any pirates or sea-rovers whatsoever, without fighting; that then and in such case the master shall, upon proof thereof made in the high court of admiralty, be from thenceforth incapable of taking charge of any *English* ship or vessel as master or commander thereof; and if he shall at any time thereafter presume to take upon him to command any *English* ship or vessel; he shall suffer imprisonment by warrant from the said court, during the space of six months, for every such offence: And in case the persons so taking the said goods, shall release, give back, or let pass the said ship, shall pay unto the said master any sum or sums of money, or any goods in lieu of money for freight, or other reward or gift; that in all or any such cases, the said goods or money so given, or the value thereof, as also the master's part of such ship, her tackle, apparel and furniture so released, given back or let pass, out of which the said goods were taken, shall be liable to repair the persons whose goods were so delivered or taken, by action in the high court of admiralty: And in case the commander's or master's part of the ship, tackle, apparel and furniture, together with such money and goods given as aforesaid, shall not be sufficient to repair all the damages sustained; then the reparations to be recovered on the master's or commander's part of the ship, to be divided *pro rata* amongst the persons prosecuting and proving their damages, and the persons damaged to have their action against the master for the remainder.

III. And be it further enacted by the authority aforesaid, That no master of any such *English* ship as aforesaid, being at sea, and having discovered any ship to be a *Turkish* ship, pirate or sea-roker, shall depart out of his ship upon any pretence whatsoever, lest by his detention on board any such ship, the safety of his own ship be hazarded.

The master not to depart out of his ship.

IV. And be it further enacted, That if the master of any *English* ship or vessel, though not of the burthen of two hundred tons, or mounted with sixteen guns as aforesaid, shall yield his ship unto any *Turkish* ship, pirate or sea-roker, (not having at the least his double number of guns), without fighting, every such master shall be liable to all and every the penalties in this act contained.

The penalty when the ship is under 200 tons and 16 guns.

V. And be it further enacted by the authority aforesaid, That upon process made out of the high court of admiralty, it shall and may be lawful to and for all commanders of his Majesty's ships of war, or the commanders of any other *English* ships, to seize such ships or masters so offending, according to the said process in such case to be issued, and the same to bring or send in custody into any ports of his Majesty's dominions, there to be proceeded against according to the intent and meaning of this act.

To seize by process out of the admiralty.

VI. Provided, That none be hereby encouraged to violate the rights of the ports of any foreign prince or states in amity with the King's Majesty.

VII. And be it further enacted by the authority aforesaid, That if the mariners or inferior officers of any *English* ship, laden with goods and merchandizes as aforesaid, shall decline or refuse to fight and defend the ship, when they shall be thereunto commanded by the master or commander thereof, or shall utter any words to discourage the other mariners from defending the ship; that every mariner who shall be found guilty of declining or refusing as aforesaid, shall lose all his wages due to him, together with such goods as he hath in his ship, and suffer imprisonment, not exceeding the space of six months, and shall during such time be kept to hard labour for his or their maintenance.

Penalty for mariners refusing to fight.

VIII. Pro-

Where the master is forced to yield his ship, there he is excused.

VIII. Provided always, That if any ship shall have been yielded as aforesaid, contrary to the will and endeavour of the master or commander, by the disobedience of the mariners, testified by their having laid violent hands on him; that in such case the master or commander shall not be liable to the sentence of incapacity as aforesaid, nor to any action for the losses sustained by the merchants, unless he shall have received back from the takers thereof, his ship, or some recompence, gift or reward as aforesaid.

Penalty for mariners to force him to yield his ship, felony.

IX. And be it further enacted by the authority aforesaid, That every mariner who shall have laid violent hands on his commander, whereby to hinder him from fighting in defence of his ship and goods committed to his trust, shall suffer death as a felon.

When any officers or seamen are wounded in defence of their ship, provision is made for their maintenance.

X. And for the better encouragement to captains, masters, officers and seamen, to defend their ship; be it enacted by the authority aforesaid, That when any *English* ship shall have been defended by fight, and brought to her designed port, in which fight any of the officers or seamen shall have been wounded, it shall and may be lawful to and for the judge of his Majesty's high court of admiralty, or his surrogate, or the judge of the vice-admiralty within which the ship shall arrive at her return, upon petition of the master or seamen of such ship so defended as aforesaid, to call unto him such and so many as he shall be informed to be adventurers or owners of the ship and goods so defended, and by advice with them to raise and levy upon the respective owners and adventurers, by process out of the said court, such sum or sums of money, as himself, with the major part of the adventurers or owners then present, shall judge reasonable, not exceeding the value of two per cent. of the ship and goods so defended, according to the first cost of the goods, to be made appear by the invoice (which the owner, or his factor or correspondent, is hereby required to produce), or by the oath of the said owner, factor or correspondent, if thereunto required; which money so raised shall be paid unto the register of the said court, who shall receive for the same three-pence in each pound, and no more, thence to be distributed amongst the captain, master, officers and seamen of the said ship, or widows and children of the slain, according to the direction of the judge of the said court, with the approbation of three or more of the owners or adventures aforesaid, who shall proportion the same according to their best judgements, unto the ship's company as aforesaid, having special regard unto the widows and children of such as shall have been slain in that service, and to such as shall have been wounded or maimed.

Seamen maintained in fighting against pirates, provided for by 2 G. 2. c. 24. s. 5.

The benefit they are to receive by taking a ship that shall assault them.

XI. And in case the company belonging unto any *English* merchant ship shall happen to take any ship, which ship shall first have assaulted them, the respective officers and mariners belonging to the same shall, after condemnation of such ship and goods, have and receive to their own proper use and benefit such part and share thereof, as is usually practised in private men of war.

Felony for any officer or other person wilfully to destroy any ship.

XII. And whereas it often happeneth that masters and mariners of ships having ensured or taken upon bottomary, greater sums of money than the value of their adventure, do wilfully cast away, burn, or otherwise destroy the ships under their charge, to the merchants and owners great loss; for the prevention thereof for the future, be it enacted by the authority aforesaid, That if any captain, master, mariner, or other officer belonging to any ship, shall wilfully cast away, burn, or otherwise destroy the ship unto which he belongeth, or procure the same to be done, he shall suffer death as a felon.

XIII. And for the better encouragement of building good and defensible ships, be it enacted, That all and every person or persons that shall,

within

within the space of seven years from and after the first of *May* next ensuing, build or cause to be built, within any of his Majesty's dominions, any ship or vessel of three decks, with a forecastle, and five foot between each deck, mounted with thirty pieces of ordnance at least, and other ammunition proportionable, shall, for the first two voyages which the said ship or ships make from his Majesty's dominions to any foreign part, have and receive to his and their own proper use and benefit, one tenth part:

Encourage-
ment given
for building
good ships.

XIV. And all persons that shall build any ships of two decks, above three hundred tons, and thirty guns, shall have one twentieth part of the customs that shall be paid to his Majesty for all such goods or merchandizes as shall be exported or imported on the said ship or ships, to and from this kingdom: And the commissioners and officers of his Majesty's customs are hereby impowered and required to pay the same to the owner or owners of the said ship or ships accordingly.

I JACOBI II. Cap. I.

An act for settling the revenue on his Majesty for his life, which was settled on his late Majesty for his life.

THE duties granted by 12 Car. II. c. 23. were by this act revived: But the act was repealed by 2 W. & M. sess. 1. c. 3. sect. 11.

I JACOBI II. Cap. V.

An act for granting an aid to his Majesty by an imposition on all French Linens; and all East India Linen; and several other manufactures of India; and on all French wrought Silks and Stuffs; and on all other wrought Silks; and on all Brandies imported after the first day of July, 1685, and before the first day of July, 1690, for the King's extraordinary occasions—Expired.

I GULIELMI & MARIÆ. Sess. 2. Cap. VI.

An act for the charging and collecting the duties upon Coffee, Tea and Chocolate at the custom-house.

THE excise duties imposed on these articles by 12 Car. 2. cap. 23 & 24. and by 23 & 24 Car. 2. cap. 5. were by this act repeated, and other duties of customs imposed in their stead.

2 GULIELMI & MARIÆ. Sess. 2. Cap. IV.

An act for granting to their Majesties certain impositions upon all East India goods and merchandizes, and upon all wrought Silks, and several other goods and merchandize, to be imported after the 25th day of December, 1690.

THESE duties were granted for a term of five years, which was continued by several subsequent acts, and made perpetual by 9 Ann. cap. 21. sect. 1.

2 GULIELMI & MARIÆ. Sess. 2. Cap. 10.

An act for granting to their Majesties several additional duties of excise upon Beer, Ale, and other liquors, for four years, from the time that an act for doubling the duty upon Beer, Ale, and other liquors, during the space of one year, doth expire.

BY this act a separate account is directed of the duties granted by cap. 4. of the same year; and the surplus thereof, and of the additional duties, are specially appropriated.

4 & 5 GULIELMI & MARIÆ. Cap. V.

An act for granting to their Majesties certain additional impositions upon several goods and merchandize, for the prosecuting the present war against France.

THIS is the act for the general impost of 1692, and imposes an additional subsidy on certain articles rated, as also an additional duty of 5 l. per cent. on articles not rated, with an exception of goods charged to the duties granted by 2 W. & M. cap. 4.

5 GULIELMI & MARIÆ. Cap. XX.

An act for granting to their Majesties several rates and duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other liquors, for securing certain recompences and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds, towards carrying on the war against France.—Expired.

A DUTY of 30 s. per ton, for a term of four years, was by this act laid on all ships importing goods from the *East Indies*, two thirds of the duty to be borne by the merchants, and one third by the ship owners. This duty was continued by 7 & 8 W. 3. cap. 31. sect. 27. for a further term of five years, but does not appear to have been continued by any subsequent act.

6 GULIELMI & MARIÆ. Cap. I.

An act for granting to their Majesties a subsidy of Tonnage and Poundage, and other sums of money payable upon merchandizes exported and imported.

BY this act the subsidy of tonnage and poundage, granted by 12 Car. 2. cap. 4. was continued to King *William* for five years, and after being continued by several subsequent acts for further terms, was made perpetual, as stated in the Index, under the title, "Duties on Tea."

6 & 7 GULIELMI III. Cap. VII.

An act for granting to his Majesty several additional duties upon Coffee, Tea, Chocolate, and Spices, towards satisfaction of the debts due for transport service for the reduction of Ireland.

NOTICE is taken of this act in the Index, under the head of, "Duties on Tea."

6 & 7 GULIELMI III. Cap. XII.

An act for explaining and regulating several Doubts, Duties and Penalties, in the late act for granting several duties upon Vellum, Parchment and Paper; and for ascertaining the admeasurements of the tonnage of ships.—Expired.

BY the 10th section, the mode prescribed by the act of 5 W. & M. cap. 20. for taking the measure of ships whereon to rate the duties of tonnage, was repealed, and a new one adopted.

6 & 7 GULIELMI III. Cap. XV.

An act to indemnify Sir Thomas Cobke from actions which he might be liable to, by reason of his discovering to whom he paid and distributed several sums of money therein mentioned, to be received out of the treasure of the East India Company, or for any prosecution for such distribution.—Expired.

7 & 8 GULIELMI III. Cap. X.

An act for continuing several Duties, granted by former acts upon Wine and Vinegar, and upon Tobacco and East India goods, and other merchandize imported, for carrying on the War against France.

• THE continuance was till 1701. But by 8 Ann. c. 21. s. 1. the duties were made perpetual.

7 & 8 GULIELMI III. Cap. XXII.

An act for preventing Frauds, and regulating Abuses in the Plantation trade.

THIS act contains a variety of provisions for preventing abuses and evasions of the regulations prescribed by the several acts of navigation and shipping of 12 Car. 2. c. 18. 15 Car. 2. c. 7. 22 and 23 Car. 2. c. 26. and 25 Car. 2. c. 7. in carrying on the plantation trade; and in particular it is provided by the 17th and the following sections, that every ship, before she can be deemed a ship of the built of England, Ireland, Wales, Berwick, Guernsey, Jersey, or plantations in America, shall be registered at her proper port.

7 & 8 GULIELMI III. Cap. XXXI.

An act for continuing to his Majesty certain Duties upon Salt, Glass wares, Stone and Earthen wares; and for granting several Duties upon Tobacco Pipes, and other Earthen wares, for carrying on the War against France; and for establishing a National Land Bank; and for taking off the Duties upon tonnage of Ships and upon Coals.

THE duties granted by 5 W. & M. c. 20. on the tonnage of ships were, by the 27th section of this act, continued till the 17th of May, 1696; from which time it was declared that the said duties should cease.

8 & 9 GULIELMI III. Cap. XII.

An act for continuing several additional Impositions upon several Goods and Merchandizes.

THE duties granted by 4 & 5 W. & M. c. 5. were by this act continued till 1697.

8 & 9 GULIELMI III. Cap. XX.

An act for making good the Deficiencies of several Funds therein mentioned; and for enlarging the Capital Stock of the Bank of England, and for raising the Publick Credit.

THE duties granted or continued by several of the before-mentioned acts, were by this act further continued until 1706.

9 & 10 GULIELMI III. Cap. XIV.

An act for continuing the duties upon Coffee, Tea, and Chocolate, and Spices, towards satisfaction of the debt due for Transport Service for the Reduction of Ireland.

THE act of 6 & 7 W. 3. c. 7. was by this act revived, and the duties continued until 1701.— See further 18 Geo. 2. c. 26.

9 & 10 GULIELMI III. Cap. XXIII.

An act for granting to his Majesty a further subsidy of Tonnage and Poundage, towards raising the yearly sum of 700,000 l. for the service of his Majesty's Household, and other uses therein mentioned, during his Majesty's life.

THIS is the original act for the general impost called, *The further or New Subsidy*, and has been regularly revived and continued at the commencements of the several subsequent reigns for the life of the Sovereign.

11 & 12 GULIELMI III. Cap. X.

An act for the more effectual employing the Poor, by encouraging the Manufactures of this Kingdom.

THIS is a prohibitory law against the wearing in this kingdom of any wrought silks, bengalls, or stuffs mixed with silk or herba, of the manufacture of *Persia, China, or East India*, and of calicoes painted, dyed, printed, or stained there. And also against the importation of such goods, save only in the port of *London*, where they are to be kept in the King's warehouse till re-exported; the time for which is limited to three years. The duties on these prohibited goods, except the half subsidy, are by this act discontinued.

12 GULIELMI III. Cap. XI.

An act for granting to his Majesty several duties upon low Wines or Spirits of the first extraction, and continuing several additional duties upon Coffee, Tea, Chocolate, Spices, and Pillures; and certain impositions upon Hawkers, Pedlars, and petty Chapmen, and the duty of fifteen per centum upon Muslins;
and

and for improving the duties upon Tanned and Lacquered Goods, and for continuing the Coinage duty, for the several terms and purposes therein mentioned.

THIS act was made perpetual by 3 & 4 Ann. c. 4.

1 ANNÆ. Stat. I. Cap. VII.

An act for the better support of her Majesty's Household, and of the honour and dignity of the Crown.

THE new subsidy imposed by 9 W. 3. c. 23. is by this act revived, and granted to the Queen for life:

1 ANNÆ. Stat. I. Cap. XIII.

An act for making good Deficiencies, and for preserving the Publick Credit.

SEVERAL duties imposed for terms of years by former acts, are hereby continued until 1710; and the overplus of several duties are made part of the general fund. The act also contains clauses for appropriating the overplus of the said fund.

1 ANNÆ. Stat. II. Cap. IX.

An act for punishing of Accessories to Felonies, and Receivers of Stolen Goods; and to prevent the wilful burning and destroying of Ships.

BY f. 4. If any captain, master, mariner, or other officer belonging to any ship, shall wilfully cast away, burn, or destroy the ship to which he belongeth, or procure the same to be so done, to the prejudice of the owner of such ship, or of any goods on board, he shall suffer death as a felon.

By f. 5. The offence, if committed on the high seas, shall be tried by the admiralty, as directed by the act of 28 H. 8. c. 15. and if the offender shall be convicted of the offence, or stand mute, or peremptorily challenge above twenty of the persons returned on the panel of the jury, he shall suffer death without benefit of clergy.

3 & 4 ANNÆ. Cap. IV.

An act for continuing duties upon Low Wines, and upon Coffee, Tea, Chocolate, Spices, and Pistures, and upon Hawkers, Pedlars, and Petty Chapmen, and upon Muslins; and for granting new Duties upon several of the said commodities, and also upon Callicoes, China-ware, and Drugs.

THIS is also a continuation of several duties until 1710; and after granting an additional duty of 15 l. per cent. on white callicoes, not paying duty as muslins, dimities, or other cotton manufactures; 12 l. per cent. on china or japan ware; 10 l. per cent. on rated drugs, and 4 l. per cent. on unrated drugs, for the like term, the act provides for the mode of rating the duties *ad valorem*, upon callicoes, china, and japan ware, according to the prices on their sales by the candle. These duties were further continued by 6 Ann. c. 22. for three years, and made perpetual by 7 Ann. c. 7. f. 26.

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3 & 4 ANNÆ. Cap. V.

An act for granting to her Majesty a further Subsidy on Wines and Merchandizes imported.

THIS is the impost called *The Two Third Subsidy*, and was granted by this act for four years; and was made perpetual by 7 Ann. c. 7. f. 22.

4 ANNÆ. Cap. VI.

An act for continuing an additional subsidy of Tonnage and Poundage, and certain duties upon Coals, Culm, and Cinders, and additional duties of Excise, and for settling and establishing a Fund thereby, and by other ways and means, for payment of annuities to be sold for raising a further Supply to her Majesty for the service of the year 1706, and other uses therein mentioned.

BY this act is granted the impost called *The One Third Subsidy*, for a term of 98 years. But by 1 Geo. 1. stat. 2. c. 12. f. 8. this subsidy was continued for ever.

5 ANNÆ. Cap. XXVII.

An act for continuing several Subsidies, Impositions, and Duties, and for making Provisions therein mentioned, to raise money by way of Loan for the service of the War, and other her Majesty's necessary and important occasions, and for ascertaining the Wine Measure.

THIS act further continues the duties of 1 Ann. stat. 1. c. 13. until 1712.

6 ANNÆ. Cap. XI.

An act for continuing one half part of the Subsidies of Tonnage and Poundage, and other duties upon Wines, Goods, and Merchandizes imported, which were granted to the Crown in the 12th year of the reign of King Charles the Second, and for settling a Fund thereby, and by other ways and means, for payment of Annuities not exceeding 80,000 l. per annum, to be sold for raising a further Supply to her Majesty for the service of the year 1708, and other uses therein expressed.

BY this act a one half subsidy is granted for 96 years. Made perpetual by 1 Geo. 1. stat. 2. c. 12. f. 2.

6 ANNÆ. Cap. XIX.

An act for continuing the half Subsidies therein mentioned, with several impositions and other duties to raise money by way of Loan for the service of the War, and other her Majesty's necessary and important occasions; and for charging of Prize Goods and Seizures; and for taking off the drawbacks of Foreign Cordage, and to obviate the clandestine importation of wrought Silks.

A FURTHER half subsidy is granted by this act for two years, and was made perpetual by 7 Ann. c. 7. f. 29.

6 A N N Æ. Cap. XXII.

An act for continuing several duties therein mentioned upon Coffee, Chocolate, Spices, Pistures, and Muslins, and additional duties upon several of the said commodities, and certain duties upon Callicoes, China Wares, and Drugs; and for continuing the duties called The Two Third Subsidies of Tonnage and Poundage, for preserving the Publick Credit; and for ascertaining the duties of Coals exported for foreign parts; and for securing the Credit of the Bank of England; and for passing several accounts of Taxes raised in the County of Monmouth; and for promoting the consumption of such Tobacco as shall have paid her Majesty's duties.

THE duties imposed by 3 & 4 Ann. c. 4. are by this act continued till 1714, and were made perpetual by 7 Ann. c. 7. s. 26. But the duties laid by these acts on coffee, tea, and cocoa nuts, afterwards underwent various alterations. The two third subsidies of 3 & 4 Ann. c. 5. were also by this act continued for three years; and made perpetual by 7 Ann. c. 7. s. 22.

7 A N N Æ. Cap. VII.

An act for enlarging the Capital Stock of the Bank of England, and for raising a further supply to her Majesty for the service of the year 1709.

VARIOUS subsidies granted by former acts for terms of years, are, by this act, made perpetual. And by sect. 61, all bodies politick or corporate erected, and all persons united in partnership in England, exceeding the number of six persons, are prohibited from taking up money on bills or notes payable on demand, or within less than six months.

7 A N N Æ. Cap. VIII.

An act for continuing several impositions and duties to raise money by way of loan; and for exporting British Copper and Brass Wire duty-free; and for circulating a further sum in Exchequer Bills, in case a new contract be made in that behalf; and concerning the oaths to be administered in relation to Italian Brown Silks, and touching Oils and Plantation Goods of Foreigners, taken or to be taken as Prize; and concerning Drugs of America to be imported from her Majesty's Plantations; and for appropriating the Monies given in this Session of Parliament; and for making out Debentures for two Transport Ships in this act named; and to allow a further time for registering certain Debentures, and for relief of Persons who have lost such Tickets, Exchequer Bills, Debentures, Tallies, or Orders, as in this act are mentioned.

THE duties granted by 2 W. & M. sess. 2. c. 4. and by 4 & 5 W. & M. c. 5. were, by this act, further continued till 1716, and were made perpetual by 9 Ann. c. 21. s. 2.

8 A N N Æ. Cap. XIII.

An act for continuing several impositions, additional impositions, and duties upon Goods imported, to raise money by way of Loan, for the service of the year 1710; and for taking off the over-sea duty on Coals exported in British Bottoms; and for better preventing Frauds in Drawbacks upon Certificate Goods; and

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and for ascertaining the duties of Corans imported in Venetian ships; and to give further time to foreign merchants for exportation of certain foreign goods imported; and to limit a time for prosecutions upon certain Bonds given by merchants; and for continuing certain Fees of the officers of the customs; and to prevent embezzlements by such officers; and for appropriating the monies granted to her Majesty; and for replacing monies paid or to be paid for making good any deficiencies on the annuity acts; and for encouragement to raise Naval Stores in her Majesty's Plantations; and to give further time for registering Debentures, as is therein mentioned.

BY this act the duties granted by 2 *W. & M.* sess. 2. c. 4. and also the duties granted by 4 & 5 *W. & M.* c. 5. are further continued to 1720, and made perpetual by 9 *Ann.* c. 21. l. 1. and the said duties were further appropriated, without prejudice to former appropriations. The act also contains divers provisions and regulations for preventing frauds on drawbacks for goods exported; and for the more easy discharge of bonds given for exporting foreign goods prohibited to be worn in this kingdom.

9 A N N Æ. Cap. VI.

*An act for reviving, continuing, and appropriating certain duties upon several commodities to be exported; and certain duties upon Coals to be waterborne and carried coastwise; and for granting further duties upon Candles for 32 years; to raise 1,500,000*l.* by way of a lottery, for the service of the year 1711; and for suppressing such unlawful lotteries, and such insurance offices, as are therein mentioned.*

THE subsidy of poundage of 12 *C.* 2. c. 4. is by this act revived with some exceptions, and granted for 32 years; but made perpetual by 3 *G. I.* c. 7. l. 1.

9 A N N Æ. Cap. XXI.

An act for making good deficiencies, and satisfying the publick debts; and for erecting a corporation to carry on a trade to the South Seas, and for the encouragement of the Fishery; and for liberty to trade in unwrought Iron with the subjects of Spain; and to repeal the acts for registering seamen.

THE duties granted by 2 *W. & M.* sess. 2. c. 4. and also the duties granted by 4 & 5 *W. & M.* c. 5. and which by 8 *Ann.* c. 13. were continued until 1720, are by this act made perpetual.

The *South Sea Company* were first incorporated under the provisions contained in this act, and by s. 58, they were restricted from navigating beyond the southernmost part of *Terra de Fuego*, except only through the *Streights of Magellan*, or round *Terra del Fuego*; as also from going from thence into any part of the *East Indies*, and from returning by any other way than through the said *Streights of Magellan*, or by *Terra del Fuego*; and likewise from trading in *Indian, Persian, or China* goods, excepting in such as should be exported from *Britain*; and from sending any ships within the *South Seas*, from *Terra del Fuego* to the northernmost part of *America*, above 300 leagues to the westward of, and distant from the shores of *Chili, Peru, Mexico, California*, or other shores of Southern or Northern *America*, between *Terra del Fuego* and the northernmost part of *America*, under certain penalties, one third of which is given to the King, and the other two thirds are given to the *East India Company*.

By the 61st sect. it is enacted, That no person shall be capable of being a governor or deputy governor or director at the same time of more than one of the three incorporated companies, *viz.* the *East India Company*, the *Bank of England*, and the *South Sea Company*:

10 ANN Æ. Cap. XIX.

*An act for laying several duties upon all Soap and Paper made in Great Britain, or imported into the same; and upon chequered and striped Linens imported; and upon certain Silks, Callicoes, Linens, and Stuffs, printed, painted, or stained; and upon several kinds of Stamped Vellum, Parchment, and Paper; and upon certain Printed Papers, Pamphlets, and Advertisements; for raising the sum of 1,800,000*l.* by way of Lottery, towards her Majesty's supply; and for licensing an additional number of Hackney Chairs; and for charging certain stocks of Cards and Dice; and for better securing her Majesty's duties in the office for the stamp duties by licences for marriages, and otherwise; and for relief of persons who have not claimed their lottery tickets in due time, or have lost exchequer bills, or lottery tickets; and for borrowing money upon stock (part of the capital of the South Sea Company) for the use of the publick.*

THE duties imposed by this act upon printed linens imported, and upon silks, callicoes, linens, and stuffs, were to have continued only for a term of 32 years, but were made perpetual by 3 G. 1. c. 7. sect. 1. the provisions for these duties begin at sect. 66. and end with sect. 99.

10 ANN Æ. Cap. XXVI.

*An act for laying additional duties on Hides and Skins, Vellum and Parchment, and new duties on Starch, Coffee, Tea, Drugs, Gilt and Silver Wire, and Policies of Insurance, to secure a yearly fund for satisfaction of orders to the contributors of a further sum of 1,800,000*l.* towards her Majesty's supply; and for the better securing the duties on Candles; and for obviating doubts concerning certain payments in Scotland; and for suppressing unlawful lotteries, and other devices of the same kind; and concerning Cake Soap; and for relief of Mary Ravenall, in relation to an annuity of 18*l.* per annum; and concerning prize cocoa nuts brought from America; and certain tickets which were intended to be subscribed into the stock of the South Sea Company; and for appropriating the monies granted in this session of Parliament.*

THE additional duties on tea hereby imposed were two shillings per pound from China, and five shillings per pound from any other place. In this act, beginning at s. 34. and ending at s. 44. are contained several regulations for securing the duties, and allowing a drawback on exportation, and preventing the clandestine running of tea and coffee, as also for prescribing the mode of ascertaining the duties upon drugs imported by the *East India Company*.

12 ANN Æ. Stat. I. Cap. XVIII.

An act for making perpetual the act made in the thirteenth and fourteenth years of the reign of the late King Charles the Second, intituled, "An act for the better relief of the poor of this kingdom," and that persons bound apprentices to, or being hired servants with persons coming with certificates shall not gain settlements by such services or apprenticeships; and for making
 5 C perpetual

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perpetual the act made in the sixth year of her present Majesty's reign, intituled, "An act for the importation of cochineal from any ports in Spain, during the present war, and six months longer;" and for reviving a clause in an act made in the ninth and tenth years of the reign of the late King William, intituled, "An act for settling the trade to Africa," for allowing foreign copper bars imported to be exported.

BY the fifth section it is provided, that no drawback shall be allowed on the exportation of any copper, but on such as shall be imported from the *East Indies*, and the coast of *Barbary*.

N. B. This act was to continue only for 14 years, but it has been renewed and continued by several subsequent acts.

12 ANNÆ. Stat. II. Cap. IX.

An act for laying additional duties on Soap and Paper; and upon certain Linens, Silks, Callicoes, and Stuffs; and upon Starcb and exported Coals; and upon stamp Vellum, Parchment and Paper; for raising £. 1,400,000 by way of a Lottery, for her Majesty's supply; and for allowances on exporting made wares of leather, sheep skins and lamb skins; and for distribution of £. 4,000 due to the officers and seamen for gun money; and to adjust the property of tickets in former lotteries; and touching certain shares of stock in the capital of the South Sea Company; and for appropriating the monies granted to her Majesty.

THESE duties were granted for 32 years, but were made perpetual by 6 *Geo.* 1. cap. 4. sect. 1.—The 15th section directs, that on the exportation of any silks, callicoes, or linens, for which a drawback is to be allowed, notice of the package shall be given to the officer of the customs that the seals may be taken off.

12 ANNÆ. Stat. II. Cap. XVIII.

An act for the preserving all such Ships and Goods thereof, which shall happen to be forced on shore, or stranded upon the coasts of this kingdom, or any other, her Majesty's dominions.

BY this act various wholesome provisions are made for the preservation of ships and cargoes stranded, or in danger, or run on shore, on any of the coasts of the Queen's dominions; and by section 5, it was enacted, That if any person should make, or assist in making, any hole in any part of a ship in distress, or steal any pump belonging thereto, or be aiding or abetting therein, or shall wilfully do any thing tending to the loss of the ship, such person should suffer death as for felony, without benefit of clergy.

The act was to endure for three years only, but was made perpetual by 4 *Geo.* 1. cap. 12.

1 GEORGII I. Stat. I. Cap. I.

An act for the better support of his Majesty's household, and of the honour and dignity of the Crown of Great Britain.

THE same duties of excise as were granted by 12 *Car.* 2. cap. 23. and the further or new subsidy of tonnage and poundage granted by 9 *W.* 3. cap. 23. were by this act revived, and granted to King *Geo.* 1. for his life.

1 GEORGII II. Stat. II. Cap. XII.

An act for enlarging the Fund of the Governor and Company of the Bank of England, relating to exchequer bills; and for settling an additional revenue of £. 120,000 per ann. upon his Majesty during his life, for the service of the civil government; and for establishing a certain fund of fifty-four thousand six hundred pounds per annum, in order to raise a sum not exceeding nine hundred and ten thousand pounds, for the service of the publick, by sale of annuities after the rate of six pounds per centum per annum, redeemable by Parliament; and for satisfying an arrear for work and materials at Blenheim, incurred whilst that building was carried on at the expence of her late Majesty Queen Anne, of blessed memory; and for other purposes therein mentioned.

BY the second and ninth sections, the half subsidy granted for 96 years by 6 Ann. cap. 11. the one third subsidy granted by 4 Ann. cap. 6. for 98 years; the duties of excise granted by the same act for 95 years, and the duties of excise granted by 4 and 5 W. 3. cap. 3. for 99 years, (together with several temporary duties on specified goods not of the production of *India*), were made perpetual.

3 GEORGII I. Cap. VIII.

An act for redeeming several Funds of the Governor and Company of the Bank of England, pursuant to former provisos of redemption; and for securing to them several new funds and allowances redeemable by Parliament; and for obliging them to advance further sums not exceeding two millions five hundred thousand pounds, at five per centum, as shall be found necessary to be employed in lessening the national debts and incumbrances; and for continuing certain provisos formerly made for the expences of his Majesty's civil government; and for payment of annuities formerly purchased at the rate of five pounds per centum; and for other purposes in this act mentioned.

BY the 17th section, the duties whereof the aggregate fund was composed by the 1 Geo. 1. stat. 2. cap. 12. are made perpetual; and by the 24th section it is provided as follows:

Provided always, and it is hereby enacted by the authority aforesaid, That during the continuance of the said corporation of the Governor and Company of the Bank of *England*, it shall not be lawful for any body politick or corporate whatsoever erected (other than the said Governor and Company of the Bank of *England*), or for any other persons whatsoever united or to be united in covenants or partnership, exceeding the number of six persons, in that part of *Great Britain* called *England*, to borrow, owe, or take up any sum or sums of money on their bills or notes payable on demand, or at any less time than six months from the borrowing thereof.

3 GEORGII I. Cap. IX.

An act for redeeming the yearly Fund of the South Sea Company (being after the rate of six pounds per centum per annum), and settling on the said Company a yearly fund after the rate of five pounds per centum per annum, redeemable by Parliament; and to raise, for an annuity or annuities at five pounds per centum per annum, any sum not exceeding two millions, to be employed in lessening the national debts and incumbrances; and for making the said

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said new yearly fund and annuities to be hereafter redeemable in the time and manner thereby prescribed.

BY the first section, the duties imposed for 32 years, by 9 *Ann.* cap. 6. are made perpetual.

4 GEORGII I. Cap. XII.

An act for enforcing and making perpetual an act of the twelfth year of her late Majesty, intituled, "An act for the preserving of all such Ships and Goods thereof, which shall happen to be forced on shore, or stranded upon the coasts of this kingdom, or any other of her Majesty's dominions;" and for inflicting the punishment of Death on such as shall wilfully burn or destroy ships.

BY this act, the act of 12 *A.* stat. 2. c. 18. "for preserving ships and goods forced on shore, or stranded upon the coasts," was made perpetual: And by s. 3. it was enacted, That if any ship owner, captain, master, mariner, or other officer, should wilfully cast away, burn, or destroy his ship, or direct or procure the same to be done, to the prejudice of the underwriter of any policy of insurance thereon, or of the owner of any goods on board, he shall suffer death.

The act of 11 *G.* 1. c. 29. s. 6 & 7. deprives the offender of the benefit of clergy; and directs, That if the offence be committed in the body of any county, the offender shall be tried by the common law of the realm; and if committed upon the high seas, he shall be tried as a pirate.

5 GEORGII I. Cap. XI.

An act against clandestine running of Uncustomed Goods, and for the more effectual preventing of frauds relating to the Customs.

IN this act is contained the following section to prevent the obtaining certain drawbacks by fraud.

SECT. 15. And whereas great quantities of silks, callicoës, linens, or stuffs, printed, painted, stained, or dyed, in *Great Britain*, are exposed to sale without having a mark or stamp to denote the payment of the duties: And whereas such as have been so marked or stamped are frequently shipped off in order to be exported into parts beyond the seas, whereby the person or persons exporting the said goods are intitled to a great drawback; and it hath been found by experience, that great quantities of such goods, after they have been shipped for exportation, have been privately reloaded in this realm; and the remedies already provided by law have not been sufficient to obviate a practice so prejudicial to his Majesty, and all fair and honest traders in such goods: Be it enacted by the authority aforesaid, That from and after the first day of *May*, 1719, during the continuance of the said duties, in case any silks, callicoës, linens, or stuffs, printed, painted, stained, or dyed, in *Great Britain*, shall be found in any place whatsoever, on land or water, without being marked or sealed with a stamp or seal, denoting, that the duties have been duly paid or charged (except on board such ships or vessels on which said goods have been shipped for exportation), the same shall be forfeited, and shall and may be seized by any officer of the customs or excise; and the person or persons in whose custody or possession the goods so seized shall be found, shall for every such offence forfeit the sum of 50 *l.*; one moiety of which forfeitures and penalties shall be to his Majesty, his heirs and successors,

and

and the other moiety to him or them that shall seize, inform, or sue for the same in his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, wherein no protection or wager of law shall be allowed: Provided always, That the goods so recovered shall not be delivered out of the custom-house warehouse until the same shall be marked or sealed with a proper mark or stamp, to be provided by the commissioners of the customs for that purpose; and they are hereby directed and authorized to provide the same, and to cause the said goods to be stamped therewith accordingly; any law to the contrary notwithstanding.

6 GEORGII I. Cap. XIX.

An act for making perpetual so much of an act made in the tenth year of the reign of Queen Anne, for the reviving and continuing several acts therein mentioned, as relates to the building and repairing County Gaols; and also an act of the eleventh and twelfth years of the reign of King William the Third, for the more effectual suppression of Piracy; and for making more effectual the act of the thirteenth year of the reign of King Charles the Second, intituled, "An act for establishing articles and orders for the regulating and better government of his Majesty's Ships of War, and Forces by Sea."

Sect. 3. AND be it further enacted by the authority aforesaid, That the act made in the eleventh and twelfth years of the reign of his late Majesty King *William* the Third, intituled, "An act for the more effectual suppression of piracy," shall be, and is hereby made perpetual.

6 GEORGII I. Cap. XXI.

An act for preventing frauds and abuses in the publick revenues of Excise, Customs, Stamp Duties, Post Office, and House Money.

THE 45th and 46th sections of this act were meant to correct and prevent frauds by the illicit importation of tea and spices in small quantities under licences. But by the 12th section of 7. G. 1. stat. 1. c. 21. these provisions were repealed, and a total prohibition was laid against the importing any tea by licence. This act of 6 G. 1. also contains a variety of provisions for preventing and punishing the offence of smuggling: And in the 33d section is laid down the rule by which the tonnage of ships laden with brandy and spirits, hovering on the coast, are to be ascertained, according to their admeasurement in keel, depth, and breadth.

7 GEORGII I. Stat. I. Cap. II.

An act to disable the present Sub-governor, Deputy-governor, and Directors of the South Sea Company, at, from, and after the respective times for electing a Sub-governor, Deputy-governor, and new Directors of the said Company, to take, hold, or enjoy any office, place, or employment in the said Company, or in the East India Company, or Bank of England, and from voting upon elections in the said Company.

THE purport of this act appears by its title, and the act is expired.

8 GEORGII I. Cap. XV.

An act for the encouragement of the Silk Manufactures of this kingdom; and for taking off several duties on merchandizes exported; and for reducing the duties upon Beaver Skins, Pepper, Mace, Cloves, and Nutmegs imported; and for importation of all Furs of the product of the British Plantations into this kingdom only; and that the two Corporations of Assurance, on any suits brought on their policies, shall be liable only to single damages and costs of suit.

BESIDES the benefits stated in the title of this act, the act provides bounties to be paid on the exportation of sundry British manufactures, and admits a free importation of foreign drugs used in dying, (subject nevertheless to certain duties if again exported); and by the 24th section it enacts, That all beaver skins and furs brought from the British plantations in America, Asia, or Africa, shall be imported directly from thence into Great Britain only.

8 GEORGII I. Cap. XVIII.

An act to prevent the clandestine running of Goods, and the danger of infection thereby; and to prevent ships breaking their Quarantine; and to subject Copper Ore of the production of the British plantations to such regulations as other enumerated commodities of the like production are subject.

FURTHER regulations and provisions are made by this act to punish the offence of smuggling. By the 14th section, ships liable to perform quarantine, and departing without performing it, are forfeited. The 22d section takes notice, that since the act of 3 & 4 A. c. 5. copper ore has been produced in some of the plantations in America, Asia, or Africa; and it enacts, that such ore shall be first brought home before it be carried to foreign markets, and shall be subject to the provisions of the several acts of 12 C. 2. c. 18.—25 C. 2. c. 7.—and 3 & 4 A. c. 5.

10 GEORGII I. Cap. X.

An act for repealing certain duties therein mentioned payable upon Coffee, Tea, Cocoa Nuts, Chocolate, and Cocoa Paste imported; and for granting certain inland duties in lieu thereof; and for prohibiting the importation of Chocolate ready made, and Cocoa Paste; and for better ascertaining the duties payable upon Coffee, Tea, and Cocoa Nuts imported; and for granting relief to Robert Dalzell, late earl of Carnwath.

THIS act (besides what the title imports) contains a great variety of provisions and regulations to be observed by dealers in, and retailers of tea, and other articles above specified.

10 GEORGII I. Cap. XI.

An act to prevent multiplicity of prosecutions upon an act made in the eleventh and twelfth years of the reign of his late Majesty King William the Third, intituled, "An act for the more effectual employing the Poor, by encouraging the Manufactures of this kingdom."

THIS act grants an indemnity to the owners in respect of silks and calicoes manufactured in Persia, India, or China, and actually made up for use

use before the commencement of the prohibitory act of 11 & 12 W. 3: c. 10. from the penalties of that act.

11 GEORGII I. Cap. VII.

An act for rating such unrated goods and merchandizes as are usually imported into this kingdom, and pay duty ad valorem, upon the oath of the importer; and for ascertaining the value of all goods and merchandizes not inserted in the former or present book of rates; and for repealing certain duties on Drugs and Rags; and for continuing the duty upon Apples; and for ascertaining the method of admeasuring Pistures imported.

IN this act is contained a long list of goods omitted to be rated in the former books, and which therefore paid a duty *ad valorem*; many of the articles are of the produce of *India*, or other parts within the limits of the Company's exclusive trade.

11 GEORGII I. Cap. XXIX.

An act to continue several acts therein mentioned, for preventing Frauds committed by Bankrupts; for encouraging the silk manufactures of this kingdom; for preventing the clandestine running of goods; for making Copper Ore of the British Plantations an enumerated commodity; and for explaining and amending a late act for more effectual punishment of such as shall wilfully burn or destroy Ships.

SEE abstract of act 4 G. 1: c. 12.

11 GEORGII I. Cap. XXX.

An act for more effectual preventing frauds and abuses in the Publick Revenues; for preventing frauds in the Salt Duties, and for giving relief for Salt used in the curing of Salmon and Codfish in the year 1719, exported from that part of Great Britain called Scotland; for enabling the Insurance Companies to plead the general issue in actions brought against them; and for securing the Stamp Duties upon policies of insurance.

PERSONS felling spirits or strong waters having six pound weight of tea in their houses, are to be deemed dealers in tea. Sect. 4.

Dealers in tea mixing leaves therewith; or dying or adulterating the same, forfeit the tea and 100 *l.* Sect. 5.

No tea shall be imported but from the place of its growth, though it hath been before exported from hence, on pain of forfeiture. Sect. 8.

12 GEORGII I. Cap. XXVIII.

An act for the improvement of his Majesty's Revenues of Customs, Excise, and inland Duties.

THE first nine sections of this act regulate the sales of condemned tea, coffee, brandy, and rum, and other foreign exciseable liquors; and direct that such tea as cannot be sold for five shillings *per* pound, shall be burnt. It also prohibits the officers of revenue from dealing in any of the said exciseable commodities, under a penalty of 50 *l.* and forfeiture of office.

13 GEORGII I. Cap. VIII.

An act to enable the South Sea Company, with the licence and consent of the East India Company, to take in Negroes within their limits of trade, and to deliver the same at Buenos Ayres.—EXPIRED.

1 GEORGII II. Cap. I.

An act for the better support of his Majesty's Household, and of the Honour and Dignity of the Crown of Great Britain.

THE new subsidy of tonnage and poundage imposed by 9 W. 3. and continued by 1 A. and 1 G. 1. for their respective lives, was by this act also continued to G. 2. for his life.

2 GEORGII II. Cap. XXVIII.

An act to revive the laws therein mentioned, relating to the importation of foreign Brandy, and other waters and spirits; for importation of Cocchineal; to continue several acts for preventing frauds in the Customs; for encouragement of the Silk manufactures of this kingdom; for making Copper Ore of the British plantations an enumerated commodity; for making perpetual an act therein mentioned, for suppressing of Piracy; for enabling persons prosecuted upon the Capias, in relation to the running of goods, to defend in forma pauperis; for more effectually debarring of unlawful games; for licensing retailers of Brandy and other distilled liquors; and for better regulation of licences for common inns and alehouses.

SECT. VII. And be it further enacted by the authority aforesaid, That the act made in the eighth year of his said late Majesty's reign, intituled, *An act for the more effectual suppressing of piracy*, which was to continue in force for seven years, from the 25th day of March, 1722, and from thence to the end of the then next session of Parliament, and is near expiring, shall be, and is hereby made perpetual.

6 GEORGII II. Cap. XXXVIII.

An act for enlarging the time for exportation of Tea. EXP.

THIS was an occasional act for the relief of the East India Company in respect to a drawback on such teas as were remaining in their warehouses in June, 1733, on condition of their being exported within three years.

7 GEORGII II. Cap. XV.

An act to settle how far owners of ships shall be answerable for the acts of the masters or mariners.

BY Sect. I. No ship-owners shall be liable to answer for, or make good any loss or damage by the imbezlements of the masters or mariners, of goods shipped on board, or for any other act or forfeiture incurred by the master or mariners without his privity, beyond the value of the ship, and the freight for that voyage.

By Sect. II. If the ship and freight be insufficient to compensate the damages, the persons damnified shall receive therefrom a rateable proportion, which may be settled by bill in equity.

'By Sect. III. it is provided, That if a bill in equity be brought by the part-owners of a ship, the plaintiffs shall make an affidavit that there is no collusion between them and the defendants.'

Sect. IV. provides, That the act shall not impeach the remedy of any person against the masters or mariners for embezzlements, &c.

9 GEORGII II. Cap. XXXV.

An act for indemnifying persons who have been guilty of offences against the laws made for securing the revenues of customs and excise, and for enforcing those laws for the future.

BY the 36th section it is provided, That this act shall not extend to release any persons under prosecution by the *East India* Company for the recovery of any penalty or forfeiture due to the King and the Company jointly, or to the Company alone.

13 GEORGII II. Cap. III.

An act for the better supply of Mariners and Seamen to serve in his Majesty's ships of war, and on board merchant ships, and other trading ships, and privateers.

THIS act authorized the navigating of merchant ships during the war by three fourths foreigners, who, after having served two years, were to be deemed natural-born subjects; and by the last section a power was reserved to his Majesty to revive the act by proclamation in any future war.

14 GEORGII II. Cap. XXXVI.

An act for opening a trade to and from Persia through Russia.

THE *Russia* Company are by this act enabled to bring from *Russia* the manufactures of *Persia*, purchased by barter of *British* goods, or with the produce of *British* goods exported to *Russia* or *Persia*, on condition that such *Persian* manufactures be again exported; with a saving, by section six, of the privileges of the *East India* Company.

21 GEORGII II. Cap. XIV.

An act for permitting Tea to be exported to Ireland and his Majesty's plantations in America, without paying the inland duties charged thereupon by an act of the eighteenth year of his present Majesty's reign; and for enlarging the time for some of the payments to be made on the subscription of £.6,300,000, by virtue of an act of this session of Parliament.

THE preamble recites, that the importation of tea into this kingdom by the *East India* Company may be greatly increased if permitted to be exported to *Ireland* and *America* without paying the duties charged by 10 Geo. 1. cap. 10; and the act directs, that tea may be exported to *Ireland* and *America* without payment of the inland duty, on security being

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given for such exportation, and so that it be exported in the same chests, casks, tubs, or packages, in which it was first imported, and in the same intire lots in which it was sold at the *India* house, and so that the outside package thereof be marked by the searcher of the customs in the manner prescribed by the act. Sections one to six.

23 GEORGII II. Cap. IX.

An act for repealing the duties now payable upon China Raw Silk, and for granting other duties in lieu thereof.

FOR the further encouragement of the manufactures of this kingdom, all rates, duties, and subsidies on raw silk of the growth or produce of *China*, are repealed, and the same duties imposed in their stead as are payable for raw silk of the growth or produce of *Italy*, and the like drawbacks are to be allowed upon the exportation thereof as for *Italian* raw silk. Sections 1 to 4.

25 GEORGII II. Cap. XXVI.

An act to restrain the making insurances on foreign ships bound to or from the East Indies.

THIS act was to endure for seven years, but was repealed before the expiration of the term by 31 Geo. 2. cap. 27. sect. 1.

26 GEORGII II. Cap. XXI.

An act for encouraging the Silk Manufactures of this kingdom; and for securing the duties payable upon the importation of Velvets, wrought Silks, and Silks mixed with other materials not manufactured in Great Britain.

TO prevent frauds, these goods are to be sealed under the directions of the commissioners of customs, and the seals are to be taken off when exported. If any found not so sealed, they shall be seized and forfeited, half to the King, and half to the officer, but are to be exported. Counterfeiting the seal is to be punished by pillory, and a fine of £. 500. Officer not prosecuting in one month, any other person may prosecute, and shall be intitled to half the forfeiture; proof where the goods were manufactured shall lie upon the owner.

28 GEORGII II. Cap. XVI.

An act for the better supply of Mariners and Seamen to serve in his Majesty's ships of war, and on board merchant ships, and other trading ships and vessels.—EXPIRED.

28 GEORGII II. Cap. XXI.

An act for making more effectual the laws prohibiting the importation of spirituous liquors in casks or vessels not containing sixty gallons, and of tea above the quantity of six pounds, found on board any British ship or vessel, not belonging to, or employed by, the East India Company.

ALL entries and reports of liquors imported contrary to the directions of this act are declared to be null and void, and all tea found in any *British* vessel arriving from foreign ports (not belonging to the *India* Company) exceeding six pounds, shall be forfeited and lost.

29 GEORGII II. Cap. XV.

An act for granting a bounty upon certain species of British and Irish Linens exported; and taking off the duties on the importation of foreign raw linen yarns made of flax.

BY the first section, a bounty is given *per yard* on all *British* and *Irish* linens exported to the *East Indies* within the term of 15 years. This bounty was continued by 10 *Geo.* 3. cap. 38. and further bounties were granted on the exportation of certain other *British* and *Irish* linens until 1771, and again continued by 19 *Geo.* 3. cap. 27, till June 1786; and an act having in the 20th of *Geo.* 3. passed the *Irish* Parliament for granting bounties on exportation of *Irish* linens, the bounties on exportation of certain *British* and *Irish* linens to the *East Indies*, and other places, were granted and continued by 21 *Geo.* 3. cap. 40. during the continuance of the said act of the *Irish* Parliament, and no longer. The particulars of the bounties granted by the acts of the *British* Parliament will be found in the Index to this Collection, under title, "Bounties."

31 GEORGII II. No. III.

An act to enable George Amyand and John Anthony Rucker of London, merchants, agents for the Embden East India Company, to sell and dispose of the cargo of the ship Prince Ferdinand of Prussia, to the United Company of merchants of England trading to the East Indies, and to enable the said United Company to purchase, land, sell and dispose of the same, or any part thereof; and to empower the said George Amyand and John Anthony Rucker to make insurances upon the said ship and cargo.

THIS is a private act.

31 GEORGII II. Cap. XXXVII.

An act for repealing an act made in the twenty-fifth year of his present Majesty, to restrain the making insurances on foreign ships bound to or from the East Indies.

THIS act has been before noticed.

31 GEORGII II. Cap. XXXVI.

An act for continuing certain Laws therein mentioned, relating to British Sail Cloth, and to the duties payable on foreign Sail Cloth; and to the allowance upon the exportation of British made Gunpowder; and to the encouragement of the trade of the Sugar Colonies in America; and to the landing of Rum or Spirits of the British sugar plantations, before the duties of Excise are paid thereon; and for regulating the payment of the duties on foreign exciseable liquors;

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liquors; and for the relief of Thomas Watfon, with regard to the drawback on certain East Indian Callicoets; and for rendering more commodious the new passage leading from Charing Crofs.

THIS act contains further regulations to prevent frauds on the revenue by the clandestine importation of rum, brandy, and other strong liquors; and the ninth section directs, that the same allowance shall be made for the drawback on certain *Indian callicoets* burnt at *Lambeth*, as if they had been exported.

32 GEORGII II. Cap. X.

An act for granting to his Majesty a Subsidy of poundage upon certain goods and merchandizes to be imported into this kingdom; and an additional inland duty on Coffee and Chocolate; and for raising the sum of six millions six hundred thousand pounds by way of Annuities and Lottery, to be charged on the said Subsidy and additional inland duty.

BY this act an additional subsidy of twelve-pence in the pound, according to the book of rates, is granted in perpetuity (*inter alia*) on all *East India* goods imported, except coffee and raw silks; with provision, (section 5,) that the whole shall be drawback on exportation, except for such goods as it is, by any former act, declared no drawback shall be allowed upon the exportation thereof.

32 GEORGII II. Cap. XXV.

An act to explain and amend an act made in the twenty-ninth year of his present Majesty's reign, intituled, "An act for the encouragement of Seamen, and the more speedy and effectual Manning his Majesty's Navy; and for the better prevention of Piracies and Robberies by Crews of Private Ships of War."——EXPIRED.

1 GEORGII III. Cap. I.

An act for the support of his Majesty's Household, and of the Honour and Dignity of the Crown of Great Britain.

THE new subsidy of tonnage and poundage, imposed by 9 W. 3. and continued by subsequent acts, was by this act further continued for the life of his present Majesty, and made part of the aggregate fund.

4 GEORGII III. Cap. XV.

An act for granting certain duties in the British Colonies and Plantations in America, and divers other purposes enumerated in the title.

CERTAIN duties were imposed by this act on wrought silks, velvets, and callicoets of the manufacture of *Persia, China, or India*, imported into any of the *British colonies or plantations in America*; but the duties were repealed by 6 G. 3. c. 52. s. 2 & 3.

5 GEORGII III. Cap. XXIX.

An Act for repealing the duties now payable upon raw Silk imported, and for granting other duties in lieu thereof; for allowing a drawback on the exportation of raw or thrown Silk to Ireland; and for prohibiting the exportation of raw Silk from Ireland.

ALL rates, subsidies, and duties upon raw silk, are by this act repealed; and instead thereof, a duty is laid of 1 s. 3 d. per pound of 24 ounces on raw silk; and an additional duty of 6 d. per pound of 16 ounces upon thrown silk. On exportation to Ireland, a drawback of four-fifths of this duty on raw silk, and the whole of the additional duty on thrown silk, is allowed. But if exported from Ireland, the vessel and goods are forfeited. Sect. 1 to 5.

5 GEORGII III. Cap. XXX.

An Act for more effectually supplying the Export Trade of this kingdom to Africa, with such coarse printed Calicoes, and other goods of the produce or manufacture of the East Indies, or other places beyond the Cape of Good Hope, as are prohibited to be worn and used in Great Britain; for encouraging the importation of Bugles into this kingdom; for the better supply of the Export Trade thereof; and for discontinuing the bounty payable in Great Britain, and all bounties and allowances in Ireland, upon the exportation of Corn, Grain, Malt, Meal, and Flour, from thence to the Isle of Man.

THE India Company are by this act empowered to import in British ships, navigated according to law, from any part of Europe not within the King's dominions, coarse printed calicoes, and other goods of the manufacture of India, or other places beyond the Cape of Good Hope, for the African trade, upon payment of the same duties as if brought by them from India; and if the Company shall neglect to supply the market with a sufficient quantity of such goods for the African trade, the lords of the treasury may grant licence to other persons to import them from any part of Europe, subject to one half of the old subsidy on importation and lodging the goods in the King's warehouses till exported to Africa; but to have no drawback on exportation. The treasury may also grant licence for importing from the Isle of Man, for the African trade, such printed East-India calicoes as were imported into the said island before the 1st of March, 1765, under certain conditions; with a proviso (sect. 12.), that nothing contained in the act shall prejudice the rights and privileges granted to the Company by their charter of the 10 W. 3.

5 GEORGII III. Cap. XXXV.

An Act for granting to his Majesty certain duties on the exportation of Coals, and of several East India goods; and upon Policies of Assurance; for retaining, upon the exportation of White Calicoes and Muslins, a further part of the duties paid on the importation thereof; and for obviating a doubt with respect to Stamp duties imposed upon Deeds by two former Acts.

A Subsidy of 5 per cent. is by this act laid upon wrought silks, bengalls, and stuffs mixed with silk or herba of the manufacture of Persia, China, or India, and upon calicoes there printed or stained, to be paid

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upon the exportation thereof, and the condition of the export bond is to extend to the landing of the said goods abroad. Sect. 2, 3. But these provisions were repealed by 6 G. 3. c. 52. f. 2, 3.

5 GEORGII III. Cap. XLIII.

An act for the better securing and further improvement of the revenues of Customs, Excise, Inland and Salt duties; and for encouraging the Linen Manufacture of the Isle of Man; and for allowing the importation of several goods the produce and manufacture of the said Island, under certain restrictions and regulations.

AMONGST other regulations, the act provides, (sect. 35.) That the importers of tea, coffee, and cocoa nuts, shall enter the same within thirty days after the ship's arrival, on pain of forfeiture; but by sect. 36 it is declared, that the said regulation shall not extend to tea imported by the *East India Company*.

6 GEORGII III. Cap. XXVIII.

An act to prohibit the importation of foreign wrought Silks and Velvets, for a limited time; and for preventing unlawful combinations of workmen employed in the Silk Manufacture.

BY the 13th section it is provided, That this act shall not extend to any wrought silk or velvet, manufactured in, and imported from the *East Indies*.—This act was to endure for the term of six years, and was continued by the 11 G. 3. c. 49. till June, 1776; and by the 17 G. 3. c. 35. till June 14, 1782; and by 22 G. 3. c. 72. till June 14, 1788.

6 GEORGII III. Cap. LII.

An act for repealing certain duties in the British Colonies and Plantations granted by several acts of Parliament; and also the duties imposed by an act made in the last session of Parliament upon certain East India goods exported from Great Britain; and for granting other duties instead thereof; and for further encouraging, regulating, and securing several branches of the trade of this kingdom, and the British dominions in America.

THE second and third sections repeal the duties and provisions of 5 G. 3. c. 35. and also the duties imposed on silks, velvets, and calicoes, on their importation into *America*, by 4 G. 3. c. 15; and by sect. 6. a new duty of five per cent. is imposed on wrought silks, bengals, stuffs, and calicoes, of the manufacture of *Persia, China, or India*, according to the prices at the Company's Sales, except 'as to such as shall be exported to *Africa*, for which the duty shall be drawback on exportation.

10 GEORGII III. Cap. XXXVIII.

An act for continuing the bounties on British and Irish Linens exported; for further discontinuing the duties on the importation of Foreign Raw Linen Yarns made of Flax; and for granting a bounty on the exportation of British chequed and striped Linens, and upon British and Irish Diapers, Huckabacks, Sheetings, and other Linen of above a certain breadth.

SEE the note upon the act of 29 G. 2. c. 15.

11 GEORGII III. Cap. XLIX.

An act to continue, for a further time, an act passed in the sixth year of his present Majesty's Reign, intituled, 'An act to prohibit the importation of foreign-wrought Silks and Velvets, for a limited time; and for preventing unlawful combinations of workmen employed in the Silk manufacture.'

THIS is a continuation of the prohibitory act of 6 G. 3. c. 28. till June, 1776.

12 GEORGII III. Cap. VII.

An act for explaining and amending an act made in the seventh year of his present Majesty, intituled, 'An act for taking off the inland duty of one shilling per pound weight upon all Black and Single Teas consumed in Great Britain; and for granting a drawback upon the exportation of Teas to Ireland, and the British dominions in America, for a limited time, upon such indemnification to be made in respect thereof by the East India Company as is therein mentioned; for permitting the exportation of Teas in smaller quantities than one lot to Ireland, or the said dominions in America; and for preventing Teas seized and condemned from being consumed in Great Britain; and for settling certain doubts and disputes which have arisen upon the said act of Parliament.'

INSTEAD of the rate of indemnity provided by the act of 7 G. 3. c. 56. for making good the deficiency in the produce of the duties on teas, occasioned by taking off the duty of one shilling per pound on black teas, for a term of five years, this act provides that the Company shall pay or make good 718,966 *l.* 1*s.* 0*d.* $\frac{2}{3}$ for duties on tea annually during the said term.—EXP.

13 GEORGII III. Cap. IX.

An act to restrain the East India Company, for a limited time; from making any appointment of commissioners for superintending and regulating the Company's affairs, at their presidencies in the East Indies.—EXPIRED.

13 GEORGII III. Cap. LXXIV.

An act for the better ascertaining the tonnage and burthen of ships and vessels importing and exporting goods into and from this kingdom, or hovering upon the coasts thereof; for amending so much of an act made in the last session of Parliament, for lowering the duty payable upon the importation of oak bark, as relates to the sum for the penalties and forfeitures thereby inflicted in the court of exchequer in Scotland; for appropriating the duty on oak bark granted by the said act; and for obviating doubts which have arisen with respect to the allowing the drawback upon certain Callicoets; and the bounty upon British made Cordage exported to the islands of Madeira, the Canary Islands, and the Azores, or Western Islands.

SOME additional provisions are made by this act to the before-mentioned act of 6 G. 3. c. 21. respecting the admeasurement of ships to ascertain their tonnage; and it also provides, that neither the drawback allowed

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lowed by 6 G. 3. on exportation of callicoes to *Africa*, nor the bounties granted by any act on exportation of cordage to *Africa*, shall be paid or allowed on the exportation of such goods to *Madeira*, the *Canary Islands*, or the *Azores*; and persons importing any such goods at those islands after obtaining a drawback, or bounties on entry to any other place, shall incur a penalty of treble the value of the goods and ship.

14 GEORGII III. Cap. XXXIV.

An act for granting further time to the United Company of merchants of England trading to the East Indies, to expose to sale the Singlo and Bohoa Teas remaining in their warehouses unsold, on the fifth day of April, 1774; and for allowing the drawbacks on the exportation of such Teas.

THIS act was granted for the Company's relief, in regard they had more singlo and bohea teas remaining in their warehouses than could be expected to be sold within the term of three years, limited by law for the exportation thereof, so as to entitle the exporter to the usual drawback.

14 GEORGII III. Cap. XLVIII.

An act for regulating Insurances upon Lives; and for prohibiting all such insurances, except in cases where the persons insuring shall have an interest in the life or death of the persons insured.

IV. PROVIDED always, That nothing herein contained shall extend, or be construed to extend, to insurances, *bona fide* made by any person or persons, on ships, goods, or merchandizes; but every such insurance shall be as valid and effectual in the law as if this act had not been made.

15 GEORGII III. Cap. XLIV.

An act to continue, for a limited time, so much of an act made in the 13th year of the reign of his present Majesty, intituled, "An act for granting to his Majesty a sum of money, to be raised by exchequer bills, and to be advanced and applied in the manner and upon the terms therein mentioned, for the relief of the United Company of merchants of England trading to the East Indies," as obliges the said Company to export annually goods and merchandizes of the growth, product, or manufacture of Great Britain, to their settlements in the East Indies, to a certain value.

THE provisions made by 9 Geo. 3. cap. 24. and the regulation act of 13 Geo. 3. cap. 64. for obliging the Company to export *British* goods to the annual amount of £. 380,837 for a limited time, were by this act continued in force till September 1778. The act then expired, and has not been revived or continued by any subsequent act.—EXP.

17 GEORGII III. Cap. XXVIII.

An act to revive and continue such part of an act, made in the last session of Parliament, intituled, "An act for allowing the exportation of certain quantities of Wheat, and other articles, to his Majesty's sugar colonies in America, and to the island of St. Helena, and to the other settlements belonging to the United Company of merchants of England trading to the East Indies, and of Biscuit and Peas to Newfoundland, Nova Scotia,
 9 " Bay

Bay Chaleur, and Labrador; and for indemnifying all persons with respect to advising or carrying into execution his Majesty's order of council already made for allowing the exportation of wheat, and other articles," as expired on the first day of January, 1777.—EXPIRED.

THIS was a continuation of the act of 16 Geo. 3. cap. 37. until the 25th of March 1778.

17 GEORGII III. Cap. XXXV.

An act for further continuing an act passed in the sixth year of his present Majesty's reign, intituled, "An act to prohibit the importation of foreign wrought Silks and Velvets, for a limited time; and for preventing unlawful combinations of workmen employed in the Silk manufacture."

THE act of 6 Geo. 3. cap. 28. was by this act further continued till June 1782.

18 GEORGII III. Cap. XII.

An act for removing all doubts and apprehensions concerning Taxation by the Parliament of Great Britain, in any of the colonies, provinces, and plantations in North America, and the West Indies; and for repealing so much of an act made in the seventh year of the reign of his present Majesty, as imposes a duty on Tea imported from Great Britain into any colony or plantation in America, or relates thereto.

THE duties imposed by 7 Geo. 3. cap. 41. upon tea imported into America, were by this act repealed.

19 GEORGII III. Cap. IX.

An act for allowing the importation of fine organzined Italian thrown Silk in any ships or vessels, for a limited time.

THIS act was continued by several subsequent acts.

SECT. II. Provided always, That this act, nor any thing herein contained, shall extend to give liberty to import any Italian thrown silk that shall be coarser than a sort thereof known and distinguished by the name of Third Bologna, nor any sorts of silks commonly called Trams, of the growth of Italy, nor any other thrown silk of the growth or production of Turkey, Persia, East India, or China, under the penalty of forfeiting all such thrown silks as shall be brought over and imported contrary to the purport of this act; one moiety whereof to the use of his Majesty, his heirs and successors, and the other moiety to such person or persons who shall seize, inform, or sue for the same; to be recovered by bill, plaint, or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, or wager of law, shall be allowed.

19 GEORGII III. Cap. XXV.

An act for granting to his Majesty additional duties upon the produce of the several duties under the management of the respective commissioners of the Customs and Excise in Great Britain.

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A PERPETUAL additional duty of 5 l. per cent. upon the produce of the customs and excise was imposed by this act.

19 GEORGII III. Cap. XXVII.

An act for further continuing and extending the provisions of two acts, made in the 29th year of the reign of his late Majesty King George the Second, and in the 10th year of the reign of his present Majesty, "for granting a bounty on certain species of British and Irish Linens exported, and taking off the duties on the importation of foreign raw linen Yarns made of flax; and for granting a bounty on the exportation of British chequed and striped Linens, and upon British and Irish diapers, buckabacks, sheeting, and other linens, of above a certain breadth."

SEE note on the act of 29 Geo. 2. cap. 15.

20 GEORGII III. Cap. LVIII.

An act for granting further time for allowing the drawback on the exportation of Coffee, imported by the East India Company, in the ship Europa, in the year 1775.—EXPIRED.

BY reason of the disturbances in *America*, the owners of this coffee were allowed seven years from the time of its importation to export the same; and were to have the usual drawback of duties on the exportation thereof.

21 GEORGII III. Cap. XVII.

An act for granting to his Majesty an additional duty upon the produce of the several duties under the management of the respective Commissioners of the Excise in Great Britain.

An additional duty of 5 per cent. was hereby imposed in perpetuity on the gross produce of the duties of excise.

21 GEORGII III. Cap. XXXIX.

An act for further securing the property of the owners in such ships or vessels as are liable to forfeiture for importing Spirits or other Goods, by the misconduct of the Masters, Mates, and Seamen.

MASTERS, mates, and seamen concealing, or suffering to be concealed on board, or unlawfully importing any tea, coffee, or foreign spirituous liquors, are, by this act made subject to sundry penalties and forfeitures, over and besides such as have been before provided by law: And if the offence be committed by any able mate or able seaman in time of war, he shall be sent and serve on board one of the King's ships of war for the term of three years; and the master of every trading vessel is enjoined, under a penalty, to keep a printed copy of this act placed on a conspicuous part of his ship, and to replace the same as often as it shall be defaced or destroyed.

21 GEORGII III. Cap. XL.

An act for extending the provisions of three acts, made in the twenty-ninth year of his late Majesty, and in the tenth and nineteenth years of his present Majesty's reign, "for granting a bounty on certain species of British and Irish Linens exported," to British and Irish Linens, British Callicoes and Cottons, or Cotton mixed with Linen, printed, painted, or stained in Great Britain; and to Buckrams and Tilletings, exported during the time therein limited; and for taking off the duties payable upon the importation of that species of Blue called Smalts.

SEE the foregoing note on the act of 29 G. 2. c. 15.

21 GEORGII III. Cap. LV.

An act for repealing the duties payable upon Chocolate made in Great Britain, and for granting certain inland duties upon Cocoa Nuts in lieu thereof; for the better and more effectual securing the revenue of Excise, and of the inland duties under the management of the commissioners of Excise, and for preventing frauds therein; for the more punctual and ready payment of the allowances to be made to Brewers out of the additional duties imposed on Malt; and for rectifying a mistake in an act made in this present session of Parliament, with respect to the exempting of Candles from the additional duty of five pounds per centum upon the duties of Excise imposed by the said act.

THIS act contains a great variety of provisions and regulations to cheque the alarming increase of smuggling, and more particularly in the article of tea; and, by the 20th section, it prohibits the bringing of tea, (exceeding a certain quantity), by permit, from any place out of the bills, to any place within the bills of mortality; and provides, that all tea seized and arrested shall, before any sale thereof, be deposited in the King's warehouses in London, in order to its being there publicly sold.—See further 23 G. 3. c. 70.

22 GEORGII III. Cap. I.

An act for further continuing an act, made in the seventeenth year of the reign of his present Majesty, intituled, "An act to empower his Majesty to secure and detain persons charged with, or suspected of the crime of High Treason, committed in any of his Majesty's colonies or plantations in America, or on the high seas, or the crime of Piracy." (Further continued to January 1, 1783.)—EXPIRED.

22 GEORGII III. Cap. LIV.

An act for restraining Sir Thomas Rumbold Baronet, and Peter Perring Esquire, from going out of this Kingdom, for a limited time; and for discovering their Estates and Effects, and preventing the transporting or alienating the same.—EXPIRED.

22 GEORGII III. Cap. LIX.

An act to provide that the proceedings on the bill now depending in Parliament "for inflicting certain pains and penalties on Sir Thomas Rumbold Baronet, and Peter Perring Esquire, for certain breaches of Publick Trust, and

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and High Crimes and Misdemeanors, committed by them whilst they respectively held the offices of Governor and President, Counsellors and Members of the Select Committee of the settlement of Fort Saint George, on the coast of Coromandel, in the East Indies," shall not be discontinued by any prorogation or dissolution of the Parliament.—EXPIRED.

22 GEORGII III. Cap. LXVI.

An act for granting to his Majesty additional duties upon the produce of the several duties under the management of the respective Commissioners of the Customs and Excise in Great Britain.

AN additional impost of five per cent. is by this act granted in perpetuity on the produce of the customs and excise.

22 GEORGII III. Cap. LXVIII.

An act for repealing the duties payable for Beer and Ale above Six Shillings the Barrel, exclusive of the duties of excise, and not exceeding Eleven Shillings the Barrel exclusive of such duties, and for granting other duties in lieu thereof; for granting additional duties on Coaches, and other carriages therein mentioned; and also additional duties on Soap made in Great Britain, and upon the produce of the said additional duties on Coaches and on other carriages; and for the better securing the duty upon Tea, and other duties of Excise; and also for appointing the number of Commissioners of Excise who may bear causes depending before them relative to the duties on Male Servants.

THIS act, from sect. 21. to sect. 28. contains further restrictions with respect to the removal of tea, other than in the chests in which it was sold at the *India House*, as a further prevention of fraud on the public revenue.—See further 23 G. 3. c. 70.

22 GEORGII III. Cap. LXIX.

An act for compelling John Whitehill, Esquire, to return into this Kingdom; and for restraining him, in case of his return, from going out of this kingdom for a limited time; and for discovering his Estate and Effects, and preventing the transporting or alienating of the same.—EXPIRED.

22 GEORGII III. Cap. LXXII.

An act for continuing so much of an act of the sixth year of his present Majesty, as relates to prohibiting the importation of foreign wrought Silks and Velvets.

THE prohibition is by this act further continued until the 14th of June, 1788.

23 GEORGII III. Cap. V.

*An act for continuing an act, passed in the twenty-second year of the reign of his present Majesty, intituled, "An act for restraining Sir Thomas Rum-
" bold Baronet, and Peter Perring Esquire, from going out of this king-
" dom, for a limited time; and for discovering their estates and effects, and
" preventing the transporting or alienating the same."—EXPIRED.*

23 GEORGII III. Cap. XIX.

An act for repealing an act, made in the last session of Parliament, for compelling John Whitehill Esquire to return into this kingdom, and for other purposes; and for vesting in the said John Whitehill, his estate and effects, forfeited in consequence of the said act; and for restraining him from going out of this kingdom for a limited time; and for discovering his estate and effects, and preventing the transporting or alienating the same.—EXPIRED.

23 GEORGII III. Cap. LIX.

An act to provide that the proceedings on the bill, now depending in Parliament, “for inflicting certain pains and penalties on Sir Thomas Rumbold baronet, and Peter Perring esquire, for certain breaches of publick trust, and high crimes and misdemeanors, committed by them whilst they respectively held the offices of governor and president, counsellors, and members of the select committee of the settlement of Fort Saint George, on the coast of Coromandel, in the East Indies,” shall not be discontinued by any prorogation or dissolution of Parliament.—EXPIRED.

23 GEORGII III. Cap. LX.

An act for further continuing so much of an act passed in the twenty-second year of his present Majesty, intituled, “An act for restraining Sir Thomas Rumbold baronet, and Peter Perring esquire, from going out of this kingdom, for a limited time; and for discovering their estates and effects, and preventing the transporting or alienating the same,” as relates to restraining the said Sir Thomas Rumbold baronet, and Peter Perring esquire, from alienating or otherwise disposing of their respective real estates.—EXPIRED.

23 GEORGII III. Cap. LXX.

An act for the more effectual preventing the illegal importation of foreign Spirits, and for putting a stop to the private distillation of British made Spirituous Liquors; for explaining such part of the act, imposing a duty upon male servants, as relates to the right of appeal from the justices of the peace; to amend and rectify a mistake in an act of the last session of Parliament, with respect to the removal of tea from one part of this kingdom to other parts thereof; and for preventing vexatious actions against officers of excise acting in pursuance of the authority given by excise statutes.

BY the 28th section, no parcel of tea exceeding 20 lb. in weight, not being in the original sale-chest, shall be carried or removed, with or without a permit, from any city or place not being within the limits of the bills of mortality, or of the office of excise in London, to any other place out of the limits aforesaid, not within such city or place, on pain of forfeiture of the tea, and all vessels, horses, and carriages employed therein: A mistake in the act of 22 Geo. 3. cap. 68. in respect to the limited quantity of tea, was rectified by this act.

24 GEORGII III. Sess. II. Cap. II.

An act to empower the East India Company to make a dividend to the proprietors of East India stock, at Midsummer, 1784.—EXPIRED.

THIS half year's dividend was not to exceed 4 per cent. on the Company's capital stock of £. 3,200,000.

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24 GEORGII III. Cap. XL.

An act for granting to his Majesty additional duties on linens printed, painted, stained or dyed in Great Britain; and for granting certain duties on cotton stuffs bleached or dyed in Great Britain, and on licences for bleaching or dying the same; and upon the importation of stuffs made of or mixed with cotton not painted, printed, stained, or dyed in foreign parts.

THE duties granted by this act on stuffs, made of cotton and linen mixed, and stuffs made of cotton wool wove in Great Britain, not printed, painted, or stained, and on licences for bleaching or dying the same, were repealed by 25 Geo. 3. cap. 24. as also were the said other duties imposed by 25 Geo. 3. cap. 72.

24 GEORGII III. Cap. XLVII.

An act for the more effectual prevention of Smuggling in this kingdom.

A GREAT variety of new powers are granted by this act, the better to enable the officers of the customs to prevent the unlawful landing and running of customable goods on shore; and by the 40th section, a pardon and indemnity are granted in respect of all pecuniary penalties incurred for offences committed against the laws of custom and excise before the 24th June, 1784, with a provision (sect. 46.) that the act shall not extend to discharge any commander or other officer employed in the service of the East India Company, or any tradesman, manufacturer or shopkeeper, having a known residence in this kingdom, from any penalty or forfeiture incurred for any offence committed in the course of his trade or manufacture, contrary to any of the laws for the customs and excise.

25 GEORGII III. Cap. LXXII.

An act for repealing the duties on Linens to be printed, painted, stained, or dyed in Great Britain, imposed by an act made in the last session of Parliament, and for granting other duties in lieu thereof; and on Cotton Stuffs, Muslins, Fustians, Velvets, and Velvevets, wove in Great Britain, to be printed, stained, painted, or dyed; and upon the importation of Linens, Cotton Stuffs, Muslins, Fustians, Velvets and Velvevets, printed, stained, painted, or dyed in foreign parts.

SEVERAL duties are by this act substituted in lieu of former duties, granted in the preceding session on various sorts of foreign muslins, stuffs made of cotton, fustians, velvets, velverets, dimities, and other linens, imported, and provisions are made for ascertaining and securing those duties, and to prevent the obtaining any drawbacks thereof by fraud; and some further provisions are made for enforcing this act, by cap. 74. of the same session, printed in the foregoing Collection.

26 GEORGII III. Cap. XL.

An act for regulating the production of Manifests, and for more effectually preventing fraudulent practices in obtaining bounties and drawbacks, and in the clandestine relanding of goods.

THIS act contains a great variety of new provisions and regulations to be observed by the masters of vessels on their clearance outwards from any ports of the British dominions in foreign parts, and on their arrival within

within four leagues of any *British* port, and also on their clearance outwards from any *British* ports; being intended for the better securing the payment of the duties to Government, and to prevent the obtaining payment of drawbacks and bounties by fraud.

26 GEORGII III. Cap. LX.

An act for the further increase and encouragement of Shipping and Navigation.

THE registry required by the act of 7 & 8 *W.* 3. cap. 22. is by this act extended to other ships therein particularly described; this act also contains many new provisions to enforce such registry, and declares that every *British* ship not registered, may be stopped until bond given for the registering her at the proper port.

26 GEORGII III. Cap. LXXVII.

An act to limit a time for the repayment of the duties on Male Servants and Carriages, by the commissioners of excise; and also on Horses, Waggon, Wains, and Carts, by the commissioners of stamps; and for the amendment of several laws relating to the duties under the management of the commissioners of excise.

BY Sect. 8. If any trader subject to survey, and required by the laws of excise to keep scales and weights, shall put any substance into the commodity or stock to be weighed, whereby the officer is hindered from taking a just account of such stock, or shall forcibly obstruct, or by any device impede such officer, or suffer him to be impeded, in taking such stock, the party offending therein shall, for every such offence, forfeit the sum of 100 *l.*

By Sect. 9. Masters of vessels, or other persons, detained in custody in pursuance of the act of 19 *G.* 3. c. 69. for having more than one hundred pound weight of tea on board their ships, shall not only themselves be bound by recognizance, but find sufficient surety, to be approved of by the justice, in 300 *l.* to enter an appearance to the information within the first four days of the next term; and the justice is required to transmit every such recognizance to the King's remembrancer, and, for want of such surety, the justice to commit the party to the next county gaol.

By Sect. 13. it is enacted, That no person shall commence or file any action, bill, plaint, or information, for the recovery of any fine, penalty, or forfeiture, incurred by the laws of customs or excise, but in the name of the attorney general, or an officer of the customs or excise; and if commenced or filed in any other person's name, the proceedings are declared to be null and void.

By Sect. 14. The attorney general when satisfied that any such fine, penalty, or forfeiture, was incurred without any intention of fraud, may stay the proceedings by *noli prosequi*, or otherwise.

By Sect. 18. Persons charged with assaulting or obstructing any officer of customs or excise in the execution of his office, or other person aiding such officer, or with rescuing or attempting to rescue by force any uncustomed or prohibited goods, after seizure thereof by such officer, or with any offence against any law respecting quarantine, and the same shall be made appear to any judge of the court of King's Bench by affidavit or by certificate of an indictment or information being filed against such person in the said court for such offence, such judge may issue his warrant to cause the offender to be apprehended in order to his being bound over with two sufficient sureties in the sum expressed in the warrant

for his appearance to answer the charge, and in default the offender shall be committed to the common gaol until he shall have become bound as aforesaid, or be discharged by order of the court of King's Bench in term time, or by one of the judges in vacation; and all such recognizances are to be returned and filed in the said court, and shall continue in force until the party shall have been acquitted or have received judgment, unless sooner ordered by the court to be discharged.

26 GEORGII III. Cap. LXXXVI.

An act to explain and amend an act made in the seventh year of his late Majesty's reign, intituled, "An act to settle how far the Owners of Ships shall be answerable for the acts of the Masters or Mariners," and for giving a further relief to the Owners of Ships.

BY Sect. 1 & 2. it is enacted, That no ship-owner shall be liable to make good any loss or damage by reason of any robbery, embezzlement, secreting, or making away with, of any gold, silver, diamonds, jewels, precious stones, or other goods or merchandize shipped, taken in, or put on board any ship or vessel, or for any act, matter, or thing, damage or forfeiture, done, occasioned, or incurred, without the privity and knowledge of such owner, further than the value of the ship, with her appurtenances, and the amount of the freight for the voyage wherein such offences shall be committed or done, although the master or mariners shall not be in any wise concerned in, or privy to such robbery, embezzlement, secreting, or making away with; nor to make good any loss or damage to any goods or merchandize which shall be shipped on board by any fire happening to the said ship.

The 3d Sect. enacts, That no master or owner of any ship shall be liable to make good any loss or damage happening to any gold, silver, diamonds, watches, jewels, and precious stones, shipped or put on board any ship or vessel, by reason of any robbery, embezzlement, making away with, or secreting thereof, unless the owner or shipper thereof shall, at the time of shipping the same, insert in his bill of lading, or otherwise declare in writing to the master, owner or owners, of such ship, the true nature, quality, and value of such gold, silver, diamonds, watches, jewels, or precious stones.

And Sect. 4. enacts, That if several freighters of gold, silver, diamonds, jewels, precious stones, or other goods or merchandize, shall suffer any loss or damage by any of the means aforesaid (fire excepted), and the value of the ship with her appurtenances, and the amount of the freight for such voyage, shall not be sufficient to make compensation, then the freighters shall receive their satisfaction thereout in average, in proportion to their respective losses: and a bill may be exhibited in any court of equity for a discovery of the total amount of such losses, and of the value of the ship, appurtenances, and freight, and for an equal distribution amongst the freighters in proportion to their losses. Provided, That if the bill be exhibited by the part-owners of the ship, the plaintiffs shall annex an affidavit to such bill, that they do not collude with the defendants; and shall thereby offer to pay the value of such ship or vessel, appurtenances and freight, as the court shall direct. And with further proviso, sect. 5. That the act shall not impeach, lessen or discharge any remedy which any person may have against the master and mariners for any embezzlement, secreting, or making away with, any gold, silver, diamonds, jewels, precious stones, or merchandize, shipped or loaded on board, or any fraud, abuse, or malversation of the master or mariners.

27 GEORGII III. Cap. XIII.

An act for repealing the several duties of Customs and Excise, and granting other duties in lieu thereof, and for applying the said duties, together with the other duties composing the publick revenue; for permitting the importation of certain goods, wares, and merchandize, the produce or manufacture of the European dominions of the French king, into this kingdom; and for applying certain unclaimed monies, remaining in the Exchequer, for the payment of annuities on lives, to the reduction of the national debt.

HAVING prefixed to this Collection correct lists of duties on importation and drawbacks on exportation of goods imported by the ships of the *East India* Company, according to the new consolidation of duties and drawbacks established by this act, or subsequent acts, it seems unnecessary to enter into the detail of the provisions contained in it for securing the payment of those duties, in common with the others thereby established.

There is annexed to the act a distinct schedule of the rated goods of *India* and *China*, &c. imported by the Company, with the duties and drawbacks; which schedule is established by the 15th section of the act, and is conformable with the list before mentioned. And by the 53d and 54th sections of the act, the Consolidated Fund thereby created is made subject (*inter alia*) to the payment of the *East India* annuities, being the interest of the debt of 2,200,000 *l.* then owing by the publick to the Company, but which debt has been since redeemed, by the act of the 33d *Geo.* III, ch. 47; by an ingraftment of the said annuities upon the 2 per cent. reduced annuities, transferrable at the Bank.

27 GEORGII III. Cap. XIX.

An act to enforce and render more effectual several acts, passed in the twelfth year of the reign of King Charles the Second, and other acts made for the increase and encouragement of Shipping and Navigation.

THE only section of this act, which has immediate relation to the *East India* Company, is the following:

SECT. V. And be it enacted by the authority aforesaid, That nothing in the said last-mentioned act contained shall prevent the persons thereby authorized from making registry of ships and vessels, and granting certificates thereof to ships and vessels wholly owned by the United Company of Merchants of *England* trading to the *East Indies*, or any other body corporate within this kingdom, all other requisites of the said act being complied with, upon the following oath being taken and subscribed by the secretary of the said United Company, or other body corporate, or by any other officer authorized by such Company or body corporate, (instead of the oath directed to be taken by the said act), before the person or persons duly authorized to make such registry and grant such certificates respectively, which oath they are hereby respectively empowered to administer:

Instead of the oath required by the recited act, the following oath may be taken by the person properly authorized by the *East India* Company, &c.

I A. B. secretary or officer of [name of company or corporation] do make oath, That the ship or vessel (name) of (port or place), whereof (master's name) is at present master, being (kind of built, burthen, etcetera, as described in the certificate of the surveying officer) was (when and where built,

Form of the oath.

built, or if prize, capture and condemnation) and that the same doth wholly and truly belong to (name of company or corporation).

27 GEORGII III, Cap. XXXII.

An act for making further provisions in regard to such vessels as are particularly described in an act made in the twenty-fourth year of the reign of His present Majesty, for the more effectual prevention of Smuggling in this kingdom, and for extending the said act to other vessels and boats not particularly described therein; for taking off the duties on flasks in which wine or oil is imported; for laying an additional duty on foreign Geneva imported; for taking off the duty on Ebony, the growth of Africa, imported into this kingdom; and for amending several laws relating to the revenues of Excise.

THE 11th section (the only one in which the India Company are named) is as follows:

26 Geo. III,
cap. 40, re-
cited,

SECT. XI. And whereas by an act, made in the twenty-sixth year of His present Majesty's reign, intituled, *An act for regulating the production of manifests, and for more effectually preventing fraudulent practices in obtaining bounties and drawbacks, and in the clandestine relanding of goods*; it was (amongst other things) enacted, That, from and after the times in the said act mentioned, no goods or commodities should be imported or brought into Great Britain from any port or place whatsoever, in parts beyond the seas, in any ship or vessel whatever belonging, in the whole or in part, to His Majesty's subjects, unless the master, or other person having or taking the charge or command of every such ship or vessel respectively, importing such goods, should have on board a manifest or manifests, or content or contents, in writing, signed by such master or other person, and containing the particulars in the said act mentioned; which said manifest was to be delivered to, and authenticated by, such person as therein is mentioned: And whereas the mode directed by the said act for authenticating manifests is not applicable to the case of ships bringing goods from the *East Indies* and *Cbina*; be it therefore further enacted by the authority aforesaid, That in respect to ships dispatched from any ports or places within the limits of the charters granted to the United Company of Merchants of England trading to the *East Indies*, the manifests and contents in the said recited act mentioned shall be delivered to, and authenticated by, the person who shall deliver the last dispatches for each ship respectively bound for *Great Britain*, who is hereby required to be a servant of the United Company of Merchants of England trading to the *East Indies*, of not less than seven years standing; and in respect to ships dispatched from any ports or places in *Cbina*, such manifest or contents shall be delivered to, and authenticated by, the said United Company's chief supra-cargo there, instead of the officers of the customs, or other persons in the said recited act mentioned; and the said manifests, and duplicates thereof respectively, shall be dealt with and used in like manner; and shall be of the like force and effect as the manifests and duplicates in the said act mentioned; and in case of the want thereof, or not conforming to the rules, regulations, and directions relating thereto, in the said recited act contained, the offender or offenders shall be subject to the like penalties and forfeitures as are provided in the said recited act respecting the manifests or contents directed to be delivered to and authenticated by, the persons in the said act mentioned.

and the manifests therein required shall, for ships within the limits of the *East India* Company's charters, be delivered to, and authenticated by, the person who shall deliver the last dispatches; and for ships from *Cbina*, by the Company's chief super-cargo there.

28 GEORGII III. Cap. XX.

An act for amending an act, made in the twenty-sixth year of His present Majesty's reign, "for the encouragement of the Southern Whale Fishery;" and for making further provisions for that purpose.

[SO much thereof as relates to the East India Company.]

SECT. III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any ship or vessel, employed in carrying on the said Southern Whale Fishery to the eastward of the *Cape of Good Hope*, to sail or pass as far as the equator northward, and as far as fifty-one degrees longitude east from *London*, and no further; and for any ship or vessel, employed in carrying on the said fishery to the westward of *Cape Horn*, or through the *Streights of Magellan*, to sail and pass as far as the equator northward, and as far as one hundred and eighty degrees longitude west from *London*, and no further: Provided always, That every ship or vessel, which shall sail or pass to the eastward of the *Cape of Good Hope*, or to the westward of *Cape Horn*, or through the *Streights of Magellan*, shall be obliged to have a licence from the *East India* and *South Sea Companies*; and the master shall be obliged to deliver, or cause to be delivered, a certificate as required by the said act, made in the twenty-sixth year of His present Majesty's reign, respecting ships allowed to proceed to the respective limits therein mentioned, on the terms and conditions, and subject to the provisions in that act prescribed; and every such ship or vessel, licensed pursuant to this act, the owner or owners, and the master and crew thereof, shall be subject and liable to all and every the terms, conditions, and provisions, in and by the said act of the twenty-sixth year of His present Majesty's reign prescribed, and shall be liable to all and every the penalties and forfeitures in such act provided and intended for things done or omitted to be done, contrary to the rules and regulations in the said act provided with regard to ships or vessels passing the *Cape of Good Hope* or *Cape Horn*, or the *Streights of Magellan*.

How far ships may sail, that carry on the fishery to the eastward or westward of *Cape Horn*, or through the *Streights of Magellan*; which ships must have a licence from the *East India* and *South Sea Companies*, etc.

IV. Provided also, and be it further enacted by the authority aforesaid, That the *United Company of Merchants of England* trading to the *East Indies*, shall not be required or obliged to grant any licence for any ship or vessel to sail to or pass within the limits of their exclusive trade round the *Cape of Good Hope*, until the owner or owners of such ship or vessel, or the major part of such owners, if there shall be more than one owner, shall have entered into and executed a bond to the said *United Company*, in the Penalty of two thousand pounds, with a condition to be thereunder written for payment to the said *United Company* of the sum of one thousand pounds, as a forfeiture to the use of the said *United Company*, over and above the forfeitures and penalties mentioned in the said act of the twenty-sixth year of the reign of his present Majesty, in case any goods or merchandizes whatsoever (other than and except the stores of such ship or vessel, and the tackle, materials, and other things necessary for the purpose of the voyage) shall be taken into or put on board such ship or vessel, for or upon her outward voyage; or in case such ship or vessel shall have taken on board, in any part of the voyage homeward before her arrival in *Great Britain*, any goods or merchandize of the growth, produce, or manufacture of the *East Indies*, or any islands, ports, havens, coasts, cities, towns, or places, between the *Cape of Good Hope* and the *Streights of Magellan*, to the value of one hundred pounds or upwards, computing

East India Company not obliged to grant any licence until a bond be given that no goods shall be taken on board, etc.

computing the same according to the value in *England*, except such provisions, stores, or cloathing, as it may at any time, during the voyage, have become necessary for the laid ship's crew to take on board, for the sole use of the said crew.

If any thing contrary to this and the recited act be done by any licensed ship, it shall not be intitled to any future licence.

Governor of *St. Helena*, &c. may search licensed ships;

and if any goods be found they shall be forfeited, &c.

Ships fitted out for the Purpose of doubling the *Cape of Good Hope*, &c. may be furnished with arms, &c. on obtaining a licence from the Admiralty,

and the Admiralty may grant licences to such ships on the conditions herein mentioned.

V. And be it further enacted by the authority aforesaid, That in case any thing shall be done by any ship or vessel, licensed as aforesaid, or by the owner or owners, master or crew thereof, in any way respecting the rights and privileges of the said United Company, contrary to the true intent and meaning of this and the said former act, the owner or owners of the said ship or vessel shall not afterwards be intitled to require, nor shall the said United Company be obliged to grant or give to them, or any of them, any future licence for the same, or for any other ship or vessel to proceed within the limits of the said Company's exclusive trade.

VI. And be it further enacted, That in case any ship or vessel, to be licensed by the said United Company as aforesaid, shall touch at the island of *Saint Helena*, or shall be found within the limits before described, it shall and may be lawful to and for the governor of *Saint Helena*, the commander of any ship or vessel belonging to or in the service of the said Company, or any person authorised or deputed by them respectively, or to and for any agent, specially authorised or deputed for that purpose by the said Company, and residing at any place within the limits before described, to search and examine such licensed ship or vessel, to see if any goods or merchandizes shall be on board her, contrary to the provisions of the said act of the twenty-sixth year of His present Majesty's reign, and of this act; and in case any such goods or merchandizes shall be found in or on board of such Ship or vessel, on such search or examination, the same shall be forfeited to the said United Company, and the owner or owners, and master of the said ship or vessel, shall be liable to all other penalties and forfeitures for trading contrary to the said Company's charters; and it shall and may be lawful to and for the said United Company, and the persons aforesaid, on the behalf and for the use of the said Company, to seize and take away such goods and merchandizes to and for the use of the said United Company, and to send them home to the said United Company, or to sell and dispose thereof to the use of the said Company, as they shall think fit.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said ships or vessels, which shall be so fitted and cleared out as aforesaid, for the purpose of doubling the *Cape of Good Hope* or *Cape Horn*, or passing through the *Streights of Magellan*, not being of less than two hundred tons burthen, to be properly furnished with arms and ammunition for resistance and defence, provided the owner or owners of such ships or vessels, before clearing out, shall obtain a licence from the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral for the time being, authorizing the same.

VIII. And be it further enacted by the authority aforesaid, That the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral for the time being, is and are hereby authorized and impowered to grant such licence for arming, in such cases as to him or them shall seem fit and proper; provided that there shall have been exhibited to him or them a certificate, under the hands and seals of the commissioners of His Majesty's customs (which certificate they are hereby authorised and required to give), testifying that such ship or vessel is entered out for the purpose of doubling the *Cape of Good Hope* or *Cape Horn*, or passing through the *Streights of Magellan*; and provided also, that the owner or owners of such ship or vessel shall have

entered into a bond, with two sufficient sureties, in the sum of one thousand pounds, with condition that such arms and ammunition shall not be used for any unlawful purpose, but merely for resistance and defence in cases of involuntary hostility.

28 GEORGII III. Cap. LVI.

An act to repeal an act made in the twenty-fifth year of the reign of His present Majesty, intituled, "An act for regulating Insurances on ships, and on goods, merchandizes, or effects," and for substituting other provisions for the like purpose in lieu thereof.

AFTER repealing the former act, this act proceeds thus :

SECT. I. And that from and after the passing of this act, it shall not be lawful for any person or persons to make or effect, or cause to be made or effected, any policy or policies of assurance upon any ship or ships, vessel or vessels, or upon any goods, merchandizes, effects, or other property whatsoever, without first inserting, or causing to be inserted, in such policy or policies of assurance, the name or names, or the usual stile and firm of dealing of one or more of the persons interested in such assurance; or without, instead thereof, first inserting, or causing to be inserted in such policy or policies of assurance, the name or names or the usual stile and firm of dealing of the consignor or consignors, consignee or consignees of the goods, merchandizes, effects, or property to be insured; or the name or names, or the usual stile and firm of dealing of the person or persons residing in *Great Britain*, who shall receive the order for and effect such policy or policies of assurance, or of the person or persons who shall give the order or direction to the agent or agents immediately employed to negotiate or effect such policy or policies of assurance.

No policy to be made on any ship, etc. without inserting thereon the name or names, or the firm of dealing of one or more of the persons interested, etc.

II. And be it further enacted by the authority aforesaid, That every policy and policies of assurance, made or underwrote contrary to the true intent and meaning of this act, shall be null and void to all intents and purposes whatsoever.

Policies made contrary to this act to be void.

29 GEORGII III. Cap. LX.

An act for granting further time for allowing the drawback upon the exportation of coffee, imported by the East India Company, in the ship Lord Camden, in the year one thousand seven hundred and eighty-six.

THE further time allowed was for four years.

30 GEORGII III. Cap. IV.

An act for taking off the duties upon unwrought Tin, exported to any of the countries beyond the Cape of Good Hope.

ALL duties upon tin unwrought, which shall be exported from *Great Britain* to any of the countries beyond the *Cape of Good Hope*, are repealed. Bond is to be given by the exporter, with surety in double the value, for landing the tin beyond the Cape, and upon certificates of such landing to be given by the persons described in the act, the bond is to be discharged.

31 GEORGII III. Cap. XV.

An Act for granting to His Majesty an additional duty on Sugar imported into this Kingdom.

THE additional duty is 2 s. 8 d. per hundred weight on all sugars not warehoused; the whole to be allowed in drawback, on being exported in the same state. The drawback and bounty on exportation in its refined state, is 3 s. 4 d. per hundred. The whole to cease on repayment of the loan of the same year of £.1,833,000.

31 GEORGII III. Cap. XLII.

An Act for indemnifying all persons who have been concerned in advising or carrying into execution, a certain order of council, respecting the importation of a limited quantity of Saltpetre; for repealing the duties now payable upon the importation of Saltpetre, and for granting other duties in lieu thereof.

ONE general duty of Three-pence per hundred weight, is substituted in lieu of all former duties; after which follow the following clauses:

From Sept. 1, 1791, the East India Company to put up for sale, half-yearly, certain quantities of saltpetre at certain rates;

VII. And in order to insure at all times the supply of a sufficient quantity of saltpetre for the use of the manufactures of this country, and the sale thereof at a reasonable rate; be it further enacted by the authority aforesaid, That, from and after the first day of September one thousand seven hundred and ninety-one, the said United Company shall, and they are hereby required, half-yearly, at each of their publick sales, to put up five thousand bags of saltpetre more than shall appear, upon an average taken of the four last preceding sales, to have been sold by the said United Company, at each of the said sales, at the price of thirty-one shillings per hundred weight, and not higher, in time of peace, and at the price of forty shillings per hundred weight, and not higher, in time of war or publick hostility; and that the refraction of such saltpetre so put up shall not exceed, on an average, five pounds in every one hundred and twelve pounds of such saltpetre.

on failure of which, His Majesty in council may permit the importation of it, subject to the duty of 3 d. per cwt.

VIII. And be it further enacted by the authority aforesaid, That in case the said United Company shall not as before directed, declare, within fourteen days before each publick sale, their intention to put up, or in case they shall not at each publick sale put up the before mentioned quantity of such saltpetre at the before mentioned prices respectively, it shall and may be lawful, from and after the first day of September one thousand seven hundred and ninety-one, for His Majesty, by and with the advice of his privy council, to permit the importation from any foreign country of the whole of the said quantity of saltpetre, or of so much thereof, as the case may be, the produce or manufacture of any country whatever, subject to the said duty of three-pence for each and every hundred weight thereof, as shall be sufficient to make the Quantity so declared and to put up by the said United Company, at the price herein-before directed, amount to the full quantity of five thousand bags more than shall appear, by an average taken of the four last preceding sales, to have been sold by the said United Company at each of the said sales; and the importation of such quantity of saltpetre, subject to the said duty of three-pence for each and every hundred weight thereof, shall be in such manner, and under such regulations, restrictions, securities, and conditions, as His Majesty; by and with the advice aforesaid, shall order.

IX. And

IX. And be it further enacted by the authority aforesaid, That the salt-petre, so permitted to be imported, shall for the Purpose of taking the average of four preceding Sales, in manner herein-before directed, be deemed and reckoned as sold by the said United Company, and be included in and made a part of such average.

How the average of sales is to be reckoned.

X. And be it further enacted by the authority aforesaid, That from and after the first day of September one thousand seven hundred and ninety-one, so much of an act, passed in the fourth year of the reign of His late Majesty king George the Second, intituled, *An act for granting an allowance upon the exportation of British-made gunpowder*, as grants an allowance of four shillings and sixpence for every barrel of such gunpowder, containing one hundred pounds net weight, exported out of this kingdom; and also so much of an act, passed in the twenty-third year of his present Majesty's reign, intituled, *An act for the more effectual encouragement of the manufactures of flax and cotton in Great Britain*, as enacts, that the duties of customs payable and chargeable by any act or acts of parliament on the importation of saltpetre, used and consumed in making oil of vitriol, shall be repaid and drawn back, be, and the same are hereby repealed.

From Sept. 1. 1791, so much of 4 Geo. III, Cap. 29, as grants an allowance of 4s. 6d. on every barrel of British gunpowder exported, and so much of 23 Geo. III, Cap. 77, as allows a drawback of the duties on imported saltpetre, used in making oil of vitriol, repealed.

XI. And be it further enacted by the Authority aforesaid, That so much of an act, passed in the first year of the reign of Her late Majesty Queen Anne, intituled, *An Act for granting an aid to Her Majesty by divers subsidies and a land tax*, as requires the said United Company to deliver yearly (if demanded) the quantity of four hundred and ninety-four tons and one quarter of saltpetre, into the stores of Her Majesty, Her heirs and successors, at the price of forty-five pounds per ton in time of peace, and fifty-three pounds per ton in time of war or publick hostility, be, and the same is hereby repealed; and that, in lieu thereof, the said United Company shall yearly reserve and deliver into the stores of His Majesty, His heirs and successors, five hundred tons of saltpetre, at the average prices at which the said United Company shall have declared and put up saltpetre at their publick sales, during the current year, the refraction of such saltpetre not to exceed five pounds in every one hundred and twelve pounds weight; and if the refraction of such saltpetre shall exceed the rate aforesaid, then the overplus of such refraction, at the rate aforesaid, shall be allowed and repaid to His Majesty, His heirs and successors, by the said United Company, out of the said price; and if the refraction of such saltpetre be less or under five pounds in every one hundred and twelve pounds weight, then the said United Company shall be allowed and paid by His Majesty, His heirs and successors, at the price aforesaid, so much more as the difference between the real refraction of the saltpetre so delivered, and the before-mentioned refraction of five pounds in every one hundred and twelve pounds, shall amount to.

So much of 1 Anne, Stat. 1, Cap. 22, as requires the East India Company to deliver into the King's stores a certain quantity of saltpetre, repealed, and the quantity herein-mentioned to be delivered.

XII. And be it further enacted by the authority aforesaid, That in case the said United Company shall in any year not reserve and deliver into the stores of His Majesty, His heirs and successors, the whole of the said respective quantities of saltpetre, as the case may be, of the quality and at the price before-mentioned, it shall and may be lawful for His Majesty, His heirs and successors, by and with the advice of his or their privy council, to authorize and permit the master general of the ordnance to import, for the use of His Majesty, His heirs or successors, the whole of such respective quantities of saltpetre, as the case may be, or so much thereof, the produce or manufacture of any country whatsoever, subject to the said duty of three-pence per hundred weight, as shall be sufficient to make the quantity reserved and delivered into the said stores amount to

on failure of which, His Majesty in council may authorize the master general of the ordnance to import it, subject to the duty of 3d. per cwt.

the respective full quantities of saltpetre, as the case may be, herein before required.

32 GEORGII III. Cap. 43.

An act for regulating the allowance of the drawback and payment of the bounty on the exportation of Sugar; and for permitting the importation of Sugar and Coffee into the Bahama and Bermuda Islands, in foreign ships.

BY this act many important changes are made in respect to the removal of sugars, and the rates of drawback and bounty on their exportation. The only part which has any specifick reference to sugar imported by the India Company, is as follows :

Sugar and coffee, not of the British plantations, may be imported in British built ships into the ports of London, &c. on the condition herein specified, without payment of duty;

and may be exported directly from warehouses, duty-free;

but if taken out for home consumption the duty must be first paid.

SECT. XI. And be it further enacted by the authority aforesaid, That sugar and coffee, not of the *British* plantations, when imported into *Great Britain* in *British*-built ships, owned, registered, and navigated, according to law, from any country or place not in *Europe*, shall and may, upon the importation thereof into the ports of *London*, *Bristol*, *Liverpool*, *Lancaster*, *Glasgow*, and *Leith*, or any or either of them, upon being duly entered, be forthwith landed from on board the ship or vessel in which the same shall be so imported, in the presence of the proper officer or officers of the customs at the port in which the same shall be so imported; without payment of any duty whatever, provided that an exact account be taken of the weight thereof, and entered in a book to be kept for that purpose by the proper officer of the customs at the said port, and that the same shall upon landing be immediately lodged and secured, under the joint locks of His Majesty and the importer or proprietor thereof, in such warehouses as shall be fit for that purpose, to be provided at the sole expence of the importer or proprietor of such sugar or coffee, with the approbation and under the care and inspection of the commissioners of the customs in *England* and *Scotland* respectively, or the collector and comptroller at the port where such sugar or coffee shall be imported; and such sugar and coffee may be again exported directly from such warehouses without payment of any duty whatever, provided such sugar and coffee be duly entered for exportation, and regularly shipped and exported according to the laws in force at the time of exporting such sugar or coffee; but if such sugar or coffee shall be intended to be taken out of such warehouses to be used or consumed in this kingdom, the importer or proprietor shall first pay to the proper officer of the customs and excise respectively such duties of customs and excise as shall be then payable by law on the importation into *Great Britain* of such sugar and coffee.

33 GEORGII III. Cap. XXVI.

An act for the better supply of Mariners and Seamen to serve in His Majesty's ships of war, and on board merchant ships, and oiber trading ships and vessels, during the present war.

DURING the war *British* ships may be navigated by foreign seamen, so that their number does not exceed three-fourths of the whole crew, and the remaining fourth being natives or naturalized subjects of *Great Britain*.

33. GEORGII III. Cap. XXXIV.

An act for the relief of the Captors of Prizes, with respect to the bringing and landing certain Prize Goods in this kingdom.

[SO much thereof as applies exclusively to prize goods of *India* or *China*.]

SECT. IV. And be it further enacted by the authority aforesaid, That all goods of the growth, production, or manufacture of *China*, or the *East Indies*, taken and condemned as prize, shall be publicly exposed to sale in the city of *London* by the captors or their agents, notice of such sale being first given to the proper officers of the customs or excise respectively concerned therein; and such goods shall be sold on such conditions, and under such rules, regulations, and restrictions, as are used and practised at the sales of the *East India* Company, and the goods shall be subject to such duties, and entitled to such drawbacks, as the like goods are subject and entitled to when imported by the *East India* Company, and the full duties due and payable on such goods shall be paid in all cases by the captors or their agents.

China or East India prize goods to be publicly sold, under such rules as are used at sales of the East India Company, &c.

33 GEORGII III. Cap. LVI.

An act to amend an act, made in the last session of Parliament, intituled, "An act for regulating the allowance of the drawback, and payment of the bounty, on the exportation of Sugar, and for permitting the importation of Sugar and Coffee into the Bahama and Bermuda Islands, in foreign ships;" and for reducing the bounty on refined Sugars, exported in any other than British ships.

THIS act has no specific relation to the affairs of the *East India* Company, further than as it may affect the drawback on sugar imported by them.

33 GEORGII III. Cap. LVIII.

An act to allow to ships carrying on the Southern Whale Fishery to the north of the Equator, the same premium as they are now entitled to if they do not pass the Equator.

THE sole object of this act is to entitle the owners of ships cleared for the Southern Whale Fishery, and passing into the *Pacifick Ocean* by *Cape Horn*, and to the northward of the Equator, to the same premiums as such ships would have been entitled to, if sailing into the *Pacifick Ocean* by *Cape Horn*, had passed no further north than the Equator, under the acts of the 26th, 28th, and 29th years of the King.

33 GEORGII III. • Cap. LXIII.

An act to permit goods and commodities of the growth, production, or manufacture of Asia, Africa, or America, legally imported into Ireland, to be imported from thence into Great Britain.

IT is declared by the 7th Section, that this act shall not extend to permit or allow of the importation from *Ireland* into *Great Britain*, of any goods of the growth, production, or manufacture of the *East Indies*, or other parts within the limits of the exclusive trade of the *East India Company*.

25 GEORGE III. Cap. XXXIV.

Extract of an Act of the Parliament of *Ireland*, passed in the Twenty-fifth Year of the Reign of His Majesty *George the Third*, for continuing and amending several Laws relating to His Majesty's Revenue; and for the more effectually preventing of Frauds therein.

SECT. **A**ND whereas it has been for some years past the practice
XXIII. of homeward-bound *East India* and *China* ships to remain for some time in the ports of this kingdom on their passage home, and the officers and sailors on board such ships, do, contrary to the laws now in being, by the assistance and aid of many people going to and coming from the said ships, run very considerable quantities of muslins, calicoes, teas, china-ware, and other goods on shore, to the great prejudice of His Majesty's revenue: for remedy thereof, be it enacted, by the authority aforesaid, That, from and after the first day of *August* one thousand seven hundred and eighty-five, it shall not be lawful for any person or persons whatsoever, to enter on board any *East India* or *China* ship, except the King's officers, whose duty obliges them to go on board such ship, or such other person or persons as shall receive a permit or licence from the collector, or other superior officer, of the port or place where such ship shall lie or be, under the penalty of five hundred pounds for every time such person or persons shall go on board such ship without such licence as aforesaid; and if any goods shall be found open on board such ship, the same shall be taken account of, and made up in proper packages suited to the nature of such goods, by an officer or officers stationed at the port or place where such ship shall be; which said goods, when so packed up, shall be corded and sealed with a lead, with the King's arms thereon, and an account of all such goods so packed up, corded, and sealed as aforesaid, shall be transmitted to the commissioners or collector of the customs in the port of *London*, and also to the Chairman of the Court of Directors of the United Company of Merchants of *Great Britain* trading to the *East Indies*.

XXIV. And be it further enacted, by the authority aforesaid, That every boat or vessel carrying persons to such ship or ships shall be licensed as aforesaid, and that every boat or vessel carrying persons to such ship or ships without such licence shall be forfeited; and that it shall and may be lawful to and for any revenue officer or officers stationed on board such ship or ships, and they are hereby respectively required to prevent any person or persons from going on board the same, unless he, she, or they produce such licence; and that if any person or persons shall resist or obstruct such officer or officers in doing his or their duty as aforesaid, such person or persons shall forfeit the sum of five hundred pounds; and if any person or persons whatsoever shall in any case forge or counterfeit any such licence or permit, as is herein-before mentioned, or shall knowingly use or employ any such forged or counterfeited licence or permit, he, she, or they shall forfeit and lose the sum of one thousand pounds for every such offence.

An Act for regulating the Trade of Ireland, to and from the East Indies, under certain Conditions and Provisions, for a Time therein mentioned.

Preamble.
Recital of
British act;

East India Company have obtained a prolongation for 20 years, from 1st Mar. 1794.

During said term, or so much thereof as subjects of this kingdom enjoy privileges, &c. herein specified, the sole privilege of trading to the East Indies, and all places between the Cape of Good Hope and Straights of Magellan, shall be enjoyed by said Company;

During said term, or so much thereof as subjects of this kingdom enjoy privileges, &c. herein specified, the sole privilege of trading to the East Indies, and all places between the Cape of Good Hope and Straights of Magellan, shall be enjoyed by said Company;

said East Indies, &c. not to be resorted to by subjects of this kingdom, but as herein provided;

WHEREAS by an act passed in the Parliament of Great Britain, 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, the United Company of Merchants of England trading to the East Indies have obtained a prolongation of their term and interest in their whole, sole, and exclusive trade to the same East Indies, and other parts, within the limits described by their charter from King William the Third, under certain limitations and restrictions, for the term of twenty years, from the first day of March one thousand seven hundred and ninety-four, subject to be determined at or after that period, on three years notice to be given by the Parliament of Great Britain for that purpose: And whereas the confirming by an act of the legislature of this kingdom, the exclusive privileges of the said Company, upon the terms, and subject to the several limitations, provisions, regulations, and conditions, in and by this act made, expressed, enacted, or provided, will conduce to the strength and wealth of the British empire, so essential to the advancement of the trade and prosperity of this kingdom; and it is therefore expedient that the said privileges should be confirmed accordingly; 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 henceforth, for and during the further term granted by the said recited act to the said Company, in their said exclusive trade, or for so much of the said term as His Majesty's subjects of this kingdom shall have, hold, and enjoy, the several privileges, benefits, and advantages of trade, according to the provisions and regulations, and subject to the conditions and restrictions in this act expressed, contained, or specified, and the true intent and meaning of the same, and not otherwise, the whole, sole, and exclusive trade and traffick, and the only liberty, use, and privilege of trading, trafficking, and exercising the trade or business of merchandize into and from the East Indies, and into and from all the islands, ports, havens, coasts, cities, towns, and places between the Cape of Good Hope, and the Straights of Magellan, and limits in the aforesaid charter granted to the said Company by his late Majesty William the Third, on the fifth day of December, in the tenth year of his reign, in as ample and beneficial manner as the said Company could thereby, or otherwise lawfully trade thereto, subject as aforesaid, shall and may be had, used, and enjoyed, and be continued to be had, used, and enjoyed, by the said Company and their successors; and that the said East Indies, or the islands, ports, havens, coasts, cities, towns, and places within the limits aforesaid, or any of them, shall not from henceforth at any time during the continuance of this act, be repaired, sailed to, visited, frequented, or haunted by any of His Majesty's subjects of or belonging to this kingdom, otherwise than*

as is by this act in that behalf provided, under the several pains and penalties hereby imposed, or to be incurred in respect thereof; and that all and singular the powers, benefits, advantages, privileges, franchises, abilities, capacities, authorities, rights, provisions, matters, and things whatsoever, to the said Company belonging, or vested in them, for the better or more effectually settling and securing to them and their successors, the whole, sole, and exclusive trade to and from the *East Indies*, and other parts within the limits aforesaid, and for preventing any trade or traffick into or from the same, contrary to the said charter, shall, by force and virtue of this act, and during the continuance of the same, be accepted, used, observed, and executed in this kingdom, and be binding upon all His Majesty's subjects, of or belonging to this His realm of *Ireland*.

II. Provided always, That during the continuance of the said exclusive trade in the said Company, subject as aforesaid, it shall and may be lawful for any of His Majesty's subjects to export on their own proper risk and account, in the ships of the said Company, or in ships freighted by the said Company, from the port of *Cork*, to any of the ports or places usually visited by ships in the service of the said Company, on the several coasts of *Malabar* and *Coromandel*, or in the Bay of *Bengal*, in the *East Indies*, on the Island of *Sumatra*, any goods, wares, or merchandize, of the growth, produce, or manufacture of His Majesty's dominions in *Europe*, save and except as is herein-after otherwise specially provided.

III. Provided nevertheless, and be it enacted, That during the continuance of this act, it shall not be lawful for any of His Majesty's subjects, of or belonging to this kingdom, unless by the special leave and license in writing for that purpose obtained from the said Company to export, ship, or carry out from this kingdom to the *East Indies*, or other parts within the limits of the said exclusive trade, any military stores, ammunition, masts, spars, cordage, anchors, pitch, tar, or copper, except as is herein-after provided.

IV. Provided always, That if, under any provisions or regulations made, or to be hereafter made, by the said Company, or by His Majesty, His heirs or successors, or by any persons deriving authority from His Majesty, His heirs or successors, or by any provisions made or to be made by the Parliament of *Great Britain*, or under their authority, the export trade to the *East Indies*, of or in military stores, ammunition, masts, spars, cordage, anchors, pitch, tar, or copper, or of any of them, shall, during the continuance of this act, be in part, or in the whole, laid open to, or be permitted to be enjoyed or carried on by individuals in *Great Britain*, that then, and in such case, the trade therein, or in so many of the said articles as shall be so permitted to be carried on by individuals in private trade in *Great Britain*, shall be also laid open to, and be permitted to be enjoyed by His Majesty's subjects in *Ireland*, to the same extent, and in the like manner, and under the like incumbrances or benefits of duties, or bounties, regulations, and conditions, as shall be enjoyed or permitted to be carried on by individuals in *Great Britain*, and no otherwise, nor in any other manner.

V. Provided also, and be it enacted, That nothing herein contained shall extend to prohibit the exportation of masts, spars, cordage, anchors, pitch and tar, from this kingdom, by any individual, in the ships of the said Company, or employed in their service, under such orders and regulations to be made by the Board of Commissioners for the Affairs of *India*, as they are empowered to make in this behalf, by the said herein-before recited act, upon any representation made to the said board, by any British or Irish manufacturers, of any failure or default in the said Company,

all powers, &c. of said Company to be binding, etc. on Irish subjects;

Any of his Majesty's subjects may export in Company's ships freighted at Cork, to places herein named, produce of his dominions in Europe, except as hereafter

Not to export from this kingdom any military stores, etc. without a license from Company.

If the export trade of military stores, masts, etc. etc. be hereafter laid open to individuals in Great Britain, during this act, it shall be also laid open to individuals in Ireland, under like regulations, etc.

Not to prohibit the exportation of masts, etc. by individuals of this kingdom in Company's ships under orders of Board of Commissioners for India, as herein.

of exporting any of the said articles, to a sufficient and reasonable extent, in quantity or value.

Not to prevent exportation of copper, by persons licensed by commissioners.

Tonnage of such copper not to be considered as part of tonnage to be provided by said Company.

800 tons of shipping to be provided yearly by said Company, for carrying goods from Cork to the East Indies, and the returns thereof; goods of others from thence to Great Britain.

If said quantity of tonnage be more or less than sufficient, Company to provide according to directions from commissioners.

one of the Company's outward-bound ships to touch at Cork, between Oct. and Feb. every year, to receive goods to the extent of 800 tons, in manner herein directed.

not to be unshipped until delivery at Bombay, Madras, or Calcutta, unless in distress, of which proof to lie on commanders.

Notice in writing of quantity of tonnage required by each person, to be delivered to commissioners of revenue before 1st Aug. in

VI. Provided also, and be it enacted, That nothing herein contained shall extend to prohibit the exportation of copper from this kingdom, in the ships of the said Company, or employed in their service, by any individual who shall be licensed to export the same, by the Commissioners for the affairs of *India*, who are hereby empowered to license individuals to export the same, to such reasonable extent in quantity and value, as they shall deem expedient, such copper to be exported in ships to be provided by the said Company; and in case the said Commissioners shall grant such licenses as aforesaid, then and in such case the tonnage to be provided by the said Company for the export of the quantity of copper comprized in such licenses, shall not be considered to be a part of the tonnage hereinafter mentioned to be provided by the said Company.

VII. Provided also, That the said Company do, in the proper season of every year, provide and appropriate eight hundred tons of shipping at the least, for the specifick purposes of carrying from the port of *Cork* to the *East Indies*, such goods, wares, and merchandizes, as may be lawfully exported by individuals resident in this kingdom, and for bringing back from thence to *Great Britain*, as well the returns of the same, as likewise the goods of other persons entitled to trade therein.

VIII. Provided always, That if the said quantity of tonnage shall be found insufficient for the carriage from the port of *Cork* to the *East Indies*, of such Goods, wares, and merchandize, as may be lawfully exported from thence to the *East Indies*, and for bringing back from thence to *Great Britain*, as well the returns for the same, as likewise the goods of other persons entitled to export the same into *Great Britain*, by virtue of the said recited act, or shall be found to be more than sufficient for the carriage of such private trade, export or import, the said Company shall, from time to time, find and provide such an additional quantity of tonnage, or lessen the quantity of tonnage to be provided for the carriage of the said private trade, as the said Board of Commissioners for the affairs of *India* shall, upon any representation made to them, order and direct; and that for the more convenient carriage of such goods and commodities of *Ireland* to the *East Indies*, to be exported in private trade, the said United Company do cause one or more of their outward-bound ships to touch at the port of *Cork*, between the month of *October* and the month of *February* in every year, for the purpose of receiving on board the goods and commodities aforesaid, of and belonging to His Majesty's subjects in *Ireland*, in private trade, to the extent of eight hundred tons burthen as aforesaid, in the whole, and provided that the tonnage of such ship or ships, or so much thereof as shall be required, by notices to be given in the manner and upon the conditions hereinafter expressed, shall be set apart for such private trade accordingly; and the said goods and commodities which shall be taken on board the said ship or ships in private trade, shall not be again unshipped until the delivery thereof at *Bombay*, *Madras*, or *Calcutta*, according to the destinations of the same respectively, unless in cases of absolute necessity, the proof of which necessity shall lie upon the masters and commanders, or other officers having the chief command of such ship or ships.

IX. Provided always, and be it enacted, That no person in this Kingdom shall be entitled to share or participate in the tonnage of such ship or ships, unless he or they shall, before the first day of *August* in each year, next preceding the time hereby appointed for such ship or ships to arrive at the port of *Cork* as aforesaid, give notice in writing to the chief commissioners of His Majesty's revenue in this kingdom, of the quantity of tonnage

tonnage by him or them required respectively, which notice the said commissioners are hereby required to transmit to the chief secretary of the said Company, on or before the first of *September* following; nor unless the person or persons giving such notice as aforesaid, shall, on or before the first day of *October* next after the delivery of such notice; deposit or pay to the said Company, at their office in *London*, the amount of the freight for the carriage of the goods and commodities according to the quantity of tonnage by him or them respectively required as aforesaid, or otherwise secure the payment thereof to the satisfaction of the said Company, and also, on or before the first day of *October*; furnish and deliver to the chief secretary of the said Company, lists of the several sorts and quantities of goods intended to be shipped at the said port, and the time when such goods will be ready to be put on board, and the place and places of their destination in *India*, and the name and place of abode of some agent in *London*, authorized to act for him or them; and if more tonnage at the port of *Cork* shall be required or demanded by His Majesty's subjects in this kingdom, in any one year, than eight hundred tons, the directors of the said Company shall and may distribute amongst the persons who shall have given such notices, and complied with the conditions aforesaid, the whole quantity of tonnage in proportion to the quantities by them respectively required by such notice, whereof a notice in writing shall be given to the said persons, or their respective agents by them named and employed in their said concerns as aforesaid, on or before the fifteenth day of *September*; and that no greater or other rate of freight for the carriage of the said goods and commodities from the said port of *Cork*, shall be demanded or charged than shall by law be then payable by private traders in *Great Britain* for the freight of goods shipped for *India* in the port of *London*, save only and except in the event of any detention of the said ship or ships, as is herein-after provided for; and that if any of the persons requiring part of the tonnage of such ship or ships shall make failure of providing his goods and commodities to be ready to be shipped at the said port, within the space of ten days next after the day of the arrival of such ship or ships respectively in the said port of *Cork*, the deposit made, or security given to the said Company for the said freightage, and also the tonnage which the person or persons making such default, was or were entitled unto, shall be forfeited to the said Company.

X. Provided always nevertheless; and be it further enacted, That if any person or persons who shall not have provided his or their said goods or commodities within the time hereby limited for that purpose, shall make requisition to the master or masters, and commander or commanders of such ship or ships, and desire to detain the same on demurrage, at his or their own proper charge; and if the said master or masters, and commander or commanders, and the said Company's agent, shall concur in opinion that the detaining of such ship or ships will not be injurious to the said Company, or to any of the owners of the private trade goods laden therein; and if the person or persons making such requisition shall deposit or pay the full demurrage for the detention of such ship or ships, into the hands of the said master or masters, and commander or commanders, or of such agent at the said port of *Cork*, as the said Company shall appoint for that purpose, or authorize to receive the same, and upon the conditions aforesaid, and not otherwise, it shall be lawful for the said master or masters, and commander or commanders, to wait a further time at the said port, not exceeding the space of fourteen days, for receiving on board the goods and commodities of the person or persons so entitled to tonnage, and making such requisition as aforesaid.

B

XI. Provided

each year, which shall be transmitted to Secretary of said Company before 1st Sept.

Freight to be paid or secured to Company in London, before 1st Oct. and lists of goods furnished to their secretary, and when such will be ready, place of destination, and name of agent in London.

if more than 800 tons be required, Company may distribute amongst persons who have complied, of which Notice to be given them or their agents, before 15 Sept.

Freight from Cork same as from Great Britain, except ships are detained;

Goods not ready within 10 days after arrival of ship, deposit for freightage forfeited, and tonnage.

On requisition to masters and commanders, to detain on demurrage, &c. and they and the agent comply, etc. on depositing amount of demurrage, they may wait 14 days.

If Company establish an agent at *Cork*, no goods to be put on board unless registered with him;

marks and numbers of packages to be described;

agent to give an order for shipping;

goods not so registered, deemed illicitly shipped;

Persons in this kingdom to signify to chief secretary in *India*, or other person authorized, the sorts and quantities of goods to be exported to *Great Britain*, &c.

Amount of freight to be deposited or secured, &c.

If goods be not ready within the time, deposit and tonnage forfeited.

No vessel to clear out from this kingdom to any place within limits of Company's exclusive

Trade, but belonging to, or licensed by them;

No goods, &c. from said countries or ports to be landed in this kingdom, but such as laden at the port of *London* in *British* or *Irish* vessels; ships, goods, &c. sailing to or

XI. Provided always, and be it enacted, That in case the said Company shall establish at the said port of *Cork*, an agent for registering private trade goods in books to be kept for the use of the said Company, no such goods shall be put on board any ship to be provided by the said Company at the port of *Cork*, unless such goods shall be duly registered in such books; in which registry shall be described the marks and numbers of each bale or package of goods so shipped, and the amount of the tonnage of all the goods shipped by each merchant and manufacturer; and an order or license in writing shall be given under the hand of the said agent for the shipping of such goods; and all goods which shall be shipped at the said port of *Cork*, (not being the proper goods of the said Company), without being so registered, shall be deemed as goods illicitly shipped, and such goods shall be subject to such seizure and forfeiture, and the owners, shippers, and agents concerned therein, to such forfeitures and penalties as may be incurred under the provisions of this act, for illicitly trading or trafficking to, in, or from the *East Indies*, or parts aforesaid.

XII. Provided also, and be it further enacted, That all persons in this kingdom intending to export any goods from any port or place in the *East Indies* to *Great Britain*, pursuant to the provisions of the said recited act, shall, by his known agent or factor, signify the same by notice in writing to the chief secretary of the presidency in *India*, wherein the same are to be shipped, or to such person as shall be specially authorized to receive the same by the respective governments abroad, within such reasonable and convenient time as shall be limited by the said respective governments for that purpose, in which notice shall be specified the sorts and quantities of goods intended to be shipped, the quantity of tonnage required, and the period when the goods will be ready to be put on board; and that every such person giving such notice shall make a deposit at the treasury of such presidency or settlement respectively, of the whole amount of the freight, according to the rate then payable by private traders in *Great Britain*, upon the quantity of tonnage specified in the said notice, or otherwise give such reasonable security for the payment thereof in *Great Britain*, and the due performance of his engagements in that behalf, as the said respective governments shall require; and if any of the persons giving such notice shall not provide his or their goods to be shipped within the time or times therein specified for that purpose, their deposits made, or securities given for the freight, together with the tonnage required by such notice, shall be forfeited to the said Company.

XIII. Provided also, and be it further enacted, That during the continuance of this act, no ship or vessel shall be permitted or allowed to clear out from any port or place in this kingdom, for any of the countries or ports within the limits of the exclusive trade of the said Company, but such as shall belong to, or be employed by, the said Company, or shall be licensed thereto, in manner herein-after provided; and that no goods, wares, or merchandizes of the growth, product, or manufacture of the said countries or ports, exported from thence, shall be permitted or allowed to be carried to, or imported into, or landed in this kingdom, but such only as shall be truly and without fraud, laden and shipped at the port of *London*, in *British* or *Irish* ships, navigated according to law, under the penalty of forfeiture of every such ship or vessel which shall sail from this kingdom, or attempt so to do, for any of the said countries or parts as shall come into any port in this kingdom contrary to the provisions of this act, together with the goods, tackle, and furniture, laden on board of, or belonging to the same, and also of all and every the goods, wares, or merchandizes which shall be so unlawfully exported from, or imported into,

into, or landed in this kingdom, contrary to this act, and to the true intent and meaning thereof; and that every such ship or vessel, goods and commodities so forfeited, shall and may be seized, and the cargo, or the value thereof respectively, shall and may be sued for and recovered in any of His Majesty's courts in this kingdom, or in any court of competent jurisdiction in the *East Indies*, by bill, plaint, or information, wherein no effoign, protection, or wager of law shall be allowed, nor more than one imparlance; one moiety of which forfeiture shall be to the use of the said Company, and the other moiety to him or them who shall seize or sue for the same: And if any officer or officers of the customs or revenues in this kingdom shall willingly or knowingly connive at, suffer, or permit any ship or vessel as aforesaid, to sail from, or quit any port in this kingdom, for the purposes aforesaid, or any such goods or commodities, as aforesaid, to be fraudulently imported or landed in this kingdom, contrary to the directions and provisions of this act; or if any such officer or officers shall seize any such ship or vessel, or any such goods or commodities, and shall, by fraud or collusion, desist from or delay the prosecution thereof to condemnation, he or they so conniving, suffering, or permitting or desisting, or delaying, shall forfeit the sum of five hundred pounds, to be sued for and recovered in the manner last aforesaid, one moiety whereof shall belong to the said Company, and the other moiety to him or them who shall sue for the same; and such officer or officers being convicted of the said offence or offences, shall be rendered incapable of holding any office or employment in this kingdom, under His Majesty, His heirs or successors.

from said countries, contrary hereto, forfeited.

Officers conniving; or calculating, delaying prosecution after seizure, forfeit 500*l.* and rendered incapable.

XIV. Provided also, and be it further enacted, That nothing herein contained shall extend to prohibit the importing or landing in this kingdom of any dye stuffs, cotton wool, or other wool, and spiceries brought or imported from the continent of *Europe*, or any other foreign country, which may, by any law now in being, be imported from the said continent, or other foreign country, into this kingdom.

Not to prevent the importation of dye stuffs, wool, and spiceries from any country.

XV. Provided also, and be it further enacted, That all goods, wares, and merchandizes, of the growth, product, or manufacture of the *East Indies*, or other parts within the limits of the charter of the said Company, which have been, or shall at any time or times hereafter, under the provisions of this act, be imported into this kingdom, and shall be exported from thence to any *British* plantation in *America*, or the *West Indies*, or any *British* settlement on the Coast of *Africa*, shall draw back so much of the duties paid on the importation thereof into this kingdom, as shall leave the remainder of such duties equal to the amount of the duties retained in *Great Britain*, on goods and commodities of like quality and quantity exported from *Great Britain* to the same plantations or settlements respectively; and that if the duties paid on the importation of any such goods or commodities into this kingdom shall be exactly equal to the duties so retained in *Great Britain*, then and in every such case such goods and commodities shall not receive any drawback on such exportation from this kingdom as aforesaid; and if the duties paid on the importation of any such goods or commodities shall not be equal to the duties so retained in *Great Britain*, that then, and in every such case, such goods and commodities shall not only not receive any drawback on such their exportation from this kingdom, but shall also pay such duties on being so exported, as together with the duties paid on their importation into this kingdom, shall equal the duties so retained in *Great Britain*.

Drawback on *East Indian* goods exported from *Tread to British* Plantations, etc. so as to equalize the duties retained with those in *Great Britain*;

if duties paid on importation be equal to duties retained in *Great Britain*, no drawback on exportation; if not equal to duties retained in *Great Britain*, a duty shall be paid on exportation, equal to duties so retained.

XVI. Provided always, That in calculating the said duties and drawbacks on the said goods and commodities so to be exported from this kingdom,

Attention in calculating, so as that

goods exported from *Ireland*, shall not be less encumbered with duties than goods from *Great Britain*.

kingdom, due attention shall be given to, and allowance made for any duty or imposition; or any part of the same which shall be retained in *Great Britain*, or not drawn back, or not compensated by bounty in *Great Britain*, upon the export of any such goods or commodities from thence to this kingdom, as also for any duty paid on the importation of any such goods or commodities into this kingdom, so as the said goods or commodities respectively, be not so exported from this kingdom, with less incumbrance of duties or impositions than now do, or hereafter shall remain upon the like goods when legally exported from *Great Britain*, to the same parts or places.

Commissioners of revenue to cause tables of drawbacks and duties to be formed, which shall be signed by four commissioners;

XVII. And be it further enacted, That the commissioners of His Majesty's revenue in this kingdom shall form, or cause to be formed, one or more table or tables, schedule or schedules, with all convenient speed, of the several drawbacks so to be allowed, and duties so to be paid on the export from this kingdom, of the said goods and commodities of the growth, produce, or manufacture of the *East Indies*, or other parts beyond the *Cape of Good Hope*, within the limits of the charter of the said Company, to any *British* plantation in *America*, or the *West Indies*, or any *British* settlement on the coast of *Africa*, which shall have been imported into this kingdom, and that so soon as the said tables or schedules, or any of them, shall be formed, they shall be signed by four of the commissioners at least; and that from and after the day whereon such tables or schedules shall be so signed, the several drawbacks shall be allowed, and duties paid, as respectively mentioned therein, upon the export, as aforesaid, of the several goods and commodities therein mentioned, as fully and effectually to all intents and purposes, as if the same were specifically enacted and enumerated in this act, any law, statute, or usage to the contrary notwithstanding, and subject to the like remedies, regulations, and restrictions, as any duties imposed, or drawbacks allowed, by any of the revenue acts in force in this kingdom are subject unto; and that two duplicates of every such table or schedule, shall also be at the same time signed as aforesaid, one of which duplicates shall be deposited with the clerk of the House of Commons of this kingdom, to be by him laid before the said house the next session of Parliament, and the other of such duplicates transmitted to the chief secretary of the Court of Directors of the said Company.

after tables are signed, drawbacks and duties shall be paid on export, as is herein enacted;

two duplicates of each table to be signed, one deposited with clerk of House of Commons, the other transmitted to chief secretary of Court of Directors of said Company.

Court of Directors, on representation of a want of sufficient persons to transact business in *India*, to appoint such, to satisfaction of traders in this kingdom; in their default, to be appointed by Board of Commissioners for *India*.

XVIII. Provided also, That the Court of Directors of the said Company, upon any representation by or on the behalf of any private traders of this kingdom, of the want of a sufficient number of persons in the *East Indies*, duly authorized and properly qualified to act for them in the disposal of their cargoes, and the purchase and investments of goods in return for the same, do license a further number of persons to reside in *India*, in the character of free merchants, to the satisfaction of the private traders of this kingdom, or in default of the said Court of Directors licensing such persons so that the Board of Commissioners for the affairs of *India*, upon a like representation to be for that purpose made to the secretary of the said board, or to the chief secretary of his Excellency the Lord Lieutenant, or other chief governor or chief governors of this kingdom for the time being, to be by him transmitted to the secretary of the said Board of Commissioners for the affairs of *India*, do license a proper and sufficient number of persons to reside at their settlements in the *East Indies*, in the character of free merchants, with the approbation of the said board.

If any cession of territory be obtained from the *Chinese*

XIX. Provided also, That if, during the continuance of this act, any cession of territory shall be obtained by the said Company from the *Chinese* government, and a new settlement shall be made by the said Company upon

Upon such territory, distinct and separate from the continent of *China*, and wholly free from any jurisdiction of authority of the *Chinese* government, in that case, and so long as the same shall so remain to the said Company, it shall and may be lawful for any of His Majesty's subjects of or belonging to this kingdom, under such regulations and restrictions as shall be approved by the Board of Commissioners for the affairs of *India*, to export *British* and *Irish* goods and commodities in the ships of the said Company, at a moderate rate of freight, the same being consigned to the Company's super-cargoes, or such other persons as the said Company, with the approbation of the said Board of Commissioners, shall license to reside at such settlement, for that purpose only; and provided that all and every of such persons so licensed, shall be prohibited from having any connection or intercourse with the continent of *China*, and from carrying on any other trade or concern whatever, save and except the sale of *British* and *Irish* goods and commodities before mentioned, and from all interference with the affairs of the said Company; and that all such persons shall enter into the like covenants with the said Company, or other free merchants by them licensed, or such other covenants as shall be required by the said Court of Directors in that behalf, and also into a special engagement, if the same shall be required, for paying the net proceeds of the sales of such goods and commodities into the treasury of the said Company, at such new settlement, for bills of exchange payable by the said Company in *Great Britain*, to be drawn at the actual rate of exchange at the time; and that no person or subject of this kingdom shall be permitted to reside in any place or places so ceded, or to trade or communicate with any port or place in *China*, who is not a servant of the said Company, or who is not licensed by them to act as aforesaid.

XX. Provided also, That during the continuance of this act, it shall and may be lawful for any ship of or belonging to any of His Majesty's subjects in this kingdom, which shall be employed in carrying on the Southern whale fishery, to sail or pass into the *Pacifick Ocean* by *Cape Horn*, to the northward of the equator; provided that such ship shall not proceed further west than one hundred and eighty degrees of longitude from *London*, and that in every such case any ship belonging to this kingdom, to be employed in the said fishery, shall first obtain from the said Company, a like license as *British* ships are or shall be obliged to take in that behalf, and shall be made subject to the like regulations, restrictions, penalties, and provisions, as *British* ships employed in the said fishery are or may be subject or liable to respectively.

XXI. And for the further encouragement of trade to the north-west coast of *America*, and the islands adjacent, under the limitations contained in the convention, made by His Majesty with the King of *Spain*, of the twenty-eighth day of *October* One thousand seven hundred and ninety, it may be expedient that ships fitted out in this kingdom for those parts should, in certain cases, be permitted, by license from the said Company, to proceed from the said coast and islands direct to the said Isles of *Japan*, and the coasts of *Korea* and *Canton*, there to dispose of their cargoes obtained on the said north-west coast of *America*, and to return from thence to direct to the same north west coast, or islands adjacent, and there dispose of their returns in trade; the owners and commanders of such ships entering into such covenants with, and giving such security to the said Company, and submitting to be bound by such rules and regulations as shall appear to be best adapted for preserving to the said Company the exercise and benefits of their commercial privileges, and conduce to the preservation of good order and regularity of the ships company, and their observance of the laws prescribed by the native states,

Government by said Company, subjects of this kingdom may export *British* and *Irish* goods in Company's ships, and consigned to Company's super-cargoes, etc.

Persons licensed to reside at such settlement, not to have intercourse with the continent of *China*, nor carry on any trade, except the sale of *British* and *Irish* goods, and to enter into covenants required by Court of Directors.

No subject of this kingdom to reside in places so ceded, or communicate with any place in *China*, who is not a servant of said Company, or licensed.

How far vessels employed in the southern whale fishery may proceed under certain restrictions.

For encouragement of trade to the north-west coast of *America*, &c. under limitations; it may be expedient for Company to license ships to proceed to *Japan*, &c. and to return to said north-west coast, &c.

Covenants to be entered into by owners and commanders.

How owners and commanders of ships may be entitled to licenses, for purposes aforesaid.

Specifick objections against granting such licenses.

Securities, judged proper by Court of Directors, to be given to Commissioners of Revenue in this Kingdom for said Company.

No greater power given over ships, commanders, officers, or Companies of this kingdom, in the eastern seas, etc. than over ships, etc. in the said Company's service.

Breach of rules punished as a misdemeanor, and parties to suffer penalties for unlawful traffick, etc.

If any subjects of Ireland, not licensed or employed by said Company, sail to any part within their limits, all

during the continuance of such ships on the said coasts of *Japan*, *Korea*, and the river of *Canton* aforesaid; it is therefore hereby further provided, That in case the Court of Directors of the said Company shall form and lay before the Board of Commissioners for the affairs of *India*, such rules and regulations as they shall think best adapted for the purposes aforesaid, and also the forms of such deeds of covenant or other securities as the said Court of Directors shall judge to be proper or necessary to be entered into or given for the due observance thereof, by the owners and commanders of ships to be licensed as aforesaid, then all such orders and instructions as the said board shall give to the said Directors in relation thereto, shall be binding and valid; and the said owners and commanders conforming themselves to the terms and conditions which shall be so prescribed, shall have and be entitled to such license or licenses, and that the said Court of Directors shall grant the same accordingly, unless on any representation made by the said Directors to the said Board of Commissioners, containing any specifick objections against the granting of any such license, the said board shall order the same to be withheld, in which case the said Directors shall and may withhold or refuse the same.

XXII. Provided always, and be it enacted, That such securities as the said Court of Directors shall so judge to be proper and necessary to be entered into or given, shall be entered into and given by persons resident in this kingdom, before His Majesty's chief commissioners of revenue, and shall by them be preserved and kept for the use, and at the command of the said Company.

XXIII. Provided always, and be it further enacted, That such rules and regulations to be so made for the purposes aforesaid, or any deeds of covenant, or other securities to be required, to be entered into, and given for observance thereof, shall not extend to vest in any council of super-cargoes, or other officers of the said Company, a greater power over any ships belonging to this kingdom, or the commanders, officers, or companies of the same, in the eastern seas, or on the coasts of *Japan*, *Korea*, and *China*, which they shall be permitted to visit, according to the tenor of such licenses, than such as can, shall, or may lawfully be exercised by the said council of super-cargoes, or other officers of the said Company in or over the ships employed by or in the service of the said Company, and the *British* commanders, officers, and men belonging thereto.

XXIV. Provided also, and be it further enacted, That the selling or disposing of any goods or merchandizes at any other place or places than shall be mentioned and specified in any such license, or any wilful breach or non-observance of any of the said rules or regulations, by any subject or subjects of this kingdom, shall be held as a misdemeanor at law, and shall and may be punished as such, and that the parties offending therein shall be deemed to have traded and trafficked unlawfully within the limits of the Company's exclusive trade, and shall incur and suffer the penalties and forfeitures by this act imposed for illicitly trading or trafficking within the said limits, and shall over and besides pay to the said Company such pecuniary penalties as such offenders shall have incurred or forfeited, by any wilful breach or non-observance of the stipulations contained in and by the said deeds of covenant or securities entered into, or given to the said Company, by force and virtue of this act.

XXV. And be it further enacted, That if any of the subjects of His Majesty, His heirs or successors, of or belonging to this kingdom, other than such as shall be licensed or employed by the said United Company, or shall be otherwise thereunto lawfully authorized, shall, during the continuance of this act, directly or indirectly sail to, visit, haunt, frequent, trade, traffick, or adventure to, in, or from the said *East Indies*, or other

parts within the limits of the said Company's exclusive trade, all and every ship, goods, such offender or offenders shall incur the forfeiture and loss of all the ships, etc. that be and vessels belonging to or employed by him or them respectively, with the proceeds thereof, and all the guns, tackle, apparel, and furniture thereunto belonging, and also all the goods and merchandize laden thereupon, or which were or shall be sent to, acquired, traded, trafficked, or adventured within the said *East Indies*, or parts aforesaid, and all the proceeds and effects of such goods and merchandize, and double the value thereof, to wit, One-fourth part of such forfeiture to the person or persons who shall seize, inform, or sue for the same, and the other three-fourth parts thereof to the use of the said United Company, they defraying thereout the charges of prosecution.

XXVI. And be it further enacted, That every subject of His Majesty, His heirs or successors, of or belonging to this kingdom, who shall go, sail, or repair to the said *East Indies*, or parts aforesaid, against any of the provisions of this act, shall be deemed and accounted to have unlawfully traded and trafficked there, and all the ships, goods, and merchandize which shall be employed therein, or shall be found in his, her, or their custody, or in the custody of any other person or persons, by his, her, or their employment, order, or procurement, shall and may be seized, and shall be forfeited, together with double the value thereof, one-fourth part of which forfeiture shall belong to the person or persons who shall seize, inform, or sue for the same, and three-fourths thereof shall be to the use of the said United Company, they thereout defraying the charges of prosecution.

XXVII. And be it further enacted, That if any subject or subjects of His Majesty, His heirs or successors, of or belonging to this kingdom, not being lawfully licensed or authorized thereto, shall, during the continuance of this act, directly or indirectly go, sail, or repair to, or be found in the *East Indies*, or any of the parts aforesaid, all and every such person and persons are hereby declared to be guilty of a high crime and misdemeanor, and being convicted thereof, shall be liable to such fine or imprisonment, or fine and imprisonment, as the court in which such person shall be convicted shall think fit; and in case a fine shall be imposed, one moiety thereof shall belong to the said United Company, and the other moiety thereof to such person or persons as shall prosecute for the said offence.

XXVIII. And be it further enacted, That if any person being a subject of His Majesty, His heirs or successors, shall go, sail, or repair to, or be found within, the said *East Indies*, or parts aforesaid, against any of the provisions of this act, or of the said recited act, and shall afterwards be found within this kingdom, it shall and may be lawful to and, for any one or more of His Majesty's justices of the peace, upon the information on oath of such offence, and he and they are hereby authorized and required to commit all and every such person or persons to the next county gaol, there to remain until sufficient security be given for the appearance of such person or persons in the court in this kingdom, in which he or they shall or may be sued or prosecuted, in respect of such his or their offence, and for his or their not going out of court, or out of this kingdom, without the leave of such court, and every person who shall be convicted of any such offence shall be deemed guilty of a high misdemeanor; and it shall and may be lawful to and for the said Company, and their successors, to take, arrest, and seize all persons being subjects of this kingdom, who shall be found in any country within the limits of their charter, and not subject to the laws of *Great Britain*, and to deal with such

ships, goods, etc. that be forfeited, and the proceeds thereof, and double the value; 1-4th to person suing, etc. 3-4ths to Company.

Ships, goods, etc. of subjects of Ireland, who go to said parts against the Provisions of this act, forfeited, and double value, 1-4th to Person suing, etc. 3-4ths to Company.

Subjects of Ireland, not authorized, found in said Parts, may be fined and imprisoned.

One moiety of fine to prosecutor, the other to Company.

Any subject of His Majesty found in said parts, against the provisions in this act, and afterwards found in this kingdom, may be committed until bailed to stand his trial; if convicted, deemed guilty of a high misdemeanor.

Company may arrest persons found within the limits of their charter, and deal with

them for such Offence.

By whom the powers hereby given to said Company, of arresting persons, seizing vessels, &c. may be put in execution.

All goods shipped for the East Indies by subjects of Ireland, contrary to this act, and all goods taken out of vessels bound, before arrival in England, forfeited, and double value; and master or officer permitting such shall forfeit 1,000*l.*

Persons who go or trade to said places under authority of any foreign power, shall forfeit 500*l.* to informers and Company.

Goods not to be sent from India through any channel,

such persons for the offence committed by them against the true intent and meaning of this act.

XXIX. And be it further enacted, That the powers and authorities hereby given to the said Company of taking, arresting, and seizing any such person or persons as aforesaid, together with the power of seizing any ships, vessels, goods, merchandize, and effects, by this act made liable to seizure or forfeiture, shall and may be enforced and put in execution in the name of the said Company, by the order and authority of the governor general of *Fort William* in *Bengal*, or the governor of *Fort Saint George*, and governor of *Bombay*, for the time being respectively, or by any chief officer of the said Company resident at any other of the *British* settlements in the *East Indies* respectively; or by the order and authority of the same Company's council of super-cargo for the time being, at the town or factory of *Canton*, within the said town or factory, and upon the river of *Canton*, or other parts of the coasts of *China*, and by such other persons as shall be from time to time especially deputed and authorized for that purpose, by the Court of Directors of the said United Company for the time being.

XXX. And be it enacted, That as well all and every the goods, merchandize, treasure, and effects, being the property of any of His Majesty's subjects of this kingdom, which shall, during the continuance of this act, be shipped or put on board any ship or ships, or vessel or vessels, bound from this kingdom to the *East Indies*, or the parts aforesaid, other than and except the goods, merchandize, treasure, or effects of the said Company, or of other persons lawfully shipping the same, under the limitations and provisions of this act, and according to the true intent and meaning of the same, and except the naval stores, provisions, and necessaries for such ship or ships to perform their voyage, as also all and every the goods, merchandize, treasure, and effects, being the property of any of His Majesty's subjects, of or belonging to this kingdom, which shall be taken out of any such ship or vessel in her voyage homewards from the *East Indies*, or parts aforesaid, to *England*, before her arrival there; the same and every of them shall be forfeited, together with double the value thereof, and shall and may be seized; and that the master or masters, or commander or commanders, or other officer or officers of such ship or ships, or vessel or vessels, knowingly permitting or suffering any such goods, merchandize, treasure, or effects to be shipped, or to be put on board any such ship or vessel so bound to the *East Indies*, or to be taken out of any such ship or ships bound from the *East Indies*, or parts aforesaid, to *England*, shall forfeit, for every such offence, the sum of one thousand pounds.

XXXI. And be it enacted, That if any person being a subject of His Majesty, His heirs or successors, of or belonging to this kingdom, shall procure, solicit for, obtain, or act under any commission, authority, or pass, from any foreign prince, state, or potentate whatever to sail, go, or trade in or to the said *East Indies*, or any of the parts aforesaid, every such person shall incur and forfeit, for every such offence, the sum of five hundred pounds, one half part of which penalty shall belong to such person or persons as shall inform or sue for the same, and the other half thereof to the said United Company; and if the said United Company shall inform or sue for the same, then the whole of the said penalty shall belong to the said Company.

XXXII. And be it enacted, That during the continuance of this act, it shall not be lawful for any subject of His Majesty, His heirs or successors, of or belonging to this kingdom, either in his own name, or in the

the name of any other person or persons whatever, to carry on, or be concerned at his or their own risque, or for his or their own benefit, in the sending any kinds of goods and merchandize, the produce or manufacture of the *East Indies* and *China*, by the way of *Suez* only, or any other channel, to *Europe*, otherwise than is allowed or provided by this act, or as any subject of His Majesty, of or belonging to *Great Britain*, may lawfully do; and if any such subject shall carry on, or be concerned in, any such trade or traffick on his own account, contrary hereto, he shall forfeit and pay to the said United Company, double the value of the goods and merchandize which shall by him or them be so unlawfully sent to *Europe*.

but as allowed hereby, or as British subjects may, penalty double value:

XXXIII. And be it further enacted, That all penalties, forfeitures, seizures, causes of seizure, crimes, misdemeanors, and other offences which shall arise, or be incurred under, or shall be committed against this act, shall be sued for, prosecuted, examined, recovered, and adjudged in any of His Majesty's courts of record in *Dublin*, or in the supreme court of judicature at *Fort William* in *Bengal*; or in one of the mayor's courts at *Madras* or *Bombay* respectively, in manner following; that is to say, All such pecuniary penalties; and all forfeitures of ships, vessels, merchandize, and goods; shall and may be sued for, condemned, and recovered by action, bill, suit, or information, wherein no essoin, protection, wager of law, or more than one imparlance shall be granted or allowed, and all such seizures, whether of any person, or of any ships, vessels, merchandizes, and goods, and all causes of such seizure, shall be cognizable in such actions, suits, or prosecutions, as shall bring into question, or relate to the lawfulness or regularity of any such seizure; and all such offences as by this act are not made punishable by pecuniary penalties, or by any forfeitures of goods, but by fine or imprisonment, or both, are hereby created without providing any particular punishments, shall be prosecuted by indictment or information, as misdemeanors for breach thereof, and shall be punished by fine or imprisonment, or both, at the discretion of the court in which such prosecution shall, by virtue of this act, be instituted; and if such prosecution for a misdemeanor shall be instituted in any of the said courts in the *East Indies*, and the person or persons prosecuted shall be there convicted, it shall be lawful for such court or order, as part, or for the whole of the punishment, any such person or persons to be sent and conveyed to *Great Britain*.

Where and how penalties, forfeitures, crimes, etc. may be sued for, prosecuted, etc. etc.

Persons convicted in *India*, may be sent to *Great Britain* as a punishment.

XXXIV. And be it further enacted, That whenever any action, bill, suit, information, or indictment shall be brought or prosecuted in any of His Majesty's courts of record in *Dublin*, for any offence against this act, whether for a penalty, forfeiture, or misdemeanor, the offence shall be laid or alleged to have been committed in the county of *Dublin*; and all actions, bills, suits, informations, and indictments for any offence or offences against this act, whether filed, brought, commenced, or prosecuted for a penalty or forfeiture, or misdemeanor, in any of His Majesty's courts of record in *Dublin*, or in the said supreme court, or any such mayor's court as aforesaid, shall be brought and prosecuted within three years next after the offence shall be committed, and a *capias* shall issue in the first process; and in the case of an offence hereby made punishable by any penalty or forfeiture, such *capias* shall specify the sum of the penalty or forfeiture sued for; and the person or persons sued or prosecuted for such penalty, shall, on such *capias*, give to the person or persons to whom such *capias* shall be directed, sufficient bail or security by his Majesty's natural born subjects or denizens, for appearing in the court out of which such *capias* shall issue, at the day or return of such writ, to answer such suit or prosecution, and shall likewise, at the time of such appearance,

Actions, Indictments, etc. brought or prosecuted in *Dublin*, offence to be laid in county *Dublin*;

actions and prosecutions within three years of offences.

Capias to specify penalty sued for,

bail for appearance, for payment of penalties;

if prosecuted for an offence punishable as a misdemeanor, to be imprisoned and bailable as in other cases.

Attorney general may exhibit a bill of complaint in Exchequer, against illegal traders, or their agents;

bill to contain a waiver or disclaimer of penalties, &c. said bills must be answered, and discovery not demurred to;

duties to be paid thereon to His Majesty; and 30 per cent. to said Company;

if amount of duty and damages be paid into exchequer, no other prosecution shall be;

if bill exhibited at relation of Company be dismissed, they shall pay costs;

if decree against defendant, he shall pay costs to King and relators.

If an informer discovers the offence to Company of Directors, before a suit, etc. is commenced, and they choose to exhibit a bill of complaint in Chancery or Exchequer, informer to have 1-3d

pearance, give sufficient bail or security by such persons as aforesaid, in the same court, to answer and pay all the forfeitures and penalties sued for, if he, she, or they shall be convicted, of such offence or offences, or to yield his, her, or their body or bodies to prison; but if the prosecution shall be for any offence or offences against this act, punishable only as misdemeanor, then the person or persons against whom such *capias* shall issue, being thereupon arrested, shall be imprisoned, and bailable according to law, as in other cases of misdemeanor.

XXXV. And, for more effectually preventing all illegal or clandestine trading or trafficking hereby made punishable by the forfeitures of goods and merchandizes, and in respect of the difficulty there may be of ascertaining what goods and merchandizes have been illegally or clandestinely trafficked with, and the value thereof, and for securing to the Crown the duties on the goods so illegally trafficked with, and to the said United Company a reparation by way of damages for such illegal or clandestine trading; be it further enacted, That it shall be lawful for His Majesty's attorney general in this kingdom for the time being, either at the relation of the said United Company, or by his own authority, to exhibit a bill or bills of complaint in His Majesty's Court of Exchequer in *Ireland*, against any person or persons trading, dealing, trafficking, or adventuring in, to, or from the *East Indies*, in breach of this act, or against any person or persons concerned as agent, factor, or co-partner with such illegal traders, for discovering of such trading, dealing, trafficking, or adventuring, and for recovery of such duties to the Crown, and such damages to the said United Company, as herein-after are mentioned; so that every such bill contain a waiver or disclaimer of all the penalties and forfeitures incurred by any such person or persons for the matters contained in such bill, and such person and persons shall answer the said bill or bills, and shall not plead or demur to the discovery thereby sought; and shall pay to His Majesty the customs and duties of the goods and merchandize arising, produced, or purchased by the said unlawful trade, traffick, or adventuring; and shall also as a reparation to the said Company in damages, answer and pay to the said Company for the same goods and merchandize, after the rate of thirty pounds *per centum*, according to the value thereof in *Ireland*; and if such offender or offenders shall pay the said duties or customs, or the amount thereof, into His Majesty's exchequer of *Ireland*, for the use of His Majesty, and the said damages to the said Company, he or they shall not be prosecuted upon any other branch or provision of this act for the same offence; and if such bill or bills shall be exhibited at the relation of the said Company, and shall be dismissed by the said Court of Exchequer, in favour of any defendant or defendants, the said Company shall pay to all and every such defendant and defendants, his and their costs of suit; but if a decree shall be obtained against the defendant or defendants, he or they shall pay the costs to His Majesty, and the relators respectively.

XXXVI. Provided always, and be it further enacted, That if before any suit or prosecution shall be commenced for the recovery of any penalty or penalties, or forfeiture or forfeitures, under this act, by His Majesty's attorney general in this kingdom, or the said United Company, any common informer or informers shall go to the Court of Directors of the said United Company, and make known to them the offence committed, and instead of any prosecution at law by such informer or informers, the said Court of Directors shall elect to have the suit or prosecution brought or commenced by bill or bills of complaint, to be filed, or exhibited in His Majesty's Court of Chancery, or of Exchequer, in this kingdom, then, and in every such case, there shall be yielded and paid to such common informer

informer or informers, one third part of the single value of the said interest and concern when recovered; but if the said Court of Directors shall elect to have the suit or prosecution commenced for the penalties or forfeitures by information, or action at law, then the said informer or informers shall and may accordingly sue for the same at law in this kingdom, and the said information or action shall be proceeded upon, and shall not be discontinued or determined, except with the consent of the said United Company, or their Court of Directors.

if by informer, etc. it shall not be discontinued but by consent of Company.

XXXVII. And be it further enacted, That if the said United Company shall first inform, sue, and prosecute for any penalty or forfeiture, for any of the offences against this act, then the part, share, and proportion of the penalties and forfeitures otherwise given or appointed by this act, to any other person or persons who shall sue or inform for the same, shall devolve upon, and be to the use of the said United Company, although such information, suit, or prosecution, be commenced by the said United Company after lapse of the time limited by law for the suit, prosecution, or information of the common informer.

If the Company first inform, sue, etc. informer's share shall devolve to them, although commenced after time limited for common informer.

XXXVIII. And be it further enacted, That if any suit or action shall be brought or commenced in this kingdom, against the said United Company, or any of their servants, or any person acting by their authority, for the recovery of any costs or damages for the unlawful taking, arresting, seizing, imprisoning, sending, or bringing to this kingdom, of any person or persons found in the *East Indies*, or other parts aforesaid, within the limits of the said United Company's exclusive trade, or as not being authorized to reside or traffic there; the defendant or defendants to such suit or action, may plead the general issue; and give the special matter in evidence for his or their defence; and the proof shall be upon the plaintiff or plaintiffs on the trial of the issue, to shew that at the time or times of arresting or seizing such person or persons respectively; for the causes aforesaid, in the manner in which such arresting or seizing shall be laid or charged to have been done, in or by the declaration or declarations in such suit or action, the person or persons so arrested was or were in the military or marine service of His Majesty, His heirs or successors, or was or were under covenant to serve the said Company in *India*, or was or were duly possessed of a license or licenses in writing, authorizing him or them to go to, or reside and traffic in *India*, or other the parts aforesaid, or that the person or persons not being in His Majesty's service, was or were at the time or times of his or their being so seized or arrested, entitled or authorized by the stipulation of such covenants or licenses respectively, to remain and continue in *India*, or other the parts aforesaid; and in failure of such proof, the plaintiff or plaintiffs shall become nonsuited; and in every case wherein the plaintiff or plaintiffs shall become nonsuited, or wherein judgement shall be given against such plaintiff or plaintiffs upon demurrer, or where a verdict shall pass for the defendant or defendants, he or they shall have treble costs awarded, to be paid by the respective plaintiff or plaintiffs, in such suit or action, any law, statute, or provision to the contrary notwithstanding.

In suits, etc. against said Company, their servants, etc. they may plead the general issue;

proof to lie on the plaintiff as herein;

in failure of proof plaintiff to be nonsuited;

where plaintiff nonsuited, etc. treble costs to defendant.

XXXIX. Provided always, That this act shall continue in force for twenty-one years, from the passing thereof, and until the end of the then next session of Parliament, and no longer.

In force 21 years, and to end of the next session.

I N D E X
TO THE
S T A T U T E S
RELATING TO
The East India Company.

1794.

I N D E X.

N. B. To avoid a useless Reference to Acts or Clauses relating to the *Government or Revenues* of India, or the *Exclusive Trade*, which have been discontinued either by direct Repeals, or by the substitution of new Provisions, such Acts and Clauses are for the most part omitted to be noticed in the Index, otherwise than what will be found under the title of *Repeal*.

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ANNUITIES and STOCK, *continued.*

May trade to the East Indies, &c.—Such of the members as shall desire to unite their stock may be incorporated, and trade to the extent of their joint stock; other members of the society are to trade as individuals to the amount of their separate stock. The stock and annuity to be transferred as the King shall direct. Shall be a personal estate, exempt from taxes, and not liable to foreign attachment.

Power of redemption of the annuity referred to the publick on giving three years notice. (See title *Redemption.*)

The SECOND LOAN.—The old London Company, and the new English Company, trading to the East Indies, lend the publick 1,200,000 l. without any interest or additional annuity, which operated as a reduction of their interest from 8 l. to 5 l. per cent. on both loans.

The two loans to compose the capital stock of the United Companies, being 3,200,000 l.

The two Companies united, and the terms to be settled by the award of the lord treasurer Godolphin.

Stock of individuals, not incorporated, to be purchased by the Company.

A PREMIUM TO THE PUBLICK.—The United Company advance to the publick 200,000 l. as a premium, without any interest or addition to their capital stock, and their annuity of 160,000 l. is by their consent reduced by Parliament to 128,000 l. operating as a further reduction of interest on the 3,200,000 l. to 4 l. per cent.

Publick may redeem by installments of not less than 500,000 l. each, on a year's notice.

The reduced annuity of 128,000 l. charged on the aggregate fund.

The THIRD LOAN.—The Company lend the publick 1,000,000 l. at three per cent. interest, which increased the debt of the publick to 4,200,000 l. at which it continued in 1786; but the new loan of a million was not made part of the capital stock.

The interest or additional annuity of 30,000 l. to be paid out of the duties on spirituous liquors, and deficiency out of the sinking fund, without fee.

After 1745, debt may be paid by installments of 500,000 l. each, on one year's notice by the Speaker of the house of Commons

The interest of the general national debt reduced to 3 per cent.

The Company empowered to resubscribe the debt due from the publick at 3 l. per cent. and, in failure, the debt to be redeemed by installments specified in the act.

On resubscribing the whole, the Company is empowered to sell 3 per cent. annuities, transferrable at the India House, on the amount of the debt due from the publick, being 4,200,000 l. or 126,000 l. per ann. free from all taxes, and to apply the money in payment of their bond debt.

The annuities subject to redemption by Parliament, as in former acts.

Company to have an allowance from the publick for management of the annuities.

The Company (having fold only 89,773 l. 4 s.) are enabled to sell the remaining annuity of 36,226 l. 16 s. and to take in subscriptions to increase their capital stock to 4,000,000 l.—The new subscribers to be incorporated, and a preference of subscribing, not exceeding 50 l. per cent. given to old proprietors.

DATES of ACTS.	Chap.	Sec.
9, 10 W. III.	44	61
		70
		74
		79
6 Ann.	17	1
		3
		4
		5
		12
		7
3 Geo. II.	14	1
		4
		6
3 Geo. II.	20	21
		22
		23
17 Geo. II.	17	1
		to
		6
		4
		5
		6
		9
		10
		15
23 Geo. II.	1	1
		2
		1
23 Geo. II.	22	to
		4
		7
		5
		6
		5
		14
24 Geo. II.	56	2
26 Geo. III.	62	1
		to
		5

ANNUITIES and STOCK, continued.

- New subscribers to receive a rateable dividend with the old proprietors.
- Transferrable receipts to be given for deposits, which are to be forfeited in default of making the future advancements.
- Guardians and trustees empowered to subscribe for infants, &c.

The like provisions were made on the further augmentations to the stock, of one million each, making the whole capital six millions.

- In the latter increase part of the subscriptions is to be applied to reduce the bond debt to 1,500,000 l.
- The Company's power revived and continued to sell or mortgage the remainder of their annuity.
- If they retain any part of their annuity until the determination of the exclusive trade, the publick are to redeem it at par.
- Management of annuities transferred to the bank. See *Bank*.
- See more under titles *Dividends* and *Capital Stock*.

APPEALS.

Provision may be made in the charter for erecting the supreme court of judicature, that appeals may be made to the King in council. Appeals may be made to the King in council, against rules and regulations of the Governor-general and council for the government of Bengal, &c.

Appeals may be made from provincial courts, in civil suits, to the supreme court, or to the Governor-general and council, whose judgement shall be final, except in cases of appeal to the King in suits of 5,000 l. value.

No appeal lies from the judgements of the new court of judicature, but writs of error may be brought on judgements in demurrer. The Directors may appeal by petition to the King in council, concerning orders of the India Board which they may think relate to their commerce.

Or concerning an increase of tonnage for private trade.

APPROPRIATIONS of LAND REVENUES and PROFITS of TRADE, by the act of 1793.

III. LAND REVENUES, their Appropriation.

1st. Expence of European and Native troops, forts, garrisons, and stores;—2d. The interest of the Indian debt;—3d. The civil establishments;—4th. The provision for investment of goods at first not to be less than one crore of rupees annually, and to be increased by the reduction of interest on debts;—5th. Payment of debts in India, or other purposes.

IIId. The PROFITS of TRADE and PRODUCE of INVESTMENTS, their Appropriation.

1st. In payment of bills of exchange and other current charges, debts, &c. except the bond debt;—2d. Of a dividend of 10 per cent. per ann. on the increased capital of six millions;—3d. Of 500,000 l. per ann. in discharge of bills granted for transferring the India debt to England, until such debt is reduced to two crore of rupees;—4th. Of an annuity of 500,000 l. a year to the publick;—5th. The surplus to be applied as an augmentation of the fund for reducing the India debt to two crore, as above;—6th. Then in paying of any debts of the Company, except the bond debt of 1,500,000 l. or for an extension of the Company's trade.—7th. After the above purposes have been accomplished, the surplus is to be divided into six parts, whereof 1-6th is to belong to the Company, and applied to increase the dividend on the capital stock; and the other 5-6ths is to be carried to the publick fund for reducing the national debt; but if the debts of the Company, after having been thus reduced, shall be again increased, then the appropriations are to be revived till the debts are again reduced to their former standard.

DATES of ACTS.	Cha.	Sect.
26 Geo. III.	62	3
		6
		7
		8
		i
29 Geo. III.	65	to 7
		8
		to 13
33 Geo. III.	47	14
		1
31 Geo. III.	11	4
33 Geo. III.	47	7
		18
		36
13 Geo. III.	63	16
21 Geo. III.	70	21
26 Geo. III.	59	7
		22
33 Geo. III.	52	16
		88
33 Geo. III.	52	107
		III
		III

APPROPRIATIONS, &c. *continued.*

	DATES of ACTS.	Cha.	Sec.
The payments by the Company to the publick of the 5-6ths before-mentioned, are to form a guarantee fund for securing the capital of the Company, and to accumulate, with interest, until they amount to 12 millions; the interest thereof shall then be a guarantee for the Company's dividend of 10 per cent. and the principal a guarantee for the capital stock, to the amount of 200l. per cent. subject to which the fund is to become the property of the publick.	33 Geo. III.	52	113 114 115
An account of those payments is to be annually laid before Parliament by the bank, whose cashiers are to give security, and the bank to have an allowance for management.	—	—	116 117 118
On failure of payment by the Company to the publick, they may be sued, &c.	—	—	119
The bank is to give the Company certificates for monies paid, signed by a cashier, which shall be evidence of payment.	—	—	120
The treasury is impowered to postpone payment of the annuity to the publick on urgent occasions.	—	—	121
If the Company's funds, by circumstances incidental to war, shall prove deficient for payment of the annuity of 500,000 l. the deficit is not to be made good to the publick till the capital, &c. is secured.	—	—	122
These appropriations are not to affect the claims of the public or Company as to the territorial possessions, after the additional term granted in the exclusive trade.	—	—	123
The Company may apply their separate fund in an increase of dividend on their capital stock of half per cent. per annum.	—	—	124
Company restricted from granting any new salary or pension beyond 200 l. per annum without the consent of the India Board.	—	—	125
Accounts to be laid before both houses of Parliament, in every session, of every branch of income, debts, and expenditure, &c. as specified in this clause.	—	—	126
The act contains a quietus and mutual release between the public and the Company in respect to the debt to the crown for troops to the 24th of December 1792, and in respect to the claims for the Manilla ransom, French prisoners, &c.	—	—	127
And provides a new mode of payment for the expences of the King's troops in India.	—	—	128
ARCOT, NABOB of.			
Provisions for the liquidating of his debts to British subjects.	24 G. III. Sess. 2.	25	37 38
And for adjusting his disputes with the Rajah of Tanjore.			
ARTICLES of WAR.			
The King empowered to make articles of war for the government of the Company's forces, and to erect courts martial in the limits of the Company's trade, and at St. Helena.—See further under <i>Mutiny.</i>	27 Geo. II.	9	8
ASSURANCE of SHIPS, RESPONDENTIA, and BOTTOMRY.			
The Company may advance to their captains, agents, and servants, money by way of bottomry on ships and goods, notwithstanding the restrictions of this act.	6 Geo. I.	18	26 27 28
Contracts for bottomry on foreign East India ships, or for supplying them with stores or lading, and agreements with seamen to serve on board the same, declared void.	7 Geo. I.	21	2
No person to advance on bottomry of ships of foreigners to the East Indies, 25 G. 2. cap. 26. but repealed by	31 Geo. II.	27	1
Money advanced on bottomry, or respondentia, to be lent on ships to India on the ship or cargo only.—The benefit of salvage to the lender on respondentia, who only shall assure. None to recover more than their interest in, or value of the property assured.	19 Geo. II.	37	37
Policies beyond 100 l. to cover the properties of various persons declared void, unless stamped with five stamps.	5 Geo. III.	46	3 4
Policies on ships and merchandizes, bona fide made, not affected by	14 Geo. III.	48	4
Policies not having the name of the party interested in ship or goods, or name of the agent inserted, are declared void.	25 Geo. III.	44	1
N. B. These acts contain other instructions respecting policies of insurance in general.			

	DATES OF ACTS.		Clas	Seci
ATTORNEY GENERAL.				
• May exhibit informations for extortion, and other misdemeanors committed in India, and make challenges to commissioners for cause	24 G. III. } Sess. 2. }	25	64	71
May have the information tried in the King's Bench.				
May move for estreats and process for levying fines set on offenders, by the new judicature in the courts at Westminster, and exchequer in Scotland.	26 Geo. III.	57	5	25
May file bills ex officio, or at the relation of the Company to discover unlawful traffic, and the duties thereby evaded, waiving penalties.	33 Geo. III.	52	142	26
BALLOTING —The general court of proprietors.				
No ballot in general court in less than eight hours after question propounded, nor to begin later than 12 at noon, nor closed earlier than 6 in the evening.	7 Geo. III.	49	3	
No ballot in less than 24 hours after adjournment. See further under title <i>Dividends</i> and <i>General Courts</i> .	10 Geo. III.	47	3	
BANK of ENGLAND.				
Excluded from subscribing to the first loan advanced by the general society.	9, 10 W. III.	44	48	
The general society were restricted from discounting bills of exchange in consequence of the privileges granted to the bank.			75	
Directors of the bank not to be directors of the East India Company.	9 Ann.	7	11	
The East India annuities are to be transferred to the bank, and ingrafted upon the reduced annuities in discharge of the debt due from the publick to the Company. Power of redemption reserved to them by act of 26 Geo. 3. repealed. Persons not dissenting to be considered as consenting to the ingraftment. Dividends of dissentients to be continued payable at the India house, and repaid to the Company by the bank. Annuities after ingraftment to be subject to former incumbrances. Transfer books to be delivered over to the bank. The Company's allowances for management, granted them by act of 26 Geo. 2. discontinued, and other allowance to the bank substituted. The Company's share of annuities, if retained till trade determined, to be repaid at par.	33 Geo. III.	47	1	7
The bank are to receive and keep a separate account of the 5-6ths of the ultimate surplus to be paid by the India Company; to invest it in redeemable annuities in the names of the commissioners for the reduction of the national debt; to give certificates of payments to the Company, and to make an annual return to Parliament, and to have an allowance for the management thereof.	33 Geo. III.	52	113	129
BANKRUPTS.				
Proprietors of East India stock declared, as such, not to be within the bankrupt laws.	13, 14 Car. II.	24	3	
	9, 10 W. III.	44	74	
BEETLE NUT. See <i>Salt</i> .				
BENGAL. See <i>Governor-General</i> .				
BENGALLS and STUFFS. See <i>Duties in General, and Prohibited Goods</i> .				
BILLS of EXCHANGE and CERTIFICATES.				
The Company refrained from discounting bills of exchange.	9, 10 W. III.	44	75	
All corporations, except the bank, and all copartners, exceeding the number of six persons, are prohibited from borrowing money on their bills or notes payable at less than six months.	3 Geo. I.	8	44	
The Company refrained from accepting in any one year bills of exchange from India beyond 300,000 l. exclusive of certificates for 5,000 l. to the commanders and officers of each of the Company's ships, without the consent of the treasury.	13 Geo. III.	64	16	

BILLS of EXCHANGE and CERTIFICATES, *continued.*

	DATES of ACTS.	Cha.	Sect.
The like restrictive clause (exclusive of certificates, as above, for 8,000 l. to each ship.)	19 Geo. III.	61	4
The same clause in	20 Geo. III.	56	4
Bills of exchange issued at, and made payable in India, shall not be paid at home, without consent of 18 directors.	21 Geo. III.	65	26
Directors may accept, with the consent of the treasury, certain bills of exchange drawn from China, and other bills expected to be drawn from India, and the treasury are to adjust the priority of payment	21 Geo. III.	65	27
Governments in India may grant bills of exchange to a limited amount, for transferring home the India debts.	24 G. III. Sess. 2.	34	{ 1 2 3
The First BOARD of COMMISSIONERS for the AFFAIRS of INDIA.	33 Geo. III.	52	{ 108 to 110
To be appointed by the King from the list of privy counsellors only; their powers, &c.	24 Geo. III.	25	{ 1 to 17
The Second BOARD.	33 Geo. III.	52	2
The number indefinite.—The two Secretaries of State, and the Chancellor of the Exchequer, with any other Privy Counsellors named in the commission, and two persons not of the Privy Council, are to constitute the Board.			3
Three commissioners may form a Board:—The first named in the commission to be the president; in his absence the next to be <i>locum tenens</i> for that turn.			4
President to have a casting vote.			5
Secretaries and other officers to be appointed by the board;—the King to fix the salaries of commissioners, not exceeding 5,000 l. a year, and of the officers, not exceeding, with all contingent expences, 11,000 l. a year, which are to be paid by the Company.			148
The powers of the first board are to continue until a new commission.			{ 6 7
Oaths appointed.			8
How far the appointments do or do not disqualify or vacate seats in Parliament.			9
Powers of the board defined.			{ 14 17 & 18
Restrictions on their powers concerning the appointment of Company's servants, and the granting of new salaries, or increasing old ones, and remuneration for services in India.			10
Commissioners and officers to have access to records, and to be furnished with copies.			11
Also with all dispatches from India, and all proceedings of courts of proprietors and directors.			{ 12 13 16
May vary dispatches proposed by the directors within a limited time, and the directors may state their remarks, or appeal to the King in council.			15
In what cases the board may originate dispatches to India.			19
Or send orders to the Governments abroad, through a secret committee of directors.			{ 68 69
Suits, &c. before judgement, may be compounded by their consent.			78
To approve regulations for conducting the trade to the north-west coast of America, and thence to China; also for selling certain articles in private trade.			{ 10 80
May order tonnage for private trade to be increased, and admit certain articles of naval stores to be exported in private trade.			101
May regulate rates of freight for private trade.			83
			{ 90 91

BOARD of COMMISSIONERS, continued.

	DATE of ACTS.	Ch.	Sec.
May direct the licensing free merchants, on complaint of want of consignees in India, to manage private trade.	33 Geo. III.	52	96
The Board's consent made necessary to the increase of salaries or pensions at home, exceeding 200 l. a year.	_____	_____	125
The like for increasing the bond debt.	33 Geo. III.	47	15
BOMBAY. See Madras.			
BONDS, and BOND DEBT of the Company.			
The General Society to borrow only on their seal, payable at not less than six months, with many restrictions to prevent their injuring the Bank of England, newly incorporated.	9, 10 W. III.	44	75
The English Company may borrow 1,500,000 l. on their seal.	6 Ann.	17	2
May borrow to the extent of 5 millions in the whole.	7 Geo. I.	5	32
The United Company may borrow a further sum of 1,000,000 l. upon their seal.	17 Geo. II.	17	8
The powers granted by former acts, of borrowing upon bond, continued in force; but what the Company shall raise by sale of annuities shall be applied towards the discharge of their bond debt.	23 Geo. II.	22	6
The bond debt to be reduced to 1,500,000 l.	13 Geo. III.	64	13
The bond debt recited to have been reduced to that sum.	19 Geo. III.	61	1
The Company enabled to borrow a further sum of 500,000 l. on bond.	23 Geo. III.	36	2
The bond debt, then amounting to 2,000,000 l. to be again reduced to 1,500,000 l. before the public shall participate in the Company's revenues	23 Geo. III.	83	1
	24 G. III.	34	4
	Sess. 2.		
The Company may add 1,200,000 l. to their bond debt.	28 Geo. III.	29	1
After reducing the bond debt to 1,500,000 l. the Company, by consent of the India board, may again borrow on bond to the extent of 500,000 l.	33 Geo. III.	47	15
Amount of bond debts and rates of interests to be annually given to Parliament.	33 Geo. III.	52	126
BONDS, DEEDS, and COVENANTS.			
Made on transfers, in trust, for conveying a collusive right of voting in General Courts, declared void.	13 Geo. III.	63	3
On complaint of oppressions against Governor-general and council, to supreme court, bond to be given to prosecute in England, and evidence to be transmitted home.	21 Geo. III.	70	5
Bonds and deeds may be proved at home or abroad, by a witness deposing to the hand writing of parties and subscribing witnesses.	26 Geo. III.	57	38
BOTTOMRY. See Assurance of Ships.			
BOUNTIES on the EXPORT of BRITISH and IRISH LINENS to the EAST INDIES.			
For British and Irish linens, made of hemp or flax, on being exported to India, and certain other parts, specified in the act as follows:			
	Quantities per yard.		
	l. s. d.		
Of the breadth of 25 inches, or more, under the value of five-pence per yard.	o	o	o ½
And of the value of five-pence per yard, and under the value of 6 d. per yard.	o	o	1
And of the value of 6 d. per yard, and not exceeding the value of 1 s. 6 d. per yard.	o	o	1 ½
For British chequed or striped linen of 25 inches breadth or more, not under the value of 7 d. per yard, nor exceeding 1 s. 6 d. per yard.	o	o	o ½
For British or Irish diapers, huckabacks, sheeting, and other species of linen, upwards of 1 yard English in breadth, not exceeding in value 1 s. 6 d. per square yard, a bounty for each square yard thereof of	o	o	o ½
The above acts have continuance until the 24th of June, 1786, and until the end of the then next session of Parliament.			

BOUNTIES on the EXPORT of LINENS, &c. continued.

	DATES of ACTS.		Ch.	Sec.
For British and Irish buckrams and filletings; British and Irish linen, British calicoes and cottons, or cotton mixed with linen, printed, painted or stained in Great Britain, of the breadth of 25 inches, or more, which before the printing, painting, or staining thereof shall be under the value of 5d. per yard, a bounty of one halfpenny per yard; and being of the value of 5d. and under the value of 6d. per yard, a bounty of one penny per yard; and being of the value of 6d. and not exceeding 1s. 6d. per yard, a bounty of one penny halfpenny per yard.	21 Geo. III.	40		1
This act is to have continuance during the act of the Irish Parliament of 20 Geo. 3. for granting bounties on the exportation of certain sorts of linens of the manufacture of that kingdom.				
BULLION.				
Gold and silver bullion, and foreign coin, may be exported free from duties, on being entered at the custom-house.	15 Car. II.	7		12
BY-LAWS, RULES, and REGULATIONS.				
The King, by his charter, may empower the General Society to make by-laws for the good government of their trade, &c.	9, 10 W. III.	44		67
May be made in a general court respecting qualifications for directors and voters, in case part of the public debt due to them be redeemed.	3 Geo. II.	14		8
May be made by judges of supreme court in India, for the practice and process of the court; such as affect natives to be transmitted to the secretary of state, for the King's approbation.	13 Geo. III.	63		13
May be made by Governor-general and council for the government of Fort William, and other places and factories subordinate thereto; to be registered in supreme court, by consent of the court, and affixed at India-house; but may be appealed from, to the King in council; the appeal, whilst depending, not to hinder their operation. Such rules and regulations, if not disallowed by His Majesty within two years, to be valid.	21 Geo. III.	70		19
May be made by Governor-general and council, for the provincial courts and councils, and transmitted to the secretary of state, and if not disallowed in two years by the King in council, to be in force. Not to be productive of new expence to suitors.	13 Geo. III.	63		{ 36 37
Regulations and by-laws to be made for conducting the private trade to the north-west coast of America, and to China, and for the disposal of certain articles of East India goods at home, &c.	21 Geo. III.	70		23
	33 Geo. III.	52		{ 78 101
CADETS and WRITERS.				
Their ages when sent out, not to be under 15, nor exceed 22, except the former have been in other military service, and then not to exceed 25 years of age.				{ 59 60
CALCUTTA.				
Scavengers may be appointed, and rates levied for repairing the streets of Calcutta, Madras, and Bombay.				158
Coroners to be appointed there.				157
Houses to be licensed for retailing spirituous liquors, and the limits of the towns to be fixed by the governments.				159
CALICOES. See <i>Duties in general, and Prohibited Goods</i> ; also <i>Private Trade</i> , No. 5.				
CANTON, COUNCIL of SUPERCARGOES there.				
To have the same powers of visiting, &c. licensed ships from the South Seas as the Company's ships.				{ 78 79
May seize ships and goods of illicit traders, and send offenders to Great Britain.				133
CAPITAL STOCK of the COMPANY.				
Fixed originally at two millions	9, 10 W. III.	44		
Increased to 3,200,000 l.	6 Ann.	17		
Increased to four millions	26 Geo. III.	62		
Then to five millions	29 Geo. III.	65		

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it

	DATE of ACTS.	Chap.	Sec.
CAPITAL STOCK of the COMPANY, <i>continued.</i>	33 Geo. III.	47	8
And lastly, to six millions, carrying a dividend after the rate of 10 per cent. per annum, with liberty to add an half per cent. per annum, from the Company's separate fund.	_____	52	107 124
CERTIFICATES of PAYMENTS by the COMPANY to the BANK of ENGLAND.	_____	_____	120
Certificates are to be given at the bank for payments by the India Company, which are to be Evidence thereof.	_____	_____	_____
CARNATIC, COAST of COROMANDEL, and the NORTHERN CIRCARS.	26 Geo. III.	57	30
British subjects resident there, or in such parts of the Circars as lie in Orixá, amenable to the several courts of Fort St. George.	_____	_____	_____
CERTIORARI.	24 G. III. Sess. 2.	25	7
Not to issue for removal of proceedings of the new judicature.	33 Geo. III.	52	153 154
May be issued to remove proceedings into the courts of oyer and terminer at the several presidencies.	_____	_____	_____
CHALLENGES to SPECIAL COMMISSIONERS.	24 G. III.	25	71
Persons tried by new judicature, may peremptorily challenge 13 peers, and 20 commoners; and the prosecutor and defendant may also challenge for cause.	26 Geo. III.	57	5
LORD CHANCELLOR, and SPEAKER of the HOUSE of COMMONS.	13 Geo. III.	63	42 45 64 71
May issue warrants to examine witnesses in India, for evidence in both houses.	24 G. III. Sess. 2.	25	5
The Lord Chancellor to issue commissions for trial of misdemeanors committed in India.	26 Geo. III.	57	_____
CHANCELLOR of the EXCHEQUER. See <i>Board of Commissioners.</i>	_____	_____	_____
CHAPLAINS. See <i>Presents.</i>	_____	_____	_____
CHARTERS.	9, 10 W. III.	44	56 57 58
The King empowered by charter to incorporate the General Society, with powers for the members to carry on their trade to India individually.	_____	_____	62
The like power to incorporate other members desirous of carrying on their trade as a Company.	6 Ann.	17	1
The General Society, incorporated by charter dated 3d September, 10 W. 3. recited in _____	_____	_____	1
The English Company trading to the East Indies incorporated by charter of 5 September, 10 W. 3. as recited in _____	3 Geo. II.	14	1
The old London Company, and the English Company, incorporated by the name of the United Company of merchants of England trading to the East Indies, by virtue of act of 10 Ann. cap. 28. and of lord Godolphin's award, as recited in act of _____	3 Geo. II.	14	10
The Company's privileges granted by acts and charters confirmed by _____	17 Geo. II.	17	12
_____	21 Geo. III.	65	4
_____	33 Geo. III.	52	72
Corporations to cease, on redemption of the loans of 9 W. 3. and 6 Ann. but altered by subsequent acts as after stated.	9, 10 W. III.	44	79
_____	6 Ann.	17	9
_____	10 Ann.	28	1
_____	3 Geo. II.	14	7 12
Corporation of the United Company to continue, with liberty to trade, though loans should be redeemed, or exclusive trade determined.	17 Geo. II.	17	13 14
_____	21 Geo. III.	65	6
_____	33 Geo. III.	52	74
Recital of a charter of 8 January, 26 Geo. 2. enabling the Company to erect courts of justice at their three principal settlements.	13 Geo. III.	63	13
The King empowered, by charter, to erect the supreme court of judicature at Bengal.	_____	_____	13 14

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CHARTERS, continued.

	DATES of ACTS.	Ch.	Sec.
The charter of 26 Geo. 2. confirmed, except as to the mayor's court at Calcutta, which is to be discontinued.	13 Geo. III.	63	19
The charter for the exclusive trade was granted by King Will. the 3d to the English or new East India Company for 13 years, from Sept. 1698, and three years notice, being for a term of 16 years in the whole, which expired in Sept. 1714.	9, 10 W. III.	44	79
The term in the exclusive trade was renewed in 1708 for 12 years, and three years notice, making an additional term of 15 years, which expired in Sept. 1729.	6 Ann.	17	9
In 1712, the perpetuity of the exclusive trade was granted to the Company.	10 Ann.	28	1
In 1730, the perpetuity was taken away, and a term of 36 years, with 3 years notice, was granted them, making 39 years, which expired in 1769.	3 Geo. II.	14	{ 1 5
In 1744, an additional term of 11 years, and 3 years notice, making 14 years, was granted them in the exclusive trade, which expired in 1783.	17 Geo. II.	17	9
In 1781, a further term of 8 years, with 3 years notice, was granted, making 11 years, which expires in 1794.	21 Geo. III.	65	5
In 1793, a further term of 17 years, with 3 years notice, was granted of the exclusive trade, making 20 years, which will expire in 1814.	33 Geo. III.	52	73
COLLECTORS of REVENUE in INDIA.			
Their duty, and oath of office.			61
Restricted from traffick.			137
COMMANDERS in CHIEF.			
When they have seats in council to have rank next the chair.	21 Geo. III.	65	38
But shall not succeed to the government unless so appointed.	33 Geo. III.	52	32
Commander of all the forces in India (and not being Governor-general also) shall, whilst resident at any subordinate presidency, be a member of council; and during that time the provincial commander in chief, if of the council, shall cease to have a voice, but may continue to sit.		52	30
			33
COMMISSIONERS for the AFFAIRS of INDIA. See Board of, &c.			
COMMISSIONERS for the NATIONAL DEBT. See Bank of England.			
COMMENCEMENT of the ACT of 1793.			
General commencement in India from 1st Feb. 1794, and in Great Britain from its receiving the royal assent, which was given the 11th of June 1793.			163
COMMISSIONERS of NAVY, of ORDNANCE, of SICK and WOUNDED SEAMEN, of VICTUALLING. See King's Ships.			
COMMUTATION ACT.			
The old duties on tea commuted, by substituting a duty of 12 and an half per cent. ad valorem, and an additional duty on windows.	24 G. III. } Seff. 2. }	38	{ the whole act.
See title of <i>Tea</i> , and the act of _____	25 Geo. III.	74	7
COMPANY, the OLD or LONDON. See Charters.			
The corporation continued by a private act of _____	11, 12 W. III.	4	Nº 28
Permitted to trade till September, 1701.	9, 10 W. III.	44	83
Other matters respecting them before the union.			{ 84 85
See also 6 Ann. cap. 28.			
COMPANY, the NEW, or ENGLISH. See Charters.			
The English Company restricted from borrowing beyond a limited amount, or otherwise than under seal, and special restrictions.			75
But see further under title <i>Bonds</i> .			
And from purchasing lands beyond 10,000 l. per annum.	3 Geo. II.	14	14
But see the power granted them to buy and sell lands in private act of _____	31 Geo. II.		Nº 3

	DATE S of ACTS.	Cha.	Se. Pg.
COMPANY, the NEW, or ENGLISH, continued.			
May compound suits, &c. before judgement, by consent of India board, but restricted from compounding after judgement, decree, or sentence.	33 Geo. III.	52	{ 68 69
May be sued for default of payments, established by the above act, to the Exchequer and Bank.	_____	_____	119
Restricted from granting pensions or new salaries beyond 200 l. a year, except by consent of India board.	_____	_____	125
May sue illicit traders at law or equity, but to pay costs when defeated.	_____	_____	{ 142 143 144
COMPANIES, the TWO UNITED. See Charters.			
COMPANY'S FORCES. See Forces and Mutiny.			
COMPOUNDING FINES and PENALTIES.			
Forbidden in the case of usurious loans, on pain of fine and imprisonment.	13 Geo. III.	63	{ 30 31
Prosecutions may, by consent of India board, be stayed by the Company before judgement, but not after judgement.	33 Geo. III.	52	{ 68 69
CONSIGNEES for PRIVATE TRADE. See Agents.			
COPPER. See Private Trade, 2, 3, 4.			
CORDAGE. See ditto, 2, 3.			
CORNWALLIS, EARL, GOVERNOR GENERAL and COMMANDER in CHIEF of all the FORCES in INDIA.			
The powers vested in him by the supreme government confirmed, and further powers granted to him (and also to General Meadows, as his provisional successor) subject to revocation by the court of directors and India board.	31 Geo. III.	40	—
CORONERS.			
To be appointed for <i>Calcutta, Madras, and Bombay.</i>	33 Geo. III.	52	157
COTTON PIECE GOODS.			
COTTON WOOL.			
COTTON YARN.			
CORRESPONDENCE with the COUNTRY POWERS, or EUROPEANS.			
Persons suspected of any illicit and dangerous correspondence, may be sequestrated and tried; shall be furnished with the charges against them, and make their defence in writing; and may be tried in India, or sent to England for trial.	24 G. III. Seff: 2.	25	{ 53 54
COSTS and DAMAGES.			
Officer not delivering up bonds for exporting goods, to pay treble damages.	8 Ann.	13	{ 24 25
If the Company make default in payment of the presumptive deficiency, by lowering the duties on certain sorts of tea, they shall be sued in the name of the King, and pay damages of 12 per cent. per ann. and full costs of suit. — <i>Expired.</i>	7 Geo. III.	56	5
Judgments and verdicts for the defendant, in actions under that act, carry treble costs.	_____	_____	10
Judgments against the Company for the penalty of 5,000 l. for building or hiring ships contrary to this act, carry full costs of suit.	12 Geo. III.	54	2
Judgments on demurrers, or verdict for defendant, to carry treble costs.	_____	_____	5
Judgments under this act, relating to drawbacks on teas to Ireland and America, to carry treble costs.	_____	60	12
Judgment for penalty of 1,000 l. for re-transferring of stock, after voting collusively, to carry full costs.	13 Geo. III.	63	3
The like on judgments, for penalty of treble value, for exceeding the rate of 12 l. per cent. interest on loans.	_____	_____	30
Judgments in actions, under the act for preventing the unshipping of India goods at sea, upon demurrer or verdict for defendants, carry treble costs.	17 Geo. III.	41	6
Treble costs given to defendants on verdicts in their favour, and in judgments on demurrer, allowed under this act.	33 Geo. III.	52	{ 142 145
See further under title <i>Traders, Illicit.</i>			

COUNSELLORS AT LAW. See *Prebends*.
COURTS in INDIA.

	DATES of ACTS.	Cha.	Sec.
Supreme court, and mayor's courts, may levy fines set by the new judicature.	26 Geo. III.	57	27
See further <i>Supreme Court, and Mayor's Courts</i> .			
COURT of JUDICATURE for TRIAL of OFFENCES, com- mitted in INDIA.			
A new one instituted for the trial, by special commissioners, of the crime of extortion, and other misdemeanors committed in India.	24 G. III. Sess. 2.	25	64
Informations may be exhibited in the King's Bench, by the attorney-general, or India Company; other persons may also exhibit them by rule of court.—Defendant to be committed, unless he finds sureties; and upon plea, the record to be de- livered to the lord chancellor, who shall award a commission for trial.			64
Recognizances to bind the property of the principal			76
The court may order appearance, and plea of Not guilty; and the information to proceed to trial, upon 14 days notice in the Gazette.	24 G. III. Sess. 2.	25	65
The court to be composed of a certain number of Lords and Com- moners, to be selected by each house, and of one of the judges of each of the three courts of common law.	26 Geo. III.	57	17 18 66 68 69 71
The number to be named in the commission, and the mode of electing the Peers and Commoners as prescribed by 24 Geo. III, cap. 25, sect. 68 and 69, are varied by	24 G. III. Sess. 2.	25	1 2 4
Members returned, and not attending, to forfeit 500 l.	26 Geo. III.	57	66
The senior judge to be the president.	24 G. III. Sess. 2.	25	67
Persons holding civil offices of profit, and others described, to be struck out of the lists.	26 Geo. III.	57	70
Defendant to have peremptory challenges to 13 Peers, and 20 Commoners, and to (as may also the informant) challenge for cause.	24 G. III. Sess. 2.	25	71
The names to be drawn from the pannel in the presence of the judges, and the first five Peers, and seven Commoners, not chal- lenged, with the three judges, to constitute the court, and to be sworn.	26 Geo. III.	57	5
If the challenges reduce the numbers below five Peers, and seven Commoners, new lists to be made by the respective Houses.			6
The commissioners are empowered to hear and determine the information, and to pronounce judgement according to the effect of the common law, and to declare the party incapable of serving the King or the Company. The judgement not sub- ject to reversal, but to be final, and to be remitted into the court of King's Bench for execution.	24 G. III. Sess. 2.	25	71
Ten commissioners may act, the major part to determine, and, when equally divided, the president to have a casting vote.	26 Geo. III.	57	7 22
If the number be reduced to nine, a new commission to be awarded.	26 Geo. III.	57	8 9
The commissioners may appoint clerks and officers, and fine them for misconduct. Their fees to be paid by the parties, and to be taken as in the King's Bench.			10
Absentees during the trial, without leave, subjected to a penalty, and disabled from acting afterwards.	24 G. III. Sess. 2.	25	73
In what cases leave of absence may be granted, and adjournments made.	26 Geo. III.	57	14
			11
			11 12 13

COURT of JUDICATURE, &c. *continued.*

	DATES of ACTS.	Cha.	Sect.
Defendant, not pleading, the plea of Not guilty to be entered; and notice of trial to be given in the Gazette.	26 Geo. III.	57	{ 5 17 18
Subpœnas for witnesses to issue from the crown-office; and witnesses not attending, guilty of a misdemeanor; and refusing to give evidence, to be fined and imprisoned.	24 G. III. Sess. 2.	25	74
Powers granted to the commissioners to send for records; and to commit the defendants, or such persons as prevaricate in their evidence, or disturb the court.	—	25	75
Judgment may be pronounced in the absence of the defendant.	26 Geo. III.	57	{ 20 21 19
Provisions for enforcing the judgements, and levying the fines.	24 G. III. Sess. 2.	25	77
Prosecutor and defendants legal rights and privileges, or the authority of the King's Bench, not affected before issue in fact joined.	26 Geo. III.	57	{ 22 26 27
If a demurrer to the information be over-ruled, the plea of Not guilty is to be entered, and the trial to proceed.	—	—	23
Mode of remitting evidence from India.	24 G. III. Sess. 2.	25	{ 78 79
Correspondence, &c. between the directors and the servants abroad may be admitted in evidence;—saving objections.	26 Geo. III.	57	28
Witnesses may be examined de bene esse.	24 G. III. Sess. 2.	25	80
Court of King's Bench may, at the instance of the prosecutor, retain and try the information.	—	—	81
For enforcing payment of the fines, see <i>Penalties.</i>	26 Geo. III.	57	25
COURTS-MARTIAL. See <i>Articles of War</i> , and <i>Mutiny.</i>			
CUSTOMS. See <i>Duties in General.</i>			
DAMAGES. See <i>Costs.</i>			
DEBTS of the COMPANY.			
Their debts not to exceed the value of their capital stock.	9, 10 W. III.	44	86
The Company apply to Parliament for a loan of 1,400,000l. but reject the terms offered. The mischiefs of withholding relief stated. Treasury enabled to advance the Company that sum by exchequer bills, with the mode of applying it for the Company's relief.	13 Geo. III.	64	{ 1 to 9
Until Company's other debts are paid, and their bond debt reduced to 1,500,000l. the publick agree to forego any participation in their revenues.	—	—	{ 13 14
It is recited, that the Company had repaid the publick the said loan of 1,400,000l. and reduced their bond debt to 1,500,000l.	20 Geo. III.	56	{ 1 3
Company to pay the publick 400,000l. by installments, in full of all claims to the 1st of March 1781, or may be sued, and to pay damages and costs. The last installment, being 100,000l. to be paid the 1st of December 1781.	21 Geo. III.	65	1
The Company indebted in the said last installment, and also in 396,466l. 2s. 6d. for duties of customs. Their profits from March 1781, to March 1782, by 18 China ships not arriving so early as usual, fall short by 22,023l. of paying the dividend of 8l. per cent. Treasury postpone payment of said two sums, and are authorized further to postpone it. The deficiency of 22,023l. to be carried to the next account.	22 Geo. III.	51	{ 1 2
The Company continue to owe the above sums to the publick, and also 42,105l. 6s. 10d. further debt for customs, besides 230,000l. more, payable in July 1783, and besides many commercial debts. They lay their distresses before Parliament, and apply for relief. Treasury empowered to postpone payment of all the debts to the publick to the 1st of October, 1783.	23 Geo. III.	36	1

DEBTS of the COMPANY, continued.

- May increase their bond debt 500,000 l.
- The debts for customs increased to 644,743 l. 17s. 2d. besides which, the last 100,000 l. installment still due. Profits from March 1782, to March 1783, deficient by 255,813 l. to pay a dividend of 8 l. per cent. Treasury may further postpone payment till expiration of 40 days after commencement of next session of Parliament.
- Treasury to lend Company 300,000 l. in exchequer bills at 4 l. 15s. per cent. interest.
- Payment of debt further postponed to May 1784.
- Debt for customs to December 1783, increased to 923,519 l. 5s. The 100,000 l. still due. The net profits to March 1784, (taking former deficiencies into the account), fall short 141,941 l. to answer the 8 l. per cent. dividend. The 300,000 l. for exchequer bills become due in April 1786. The bond debt has been augmented to 2,000,000 l. Bills drawn from India amount to 1,690,000 l. besides bills drawn from China, and besides 300,000 l. accepted by directors. The act further postpones the payment of the debts to the publick to January 1786, and authorises the acceptance of the bills, and directs the priority of payment.
- The Company enabled to increase their capital stock of 3,200,000 l. to 4,000,000 l. by subscriptions, and to sell their undisposed annuity of 36,226 l. 16s. in order to extend their trade, and pay their debts.
- The purchasers of the annuity to be paid as the other annuitants. The subscribers incorporated with the old proprietors, and to receive the same rateable dividends.
- Old subscribers to have a preference of subscribing to the new loan, not exceeding 50 l. per cent. on their capital stock, subject to a rateable abatement, if subscriptions exceed the sum intended to be borrowed.
- Provisions are made for the reduction of the Company's debts in India, and for the delivery of annual accounts thereof to Parliament, and for establishing a guarantee fund for the security of the Company's capital stock.
- See further under titles *Bond Debts and Relief.*
- DEEDS and WRITINGS,** how to be proved.
- See *Bonds, Deeds, and Covenants, and Evidence.*
- DEMURRER.** See *Error.*
- DEPOSITS on TEAS.**
- The purchasers are in future to make their deposits at the times herein prescribed, instead of the times directed by former acts.
- See further under article *Teas.*
- DESERTION.** See *Mutiny and Seamen.*
- DIMITIES.** See *Private Trade, 2, 3, 4, 5.*
- DIRECTORS, MANAGERS, and TRUSTEES.**
- Twenty-four trustees to be elected by ballot by the general society. The qualification of a voter, 500 l. of a trustee, 2,000 l. No elector to have more than one vote. The trustees are to be named in the charter.
- After the union of the two Companies, the managers of the new created English Company, to be the directors of the United Company.
- No person shall be in the direction of the East India Company, and in the direction of the Bank, at the same time.
- Six directors to be chosen on the second Wednesday in April annually, for the term of four years, and on vacancies, others to be chosen for the remainder of the term only.
- No servant in India to be a director until after his return, and two years residence in England.

DATES of ACTS.	Cha.	Secl.
23 Geo. III.	36	2
	83	1
		2
24 G. III. Sess. 1.	3	1
24 G. III. Sess. 2.	34	1 2 3
26 Geo. III.	62	1 2 3 4
33 Geo. III.	52	107 111 112 126
		161
9, 10 W. III.	44	58
6 Ann.	17	13
9 Ann.	7	11
13 Geo. III.	63	1
17 Geo. III.	8	1 2
13 Geo. III.	63	2

DIRECTORS, MANAGERS, and TRUSTEES, continued.

Two directors to sign an account, verified on oath, of profit and loss on their trade and revenues, yearly or half yearly.

Dirto of unfold goods in warehouses annually.

Directors to prepare annually a statement for the general court, of their land revenues and outgoings, and of the Company's debts, and net proceeds at each of their settlements.

To settle mode of payment of King's forces in India, with pay-master-general and secretary at war.

Directors, with commissioners of navy, victualling, sick, and wounded seamen, and ordnance, to establish regulations concerning the providing of stores.

Bills issued abroad, and made payable abroad, are not to be paid at home, but by consent of 18 directors.

Directors shall not be commissioners of the new court of judicature.

They are to adjust disputes between the Nabob of Arcot and the Rajah of Tanjore, and arrange the debts owing by them to British subjects.

Are to redress the grievances of other Rajahs and Zemindars, &c. Are to make refreshments in their establishments, and lay a list thereof annually before Parliament.

May, by consent of treasury, accept bills of exchange beyond the amount limited by act 13 G. 3.

May, by like consent, direct the disposition of the subscriptions for increasing the capital stock.

May dispose of the remainder of their annuities payable by the publick.

May revoke, with consent of India board, the extraordinary powers given to Lord Cornwallis and his successor.

Are to lay before Parliament an account of their revenues, disbursements, and debts annually.

Are to deliver to the India board proceedings of courts, and copies of dispatches from, and correspondence with their servants abroad, and to be bound by the orders and instructions of the board, respecting the government and revenues of India.

Are to transmit dispatches approved by the board without delay, and none others.

In their default, within 14 days after requisition, the Board may give their own instructions to the servants in India.

Directors may make representations to the India board, or appeal to His Majesty, in council, in respect to instructions given by the board, on points not connected with the government and revenues.

Are to appoint a secret committee of three directors, who are to dispatch advices or instructions of secrecy from the board. The secret committee are to be sworn, and to administer an oath of secrecy to the transcribers of secret papers.

The directors are to supply vacancies of Governor-general, or presidents, and other members of the council; or in default, the King may supply them. The members below the chair, except commander in chief, are to be appointed from amongst the civil servants who have resided 12 years in India.

They may stay or compound suits before judgment, with the consent of the India board, but not after judgment passed.

May recall servants abroad, except such as shall be appointed by the King.

Their orders relating to the government or revenues not revocable by general Court after they have been approved by the India board.

DATES of ACTS.	Chap.	Sec.
17 Geo. III.	64	15
20 Geo. III.	56	3
21 Geo. III.	65	13
21 Geo. III.	65	14
		{ 15
		{ 16
		17
		24
		27
24 G. III.	25	70
Sess. 2.		
26 Geo. III.	57	3
24 G. III.	25	{ 37
Sess. 2.		{ 38
		39
		40
24 G. III.	34	2
Sess. 2.		
26 Geo. III.	62	4
29 Geo. III.	65	1
33 Geo. III.	47	8
26 Geo. III.	57	35
31 Geo. III.	11	1
31 Geo. III.	40	6
28 Geo. III.	8	5
33 Geo. III.	52	126
33 Geo. III.	52	11
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	DATES		Page
	of ACTS.	Chap.	
DIRECTORS, MANAGERS, and TRUSTEES, continued.			
No treaties to be made, or hostilities commenced abroad, but by their orders, except under the special circumstances specified in the act.	33 Geo. III.	52	42 43
Rules prescribed to the directors for the appointments of their writers, cadets, and other servants abroad.	_____	_____	58 59 60
Disobedience of directors orders declared a misdemeanour.	_____	_____	65
May, by consent of general court, restore servants to their former rank.	_____	_____	72
Are to make bye laws for the private trade to the north-west coast of America, China, &c. to be approved by the board.	_____	_____	78
Are to deliver to the India board, in February yearly, an invoice of cordage, pitch, tar, masts, spars, and anchors exported by the Company.	_____	_____	83
Are to provide a limited tonnage for the private trade, and increase it when ordered by the India board.	_____	_____	83 87 88
May advance or reduce rates of freight by their consent.	_____	_____	90 91
Are to licence a sufficient number of free merchants to act as consignees in India.	_____	_____	96
A new form prescribed for the oath of a director.	_____	_____	126
DISOBEDIENCE of ORDERS of DIRECTORS, or SUPREME GOVERNMENT.			
The penalties thereby incurred.	_____	_____	43 65
DISPATCHES to and from INDIA.			
<i>See Board of Commissioners, Directors, Secret Committee.</i>			
DIVIDEND on the COMPANY'S STOCK.			
If the Company make any dividends before payment of their debts, proprietors receiving such dividends are made personally liable to the creditors for what they so receive.	9, 10 W. III.	44	85 86
Dividends of all publick companies to be declared only at half-yearly, or quarterly general courts; five months distant from the last declaration, and only for half a year. The question for increase, to be decided only by ballot, taken at least three days after question put.	7 Geo. III.	48	3
No dividend to be declared but upon ballot at a general court, held on seven days notice of the purpose in the Gazette.	_____	49	1
Ballot for dividend may begin eight hours after adjournment of question, but not later than twelve, nor closed earlier than six.	_____	_____	3
But if dividend be the same as the preceding one, no ballot necessary.	10 Geo. III.	47	3
Dividend for 1767-8, and for 1768-9, not to exceed 10 l. per cent.	7 Geo. III.	49	2
Dividend may be increased for five years, so that the addition, in any one year, exceed not one per cent. on the capital, and so that the whole dividend exceed not 12 l. 10 s. per cent. per annum.	8 Geo. III.	11	1
If the dividend be reduced, the annuity of 400,000 l. to the publick to be rateably reduced; and if afterwards increased, the payment to the exchequer to be increased.	9 Geo. III.	24	4
On the publick lending the Company 1,400,000 l. the dividend is limited to 6 l. per cent. per ann. till repayment of the loan, and then to 7 l. per cent. till bond debt reduced to 1,500,000 l. after which, the surplus is to be applied in discharge of the bond debt.	_____	_____	5
If by expence of victualling King's ships, during the war, the Company cannot make a dividend of 8 l. per cent. the publick to make good the deficiency.	13 Geo. III.	64	13
	21 Geo. III.	65	18

DIVIDEND on the COMPANY'S STOCK, continued.

The Company empowered to declare dividends of 8 l. per cent. per ann. on their capital stock, from January 1779, to January 1784.

The same power continued, without limitation of time.

The new stockholders are to receive the same rates of dividend as the old stockholders.

Dividend fixed at 10 per cent. annually out of land revenues, and profits of trade on the whole capital stock of six millions, besides half a per cent. per annum out of the Company's separate fund, and besides an eventual increase from the sixth part of an ultimate surplus, when any such shall arise beyond other appropriations.

DRAWBACKS.

The duty of 15 l. per cent. charged upon silks, Bengal stuffs, and painted calicoes, to be re-allowed on exportation in 12 months after importation.

But if found not properly stamped, they are forfeited, and the owner to pay a penalty of 50 l.

The time for exportation of all India goods enlarged to three years, from the first importation.

Drawback is to be allowed on goods rated under this act to the additional duties of 5 l. per cent.

Drawback is to be allowed of the inland duty and customs on tea sent to Ireland or America, without any limitation of time.

Collectors of customs to receive the Company's debentures, for drawbacks, in payment of duties.

See further under title *Ireland*.

Also see the following *Note on Duties on East India Trade*.

DRUGS. See Private Trade, 21.

DUTIES on EAST INDIA TRADE.

Note. To enumerate all the duties laid on the several sorts of goods imported from India, and other parts within the limits of the Company's exclusive trade, and to state the provisions for securing the payment of those duties, and for allowing drawbacks on their re-exportation, it would be necessary to detail almost all the statutes made on the subjects of customs and excise; which would mix with this work a great deal of foreign matter, and swell the publication to an inconvenient size; and the doing of this would be in a great measure superfluous, as the boards of customs and excise have already printed distinct collections of the statutes which concern their respective departments; in which may be seen the duties to which India goods, amongst others, are liable, and the drawbacks to be allowed on their exportation from this country. But although, for these reasons, all the statutes on those subjects are not printed at large in this collection, yet, for the information of the reader, will be found in this volume, a Table of the Titles of the several acts not printed, which have any immediate relation to duties specifically laid on East India merchandize; and also a correct List of all the Duties now payable on goods imported by the Company, and of the drawbacks allowed on their exports. The article of Tea, constituting of itself a very important part of the Company's commerce, it has been thought right to give at large, or in abstract, the most material of the acts for regulating the importation and exportation of that commodity.

DATES of ACTS.	Chap.	Sec.
19 Geo. III.	61	2
20 Geo. III.	56	2
22 Geo. III.	51	2
23 Geo. III.	83	10
24 G. III. Sess. 2.	2	1
	34	1
26 Geo. III.	62	2
29 Geo. III.	40	3
33 Geo. III.	47	6
		9
33 Geo. III.	52	111
		112
		124
11, 12 W. III.	3	5
5 Geo. I.	11	13
7 G. I. St. 1.	21	10
2 & 3 Ann.	9	9
21 Geo. II.	14	1
17 Geo. III.	27	1
23 Geo. III.	83	12

DUTIES on EAST INDIA TRADE, *continued.*

and securing the payment of the duties laid upon it, with a distinct Index to those acts, which will be found immediately following this General Index. The general act of 27 Geo. 3. cap. 13, for the consolidation of duties of excise and customs, with the several schedules thereof, will be found in its proper place in this collection.

DUTY on EAST INDIA STOCK and PRIVATE TRADE.

Five per cent. laid on the stock of the Old East India Company.

Five per cent. laid on all East India goods imported, to defray the expence of ambassadors employed by the Company, and the overplus to belong to the Company.

The mode of securing the payment of this duty to commissioners of customs, and by them to the Company.

This duty repealed, in respect of goods imported by the Company.

Also repealed in respect of goods brought in private trade from India (but not from China), nor is the repeal to affect any contracts between the Company and commanders of ships, or other officers.

DUTIES on HOUSES, and on TEA. See *Tea*, and *Commutation.***DUTIES in GENERAL on EAST INDIA GOODS, and RULES for their IMPORTATION and EXPORTATION.**

Goods may be imported or exported only in ships the property of English or Irish subjects, whereof the master, and three-fourths of the mariners are English, under pain of forfeiture of the vessel and goods to the King, and the informer.

The like rule is prescribed for carrying goods coastwise.

Foreign goods to be imported only from the places of their growth or manufacture, or from ports where only they can be, or have usually been shipped, under the like pain of forfeiture, with an exception as to East India goods.

Where any ease, abatement, or privilege is given in the book of rates imported or exported in English shipping, the master, and three-fourths of the mariners are to be English, during the whole voyage, unless in cases of sickness, death, or imprisonment.

His Majesty's governors of islands and plantations in Africa, Asia, and America, suffering any foreign-built ship to load or unload, without the production of a certificate, as provided by this act, incur a forfeiture of office.

Owners of English ships sailing outwards, for any English plantation in America, Asia, or Africa, are required, under pain of forfeiture of ship and guns, to give bond, with one security in 1,000 l. for a ship under 100 tons; and 2,000 l. for any other ship, conditioned for bringing her cargo home; and governors of plantations, &c. are to take the like security, and return copies thereof to the custom-house twice a year.

N. B. By the 4th and 5th articles of the act of Union, the subjects of Scotland, and their ships, are intitled to the same privileges in trade as the subjects of England, and their ships.

In explanation of the 4th section of the above act of 12 Car. II. it is enacted, That no goods of the growth or production of Africa, Asia, or America, manufactured in foreign parts, shall be imported in Great Britain, Ireland, or British Isles, unless manufactured at the place of the growth, or where the same are, or can be first shipped for exportation, under the penalties of the former act.

No ship in the Thames is to remove out of the stream, except to the lawful quays, until all goods are duly discharged inwards, or by consent of the principal officers of customs, if outward bound, under a penalty of 100 l.

DATES of ACTS.	Ch.	Sec.
4 W. & M.	15	10
9, 10 W. III.	44	76
6 Ann.	17	77 78 8
33 Geo. III.	52	99 100
12 Car. II.	18	1 3 6 4 13
5 Ann.	8	7 9 19 Art. 4, 5
19 Geo. III.	48	2 3

DUTIES in GENERAL, &c. *continued.*

	DATE S of ACTS.	Ch.	Sec.
A duty of 10s. per ton was laid upon ships bound to the East Indies for several terms of years.—(<i>New expired.</i>)	5, 6 W. & M.	20	2
An entry to be made, upon oath, of all goods exported to India, before they are shipped.	6, 7 W. III.	12	10
	7, 8 W. III.	31	11
Company to give security to land all their goods in England or Wales, without breaking bulk.	9, 10 W. III.	44	27
Importers of unrated goods from India, or China, to give security, before landing, to pay the duty on the sale of the goods, and to sell by inch of candle, within twelve months after importation.	—	—	66
On rating the duties, allowance for prompt payment, and 6 l. per cent. for charges, and the net duties, (except the Company's duty of 5 l. per cent.), shall be deducted from the produce of sales.	2 & 3 Ann.	9	69
Goods already imported to be rated on the oath of two directors.	—	—	6
The Company to give bond for the due payment of duties, after the rate of 2,500 l. security for every 100 tons of shipping.	9, 10 W. III.	44	7
A duty of 15 l. per cent. laid on wrought silks, bengals, and stuffs from Persia, China, or East Indies, and on stained calicoes and mullins, with regulations for entry at the customs before landing; and for rating the duties, and for compelling importers to give security; and for allowing drawbacks on exportation; with other provisions connected with the duty.	6 Ann.	3	15
	11, 12 W. III.	3	68
All goods shipped in India, &c. to be brought to England.	—	—	1
	12, 13 W. III.	11	1
Board of customs to take the Company's bonds, for duties on goods imported, for bondable duties.	3 & 4 Ann.	4	1
The practice stated of the Company giving bills for duties at six months, and six months. The act then provides further regulations to be observed by the Company, and at the customs.	6 Ann.	22	1
The time allowed for re-exporting, to obtain the drawback, enlarged to three years after the first importation.	7 Ann.	7	26
To prevent the running of goods from India ships, pilots are to be stationed at Dover, Deal, and Isle of Thanet, to conduct ships up the Thames and Medway.	10 Ann.	29	2
In time of war, merchants ships may be navigated by three fourths foreigners, upon publishing proclamation.	5 Geo. I.	11	15
Foreign sail cloth may be brought from India, in use, free from duties.	7 G. I. St. I.	21	11
An additional duty of 5 l. per cent. granted on all goods imported.	6 Ann.	3	2
India goods to be rated to this duty at their full price at the Company's sales, without any deduction.	7 G. I. St. I.	21	9
Goods not chargeable by 12 Car. II. cap. 4. and prohibited goods, imported by the Company, are excepted.	6 Ann.	17	11
Raw silk, imported from China, to pay the same duties, and to have the same drawbacks, as raw silk imported from Italy.	10 Ann.	29	1
	7 G. I. St. I.	21	10
An additional duty of 5 l. per cent. laid on wrought silks and stuffs imported from Persia, China, and India.	—	—	14
	13 Geo. II.	3	1
The Company may, by licence from the treasury, import, from any part of Europe, printed calicoes, and other prohibited goods of the manufacture of the East Indies, and other places beyond the Cape of Good Hope, for the African trade, on the same terms as from the place of their growth and manufacture.	28 Geo. II.	16	1
	19 Geo. II.	27	4
	21 Geo. II.	2	1
	—	—	2
	—	—	4
	23 G. II.	9	1
	5 G. III.	29	4
	5 Geo. III.	35	2
	5 Geo. III.	30	1

DUTIES in GENERAL, &c. *continued.*

Company, for five years, two years, and three years, in all for ten years, which expired in September, 1778, to export British goods to the value of 380,837 l. per annum.

An additional duty of 5l. per cent. on the produce of the customs and excise, excepting prize goods in the warehouse, and certain exciseable commodities.

The like of 5l. per cent. on the excise, with the like exceptions.

The like of 5l. per cent. on the excise and customs, with the like exceptions as in 19 Geo. III.

Diamonds, precious stones, and jewels, to be imported and exported duty-free, with a saving of the Company's duty of 5l. per cent.

Corn, stores, provisions, utensils of war, and necessaries for maintaining their garrisons and settlements, may be exported by the Company free from duties, so that such duties, if paid, would not exceed 300 l. in any one year.

Also 1000 quarters of corn to Saint Helena, or other settlements in India.

Bullion gold and silver, and foreign coin, may be exported duty-free, on being entered at the custom-house.

Goods imported in private trade to be subject to the same prohibitions, rates, and duties as if imported for the use of the Company.

See further, *Goods from the East Indies.*

DYING WOODS. See *Private Trade*, 21.

ERROR.

The judgements of the new judicature not reverfible for error. But judgements in demurrer are reverfible for error.

ESTABLISHMENTS in INDIA, CIVIL and MILITARY.

All practicable retrenchments are to be made therein.

Lists thereof are to be annually returned to Parliament.

EVIDENCE.

In proceedings in Parliament, examinations may be taken in India, by virtue of a warrant from the Chancellor, or Speaker of either house, to the Governor General and council, and Judges of supreme court; or the mayors courts at the other presidencies, and may be read in evidence, excepting in capital cases not tried in Parliament.

In prosecutions against the judges of supreme court in King's Bench, a mandamus for examining witnesses may be awarded to Governor-general and council.

The like mode is prescribed in suits of law and equity, by writs of mandamus issuing out of the court where the suit is depending; also in case of indictment and information in the King's Bench, for offences committed in India, and in prosecutions before the new court of judicature.

On bond, given in India to prosecute the Governor-general or council for any abuse of power, the prosecutor and defendant may examine their witnesses, and have the depositions transmitted home, as directed by 13 Geo. III, cap. 63.

Copies of orders of council, and depositions taken in supreme court, to be admitted in evidence.

Bonds, deeds, and writings, may be proved in India, or at home, on the oath of a witness deposing to the hand-writing of the party, and witnesses attesting the execution.

Parishioners may give evidence against persons sophisticating, dying, or manufacturing teas in Great Britain.

Depositions taking by new judicature, may be admitted, on execution of any renewed commission.

DATES of ACTS.	Ch.	Sec.
9 Geo. III.	24	6
13 Geo. III.	64	17
15 Geo. III.	44	1
19 Geo. III.	25	1
21 Geo. III.	17	1
22 Geo. III.	66	1
6 Geo. II.	7	1
7 G. I. St. 1.	21	13
13 Geo. III.	43	8
16 Geo. III.	37	2
15 Car. II.	7	12
33 Geo. III.	52	86
		104
26 Geo. III.	57	22
		24
24 G. III. Sess. 2.	25	40
33 Geo. III.	52	126
13 Geo. III.	63	42
		45
		41
13 Geo. III.	63	40
24 G. III. Sess. 2.	25	78
26 Geo. III.	57	79
		28
21 Geo. III.	70	5
		6
26 Geo. III.	57	38
17 Geo. III.	29	7
24 G. III. Sess. 2.	25	72

	DATES of ACTS.		Clas.	Sec.
EVIDENCE, <i>continued.</i>				
New judicature may compel persons to attend as witnesses, and give their evidence.	24 G. III. Sess. 2. }	25		74
Letters, &c. received by the court of directors, may be admitted in evidence, saving objections.				75
King's Bench may order witnesses to be examined de bene esse.				80
Certificates of payments by the Company to the exchequer and bank, are to be deemed evidence of, such payments.	33 Geo. III.	52		81
EXCHEQUER COURT.				120
May examine persons convicted by new judicature upon interrogatories; and persons not submitting to examination, forfeit their estates, and may be committed.	24 G. III. Sess. 2. }	25		77
To issue process for levying fines set by new judicature, with mode of recovering them in Scotland, or in the East Indies.	26 Geo. III.			57
EXCLUSIVE TRADE. See <i>Trade</i> , and <i>Traders illicit</i> .				
EXPORTS by the COMPANY. See <i>Duties in general</i> , &c.				
EXTORTION. See <i>Offences</i> , <i>Court of Judicature</i> , <i>Present</i> .				
FINES. See <i>Penalties</i> .				
FORCES in INDIA.				
Their expences, both European and Native, are charged upon the land revenues.	33 Geo. III.	52		107
FORCES of the KING. See <i>King's Forces</i> .				
FOREIGN COIN.				
Permitted to be exported duty free.	15 Car. II.	7		12
FOREIGN COMMISSIONS.				
To trade under any foreign commission incurs a penalty of 500 l.	33 Geo. III.	52		136
FORFEITURES. See <i>Penalties</i> .				
FORGERY and PERJURY.				
Forging any power or instrument, in the name of any holder of India stock, or annuity, or transferring stock, or receiving dividends, by personating another, deemed felony without benefit of clergy.	8 Geo. I.	22		1
Forging any bond of the Company, or any instrument, or assignment thereon, felony without benefit of clergy.	12 Geo. I.	32		9
Further provision is made for the punishment of forgery and perjury by 2 Geo. II. cap. 25; and in particular, stealing East India bonds, or dividend warrants, is made a capital offence.	31 Geo. II.	22		7 8
Persons voting for directors, and falsely taking the qualification oath prescribed by this act, or suborning others, to be deemed guilty of wilful perjury.	2 Geo. II.	25		1 4
	13 Geo. III.	63		6
FORTS and GARRISONS.				
To be maintained out of the land revenues.	33 Geo. III.	52		107
FORT MARLBOROUGH. See <i>Mayor's Court</i> , and <i>Mutiny</i> .				
FORT St. GEORGE. See <i>Madras</i> , and <i>Mayor's Court</i> .				
FORT WILLIAM. See <i>Governor General and Council</i> , <i>Supreme Court of Judicature</i> , <i>Calcutta</i> .				
FREE MERCHANTS } See <i>Traders illicit</i> ;—also <i>Private Trade</i> , and FREE MARINERS. } 16, 17, 18.				
FREIGHT. —Rates thereof for private trade.				
Certain rates of freight are established to be paid to the Company by private traders, which may be occasionally lessened or increased by consent of India board.	33 Geo. III.	52		89 90 91
GENERAL COURT of PROPRIETORS.				
The qualification of a voter in the general court of the Company, was 500 l. capital stock.	9, 10 W. III.	44		58
None shall vote in a general court, until possessed of stock six months, unless acquired by bequest, marriage, intestary of a deceased proprietor, custom of London, or by settlement of stock on decease of a proprietor for life.	7 Geo. III.	48		1

	DATES	
	of ACTS.	Cha. Sect.
GENERAL COURT of PROPRIETORS, continued.		
No proprietor to vote for directors, unless possessed of 1,000 l. stock for 12 calendar months, excepting as above in 7 Geo. 3.	13 Geo. III.	63 3
If possessed of 3,000 l. stock, to have two votes, and for 6,000 l. three votes, and for 10,000 l. four votes.	_____	_____ 4
The form of the oath of qualification to vote.	_____	_____ 6
A majority of three parts in four by ballot, with three-fourths of the directors, may, in a general court, restore dismissed servants.	_____	_____ 35
But servants dismissed by sentence, or judgment of a court, cannot be restored.	33 Geo. III.	52 69
The directors, by consent of three-fourths of the proprietors in general court, may re-appoint servants disqualified only by absence from India.	_____	_____ 70
General court may exhibit informations for extortion and misdemeanors.	24 G. III. } Sess. 2. }	25 64
General court not to rescind orders of directors, relating to government or revenue, after receiving approbation of the board of commissioners.	33 Geo. III.	52 { 28 29
For other matters, see <i>Annuities, Ballot, Company, Directors, Dividends, Transfers.</i>		
	10 Geo. III.	47 5
	12 Geo. III.	54 51
	12 Geo. III.	60 12
	17 Geo. III.	41 6
	26 Geo. III.	50 31
	26 Geo. III.	57 37
	33 Geo. III.	52 23
GENERAL ISSUE.		
May be pleaded to actions brought under the several following statutes referred to in this Index.		
	21 Geo. III.	70 2
Persons prosecuted in supreme court, for acting under the order of Governor-general and council, may plead the general issue.		
GENERAL SOCIETY. See Annuities and Stock.		
GIFTS. See Presents.		
GOODS from the EAST INDIES.		
The prohibitions of this act are not to extend to East India goods imported in English-built ships (the master and three-fourths of the mariners being Englishmen) though not laden at place of growth.	12 Car. II.	18 13
India goods, taken out of ship till duties secured, and without officers warrant, or their value, forfeited.	2 & 3 Ann. 3 & 4 Ann.	9 8 4 11
India goods may be taken from warehouses to be refreshed, and silks and linens to be painted, calendered, or repaired.	15 Geo. II.	31 { 8 10
Accounts of Company's goods remaining unsold in their warehouses, to be laid before the treasury half-yearly.	21 Geo. III.	65 14
No India goods to be reshipped at sea.	17 Geo. III.	41 3
No India goods to be imported by ships employed in the southern whale fishery.	26 Geo. III.	50 18
See further under titles, <i>Duties in General, Rules for Exports and Imports, Private Trade, Prohibited Goods, and Trade illicit.</i>		
GOVERNOR GENERAL and COUNCIL at FORT WILLIAM, in BENGAL.		
<i>Their Appointments.</i>		
A Governor General and 3 counsellors are to be appointed by the directors. Existing appointments are continued. Vacancies are to be supplied by the directors. The King may recall or may appoint in their default. The King only may in that case recall. Directors may appoint provisional successors.	33 Geo. III.	52 { 24 to 35
A mode prescribed for supplying vacancies when no provisional successors are on the spot; as also for supplying any vacant seat at the board, pro tempore, occasioned by the sickness or absence of a counsellor.	_____	_____ { 31 34

GOVERNOR GENERAL and COUNCIL, &c. continued.

	DATES of ACTS.	Chap.	Secs.
Resignations how to be made, or what shall be so deemed.	33 Geo. III.	52	37
<i>Their Salaries.</i>			
The Governor General's salary fixed at 25,000l. per annum.	13 Geo. III.	63	21
Each of the three counsellors at 10,000l. per annum.	_____	_____	21
To commence, as to persons at home, from the day of their embark- ing; and as to others from the time of taking their seats in council; the salaries to be in lieu of all fees and other perqui- sites.	_____	_____	22
No salaries to be paid on provisional appointments, until the per- sons appointed have succeeded to vacancies.	33 Geo. III.	52	27
Salaries of officers departing from, and not returning back to their settlement, to cease from their first departure.	_____	_____	37
<i>Their Powers.</i>			
Invested with the civil and military government of Bengal, Bahar, and Orissa, also with supremacy over all the presidencies, subject to the regulations and restrictions of former acts.	_____	_____	24
May make regulations for the good government of all the settle- ments, to be registered in the supreme court of judicature, and transmitted to a secretary of state, and affixed at the India house; and if not disallowed by the King (to whom an appeal is given) within two years, the regulations are to be in force.	13 Geo. III.	63	{ 36 37
May act as justices of the peace in all the settlements.	_____	_____	38
May send offenders, of certain descriptions, to Great Britain, and may seize ships and goods liable by law to seizure.	13 Geo. III.	63	24
_____	33 Geo. III.	52	45
_____	_____	_____	133
May determine on appeals or references from the provincial courts, in civil causes, and also all offences in revenue matters.	21 Geo. III.	70	{ 21 22
May frame regulations for the provincial courts and councils, for his Majesty's confirmation.	_____	_____	23
Persons sued for acting under their authority may plead the general issue.	_____	_____	2
May appoint justices of peace for all the settlements.	33 Geo. III.	52	151
May appoint coroners for, and settle the limits of Calcutta.	_____	_____	157
_____	_____	_____	159
May correspond in certain cases with the secret committee.	_____	_____	22
<i>Their Acts in Council.</i>			
The major part to decide, and when equally divided, the Go- vernor-general to have a casting voice.	13 Geo. III.	63	8
Questions moved by Governor-general to be first debated; he may twice adjourn other questions; adjournment limited to 48 hours.	33 Geo. III.	52	38
All orders and resolutions to be expressed to be made "by the Go- vernor-general in council," and signed by the secretary.	_____	_____	39
<i>Restrictions and Injunctions laid on the Governor-general and Council.</i>			
To obey the orders of the directors, and regularly transmit to them all advices and intelligence relating to the government, com- merce, revenues, and interests of the Company.	13 Geo. III.	63	9
_____	33 Geo. III.	52	42
To accept no present, gift, donation, gratuity, or reward; or any promise, or engagement, for any such, nor be concerned in any traffick or commerce.	13 Geo. III.	63	23
Acceptance of presents deemed extortion.	33 Geo. III.	52	62
To register native servants, and persons appointed to offices, and deaths of servants.	21 Geo. III.	70	{ 11 12
Shall not declare war, or commence hostilities, or enter into treaty for making war, or of guaranty, but by express orders from home, except under peculiar circumstances, expressed in the act.	33 Geo. III.	52	42
Restricted from any concern in trade.	_____	_____	137

GOVERNOR GENERAL and COUNCIL, &c. *continued.*

	DATES of ACTS.	Chap.	Page
<i>Their Exemptions and Privileges.</i>			
Not subject to prosecution in supreme court by indictment or information, except for treason or felony.	13 Geo. III.	63	15
Not subject to arrest or imprisonment by the supreme court of judicature.	_____	_____	17
Nor amenable to the jurisdiction of the said court, for any act or order committed or done in their publick capacity.	21 Geo. III.	70	1
Suits and prosecutions against Governor-general and council limited to five years after offence committed, or after return home, except in Parliament.	_____	_____	7
Their regulations in revenue matters not questionable by the said court.	_____	_____	8
Indemnified for resisting the execution of the process of the supreme court, from January 1779, to November 1780.	_____	_____	28
How punishable. See <i>Offences.</i>			
GOVERNOR-GENERAL'S INDEPENDENT AUTHORITY.			
May twice adjourn, for 48 hours each, the consideration of questions proposed by other members of council.	33 Geo. III.	52	38
May secure and detain persons suspected of illicit correspondence.	_____	_____	45
May act, in particular cases, without the concurrence of the majority, taking on himself the responsibility, but he is not to exceed the authority of the board itself.	_____	_____	47 48 49
This power not to be exercised by such as may casually succeed to the office of Governor-general, till confirmed in office by the court of directors.	_____	_____	50
Nor to extend to matters under consideration of the supreme council, in their judicial capacity, or to the repeal of any general order of government, or to a power of imposing any tax or duty.	_____	_____	51
His authority shall supersede that of the Governor at any subordinate presidency during his visit thereto.	_____	_____	52
He may appoint a vice president to act for him at Fort William during his absence, with power of issuing orders to all the presidencies during such absence, giving advice of his proceedings to the directors.	_____	_____	53 54
Any of these extraordinary powers may be suspended by the directors and the India board, and may be also again revived by them.	_____	_____	55
Special powers are granted to Earl Cornwallis, and also to General Medows in case of his succeeding to the government of Bengal.	31 Geo. III.	40	—
GREENWICH HOSPITAL.			
The Company's ships masters, commanders, and seamen, are exempted from the duty granted by this act, and excluded from the benefits of the hospital.	20 Geo. II.	38	37 38
GUERNSEY. See <i>Ireland.</i>			
GUARANTEE FUND.			
Established for the capital and dividend of the Company.	33 Geo. III.	52	113 to 119
JAPAN. See <i>Private Trade</i> , 27 to 31.			
JERSEY. See <i>Ireland.</i>			
ILLICIT TRADE. See <i>Trade Illicit.</i>			
IMPORTS by the COMPANY. See <i>Duties.</i>			
INDEMNITY.			
Granted to offenders against the laws for the customs and excise, with an exception of persons prosecuted by the India Company.	9 Geo. II.	35	36
INFORMATIONS. See <i>Attorney-General, Court of Judicature.</i>			
INLAND TRADE. See <i>Officers and Servants.</i> Also see <i>Salt.</i>			

INSURANCE. See *Assurance.*

INTEREST on LOANS in INDIA.

Restricted to 12 per cent. per annum, on pain of forfeiting treble value of the loan, and costs: Party aggrieved may sue after three years, if no other prosecution; and any informer compounding for the penalty, may be fined and imprisoned.

INVENTORIES.

To be delivered of all property, upon oath, by the Company's servants, within two months after their return from India, under certain penalties; and rewards are provided for the discovery of false inventories.

The above provisions repealed.

INVESTMENTS of COMPANY'S GOODS ABROAD.

One crore of current rupees from the revenues is set apart for these investments annually, and the amount is to be increased by the savings of interest on reduction of debts.

IRELAND, JERSEY, GUERNSEY, ISLE of MAN, ALDERNEY, SARK, AMERICA and PLANTATIONS.

The importing into Ireland any wrought silks, bengals, stuffs mixed with silks and herba, muslins, or calicoes of the manufacture of Persia, China, or East Indies, except from Great Britain, prohibited.

No commodity of the growth or manufacture of the East Indies, &c. to be imported into Ireland, Jersey, Guernsey, Alderney, Sark, or Man; or into any plantation or territory of the Crown in Africa, or America, but what shall be shipped in Great Britain, in British ships, navigated according to law.

May be imported into these islands, in the Company's ships, under the regulations of this act.

The commissioners of excise in Ireland, enabled to hear and determine all offences against any act prohibiting the running of East India goods into that kingdom.

Tea may be exported, without payment of the inland duty, to Ireland and America.

No drawback of any duty was to be allowed by 18 Geo. 2. cap. 26, sect. 5, on exportation of tea; but by 7 Geo. 3. cap. 56, the whole duty was, for five years, to be drawn back, on exportation to Ireland, or British plantations in America. The exportation to Ireland was permitted in small parcels, with other indulgences. — *This act is expired.*

Three fifths of the duties of customs to be drawn back for tea exported to Ireland, and America, for five years, in ships of 80 tons, and upwards.

Altered with respect to America, and the whole duty of customs to be drawn back on exportation thither, for five years.

And the whole duty of customs to be drawn back on exportation to Ireland, without any limitation of time.

These drawbacks are continued in respect to the new duties imposed by

IRELAND alone.

Heads of the act of the parliament of Ireland of 1793, for regulating the trade of that kingdom with the East Indies; (viz.)

Recital of the act of the same year of the British parliament, for enlarging the Company's term in the exclusive trade, and confirming the same under the conditions, &c. after expressed.

Any of his Majesty's subjects may export from Cork, to the coasts of Coromandel and Malabar, or to Bengal and Sumatra, in the Company's ships, any merchandize of the growth, product, or manufacture of the King's dominions in Europe.

But not military stores, ammunition, masts, spars, cordage, anchors, pitch, tar, or copper, except by licence.

DATES of ACTS	Chap.	Sect.
13 Geo. III.	63	{ 30 31
24 G. III. Sell. 2.	25	{ 55 to 62
26 Geo. III.	57	31
33 Geo. III.	52	107
5 Geo. I.	11	12
7 G. I. St. 1.	21	9
33 Geo. III.	52	81 to 105
12 Geo. II.	22	3
21 Geo. II.	14	1
7 Geo. III.	56	{ 2 to 7
12 Geo. III.	60	{ 1 2
13 Geo. III.	44	1
17 Geo. III.	27	1
24 G. III. Sell. 2.	38	{ 3 4
33 Geo. III.	31	1
		2
		3

	DATES of ACTS.	
	Chap.	Sec.
IRELAND alone, <i>continued</i> .		
If an export trade in those articles shall be open to British subjects, it shall be reciprocally open to Irish.	33 Geo. III.	31 4
Or it may be done by orders of the India board.		5
Company to provide 800 tons of shipping at Cork, or more if required, for the export trade of Ireland, and for bringing back the returns.		6
Rules prescribed for those who shall carry on any private trade from Ireland, under this act, and the conditions whereon the ship may be detained on demurrage.		7
		8
		9
		10
		11
		12
The like for the returns back from India, and other import trade.		13
		14
Rules for allowing drawbacks, or retaining duties on India goods exported from Ireland.		15
		16
		17
A sufficient number of agents are to be appointed in India for the management of private trade.		18
On any new cession acquired in China, Irish subjects are to receive reciprocal benefits of export trade thither as British subjects, and under similar restrictions.		19
		20
Provisions are made similar to those in the British act, for allowing licensed vessels from the South Seas and west coast of America, to dispose of cargoes in Korea, Japan, and Canton, and under like penalties.		21
		22
		23
		24
The like penalties are also inflicted on Irish subjects for unlawfully trading, as are imposed by the British act on British subjects.		25
		26
		27
		28
The mode of prosecution prescribed, with limitation in point of time.		29
		30
		31
		32
		33
		34
		35
		36
		37
		38
		39
JUDGES. See <i>Bye-laws, Court of Judicature, Evidence.</i>		
JUDGMENTS. See <i>Certiorari, Error, Court of Judicature, and Supreme Court.</i>		
JUDGMENTS and SENTENCES of COURTS of JUDICATURE. See <i>Suits.</i>		

JUSTICES of the PEACE, and MAGISTRATES.

The Governor-general and members of council of Bengal, and the chief justice, and other judges of the supreme court, may act as justices in Bengal and subordinate settlements.

Magistrates, whether natives or British subjects, not to be arrested in supreme court, until after service of process, and the party in contempt.

Justices of peace in Great Britain may commit illicit traders for trial, sent for that purpose from India.

Justices of peace may be appointed in India, by commissions under the seal of the supreme court of judicature, taking the oath prescribed by this act.

Their convictions, &c. may be removed by certiorari, into the court of oyer and terminer.

May, by order of council, associate with the justices of oyer and terminer, or sit in the court of appeals.

THE KING.

His power of occasionally appointing and recalling Governors, and other servants of the Company.

KING'S BENCH COURT, and JUDGES.

The court, or a judge, to award process for apprehending delinquents charged by information, and commit them, till sureties found for appearance, and abiding by judgment.

See further, *Court of Judicature, Evidence, Judgments, and Offences.*

KING'S FORCES.

Company to pay, after the rate of two lacks of rupees per annum, exclusive of extraordinaries, for each regiment of 1000 men, serving in the East Indies by the Company's desire. The pay to be computed, for forces already in India, from June 24, 1781; and for others, from embarkation until their return home, or till the Company cease to hold the territorial revenues. The subsistence to be paid to the commanding officers, and the remainder, in such mode as shall be settled by the paymaster-general, secretary at war, and directors.

The foregoing provision virtually repealed by India board may order a specified number to be paid out of the territorial revenues.

The expences of all the forces and garrisons in India, charged upon the land revenues, &c.

A mutual quietus and discharge between the publick and the Company, on the account of troops, to December 1792, and the Company are in future to pay the actual expence incurred thereby.

KING'S SHIPS.

The Company, during the present war, to supply the victualling for the King's ships in India, and for sick and hurt seamen, and be repaid one fourth part of the expence. After peace restored, the Company to supply the victualling at their own cost.

The like provisions for stores, for wear and tear of the King's ships during the war, they are to be paid for them; but after peace, they are to be provided at the Company's charge.

The Company to send naval and military stores to India, by requisition of commissioners of navy, and to be paid the value, though taken by the enemy.

Commissioners of navy, victualling, sick and wounded, and ordinance, with directors, to establish regulations for providing stores for the King's ships.

KOREA. See *Private Trade*, 27 to 31.

DATES of ACTS.	Chap.	Sec.
13 Geo. III.	63	38
21 Geo. III.	70	{ 24 25 26
33 Geo. III.	52	132
		{ 151 152
		153
		154
		{ 26 35
24 G. III.	25	64
Seff. 2.		
26 Geo. III.	57	15
21 Geo. III.	65	17
33 Geo. III.	52	128
28 Geo. III.	8	1
31 Geo. III.	10	1
33 Geo. III.	52	107
		{ 127 128
21 Geo. III.	65	{ 18 19
		{ 22 23
		{ 20 21
		24

	DATES of ACTS.		Cha.	Sect.
LEVANT COMPANY.				
Exempted from prosecutions under this act, for trading into the Levant Seas.	7 C. I. St. 1.	21		8
The like exemption by this act.	3 Geo. II.	14		16
LICENCES for PRIVATE TRADERS in INDIA.				
The individual members of the General Society may licence others to trade in their fleet, on certain conditions.	3, 10 W. III.	44		61 64
Persons licensed by the United Company may trade in India.	3 Geo. II.	14		9
	17 Geo. II.	17		11
	21 Geo. III.	65		3
	33 Geo. III.	52		734
Persons trading after expiration of licences, to be deemed illicit traders.				
LIMITS of the COMPANY'S EXCLUSIVE TRADE.				
See <i>Trade, Exclusive.</i>				
LIMITATIONS of ACTIONS and PROSECUTIONS.				
Actions under the act to restrain the Company in regard to their shipping, to be brought in six months.	12 Geo. III.	54		5
Prosecutions and suits, against Governor-general and council, in Britain (except in Parliament), must be brought within five years, either from the time the offence was committed, or of their return home.	21 Geo. III.	70		7
Actions brought under the act of 24 Geo. 3. to be within three years after return of parties.	24 G. III. Sess. 2.	25		82
For illicit traffick, to be commenced within 6 years after offence committed.	33 Geo. III.	52		141
In other cases, to be within 3 years after return of parties to Great Britain.				162
LOANS to GOVERNMENT. See Annuities and Relief.				
LOANS in INDIA.				
Interest limited to 12 l. per cent.	13 Geo. III.	63		30 31
MADRAS, or FORT SAINT GEORGE and BOMBAY GOVERNMENTS.				
The Governor and council may be impowered to hold courts-martial, and may be punished for oppressions.	1 Geo. III.	14		1 2
These governments to be composed of a governor and 3 members in council.	33 Geo. III.	52		24
Are to be subordinate to Fort William in respect to war, peace, treaties, and negotiations; and transmit to Fort William advices of their proceedings, &c. &c.				40 40 44
Vacancies are to be supplied by the directors, and in their default by his Majesty; the three members of council being selected from servants of 12 years standing.				25 26
Provisional appointments may be made of the office of governor or member of council, and if none such on the spot at the time of vacancy, the office of governor is to be supplied by the civil member next below the chair, and of the other members by the governor from amongst senior merchants at the presidency.				27 27 34
Governors or members of council appointed by the King by default of directors, can be recalled only by His Majesty.				26 35 36
When any member of council shall be incapable of acting, or be absent, his seat may be supplied by the provisional successor, or by a senior merchant.				34
What shall be deemed a resignation of office.				37
Questions in council propounded by the president to be first deliberated upon. He may adjourn questions put by counsellors for 48 hours, but not more than twice.				38
Governors or counsellors may be suspended by supreme government for breach of orders.				43
	13 Geo. III.	63		24
May secure persons, and seize ships in certain cases.	33 Geo. III.	52		45 46 133

MADRAS, &c. *continued.*

	DATES of ACTS.	Chai	Seci
• May occasionally supply vacancies in council, pro tempore.	33 Geo. III.	52	{ 31 34
• The governor's may act in certain cases without the concurrence of the council on their own responsibility.	_____	_____	{ 47 48
Restrictions are imposed on this extraordinary power.	_____	_____	{ 49 50
All acts in council are to be signed by the secretary.	_____	_____	{ 51 39
Governors may occasionally correspond through the secret committee of directors.	_____	_____	{ 22
• The Governor-general's authority, on his visitation to any subordinate presidency, shall supersede that of the governor thereof during his stay.	_____	_____	{ 51
Prohibitions on governors and others from being concerned in trade.	_____	_____	{ 137
Governors may appoint coroners for Madras and Bombay.	_____	_____	{ 157
The inhabitants are to be assessed for cleaning the streets, and scavengers may be appointed.	_____	_____	{ 158
Houses are to be licensed for vending spirituous liquors, and the limits of the towns are to be fixed.	_____	_____	{ 159
MAGISTRATES. See <i>Justices.</i>			
MARINERS. See <i>Seamen.</i>			
MASTS. See <i>Private Trade, 2, 3.</i>			
MASTERS and COMMANDERS. See <i>Seamen, and Traders illicit.</i>			
MAYOR'S COURT at BOMBAY, and FORT SAINT GEORGE.			
Recited to have been erected by charter of 26 Geo. 2. with ecclesiastical jurisdiction, which is confirmed in respect to these settlements.	13 Geo. III.	63	{ 13
The King may authorize the directors to institute courts-martial at these settlements, and at Fort William, and Fort Marlbro'.	1 Geo. III.	14	{ 1
Mayor's courts to cause fines, set by the new judicature, to be levied on the delinquent's property in India.	26 Geo. III.	57	{ 27
May take cognizance of offences committed in the territories of Indian Princes, as if committed in those under the British government.	24 G. III. } Self. 2. }	25	{ 44
British subjects in the Carnatic, and on the coast, and in such parts of the northern Circars, as lie in Orissa, declared to be amenable to the jurisdiction of the courts at Fort Saint George.	26 Geo. III.	57	{ 29 30
The judges of the Mayor's courts to take, and remit home, the evidence on prosecutions depending in England.	13 Geo. III.	63	{ 40 to 45
May hear prosecutions, and award judgments against illicit traders; and determine causes of seizures of ships and goods; and send offenders to Britain.	24 G. III. } Self. 2. }	25	{ 78 79
May admit proof of deeds executed in England, on the oath of a credible witness, deposing to the hand writing.	26 Geo. III.	57	{ 28
May take cognizance of seizures and forfeitures for illicit trade.	_____	_____	{ 32 33
MAYOR'S COURT at CALCUTTA.	33 Geo. III.	52	{ 133 140
Its authority is annulled, and the records are to be delivered into the supreme court of judicature.	13 Geo. III.	63	{ 19
MEDOWS, General. See <i>Cornwallis, Earl.</i>			
MILITARY and NAVAL STORES.			
Commanders of ships, and others, prohibited from exporting any warlike stores without licence.	10 Geo. III.	47	{ 2
On what events and conditions certain articles of stores may be exported in private trade.	33 Geo. III.	52	{ 81 to 86
Those of the Company used in India to be paid for out of the revenues.	_____	_____	{ 107

	DATE S of ACTS.	Chap.	Sec.
MISDEMEANORS at LAW,			
Exporting warlike stores without licence.	10 Geo. III.	47	2
Disobedience of orders of supreme government.	33 Geo. III.	52	43
The like of orders of the directors.	_____	_____	65
The making any corrupt bargain or contract concerning the trust or duty of any officer of the Crown or Company.	_____	_____	66
The disposing of goods by persons licensed to sail within the limits of the exclusive trade from the South Seas contrary to the regulations of this act.	_____	_____	80
Unlawfully going to, or trading within the limits of the exclusive trade.	_____	_____	131
MUSLINS. See <i>Private Trade</i> , 2, 5.			
MUTINY, DESERTION, RECRUITING COMPANY'S FORCES, and COURTS-MARTIAL.			
Company's soldiers, who shall mutiny, desert, list in another regiment, be found sleeping on duty, desert their post, correspond with the enemy, or strike their superior officer, or disobey him, to suffer death by court-martial.	27 Geo. II.	9	1
Powers and regulations for the courts-martial in India.	_____	_____	2 to 7
The King may make articles of war for the Company's forces.	_____	_____	8
Further provisions for the punishment of mutiny and desertion.	_____	_____	9 to 13
The above extended to Fort Marlborough, and all other settlements where the Company may hold courts of judicature.	1 Geo. III.	14	1
The Company may enlist recruits by the King's licence; and if they desert before embarkation, they may be committed, and conveyed on ship board.	21 Geo. III.	65	32
NATIVES of INDIA.			
Such as are employed by the Company, and such as shall be sued on written contracts, to the value of 500. current rupees, by British subjects, in which the native hath agreed to submit to the judgment thereof, are made amenable to the supreme court.	13 Geo. III.	63	16
Names of the natives, as above described, are to be registered.	21 Geo. III.	70	11 12 13 14 15
British subjects are to register native agents and stewards, under a penalty, and the unregistered native is to forfeit his wages.	_____	_____	16
British subjects, entering into copartnership with any unregistered native, made liable to a penalty.	_____	_____	17 18
Native inhabitants of Calcutta, and Fort William, declared amenable to the court, but their suits are to be determined according to their own laws and customs; and the rights of fathers and masters over their families are preserved.	_____	_____	19
Regulations for execution of process against natives may be made by supreme court, accommodated to their religion and manners, subject to the King's approbation.	_____	_____	24 25 26
Native magistrates are not to be attached, until after service of mesne process, and default of appearance.	_____	_____	27
Certain natives imprisoned at Calcutta to be discharged.	_____	_____	
NAVAL STORES. See <i>Military Stores</i> , and <i>King's Ships</i> .			
NAVIGATION and SHIPPING.			
The navigation act at large of See abstract under title <i>Duties in General</i> .	12 Car. II.	18	
The act for explaining certain parts thereof, in respect to the importation of manufactured goods.	19 Geo. III.	48	1 2

NAVIGATION and SHIPPING, continued.

- The Company not to build or hire any ships till their old shipping be reduced to 45,000 tons.
- May build or hire ships in India, or America; or may build or hire six ships, not exceeding 300 tons each, for packet boats, all which shall be deemed British built ships.
- Contracts for ships in foreign services to trade to India, void.
- All ships employed by the Company to be deemed British ships within the intent of the navigation act of 12 Car. 2.
- The supreme court of judicature at Bengal authorized to determine the causes of seizures and forfeitures for contraband or illicit trade.
- The governors and councils at the several presidencies, and the council at Canton, authorized to seize ships for illicit commerce.
- The Company indemnified, in respect to the expences of building three ships of war.

See further under title *Duties in General.*

NOTICES for determining the exclusive TRADE of the COMPANY.

- Are to be given by the Speaker of the House of Commons, by order of the House.
- See further, under title *Redemption.*

OATHS.

- Members of the General Society to take an oath not to trade, otherwise than by this act is allowed.
- The like by persons trading by licence.
- Members to take an oath not to trade on any private account.
- Quakers may affirm.
- Exporters to swear to the truth of entries of goods.
- The oath, on exportation of prohibited goods to Africa, amended by the oaths of electors to be varied conformably to the qualification of the oath further amended by
- Oath required from merchants to obtain drawbacks, may be taken by their servants.
- Prices of teas at Company's Sales to be reported to the customs, on oath.
- Keepers of tea warehouses, to deliver to the customs a quarterly account, upon oath.
- Officers of the India board are to be sworn.
- Justices of the peace in India to take oaths.
- An officer of the Company, on the exportation of British goods, directed to be exported by
- Commissioners of the board for India affairs, and their officers.
- Collectors and managers of the Company's revenues in India.
- Directors, their new oath
- Special commissioners, for trial of offences committed in India.
- Secret committee of directors, and persons employed by them in transcribing secret dispatches.

Forms of Oath to be taken by

DATES of ACTS.	Cha.	Secs.
12 Geo. III.	54	1 2
—	—	3
7 G. I. St. 1.	21	4
21 Geo. III.	65	33
26 Geo. III.	57	33
33 Geo. III.	52	140 141
—	—	133
20 Geo. III.	56	7
3 Geo. II.	14	13
17 Geo. II.	17	15
23 Geo. II.	22	14
21 Geo. III.	65	7
33 Geo. III.	52	73 75
9, 10 W. III.	44	64
—	—	64
—	—	64
—	—	65
—	—	66
5 Geo. III.	35	8
7 Geo. III.	48	2
13 Geo. III.	63	6
2 & 3 Ann.	9	14
18 Geo. II.	26	6
21 Geo. II.	14	4
33 Geo. III.	52	7
9 Geo. III.	24	152 6
33 Geo. III.	52	6 7
—	—	61
—	—	160
24 G. III. Sess. 2.	25	71
26 Geo. III.	57	5
33 Geo. III.	52	20 21
12 Car. II.	18	11

OFFENCES committed by BRITISH SUBJECTS in INDIA, how PUNISHABLE.

- Governors in Africa, Asia, or America, appointed by the King, and suffering goods to be unloaded otherwise than as prescribed by navigation act, to be put out of office.
- Governors, deputies, and commanders in chief, of any colony, or plantation, within the King's dominions beyond sea, may be

OFFENCES committed, &c. *continued.*

tried for offences, oppressions, &c. in the King's Bench, or by a special commission, in any county in England; and punished as for offences of the like nature committed at home.

Governors, presidents, and counsellors, of the Company's settlements; judges of the supreme court; and other servants, and British subjects, may be tried in the King's Bench by commission; for offences committed in India, and the venue may be laid in Middlesex:

Defendants in actions or suits brought against the Company, or their servants, may plead the general issue, but are to supply the plaintiff with the substance of his or their intended defence, six or eight days before trial.

British subjects convicted in India of a breach of publick trust, or of any embezzlement or fraud on the Company, may be fined and imprisoned, and dismissed the service, and sent home.

Trials of suits in supreme court, to be by a jury of British subjects, resident at Calcutta.

Directors are not to compound any penalty of debt with Company's servants, nor to restore such as may be dismissed, but by ballot in general court, at which, three fourths of the directors, and three fourths of the proprietors present, must concur. But this is controuled by 24 Geo. 3, sess. 2, cap. 25, sect. 51, and by 33 Geo. 3, ch. 52, s. 68, 69.

Proceedings in Parliament, for offences committed in India, are not discontinued by prorogation or dissolution of Parliament, after warrant issued for examination of witnesses.

On bond given to supreme court, to prosecute the Governor-general, or any member of council, in Britain, within two years after their return, for any act in council, the order complained of is to be authenticated, and witnesses are to be examined by the supreme court, and their evidence transmitted home.

Prosecutions; against Governor-general and council, limited to five years after offence committed, or to five years after their return home.

Governors and members of council, at subordinate presidencies, may be suspended by supreme government, for disobedience of their orders.

All British subjects declared amenable to courts of justice in India, and Great Britain, for crimes and misdemeanors committed in any part of India, whether under the British government, or not, and whether against British subjects, or natives of the country.

Persons suspected of holding illicit correspondence in India, may be secured and tried in India, or sent home.

A new judicature instituted by special commission, for the trial of the crime of extortion, and other misdemeanors committed in India.

Amended by _____

But the King's Bench may retain, and try the information, at the instance of the prosecutor.

King's Bench may attach, and commit persons accused of offences in the East Indies; and the warrant, countersigned in Scotland, may be executed there. Bail to be taken for appearance; and absconding parties may be proceeded against, who do not surrender on notice published in the Gazette, and fixed up at India House.

Suits and prosecutions before judgment, may be compounded by the Company, by consent of the India board, but not after judgment.

For other particulars, see *Court of Judicature, Evidence, Illicit Traders, Indemnity, Penalties, Wartlike Stores.*

DATES of ACTS.	Ch.	Sec.
11, 12 W. III.	12	1
27 Geo. II.	9	13
1 Geo. III.	14	2
10 Geo. III.	47	4
13 Geo. III.	63	{ 39 40 41
10 Geo. III.	47	7
13 Geo. III.	63	33
_____	_____	34
_____	_____	35
_____	_____	43
21 Geo. III.	70	{ 5 6
_____	_____	7
33 Geo. III.	52	43
_____	_____	66
_____	_____	{ 45 46
24 G. III.	} 25	64
Sess. 2.		82
_____	_____	1
26 Geo. III.	57	{ to 28
_____	_____	25
_____	_____	{ 15 to 17
33 Geo. III.	52	{ 68 69

OFFICERS, SERVANTS, and AGENTS.

	DATE S of ACTS.	Cha.	Seç.
The Company's right to appoint factors, agents, and other officers, preferred to them.	13 Geo. III.	63	12
No governor, or counsellor, judge, or other officer, civil or military, of the Crown or Company, (except counsellors, physicians, surgeons, and chaplains, their usual fees), to accept any donation or gratuity, on forfeiture of double value. On conviction of the offence, offenders may be sent home, unless they give security to remove in 12 months after conviction.	33 Geo. III.	52	14
This is repealed, and the acceptance of presents is to be deemed extortion, and to be punished as a misdemeanor.	13 Geo. III.	63	{ 24 25
A new court of judicature, instituted for the trial of servants of the Crown, and of the Company, for offences committed in India, whose judgments are to be according to the course of the common law, and carried into execution by the court of King's Bench.	33 Geo. III.	52	62
Servants on their return home, to make discovery by inventories on oath of their property, and estates, 24 Geo. 3. cap. 25. sect. 54 to 62. But these provisions repealed by	24 G. III. Sess. 2.	25	{ 64 to 82
When the number of the council at any presidency is reduced to two, the Governor-general, or governor, may call to the council board, pro tempore, a civil servant on the spot, who has been 12 years in India.	26 Geo. III.	57	{ 1 to 28
Persons holding any office under the Crown, or the Company, disqualified from being a commissioner or judge of the new judicature.	26 Geo. III.	57	31
Officers of the India board are to be sworn, and are to be paid their salaries by the Company, and to have access to the Company's records.		16	4
None of the Company's servants are to be appointed by the India board.	24 G. III. Sess. 2.	25	70
The manner of supplying vacancies in the several council boards in India prescribed;—[but for further particulars see Governor General and Council, Commanders in Chief, and Madras.]	26 Geo. III.	57	{ 3 5 7 10
The King may recall any of the servants of the Company.	33 Geo. III.	52	14
The directors may also recall, except such servants as shall be appointed by the Crown by default of the directors.			{ 25 to 34
What shall be deemed a resignation of office, and when salaries thereon shall cease.			35
Penalty of disobedience of orders by subordinates.			36
Servants to obey orders of Governor General, though issued when absent from Fort William.			37
Rules of appointment and promotion established in the civil line in India.			43
Writers and cadets, their ages prescribed.			54
Collectors of revenue, their duty and oath.			{ 56 57 58
Acceptance of presents declared to be a misdemeanor.			59
The like for disobedience of orders of directors.			60
The like for making any corrupt bargain.			61
All British subjects are to be amenable for wrongs to courts in India.			62
Suits or penalties may, by consent of India board, be compounded before sentence, but not afterwards.			65
Servants dismissed or convicted for misdemeanors, &c. cannot be restored, or the penalties compounded.			66
Servants, civil or military, absent by leave for five years, are to lose their rank, except in certain cases specified in this section.			67
			68
			69
			70

OFFICERS and SERVANTS, *continued.*

	DATES of ACTS.	Chap.	Secs.
Supercargoes at Canton may visit ships from the South Seas.	33 Geo. III.	52	78
Certain of the Company's officers may trade or act as agents for private traders, but nevertheless to continue subject to the authority of the Company.	_____	_____	79
_____	_____	_____	81
_____	_____	_____	91
_____	_____	_____	97
An exception of certain description of servants who are not to trade but for the Company.	_____	_____	134
_____	_____	_____	137
_____	_____	_____	139
Company's servants, and private traders, are to reside within 10 miles of a principal settlement, except otherwise licensed.	_____	_____	98
The repeal of the 5 per cent. duty on private trade from India, is not to affect any contracts between the Company and any of their servants or commanders of ships.	_____	_____	100
Securities given by Company's servants against embezzlements, &c. are made to extend to the goods of private traders.	_____	_____	106
Penalty of officers suffering goods to be unshipped at sea.	_____	_____	135
Coroners are to be appointed in India.	_____	_____	157
See further under the title of <i>Offences, &c.</i>			
ORIXA. See <i>Carnatic.</i>			
PARLIAMENT. See <i>Directors, Governor-general and Council, and Offences.</i>			
PAYMASTER-GENERAL. See <i>King's Forces.</i>			
PENALTIES, FINES, and FORFEITURES.			
Persons who import goods from Africa, Asia, or America, in ships not belonging to His Majesty's subjects, forfeit the ship, goods, and tackle, half to the King, and half to the informer.	12 Car. II.	18	3
The like penalty for carrying goods coastwise in an alien's vessel.	_____	_____	6
Forfeiture of goods, and double value, for undue entries of exports to India.—The King to direct the distribution by the intended charter.	9, 10 W. III.	44	68
Goods sold by the Company, otherwise than by inch of candle, forfeited. Half to the King, and half to the informer.	_____	_____	69
Penalties and forfeitures, how recoverable.	_____	_____	42
Goods landed without lawful entry, and duties secured, are liable to forfeiture, two-thirds to the King, and the other third to the informer.	11, 12 W. III. 2 & 3 Ann.	3 9	3 8
All East India goods are to be first imported into Great Britain, on pain of forfeiture, half to the King, and half to the informer.	6 Ann.	3	2
Officers not returning goods taken from warehouses to be refreshed, forfeit 500 l. and the value of the goods, and are disabled from any public employment.	15 Geo. II.	31	10
Captains of ships, mariners, and servants of the Company, transporting warlike stores without licence, declared guilty of a misdemeanour, and subject to fine and imprisonment.	10 Geo. III.	47	2
Company's servants, for offences in India, incur the same punishment as if committed in England.	_____	_____	4
The Company incur a penalty of 5,000 l. to the King, and informer, in moieties, with costs of suit, for each ship they shall charter, which has been built since 1772, until their tonnage be reduced to 45,000 tons.	12 Geo. III.	54	1 2
Persons accepting transfers, and collusively voting at a general court, and retransferring, to forfeit 1,000 l. and costs, to the King, and informer, in moieties.	13 Geo. III.	63	3
Taking more than 12 per cent. per ann. for interest upon loans, to forfeit treble the value to the Company, and prosecutor, in moieties, with costs of suit; and if none sue in three years, party aggrieved may sue, and persons compounding to evade the act, are to be fined and imprisoned.	_____	_____	30 31

PENALTIES, FINES, and FORFEITURES, continued.

Servants convicted of embezzlement, or breach of trust, to be fined and imprisoned, and sent home.

The-making or using a false certificate, "that ships employed in South Whale Fishery have not imported India goods," subjects the party to a penalty of 500 l. in moieties, between the King, and the informer.

Members of either house of Parliament, named in the pannel for the trial of offences committed in India, may be fined; not exceeding 500 l. for default of appearance.

Fines set by the new judicature on persons convicted, may be levied in England, or Scotland, or the East Indies.

Special commissioners, in new judicature, may impose fines on their officers for misconduct.

Persons unlawfully trading within the Company's limits, forfeit the ship and lading, and double value, 1-4th to informer, and 3-4ths to the Company, and to be deemed guilty of a high crime and misdemeanor.

Unlawfully shipping goods abroad, or unshipping them at sea, forfeit 1,000 l. and all wares.

To trade under a foreign commission incurs a forfeiture of 500 l. to informer and the Company in moieties.

Governor-general, governors, members of council, collectors, and their servants, and judges of the supreme court, restricted from trading, and all British subjects from being concerned in the inland trade of India, except on account of, or by permission of the Company.

Sending goods to Europe, otherwise than as allowed by this act, incurs a forfeiture of double their value to the Company.

Company prosecuting to have the whole forfeiture.

Selling goods brought from the South Seas to China, Japan, or Korea, otherwise than as expressed in licence, to be deemed a misdemeanor.

See further under titles *Piracies, Prohibited Goods, and Tea.*

PENSIONS and SALARIES.

Mode of granting them in India prescribed.

No new ones to be granted by the Company at home, exceeding 200 l. a year, but by the consent of the India board.

PERJURY. See *Forgery.*

PHYSICIANS. See *Presents.*

PIRACY.

Piracy shall be tried by the King's commission; and determined by jury, after the course of the common law, for offences of the same nature done upon land. Offenders are excluded the benefit of clergy.

Taking victuals, and ropes, &c. by necessity, out of a ship which can spare them, and paying for the same, not an act of piracy.

Trials in cinque ports to be by commission to the lord warden, and others, and before a jury of the inhabitants or members of the same.

Masters of ships of 200 tons and 16 guns, striking to pirates, without fighting, rendered incapable, unless compelled by his mariners, whose offence therein is declared to be felony.

By reason of the difficulty of convicting offenders for piracy committed in the East and West Indies, the offence shall be tried in the court of admiralty, either at sea or upon land, by such as shall be appointed by the King's commission.

DATES of ACTS.	Chap.	Secs.
13 Geo. III.	63	33
26 Geo. III.	50	29
24 G. III. Seff. 2.	25	66
26 Geo. III.		11
	57	26
		27
		14
33 Geo. III.	52	129 133
		135
		136
		137
		138
		144
		80
		17
		18
		125
27 H. VIII.	4	1 to 3
28 H. VIII.	15	1 to 3
4 Geo. I.	11	7 8
8 Geo. I.	24	9 4
27 H. VIII.	4	4 4
28 H. VIII.	15	1 to 3
		5 6
22, 23 Car. II.	11	2 4 8 9
11, 12 W. III.	7	1

PIRACY, *continued.*

The court to consist of seven persons, of whom the president or chief of an English factory, or a member of His Majesty's council in a plantation or colony, or a commander of a King's ship, is to be one. Any three commissioners may assemble four others, not named in the commission, to act with them.

None but known merchants, factors, or planters, or captains, lieutenants, or warrant officers of King's ships, or captains, masters, or mates of some English ship, capable of being so called.

The forms of trial specified.

Certain offences adjudged to be piracy.

Further provisions for the trial of piracy, are provided by

Provisions for such as shall defend their ships from pirates, and for the widows and children of such as shall be killed in the defence.

Rewards provided for the discovery of persons confederating to run away with any ship.

The provisions of this act extended to plantations governed by proprietors, under a penalty, for their refusing obedience, and forfeiture of their charter.

Provision for mode of trial in the cinque ports.

The act to continue for seven years (section 13.) but made perpetual and enforced by

Other offences described in the act adjudged to be piracy.

Ships fitted out for the purpose of trading with pirates, with goods on board, forfeited.

Accessaries to suffer as principals.

Forfeiture of wages and imprisonment for not defending a ship against pirates, or for uttering discouraging words to others on board.

This act to extend to all His Majesty's dominions in Asia, Africa, and America.

The act to continue for seven years, but made perpetual by

Persons guilty of treasonable practices at sea, may nevertheless be tried for piracy, but, if acquitted, shall not be tried for treason on the same fact.

Subjects, or denizens, committing hostilities, or aiding the enemy, in time of war, adjudged pirates.

Piracies and robberies having increased, by the granting of commissions of reprisals, the board of admiralty is empowered to revoke them, and if the ship be in the East Indies, six months notice is to be given to revoke such commissions.

A session of admiralty to be held at the Old Bailey in March and October annually.

Persons arraigned on indictment for piracy, and standing mute, to be convicted.

Persons committed on suspicion of treason in America, or of piracy on the high seas, may be detained in custody, without bail, till January 1, 1783, and shall not be tried but by order of the King in council.—But these acts are expired.

See further *Seamen and Mariners.*

PITCH. See *Private Trade*, 1, 2, 3.

PLANTATIONS. See *Ireland and Piracy.*

POLYGARS. See *Rajahs.*

DATES of ACTS.	Chs.	Secs.
11,12W.III.	7	2
_____	_____	3
_____	_____	4 to 7
_____	_____	8 to 10
_____	_____	10 to 12
32 Geo. II.	25	the whole act
11,12W.III.	7	11
8 Geo. I.	24	5
11,12W.III.	7	12
_____	_____	14
_____	_____	15
_____	_____	16
6 Geo. I.	19	3
8 Geo. I.	24	1
_____	_____	2
_____	_____	3
_____	_____	6
_____	_____	10
2 Geo. II.	28	7
18 Geo. II.	30	1
_____	_____	2
_____	_____	3
_____	_____	1
32 Geo. II.	25	5
_____	_____	20
12 Geo. III.	20	1
17 Geo. III.	20	1
22 Geo. III.	1	3
_____	_____	1

PRESENTS, GIFTS, DONATIONS, GRATUITIES, and REWARDS.

	DATES of ACTS.	Chap.	Cl. Sec.
Governor-general, council, judges, and all servants, civil and military, prohibited from accepting any present, gift, donation, gratuity, or reward, under a penalty, (saving to counsellors, physicians, surgeons, and chaplains, their usual fees.)	13 Geo. III.	63	{ 23 24 25
The acceptance of presents, &c. declared to be extortion, with the like exception of fees.	33 Geo. III.	52	{ 62 64
The Company were empowered by 13 Geo. 3. cap. 63. sect. 26. to recover presents accepted by their servants, waiving penalties; but this is altered by the act of 33 Geo. 3. and on any trial, the court is authorized to direct the present to be restored, or to grant it, with the fine, to the informer.			63
PRIVATE TRADE to and from the EAST INDIES.			
On the renewal of the term in the Company's charter in 1793, provisions were made for allowing individuals to export to, and import from India, in the Company's ships, all kinds of unprohibited goods, upon the conditions, and under the regulations expressed in the act, whereof the following are the heads :			71 to 106
1. British subjects allowed to export and import in the Company's ships on their own account.			81
2. The articles of export excepted are military stores, ammunition, masts, spars, cordage, anchors, pitch, tar, or copper; and of import, India-callicoes, dimities, and muslins, and other silk and cotton piece-goods, or made of other mixed materials.			82
3. Conditions and circumstances whereon individuals may export certain excepted articles of naval stores, &c.			83
4. The like of copper, and the conditions.			84
5. The like of import of callicoes, dimities, and muslins, and other cotton piece-goods, to supply the home and foreign markets.			85
6. This act is not to affect any prohibitory law.			86
7. A limited tonnage for private trade to be provided by the Company, which may be enlarged by orders of the India board.			87
8. With liberty for the Company to appeal from those orders to the King in council.			88
9. Certain rates of freight are to be paid to the Company by private traders, which may be increased with the approbation of the India board.			{ 89 90
10. The rates may be also occasionally lessened.			91
11. Rules to be observed by the exporters of goods in private trade, from England to India.			92
12. The like from India to England.			93
13. Tonnage provided for, but not occupied by private trade, may be freighted with Company's goods.			94
14. If tonnage provided for private trade shall fall short of the quantity demanded, it shall be distributed to the merchants in a rateable proportion, and notice given them.			94
15. Company's servants (not specially restricted) and all other persons, may act as consignees for private traders.			95
16. Directors are to licence free merchants to act as consignees, or in default, India board may order it to be done.			96
17. Agents abroad, as well servants as others, are to continue amenable to the authority of the Company.			97
18. All British subjects are to reside within 10 miles of some principal settlement, except by licence in writing.			98
19. The duty of 5 per cent, on private trade from India, granted by 9 and 10 W. III. ch. 44, repealed, and the Company's charge of 2 per cent. for expences discontinued, and 3 per cent. substituted for both.			99
20. This repeal is not to extend to China goods, nor to affect engagements made, or to be made, betwixt the Company and the captains or commanders of ships, or other servants.			100

	DATES	
	of ACTS.	Sec.
PRIVATE TRADE to and from the EAST INDIES, continued.		
21. Regulations and bye-laws are to be made for the sales of raw silk, sugar, cotton-yarn, cotton-wool, and other wool, skins, dyeing-woods, and drugs, and other articles of raw material, whether imported for the Company, or in private trade.	33 Geo. III.	101
22. After what mode private trade goods shall be secured and sold, or delivered to the owners.	_____	102
23. All private trade goods are to be registered, under pain of forfeiture.	_____	103
24. And to be subject to the same duties of import and export, &c. as if the property of the Company.	_____	104
25. Company are not to be liable for damages or embezzlement of private trade.	_____	105
26. Securities taken for protection of Company's goods, are to extend to private trade goods.	_____	106
<i>Private Trade to China, Korea, and Japan.</i>		
27. If Company shall obtain a cession of territory for trade from the Chinese, British or Irish goods may be sent thither in private trade, on specified conditions.	_____	76
28. Ships licensed for the southern whale fishery may pass into the Pacific Ocean by Cape Horn to the northward of the equator, but limited to 180 degrees west longitude.	_____	77
29. Recital of convention of 1790 with Spain. Conditions prescribed whereon ships may proceed from the north-west coast of America and islands to the coasts of Japan, Korea, and Canton.	_____	78
30. The authority of the Company's servants to visit such ships, is not to exceed that which they may lawfully exercise over the Company's ships.	_____	79
31. The disposal of goods carried in South Sea ships contrary to the regulations to be established by this act, shall be deemed a misdemeanor.	_____	80
PRIVATE TRADE from Ireland. See Ireland.		
PROFIT and LOSS upon the COMPANY'S TRADE and REVENUES.		
Accounts thereof, and of the Company's debts, and of unsold goods in warehouse, directed to be laid before the treasury half-yearly.	13 Geo. III. 63 19 Geo. III. 61 20 Geo. III. 56	15 3 3
	21 Geo. III. 65	13 14
The several deficiencies in the profits of trade and revenues, to pay a dividend of 8 l. per cent. on the Company's stock, as appeared by the above accounts of profit and loss, are stated in	22 Geo. III. 51 23 Geo. III. 76	1 3 1 1
For further particulars, see title <i>Relief, and Appropriation of Profits of Trade.</i>	83	1
PROHIBITED INDIA GOODS.		
Wrought silks, Bengal stuffs, mixed with silk or herba, of the manufacture of the East Indies, China, or Persia, and calicoes printed, stained, or dyed there, are prohibited to be worn in England, Wales, and Berwick upon Tweed. To pay, on importation, a duty only of half the old subsidy.	11, 12 W. III.	1 10
These goods to be brought into the port of London only, to be there secured in warehouses till exported, for which bonds are to be given, and if found elsewhere, forfeited, and are, in that case, to be sold publicly for exportation.	5 Geo. III. 35	2 3 3
If place of manufacture disputed, the proof to lie on the owner.		4
Warehouse-keepers to keep entries of all receipts and deliveries of prohibited East India goods; to be laid before Parliament every session, and for any misconduct they are punishable by fine, and are incapacitated.	11, 12 W. III. 10 15, 16 G. III. 31	6 11
Owners may fix a lock on warehouse, and may visit their goods, and, on giving security to return them, may take them out to refresh, calender, or repair.	11, 12 W. III. 10 15, 16 G. III. 31	10 9
The bonds for exportation, not prosecuted to judgment in a limited time, declared void; and officer incurs a penalty for detaining them.	8 Ann. 13	24 25

PROHIBITED INDIA GOODS, continued.

	DATES of ACTS	Chap.	Sect.
The Company, by licence from the treasury, may import from any parts in Europe the above sorts of prohibited goods for the African trade, on the same conditions, and observing the same rules, as if imported from Asia.	5 Geo. III.	30	1
A subsidy of poundage of 5 l. per cent. laid on the above goods upon exportation.		35	2
The condition of the bond for exportation, to be for the landing the goods in Africa, or British plantations in America, and for producing a certificate thereof in 18 months from the collector. The African export bond to be retained till proof of landing, and sale of the goods in Africa, which is to be made within 18 months, or, in default, the bond to be sued.			3
On re-exporting (except to Africa or America) white calicoes or muslins, not having been printed, painted, stained, or dyed in Great Britain, 2 per cent. of the duties paid on the importation, besides the half subsidy, is to be retained.			7
The Africa export oath amended, <i>that the goods shall be landed in Africa only.</i>			8
The prohibitions against the importation of wrought silks, and velvets, under these acts, not to extend to silks and velvets, made in, and imported from the East Indies.	6 Geo. III.	28	13
The importation of thrown silk, except of the produce of Italy, Sicily, or Naples, was prohibited by 2 W. & M. sess. 1. cap. 9. 5 W. & M. cap. 3. 7 Ann. stat. 1. cap. 27 and 28. 1 & 3 Ann. cap. 13. and 30 Geo. 2. cap. 17. The importation of thrown silk of the produce of Turkey, Persia, East India, or China, further prohibited by	17 Geo. III.	35	1
India goods brought in private trade, are to be subject to prohibitory laws, as if the property of the Company.			
PROMOTIONS in the CIVIL LINE of the SERVICE in INDIA.	19 Geo. III.	9	2
All vacancies under the rank of members of council, are to be supplied from amongst the servants in the presidency where the vacancies happen. Three years service is to be a qualification for places of 500 l. per annum; six years of 1,500 l.; nine years, 3,000 l.; and 12 years or upwards, 4,000 l. or more.			86
Directors are not to send out more servants than sufficient to supply vacancies.	33 Geo. III.	52	57
Writers and cadets, their ages not to be less than 14. or more than 22, except in particular cases with respect to cadets.			58
Absentees may lose their rank.			59
PROVINCIAL COURTS and COUNCILS.			60
To keep a register of native stewards and agents, and of natives engaged in copartnerships with British subjects, and of deaths of all such, and transmit duplicates to Calcutta.			70
Appeals from provincial courts to be made to, and determined by, the Governor-general and council as a court of record.	21 Geo. III.	70	13
[N. B. <i>Their court is styled the Sudder Dewannee Adaulut.</i>]			21
Governor-general and council to frame regulations for the provincial courts and councils, which, if not disallowed or amended by the King within two years, shall be in force: but to be attended with no new expence to suitors.			23
Provincial magistrates, British and native, declared not amenable to the supreme court in actions of wrong, for their judgments or decrees.			24
If prosecuted for any corrupt act, by information, notice is to be previously given, expressing the cause of complaint, and the party is not to be attached till in contempt.			25
PROVISIONS to be EXPORTED. See Corn.			26
QUIETUS.			
A mutual one, as between the publick and the Company on account of King's troops. &c. to December 1792.	33 Geo. III.	52	127

	DATES of ACTS.		Cha.	Sect.
RAJAHS, ZEMINDARS, POLYGARS, TALOOKDARS, and NATIVE LANDHOLDERS.				
Their grievances to be inquired into, and redressed.	24 G. III. Sess. 2.	25		39
RANK in INDIA. See <i>Promotions</i> .				
RATES of FREIGHT on PRIVATE TRADE. See <i>Freight</i> .				
RAW SILK.				
RAW MATERIALS. } See <i>Private Trade</i> , 21.				
RECOGNIZANCES.				
To be entered into by delinquents, and their sureties, for appearance, and abiding judgements on informations, and to be binding upon present and future property of the principals.				{ 64 76
To be given for prosecuting writs of certiorari in India.	33 Geo. III.	52		154
RECORDS of the Company.				
To be evidence in courts of law, saving just exceptions.	24 G. III. Sess. 2.	25		80
May be inspected by India board and its officers, and to be transmitted or extracted for their use.	33 Geo. III.	52		10
REDEMPTION of the DEBT of the PUBLICK, due to the EAST INDIA COMPANY.				
On three ygars notice, after September 29, 1711, Parliament may redeem the annuity of 160,000 l. on repayment of the 2,000,000 l. borrowed.	9, 10 W. III.	44		79
On three years notice, after March 25, 1726, Parliament may redeem.	6 Ann.	17		9
On three years notice, after March 25, 1733, Parliament may redeem.	10 Ann.	28		1
On three years notice, after Lady-day 1736, Parliament may redeem the reduced annuity of 128,000 l. on payment of 3,200,000 l. borrowed, or by installments of 500,000 l. each, on one year's notice.	3 Geo. II.	14		{ 5 6
On one year's notice, after Lady-day 1745, Parliament may redeem the said annuity, and additional annuity of 30,000 l. on repayment of the three loans, amounting to 4,200,000 l. And their exclusive trade to determine on three years notice after Lady-day 1780.	17 Geo. II.	17		{ 9 10 13
The interest on the three loans was reduced to 3l. per cent. making an annuity of 126,000 l. per ann. which might be redeemed, on the like notice, after December 25, 1755.	23 Geo. II.	22		14
The publick may redeem, on three years notice, after March 1, 1791, and repayment of 4,200,000 l.	21 Geo. III.	65		{ 5 7
The like power of redemption is reserved to the Company, by the act for selling the undisposed part of their annuity due from the publick, as is reserved to the publick.	26 Geo. III.	62		1
But repealed by	33 Geo. III.	47		1
	3 Geo. II.	14		13
The notice for redemption is to be made by the Speaker of the House of Commons, by order of the House.	17 Geo. II.	17		15
	23 Geo. II.	22		14
	21 Geo. III.	65		7
The like for discontinuing the exclusive trade.	33 Geo. III.	25		75
	10 Ann.	28		1
The Company is to continue a body politick, and may trade with a joint stock, after the exclusive trade shall be discontinued.	17 Geo. II.	17		{ 12 15
	21 Geo. III.	65		6
	33 Geo. III.	52		74
If they retain any part of their annuity till that event, it shall be redeemed by the publick at par.		47		7
REGISTERAR and REGISTER.				
All private trade goods are to be registered before shipped.				52 103
A registrar, and other officers, may be appointed by the new judicature.	24 G. III. Sess. 2.	25		73
	26 Geo. III.	57		14

REGISTRAR and REGISTER, *continued.*

	DATES of ACTS.		Chit.	Ses.
A register of natives in India, amenable to supreme court of judicature, is instituted by	21	Geo. III.	70	{ 11 to 20
Regulations for Fort William, and subordinate factories, to be registered in the supreme court.	13	Geo. III.	63	36
REGULATIONS. See <i>By-laws, Provincial Courts, Supreme Court of Judicature.</i>				
RELIEF GRANTED to the COMPANY, by Acts of Parliament.				
A loan of 1,400,000 l. by exchequer bills, with special clauses for appropriation.	13	Geo. III.	64	{ 1 to 14
The repayment of the said loan is recited in	20	Geo. III.	56	1
The publick agree to accept 400,000 l. by four equal installments of 100,000 l. each, in full of all claims on the Company to March 1, 1781.	21	Geo. III.	65	1
A dividend permitted to be made, though profits deficient for answering it, by 22,023 l. Parliament agree to postpone payment of the last installment of 100,000 l. and also of 396,466 l. 2s. 6d. due for customs.	22	Geo. III.	51	{ 1 3
A further dividend to be made, though deficiency of profits increased to 42,105 l. The above debts, and further debt of 230,000 l. more for customs, postponed to October 1, 1783.	23	Geo. III.	36	1
The Company's bond debt of 1,500,000 l. may be increased to 2,000,000 l.				2
A further dividend to be made, though deficiency of profits increased to 255,813 l. Debt for customs increased to 644,743 l. 17s. 2d. which, with said installments of 100,000 l. are further postponed till 40 days after next meeting of Parliament; and the publick agree to lend the Company 300,000 l. at 4 l. 15 s. per cent.			83	{ 1 2
The payment of the above debts further postponed to May, 1784.	24	G. III. Sess. 1.	3	1
A further dividend to be made, though profits deficient 141,941 l. Bond debt increased to 2,000,000 l. The last loan and installment still due. Bills drawn on the Company for 1,690,000 l. besides China bills, and 300,000 l. due on accepted bills. The debt due for customs increased to 923,519 l. 5s. All the debts are postponed to January 1786, and the directors are empowered to accept bills drawn.	24	G. III. Sess. 2.	34	{ 1 2 3
Company enabled to sell annuity of 36,226 l. 16 s. and to raise money by increasing their capital stock to 4,000,000 l. by subscriptions.	25	Geo. III.	62	{ 1 2
May add 1,200,000 l. to their bond debt.	28	Geo. III.	29	1
May add a further million to their capital stock.	29	Geo. III.	65	—
Their annuity to be ingrafted upon bank reduced annuities, and their power to mortgage or sell is continued.	33	Geo. III.	47	4
Their share thereof shall be redeemed at par, if retained till determination of exclusive trade.				7
May add a further million to their capital, making in all six millions, which is to carry a dividend of 10 per cent. besides a dividend of half per cent. from the separate fund.			{ 47 52	{ 8 107 124

	DATES of ACTS.	Cha.	Secs.
RESIGNATIONS. By Governor-general, Governors or Counsellors, to be in writing, or may be by their departure from the presidency.	33 Geo. III.	52	37
RESPONDENTIA. See <i>Affurance.</i>			
REVENUE. See <i>Appropriations and Territorial Possessions.</i>			
REVENUE OFFICERS. See <i>Collectors, and Officers and Servants.</i>			
RICE. See <i>Salt.</i>			
RIGHTS and CLAIMS of the PUBLIC and the COMPANY to the TERRITORIAL REVENUES of INDIA. Not to be affected by this Act at the termination of the further term granted in the exclusive trade.	_____		123
RULES and REGULATIONS. See <i>Bye Laws.</i>			
SAIL CLOTH. Exempt from duty, when brought from India in use.	19 Geo. II.	27	4
SAINT HELENA. See <i>Articles of War.</i>			
SALARIES. Granted to Governor-general and council of Bengal, and judges of the supreme court; viz. Governor-general 25,000 l. per annum; the other members of council 10,000 l. each; chief justice 8,000 l.; and the puisne judges 6,000 l. each.	13 Geo. III.	63	21
No salary to be paid to persons appointed eventual successors, until they shall have actually succeeded to vacancies.	21 Geo. III.	65	36
None to be paid to native officers, till they are registered.	33 Geo. III.	52	27
Directors to make all practicable retrenchments in their civil and military establishments.	21 Geo. III.	70	37
Amount of salary, in the civil line, restricted according to seniority of service.	24 G. III. } Sess. 2. }	25	15
After what mode salaries may be increased, or remuneration given for services abroad.	33 Geo. III.	52	40
Servants quitting, and not returning to their stations, their salaries to cease from the time of their so quitting.	_____		56
No new ones at home to be granted, or old ones increased beyond 200 l. a year, except by consent of the India Board.	_____		57
SALES of the COMPANY'S GOODS. The Company's goods, and all other East India goods, to be sold openly and publicly by inch of candle.	9, 10 W. III.	44	18
Importers of wrought silks, bengals, stuffs, painted calicoes, and mullins, to give security for exposing same to sale by auction, or inch of candle, in London, within 12 months after importation.	11, 12 W. III.	3	2
Which time was enlarged to three years after importation, by Commissioners of excise may cause their officers to attend, and report on oath the Company's sales of tea; and special provisions are made for adjusting disputes amongst the bidders.	7 G. I. St. 1.	21	10
Six days notice to be given in the London Gazette of sales of teas imported, by licence, from Europe.	18 Geo. II.	26	11
Regulations are to be made for the sale of certain articles of raw material, brought in private trade from India.	_____		1
SALT, BEETLE-NUT, TOBACCO, and RICE. The Company's servants prohibited from being concerned in the inland trade of these articles, under severe penalties, except on account of the Company, or by their permission. See further under title <i>Trade Illicit.</i>	33 Geo. III.	52	12
SALTPETRE. Five hundred tons, if demanded, to be delivered by the Company into the King's stores, annually, at 45 l. per ton, in time of peace, and 53 l. in war. Allowance for refraction, fixed at 15 lb. per cwt.	1 Ann. St. 1.	12	101
SARK. See <i>Ireland, Jersey, &c.</i>			113
SCOTLAND. See <i>Exchequer Court, and Officers.</i>			115

SEAMEN and MARINERS.

	DATES of ACTS.	Chap.	Secs.
Defending ships from pirates or enemies, to be rewarded.	22,23 Car. II.	11	{ 16 11
	11,12 W. III.	17	12
	8 Geo. I.	24	5
	22,23 Car. II.	11	12
	1 Ann. St. 2.	9	{ 4 5 3 6
Masters or mariners casting away, burning, or destroying any ship, to suffer death.	4 Geo. I.	12	3
	11 Geo. I.	29	6
Making any holes in a ship in distress, or stealing pump, &c. to suffer death.	12 Ann. St. 2.	18	5
Such as desert their ship forfeit their wages.	11,12 W. III.	7	17
Masters refusing to bring home such of their mariners as they take out, or forcing them on shore, and wilfully leaving them behind, to suffer three months imprisonment.	—	—	18
Masters, seamen, or mariners, transporting warlike stores, without licence, are declared guilty of a misdemeanor.	10 Geo. III.	47	2
Ship owners not to be answerable for embezzlements of masters and mariners, done without their privity, beyond the value of the ship and freight.	7 Geo. II.	15	1
Where several freighters are sufferers, and the ship and freightage insufficient to compensate their losses, they are to bear the loss in rateable proportions; and any of the parties may sue in equity for a discovery and decree, on making an affidavit that there is no collusion between the plaintiff and the defendants.	—	—	{ 2 3
			4
The act not to affect the remedy of any party against the master and mariners.	—	—	4
The above provisions, for indemnifying ship owners beyond ship and freight, are extended to losses of goods by embezzlement in general, or by robbery, or fire; and in the case of embezzlement, or robbery, of gold, silver, or jewels, the ship owner, or master, shall not be liable, unless their value were inserted in the bill of lading, or particulars declared, in writing, to the master or ship owner.	26 Geo. III.	86	{ The Act.
			96
Free mariners may be appointed to act as agents for private traders.	33 Geo. III.	52	96
See further, <i>Duties in General, Navigation, Piracies, Traders illicit.</i>	—	—	—
SECRET COMMITTEE of DIRECTORS.			
To be appointed by the court of directors. The number not to exceed three, who are to transmit the India board's secret dispatches to India, respecting war, peace, or negotiations.	24 G. III. } Sess. 2. }	25	{ 15 16
			32
Subordinate presidencies may act under secret dispatches, without the orders of the supreme council.	—	—	32
Members of the secret committee to take an oath here prescribed, and to administer an oath of secrecy to the persons employed in transcribing secret dispatches.	26 Geo. III.	16	{ 16 to 18
			19
			21
Similar provisions substituted by	33 Geo. III.	52	21
Governments abroad may communicate intelligence concerning war or peace, or of negotiations or treaties, &c. through the secret committee.	—	—	{ 22
			—
SECRETARY OF STATE. See <i>Affairs Civil and Military, and of Revenue, Board of Commissioners, and By-laws.</i>	—	—	—
SECRETARY at WAR. See <i>King's Forces.</i>	—	—	—
SENTENCES. See <i>Judgements, and Offences.</i>	—	—	—
SEIZURES.	—	—	—
May be determined in any of the courts in India.	—	—	140
May be made, by persons deputed by the Company, of ships and effects of illicit traders.	—	—	{ 132 133
			—
See further, <i>Traders illicit, Mayor's Courts, Supreme Court.</i>	—	—	—

SENTENCES. See *Judgments, and Offences.*
SEPARATE FUND of the COMPANY.

May be applied in increasing the dividends on the capital stock to a limited extent.

SHIPS. See *Duties, Navigation, Seamen and Mariners.*
SILKS. See *Prohibited Goods, and Private Trade, 21.*
SOUTHERN WHALE FISHERY.

In the act for granting premiums and bounties to the owners of 20 ships to be employed in this fishery, are contained the following provisions.

Ten of the ships to have liberty of passing eastward of the Cape of Good Hope, and westward of Cape Horn, or through the straits of Magellan, but limited to 30 degrees of south latitude, and 15 degrees east longitude, from the Cape of Good Hope; and if passing westward of Cape Horn, or through the Straights, they are not to cross the line, nor make beyond 50 degrees west longitude from Cape Horn.

Ships intended for the above limits, to be licensed by the court of directors, on certain conditions expressed in the act.

Ships passing into the Company's limits, otherwise than as authorized, to be deemed illicit traders.

No ships returning from the said limits to be intitled to premium, till certificate, on oath, delivered at India House, of her having imported no East India goods.

Officer granting, and person using a false certificate, to forfeit 500 l. each. These penalties to go to the King, and informing officer, in moieties, recoverable by action at law.

Ships licensed as above may pass into the Pacific Ocean by Cape Horn to the northward of the equator; limited to 180 degrees west longitude from London.

May sail and dispose of their cargoes at Japan, Korea, and Canton, under the restrictions here specified.

SOUTH-SEA COMPANY.

Their trade not to be prejudiced by the acts of

Nine millions, part of the capital stock of the South-Sea Company, may be engrafted into the stock of the East India Company. (*Act expired*).

South-Sea Company, by consent of India Company, may send four ships, yearly, to transport slaves from Madagascar to Buenos Ayres, on giving security not to trade for other merchandize.

SPANISH CONVENTION.

That of 1790, recited, and provision respecting it.

SPARRS. See *Military Stores.*

SPEAKER of the HOUSE OF COMMONS.

The notice for discontinuing the exclusive trade to be given by him to the Company.

For other matters, see *Evidence.*

SPIRITS, how to be retailed.

None to be vended at Calcutta, Madras, or Bombay, but by licence.

STEWARDS. See *Agents.*

STORES to be EXPORTED: See *Duties, King's Ships, Military Stores.*

SUGAR. See *Private Trade, 21.*

SUITS, ACTIONS, and PROSECUTIONS.

May be compounded or stayed before judgment, with the consent of India board, but not after judgment.

Suits, &c. upon pre-existing contracts, shall not be barred by defendants pleading any of the repealed acts.

DATES of ACTS.	Chap.	Sec.
33 Geo. III.	52	19
		20
		21
26 Geo. III.	50	14
		15
		16
		17
		18
		29
		30
33 Geo. III.	52	77
		78
		79
		80
5 Geo. I.	21	5
3 Geo. II.	14	15
7 Geo. I.	5	1
13 Geo. I.	8	1
		7
3 Geo. II.	14	15
33 Geo. III.	52	78
		74
		159
		68
		69
		150

UPERCARGOES, COUNCIL of. See *Canton.*
UPREME COURT of JUDICATURE in BENGAL.

The court to be established by the King's charter, and to consist of a chief justice, and three judges, who may exercise civil, criminal, admiralty, and ecclesiastical jurisdiction; to form rules of practice, and to appoint officers, and fix their salaries; and to be a court of record, andoyer and terminer, and gaol delivery, for Calcutta, and Fort William, and its subordinate factories.

Its jurisdiction to extend to all British subjects in Bengal, Bahar, and Orissa, under the Company's protection, in all cases civil, criminal, and ecclesiastical.—To hear complaints against British subjects, for crimes, misdemeanors, and oppressions. To exercise all civil, criminal, admiralty, and ecclesiastical jurisdiction.—To entertain personal suits against British subjects, or others, either in the Company's service, or in the employment of their servants, at the time the action commenced, with a saving in respect to offences charged against the Governor-general and council, not being treason or felony. The court may also entertain suits against any inhabitants of India, upon contracts made with British subjects, where cause of action shall exceed 500 rupees, provided the inhabitant shall have agreed by such contract, that in case of dispute the matter shall be determined in that court. Such suits may originate in the supreme court, or be brought thither by appeal from the provincial courts.

Governor-general, or council, not subject to prosecution by indictment or information, unless for treason or felony.

Governor-general, council, or judges, not subject to arrest.

The mayor's court at Calcutta suppressed, and the records to be delivered over to supreme court.

The judges salaries, viz. chief justice 8,000 l. the others 6,000 l. each.

Offences and misdemeanors are to be tried by a jury of British subjects residing in Calcutta.

But sentences and judgments for extortion and misdemeanors, cannot be compounded nor discharged by the Company.

The judges to act as justices of the peace in all the settlements.

Offences charged against judges of the supreme court, and certain other persons, may be heard in the King's Bench, and the court may (besides fine and corporal punishment) incapacitate offenders from acting in the Company's service. Venue may be laid in Middlesex. Governor-general and council may take and transmit home depositions of witnesses as evidence in prosecutions against the judges.

Governor-general and council not amenable to supreme court for acts done in their publick capacity, and persons prosecuted for acting under their order, may plead the general issue; court's competency in respect to orders extending to British subjects not affected.

On bond given to prosecute Governor-general, or council, in England, the supreme court is to take and transmit home examinations of witnesses, and to authenticate orders complained of, which are to be admitted in evidence.

Supreme court to have no jurisdiction in matters of revenue.

Native land owners, or farmers, as such, are not amenable to their jurisdiction.

Natives, though employed by the Company, or by any British subjects, are not amenable in matters of inheritance, or succession, or in dealings or contracts with other natives, except by reference to the court's judgment expressed in such contract.

DATES of ACTS.	Char.	Sect.
13 Geo. III.	63	13
		13 to 16
		15
		17
		20
		21
		22
		24
		32
33 Geo. III.	52	69
13 Geo. III.	63	38
		39 to 41
21 Geo. III.	70	1
		2
		3
		5
		6
		8
		9
		10

SUPREME COURT of JUDICATURE, *continued.*

	DATES of ACTS.	Chap.	Secl.
A register to be kept of all natives amenable to the court.	21 Geo. III.	70	{ 11 to 16
The court, in suits between natives, to determine according to their own laws and usages.			17
The court to frame rules, for His Majesty's approbation, for the execution of process, amongst natives, accommodated to their religion and manners.			{ 19 20
Judicial officers of provincial courts not amenable in actions for wrongs.			24
On informations, they are to have previous notice, with cause of complaint explicitly expressed, and not to be compelled to put in bail till in contempt.			{ 25 26
All British subjects resident in India are made amenable to the courts in India for all crimes and offences.	24 G. III. Sess. 2.	25	44
Supreme court may give judgment, and award execution against illicit traders, and determine causes of seizure of their ships and goods.	26 Geo. III.	57	{ 29 32 33
May award process for levying fines set by new judicature upon delinquent property in India.	33 Geo. III.	52	140
	26 Geo. III.	57	27
And hold a court for examining witnesses on writs of mandamus from King's Bench, or warrants from the Speaker of either house of Parliament.	13 Geo. III.	63	{ 40 to 44
	24 G. III. Sess. 2.	25	{ 78 79
	26 Geo. III.	57	28
<i>Commissioners of the Peace for India.</i> Are to pass under the seal of the supreme court, and to be tested by the chief justice.	33 Geo. III.	52	151
The admiralty jurisdiction of the supreme court is extended to the high seas.			156
SURGEONS. See <i>Privileges.</i>			
TALOOKDARS. See <i>Rajahs.</i>			
TANJOUR RAJAH. See <i>Arcot.</i>			
TAR. See <i>Private Trade</i> , 1, 2, 3.			
TEA. See <i>Addenda</i> to this Index under this head.			
TERRITORIAL POSSESSIONS and REVENUES.			
On the Company's proposal, the publick accept 400,000 l. per annum, for two years, to be paid into the exchequer, subject to the disposition of Parliament, and the Company to retain possession of the territories for that term. If they shall be dispossessed by foreign power, they are to have a rateable abatement, or refund.	7 Geo. III.	57	{ 1 to 4
The agreement continued for five years. Company to pay 15 per cent. per annum damages, with costs, for default of payment of the annuity. If unable to divide 6 l. per cent. a rateable abatement to be made out of the annuity. But if the dividend should be increased afterwards, the annuity to be increased to the amount of the whole dividend.	9 Geo. III.	24	{ 1 to 5
The publick to forego any participation of the land revenue of India till Company's debts reduced.	13 Geo. III.	64	{ 1 to 14
Annual accounts of land revenue, and of all civil and military expences, and of debts at each settlement, and net proceeds, to be laid before the treasury and general courts of proprietors.	13 Geo. III.	64	15
	21 Geo. III.	65	{ 30 31
The Company to retain possession of the territories for one year, viz. to 5th April, 1780, with a saving of rights.	19 Geo. III.	61	{ 1 to 3
The like to 5th April, 1781, with a like saving.	20 Geo. III.	56	{ 1 to 3

TERRITORIAL POSSESSIONS, &c. *continued.*

	DATES of A.C.T.S.	Cha.	Secl.
The Company to pay 400,000l. in full for all claims of the publick to 1st March, 1781, by instalments of 100,000l. each. The Company to retain possession during their exclusive trade, and after payment of a dividend of 8l. per cent. on their capital stock, three fourths of the remainder of their profits of trade, and landed revenues, is to be paid at the exchequer, for the use of the publick, and the remaining fourth is to be retained by the Company. Accounts are to be annually delivered at the treasury.	21 Geo. III.	65	1
			8
			9
			10
			11
A clause for saving the rights of the publick and of the Company. The publick again forego any participation in the revenues till certain debts discharged.	23 Geo. III.	83	&
			15
Superintendency of territorial possessions vested in the India board, and the board is to be furnished with papers and proceedings relating thereto.	24 G. III. Sess. 2.	25	39
			6
The rights of the publick and of the Company reserved. After payment out of the Company's profits of trade, and territorial revenues, a dividend of 8l. per cent. and providing for payment of certain debts and bills of exchange, and after reducing the bond debt to 1,500,000l. the participation established by 21 Geo. 3. cap. 65. is to be resumed.			11
			14
By the new arrangement of 1793, the territorial revenues are to remain with the Company for the further term of 20 years granted them in the exclusive trade.			83
			4
The expences of the British troops employed in India, or in recruiting for that service, are to be charged thereon.	33 Geo. III.	52	1
			28 Geo. III.
The revenues and profits of trade are further appropriated between the publick and the Company.	31 Geo. III.	10	8
			1 & 2
			1
			149
			107
An account thereof is to be laid before Parliament in every session. See further under <i>Appropriations</i> , &c.	33 Geo. III.	52	111
			119
			126
TOBACCO. See <i>Salt</i> .			
TONNAGE for PRIVATE TRADE.			
A limited tonnage shall be provided by the Company, which may be enlarged by orders of the India board, with other provisions relative thereto.			87
			88
			94
			95
TRADE. The COMPANY'S EXCLUSIVE TRADE to the EAST INDIES.			
Its limits defined as follows.—“In, to, and from the East Indies, “in the countries and parts of Asia, Africa, and America, or “any of them, beyond the Cape of Good Hope, to the Streights “of Magellan.”	9, 10 W. III.	44	61
The sole trade granted to the old Company, and to the members of the general society, and to the intended new Company of merchants of England trading to the East Indies.			81
The United Company to have the sole trade, for the time limited by their charter. But to cease on repayment of the debt due from Government to the Company.	3 Geo. II.	14	9
			11
The exclusive trade continued to the Company, with all their rights and privileges granted by statutes and charters, until three years notice by Parliament after 25th March, 1791, and repayment of the debt of 4,200,000l. due to them from the publick.	17 Geo. II.	17	10
			13
Further continued (subject to the limitations expressed under the article Private Trade, in this index) until three years notice by Parliament, after the 1st March, 1811, (viz.) for 20 years from 1st March, 1794.	21 Geo. III.	65	1
			4
To continue a corporation, with privilege of trading with a joint stock, though the exclusive trade should be then determined.	33 Geo. III.	52	71
			72
			73
			74

TRADE, &c. continued.

The notice to be given by the Speaker of the House of Commons, by the order of that house.

See further under title *Redemption*.

TRADE, PRIVATE. See *Private Trade*.

TRADERS, ILLICIT, within the COMPANY'S EXCLUSIVE LIMITS.

The provisions made by sundry former acts on this subject are repealed, and new ones substituted as follows.

To fail, to visit, haunt, frequent, trade, traffick, or adventure to, in, or from the Company's limits unlawfully, is a forfeiture of ship and lading, and double value; 1-4th to the informer, and 3-4ths to the Company.

Also declared to be, and punishable as a high crime and misdemeanor by fine and imprisonment; and offenders may be seized, sent home, and committed for trial.

Servants dismissed or resigning, and free merchants and free mariners, after expiration of their licences, being found abroad after the time allowed them by the governments there, shall be deemed illicit traders.

Goods unlawfully shipped for the East Indies, or other limits, or taken out of any homeward bound ship on her passage, or before her arrival in England, shall be seized and forfeited, with double the value, and the officers on board are also to forfeit 1,000 l. and all wages.

To trade thither under a foreign commission, incurs a forfeiture of 500 l. to the Company and the informer, in moieties.

All governors, judges, and collectors of revenue, and their agents and servants, are prohibited from traffick in general; and all British subjects from the inland trade, in salt, beetle nut, tobacco, and rice, except on the account, or by permission of the Company, on pain of forfeiture of goods traded in, and double value, in moieties to informer and the Company.

Persons sending goods to Europe otherwise than as allowed by the act, forfeit double the value to the Company.

A mode is prescribed for suits and prosecutions, and determining of seizures under this act, and a time limited for the same.

Attorney general, ex officio, or by relation of Company on a waiver of penalties, may compel a discovery by offenders, who, on payment of the customs and duties to the Crown, and 30 per cent. ad valorem for the goods, shall have a quietus. If Company's bill by relation be dismissed, they shall pay costs to defendant. But on decrees against offenders, they shall pay costs to the King, and also to the Company.

On what occasions and conditions the Company shall have an election of suit against illicit traders before the common informer.

When the Company prosecute they shall have the whole forfeiture, though suit be not commenced within the time limited for a common informer.

Defendants may plead the general issue; what proofs shall lie on the plaintiff. On nonsuit, or judgment, or verdict for defendant, he shall have treble costs.

TRANSFERS of STOCK.

By 10 Ann. cap. 19. sect. 10p. every transfer of stock is to be on a stamp of 2s. 3d. And by 12 Ann. stat. 2. cap. 9. sect. 21. an additional stamp is imposed of 4s. 6d.

To be made six months, to invite the owner to vote in general-court, except in particular cases specified.

Made collusively, to qualify voters at elections, the stock shall become the property of the persons to whom the transfers are so made, and all contracts in respect thereto are declared void. Party having voted, and retransferring the stock, forfeits 1,000 l. Transfers to give no right of voting in general-court, unless made 12 months.

DATES of ACTS.	Chap.	§s.
33 Geo. III.	52	75
		146
		129
		130
		131
		132
		133
		134
		135
		136
		137
		138
		139
		141
		142
		143
		144
		145
10 Ann.	19	100
12 Ann. St. 2.	9	21
7 Geo. III.	48	1
13 Geo. III.	63	3

TREASURY, COMMISSIONERS of.

Their assent necessary to the purposes following.

	DATES of ACTS.	Chap.	Secs.
Acceptance of bills of exchange beyond 300,000 l. a year, except bills for transferring the India debt to England. _____	13 Geo. III.	64	16 108
	33 Geo. III.	52	109 110
Rates of subscribing to the additions made to the capital stock of the Company. _____	26 Geo. III.	62	2
	29 Geo. III.	65	1
	33 Geo. III.	47	7
	26 Geo. III.	62	1
Sale of the remaining part of their annuity. _____	31 Geo. III.	11	1
	33 Geo. III.	47	4
	33 Geo. III.	52	121
Postponement of payments into the Exchequer and Bank.			
Allowance to the Bank for management of the late East India annuity, by this act ingrafted upon Bank reduced annuities.	_____	47	6
The like for that of the guarantee fund. _____	_____	52	118
TREATIES and NEGOCIATIONS.			
Not to be made by the governments abroad, without orders from home, except in cases of necessity, or imminent danger. _____	_____		42 43
When the India Board deem dispatches, respecting treaties, necessary to be kept secret, the secret committee of directors are to send the same to India undisclosed. _____	_____		19 20
Governments abroad may send advices by the same channel. _____	_____		22
UNION of the TWO COMPANIES.			
The union to be settled by the award of the Lord Treasurer General. _____	6 Ann.	17	12
The award and union stated in _____	3 Geo. II.	14	1
VICTUALLING SHIPS. See <i>King's Ships.</i>			
VOTERS, and QUALIFICATIONS. See <i>Annuities, Directors, Dividends, General Courts, Transfers.</i>			
WAR. See <i>Treaties, Governor General, &c.</i>			
WAREHOUSES.			
Those of the Company are exempted from the laws and regulations respecting party walls, &c. _____	27 Geo. III.	48	1 2
WARLIKE STORES.			
Captains of ships, and others, prohibited from transporting any warlike stores or ammunition, or assenting therein, without the Company's licence, the offence declared to be a high crime and misdemeanor. _____	10 Geo. III.	47	2
For other matters, see <i>Duties, King's Ships, Military Stores.</i>			
WITNESSES. See <i>Evidence.</i>			
WOOL and COTTON. See <i>Private Trade, &c.</i>			
WRITS of MANDAMUS. See <i>Supreme Court, and Evidence.</i>			
WRITERS. See <i>Cadets.</i>			
WROUGHT SILKS. See <i>Prohibited Goods.</i>			
ZEMINDARS. See <i>Rajabs.</i>			

A D D E N D A

TO THE FOREGOING

I N D E X

	DATES of ACTS.	Cla.	Sect.
ANNUITY, called the EAST INDIA ANNUITY.			
The Payment thereof charged upon the consolidated fund.	27 Geo. III.	13	{ 53 54
COFFEE.			
Further time granted for allowing the drawback on coffee imported by the Ship Camden.	29 Geo. III.	60	1
DUTIES CONSOLIDATED.			
The Act for consolidating the same, both custom and excise.	27 Geo. III.	13	15
INSURANCE. See Shipping.			
IRELAND.			
By an act of the Irish Parliament (whereof an extract will be found in this Collection) certain regulations are established in respect of India ships homeward bound, whilst they continue in any of the ports of that kingdom.	25 Geo. III.	34	{ 23 24
MANIFESTS. See Shipping.			
OATHS. See Shipping.			
PRIZE GOODS.			
Regulations made for the sale of such as are of the product of India or China.	33 Geo. III.	34	4
SALTPETRE.			
One general duty of three-pence per hundred weight, substituted in lieu of all former duties, and divers other regulations made in respect to the future importation of saltpetre, and rating the duty.	31 Geo. III.	42	{ 7 to 12
SEAMEN.			
During the war, British ships may be navigated when three-fourths of her crew consist of foreigners, the other fourth being British subjects.	33 Geo. III.	26	—
SHIPPING.			
The new form of the oath required to be taken under the registering acts, for ships employed by the East India Company.	27 Geo. III.	19	5
Provisions concerning the method of authenticating manifests from abroad, of India and China ships.	27 Geo. III.	42	11
A repeal of the act of the 25th Geo. 3. concerning policies for insurance of ships, and new provisions substituted in its place.	28 Geo. III.	56	{ 1 2
SOUTHERN WHALE FISHERY.			
Further provisions made in respect to such ships as shall be employed in the South Seas.	28 Geo. III.	20	—
	33 Geo. III.	58	—
SUGAR.			
A temporary additional duty granted on sugar, and a bounty and drawback on exporting it, when refined.	31 Geo. III.	15	—

I N D E X.

SUGAR, continued.

After what mode sugars and coffee imported, not being of the growth of British plantations, shall be secured for exportation, without payment of duty, and in what case they may be taken from the Warehouses for consumption, on payment of the duty.

Further regulations concerning the drawback and bounty on sugar exported.

TIN UNWROUGHT.

May be exported to places beyond the Cape of Good Hope, free from any duty *on bond* given for landing it there.

TEA.

Further provisions concerning drawbacks on the exportation of tea.

And for altering the times for making deposits for teas, by the buyers thereof.

See further under title *Tea*, in the following Index.

DATES of ACTS.	Cha.	Secl.
32 Geo. III.	43	—
33 Geo. III.	56	—
30 Geo. III.	4	—
29 Geo. III.	59	—
32 Geo. III.	9	—
33 Geo. III.	52	161

A D D E N D A,

BEING

An I N D E X

To the STATUTES relating to TEA,

Under the following Heads; (viz.)

DEALERS IN TEA;
DUTIES ON TEA;
DRAWBACKS ON EXPORT OF TEA;
LICENCES FOR IMPORTING and EXPORTING TEA;
PRIZE TEA;

SALES OF TEA, and OBLIGATIONS ON the COMPANY TO FURNISH the Demand for HOME CONSUMPTION; and SOPHISTICATING and ADULTERATING TEA.

DEALERS in TEA.

Above the quantity of 6 lb. found in the custody of a dealer in spirituous liquors, makes him a dealer in tea, and liable to survey.

No officer of revenue to be a dealer in tea.

Dealers to mark their canisters with the words *Black or Green*, according to the tea contained therein.

Black teas are bohea, congou, fouchong, and pekoe; all others are green.

Increase, without certificate, in dealers stock, forfeited.

Dealers to keep distinct accounts of what they retail.

Every dealer to enter his shop and warehouse.

Dealers, &c. to paint their names in legible characters over doors of shops, &c. on pain of 200 l.; and dealers buying teas of persons not having so done, forfeit 100 l. besides former penalties; and if not a dealer, he shall forfeit 10 l. If the seller shall, in 20 days, and before other information laid, prosecute the buyer, he shall be indemnified.

To paint any name, as above, over a shop, &c. not duly entered, subjects the party to a penalty of 50 l. besides the penalties for unlawfully trading.

Dealers in tea are to take out licences on stamps.

DUTIES ON TEA.

The old subsidy of 5 l. per cent. ad valorem, on unrated imports and exports, granted to Car. 2. and Jac. 2. for their lives, and continued by temporary acts of 2 W. and M. sess. 2. cap. 4. 6 W. and M. cap. 1.—8 and 9 W. 3. cap. 20.—and 1 Ann. stat. 1. cap. 13. till 1710. The export duty was then discontinued. The import duty was continued by 5 Ann. cap. 27; then divided into half subsidies, the first half by 6 Ann. cap. 11. for 96 years, and made perpetual by

DATES of ACTS.	Chap.	Sec.
11 Geo. I.	30	4
12 Geo. I.	28	7
12 Geo. III.	46	1
		2
		3
		4
		6
19 Geo. III.	69	{ 18 to 23
		21
20 Geo. III.	35	{ 13 to 17
1 G. I. St. 2.	12	2

DUTIES on TEA, *continued.*

The other half subsidy granted by 6 Ann. cap. 19, for two years, and made perpetual by

The several moieties of this subsidy to be rated at the reduced value of the tea, after deducting the duties.

For the construction of this act, see the decree in the exchequer, Attorney-general against the East India Company, affirmed by the House of Lords March 19, 1732.

The export duty of 12 Car. 2. was revived by 9 Ann. cap. 6. for 32 years, and made perpetual by 3 Geo. 1. cap. 7. sect. 1. but was repealed, in respect to British manufactures, with some exceptions, by

The *two third subsidy*, granted by 3 and 4 Ann. cap. 5, for four years, continued for three years further by 6 Ann. cap. 22. and made perpetual by

The *one third subsidy*, granted by 4 Ann. cap. 6. for 98 years, and made perpetual by

An impost granted in 1690, of 20l. per cent. ad valorem, on wrought silks, and other manufactures of India and China, first granted by 2 W. and M. sess. 2. cap. 4. for five years, and continued for various terms by 4 and 5 W. 3. cap. 15.—7 and 8 W. 3. cap. 10.—8 and 9 W. 3. cap. 20.—1 Ann. stat. 1. cap. 13.—5 Ann. cap. 27.—6 Ann. cap. 19.—7 Ann. cap. 8.—8 Ann. cap. 13.—and made perpetual by

The impost of 1692, of 5l. per cent. ad valorem, granted by 4 W. and M. cap. 5. for four years, and continued for various terms by 8 and 9 W. 3. cap. 12 and 20.—1 Ann. stat. 1. cap. 13.—5 Ann. cap. 27.—6 Ann. cap. 19.—7 Ann. cap. 7. 8 Ann. cap. 13.—and made perpetual by

But this act excepts goods charged by the impost of 1690.—Query, if tea was not strictly chargeable with that impost, as a manufacture of China.

An inland duty of 8d. per gallon, granted by 12 Car. 2. cap. 23. for the King's life, and a further duty of 8d. per gallon to him, and his successors, in perpetuity, by 12 Car. 2. cap. 24. also 8d. per gallon more by 22 and 23 Car. 2. cap. 5. But by 1 W. and M. sess. 2. cap. 6. the inland, or excise duties on tea, were taken off, and a custom duty of 5s. per lb. substituted; which being found excessive, was reduced to 1s. by

An additional custom of 1s. per lb. on tea imported from China, and 2s. 6d. per lb. from any other place, granted for three years by 6 and 7 W. 3. cap. 7. sect. 2. and continued by 9 and 10 W. 3. cap. 14.—12 and 13 W. 3. cap. 11. sect. 10. The term further continued, and each duty doubled, by 3 and 4 Ann. cap. 4. sect. 1 and 5, and continued by 6 Ann. cap. 22; and made perpetual by 7 Ann. cap. 7. sect. 26. Both duties were again doubled by 10 Ann. cap. 26. sect. 32. for 32 years; and made perpetual by 3 Geo. 1. cap. 7. sect. 1. By 10 Geo. 1. cap. 10. sect. 5. an excise duty of 4s. per lb. was substituted in lieu of these duties, but afterwards changed for a duty of 1s. per lb. and 25l. per cent. ad valorem, on the Company's sales, by

This duty of 1s. was (by way of experiment) taken from black and single teas, for five years, on the Company's indemnity to the publick, against any diminution in the revenue.

The loss sustained, was compensated by the Company to the publick, pursuant to act of

A duty of 3d. per lb. was charged on teas imported into America, by 7 Geo. 3. cap. 46. sect. 1. but repealed by

An additional impost of 5l. per cent. ad valorem, laid upon the gross amount of sales of tea.

Another additional impost of 5l. per cent. by

DATES of ACTS.	Clas.	Sect.
7 Ann.	7	29
10 Geo. I.	10	{ 47 to 59
8 Geo. I.	15	7
7 Ann.	7	22
1 G. I. St. 2.	12	8
9 Ann.	21	1
4 W. & M.	5	13
18 Geo. II.	26	{ 1 2
7 Geo. III.	56	1
12 Geo. III.	7	{ 1 2
18 Geo. III.	12	1
21 Geo. II.	2	{ 1 2
32 Geo. II.	10	1

DUTIES on TEA; continued.

A general impost of 5 l. per cent. on the produce of the customs and excise.

A further general impost of 5 l. per cent. on the produce of the excise only.

A further general impost of 5 l. per cent. on the produce of the customs and excise.

The new, or farther subsidy of 5 l. per cent. ad valorem, on goods imported, granted to King William, Queen Anne, George the first, and George the second, for their respective lives, was made part of the aggregate fund, for the life of His present Majesty.

All duties on tea were commuted by a new impost, or custom of 12½ per cent. on the amount of sales, and an additional tax on windows, by

The said impost on tea was repealed, and an impost, or custom of 5 per cent. and an excise, or inland duty of 7½ per cent. on the amount of sales, substituted in its place, with special clauses of appropriation.

DRAWBACKS of the DUTIES, and other matters concerning the EXPORTATION of TEA.

Foreign goods, exported in 12 months after first importation, to have a drawback of half the old subsidy.

The new duties, granted by these acts, to be drawn back on exportation.

Two thirds of the additional duty on tea were to be repaid, on exportation within 12 months, by 6 and 7 W. 3. cap. 7. sect. 5. But altered, and the duties, beyond the drawbacks allowed by former acts, are to be paid down; and if tea exported, the other duties are discharged.

The time allowed for exportation, to obtain the drawback, enlarged to three years after the first importation.

On exporting teas, all duties are to be drawnback, except half the old subsidy, which is to remain.

But the allowance of drawbacks on teas, having injured the revenue by frauds, all drawbacks were repealed by

A certain quantity of tea may be exported to Isle of Man, by licence from the commissioners of customs, and drawbacks allowed, as if exported to Ireland; and in lieu thereof, special duties are to be paid on the importation of tea in this island.

Tea may be exported to Ireland, or America, without payment of the inland duty, on giving bond to export, and on observance of certain other ceremonies.

The Company to be reimbursed by inhabitants of Boston in America, for tea destroyed there, before their port be again opened.

A drawback of three fifths, on the duties paid on importation, allowed to the Company on teas exported to Ireland and America, within five years, from their own warehouses, according to the regulations prescribed by this act; (viz.) in ships of not less than 80 tons, and in the same entire packages and lots in which sold at the India-House.

DATES of ACTS.	Chap.	Sect.
19 Geo. III.	25	1
21 Geo. III.	17	1
22 Geo. III.	66	1
9, 10 W. III.	23	The whole act.
1 A. Seff. 1.	7	
1 G. I. St. 1.	1	
1 G. II. St. 1.	1	
1 Geo. III.	1	The whole act.
24 G. III. Seff. 2.	38	
25 Geo. III.	74	1 to 6
12 Car. II.	4	Old sect. of rules.
4 W. & M. 9, 10 W. III.	5 23	
10 Ann.	26	34 38
7 G. I. St. 1.	21	10 11
6 Geo. II.	38	1
10 Geo. I.	19	37
18 Geo. II.	26	5
7 Geo. III.	45	1 8
21 Geo. II.	14	1 to 4
7 Geo. III.	56	7
14 Geo. III.	19	10
12 Geo. III.	60	1 to 4

DRAWBACKS, &c. *continued.*

	DATES of ACTS.	Cha.	Sect.
The whole of the duties to be drawback by the Company, on exportation of teas to Ireland, America, or other parts beyond sea, by licence from the treasury, so that ten millions of pounds weight be left, or sectured for stock.	13 Geo. III.	44	{ 2 to 6
	17 Geo. III.	27	{ 1
	24 Geo. III.	38	{ 3 4
All debentures for drawbacks allowed to the Company, are to be received for duties at the customs from the Company, though not for the same sorts of goods for which the debentures are granted.	23 Geo. III.	83	12
LICENCES to IMPORT and EXPORT TEA, and PROHIBITIONS against the IMPORTATIONS of it from EUROPE.			
All persons, by licence from the commissioners of customs, may import tea in English ships, subject to the duties 3 & 4 Anne, cap. 4. sect. 6. The licence must express the quantity and quality of the tea intended to be imported (except by the India Company), and to be brought only in packages described 6 Geo. I. cap. 21. sect. 45, 46. These provisions repealed, on the ground of being productive of frauds, encouraging illegal trade to the East Indies, under foreign commissions, and injurious to the trade and navigation of the kingdom, by	7 G. I. St. I.	21	12
Tea brought from China to the continent by foreigners, being imported here, on a pretence that it had been exported from hence; a prohibition is laid against the importation of tea, other than from the place of its growth.	11 Geo. I.	30	8
Treasury may grant licences to the Company, to import teas from the continent on payment of duties, and if the Company fail to supply the demand for consumption, at reasonable prices, other persons may import by licences from the treasury, under specifick restrictions and regulations.	18 Geo. II.	26	{ 10 11 12
	6 Geo. III.	13	{ 2
	16 Geo. III.	51	{ 2 to 5
The commissioners of customs may grant licences to export certain quantities of tea to the Isle of Man.	7 Geo. III.	45	8
	13 Geo. III.	44	{ 2 to 6
Treasury may grant licences to the Company to export teas, free from all duty, leaving ten millions of pounds weight in hand.	17 Geo. III.	27	{ 1
	24 G. III. Sess. 2.	38	{ 3 4
PRIZE TEA.			
Teas taken from the French and Spaniards, and condemned at an outport, shall, under security by bond, be brought to London; lodged in the King's warehouses, sold publicly by the captors, after notice to the board of customs, and the duties paid, as for teas imported by the Company.	20 Geo. III.	9	4
These provisions extended to prize teas condemned in the port of London, and to prize teas taken from the Dutch.	21 Geo. III.	5	{ 1 to 3
The owners of prize tea unfold to be refunded the duties advanced beyond the new duty.	24 G. III. Sess. 2.	38	9
SALES of TEA, and OBLIGATIONS on the COMPANY to supply the DEMAND for HOME CONSUMPTION at reasonable PRICES.			
Sales to be publick, and by inch of candle.	9, 10 W. III.	44	69
To be sold within twelve months after importation, 11 & 12 W. 3. cap. 3. sect. 2. but enlarged, as to unraised goods, to three years, by	7 G. I. St. I.	21	11

SALES of TEA, &c. *continued.*

	DATES of ACTS.	Cha.	Seç.
Further time granted for sales of tea in hand, under peculiar circumstances, and the Company to be allowed the usual discounts on sales of tea, within five years after importation, as if sold within three years.	14 Geo. III.	34	1
	16 Geo. III.	51	2
Condemned teas to be publickly sold in London, or Edinburgh, under the orders of the commissioners of customs, or of excise; one third of the forfeiture to the officer, and two thirds to be paid into the exchequer; but such as will not sell for five shillings per lb. may be burnt, and officer rewarded.	12 Geo. I.	28	1
	3 Geo. III.	22	6
Tea imported by licence, other than by the Company, to be kept warehoused by order of the commissioners of customs, until publickly sold, and duty paid: Six days notice of sales, to be given in London Gazette.	18 Geo. II.	26	2
Officer of excise to attend the Company's sales of tea, and to report particulars to commissioners, on oath.			12
Confiscated teas were prohibited from being sold for home consumption by 7 Geo. 3. cap. 56. sect. 9. but that prohibition was taken away by	8 Geo. III.	25	6
A deposit of two per cent. by 18 Geo. 2. but 4 l. per tub for bohea teas by 13 Geo. 3. is to be paid in three days, by the best bidders, on forfeiture of six times the deposit. The tea is to be resold, and the defaulter disabled from bidding in future.	18 Geo. II.	26	9
Prize teas from China, and prize goods from the East Indies, to be exposed to publick sale by the captors.	13 Geo. III.	44	7
	22 Geo. III.	21	2
Company to put to sale five millions of pounds weight of tea at one sale; and half that quantity at another sale, before 31 December, 1784; and afterwards to make four sales in a year, at equal distances of time, in sufficient quantities to supply demand; the best bidder to be the purchaser, on advance of 1 d. per pound on the price put up at; the opening prices at first four sales are prescribed; and at subsequent sales, the opening prices are not to exceed prime cost, freightage, insurance, and charges of importation, with interest. The Company to secure sufficient for one year's consumption in stock; and to lay estimates, orders, and prices, before the treasury, when demanded.	21 Geo. III.	5	3
	22 Geo. III.	21	1
Relief granted to the purchasers of tea at the Company's sales remaining in hand, and to the owners of prize teas, in respect to the reduction of the duties.*	24 G. III. Sect. 2.		38
			5
SMUGGLING TEA.			6
Any vessels from foreign parts, not belonging to the Company, or at anchor, or hovering within two leagues of shore, or not proceeding on voyage, except prevented by distress of weather, having 6 lb. of tea on board, forfeits the tea and chests; and if exceeding 100 lb. the master is to forfeit 100 l. and to find sureties for paying it; and if the vessel be commissioned for making reprisals, the vessel also is forfeited. The master, &c. may be detained and committed, as may persons obstructing, or refusing, unless recognizance be entered into with surety for appearance, and answer to the information.	9 Geo. II.	35	22
	28 Geo. II.	21	1
To resist or attempt to prevent an officer from seizing tea, or refusing it after seizure, or destroying the package, the offender forfeits 50 l.	19 Geo. III.	69	7
	22 Geo. III.	49	4
But either of these offences, or the offence of two or more persons passing within five miles of sea coast, or navigable river, with six pounds of tea, without a permit, is made felony.	22 Geo. III.	49	1
	26 Geo. III.	77	9
Persons discovering, to have 50 l. reward.	10 Geo. I.	10	40
	9 Geo. II.	35	13
	19 Geo. II.	34	1
	9 Geo. II.	35	15
			16

SMUGGLING TEA, *continued.*

Smuggled teas, after condemnation, are to be sold publicly at London or Edinburgh; one third of the forfeiture to the officer, on condition of his giving notice to the next excise officer, and the other two thirds to the King, payable at the exchequer. Tea not fetching five shillings per lb. may be burnt, and the officer rewarded.

Tea offered to sale without a permit, may be stopt on suspicion, and the discoverer may prosecute, and shall have one third of the produce of sale. Commissioners may advance to the discoverer one shilling per lb. till sale, on certificate of the commitment of the offender.

Persons passing foreign goods without entry, or assembled for running of goods, or harbouring smugglers, to be transported for seven years, and on their return, within the time, to suffer death.

No tea to be removed at sea from one ship to another, under certain penalties.

Smuggled teas seized and condemned, may be sold for home consumption, notwithstanding the prohibition of 7 Geo. 3. cap. 56. sect. 9.

Increase in stocks, without certificate, forfeited.

No tea to be removed but by permit

All shops and warehouses to be entered.

Tea entered for exportation to Ireland or America, and landed in any other place, forfeits the drawback, and the master, and others concerned, lose treble the value of the tea.

Not more than 6 lb. of tea, at one time, to be brought into the limits of the bills of mortality, with or without permit, or removed in the night from one place to another, on pain of forfeiting such tea, with the vessels, boats, packages, cattle, and carriages employed.

Not more than 40 lb. of tea shall be removed by any one person from one town to another, excepting in the original packages, on the like pains as above. [But the quantity was reduced to 20 lb. by 22 Geo. 3. cap. 68. sect. 22, 23, 24. and by 23 Geo. 3. cap. 70. sect. 28.]

Tea seized to be sold in London or Edinburgh only.

Tea removed by permit to a seller may be returned under certain restrictions.

Officers may take samples of tea, paying for the same.

Vessels licensed under this act, to give security against the landing of tea.

Officers of customs invested with the same powers of seizing tea unlawfully removed as officers of excise.

The 8th section of 25 Geo. 3. cap. 74. recites the above prohibitory clauses of 21 Geo. 3. cap. 55. • 22 Geo. 3. cap. 68. and 23 Geo. 3. cap. 70. for preventing the removal of tea in large quantities, other than in the original chests, and that the restraining such removal to so small a quantity as twenty pounds, had been found inconvenient, and it therefore enacts, that the said several clauses shall be repealed.

Quere. If the clauses in 21 Geo. 3. for limiting the quantity to forty pounds, were meant to be repealed?

N. B. Besides the above, there are many other acts in force for the punishment of the offence of smuggling in general, and frauds upon the revenue, by the clandestine importation and running of customable or exciseable goods,

DATES of ACTS.	Chap.	Secs.
12 Geo. I.	28	1 to 6
3 Geo. III.	22	2
9 Geo. II.	35	20
8 Geo. I.	18	6
9 Geo. II.	35	10
19 Geo. II.	34	1 to 3
9 Geo. II.	35	23
8 Geo. III.	25	9
12 Geo. III.	46	3
		5
10 Geo. I.	10	9
12 Geo. III.	46	6
12 Geo. III.	60	4
21 Geo. III.	55	20 to 26
		21
		22
		23
		24
		25
24 Geo. III.	47	10
		29
25 Geo. III.	74	8

wherein the article of Tea is expressed or implied, For which acts, the reader is referred to the printed publication of Statutes by the boards of Customs and Excise.

SOPHISTICATING and ADULTERATING TEA.

No dealer, manufacturer, or dyer of tea, to counterfeit, adulterate, alter, fabricate, or manufacture tea with terra japonica, or other drug, or mix any leaves of any tree, shrub, or plant, in imitation of tea, on pain of forfeiture thereof, and of several pecuniary penalties.

Enforced and extended to persons (though not dealers) who shall dye, or fabricate tea that has been used, or the leaves of flos, liquorice, ash, elder, or other tree, plant, or shrub. The penalty of 10l. for every pound of leaves, and imprisonment for nonpayment, for six or twelve months, with powers of searching suspected places, and further penalties.

DATES of ACTS.	Chap.	Sect.
11 Geo. I.	3b	5
4 Geo. II.	14	11
17 Geo. III.	29	The whole act.



AN
A B R I D G E M E N T
OF THE
CHARTERS of INCORPORATION
OF

The several *East India Companies*,

AND OF

The Articles for their Union;

ALSO OF

The CHARTERS of JUSTICE for *BENGAL*,
FORT SAINT GEORGE, and *BOMBAY*;

And other important GRANTS.

TO WHICH IS ADDED,

A TABLE of the DATES and TITLES of other GRANTS
from the CROWN to the several COMPANIES,
which are not comprized in the Abridgement.

A

SHORT ACCOUNT

OF THE

Commencement of our Commercial Intercourse with the EAST INDIES, and of the several CHARTERS granted by the Crown to the Old and New *East India Companies*, and of the Time and Manner of the Two Companies becoming united.

THE Charters of incorporation of the *East India Company* being often mentioned, or referred to, in the Statutes contained in the foregoing Collection, the editor had it in contemplation, for the satisfaction of the reader, to have applied for the Company's leave to publish the Charters at large, as part of this work. But afterwards finding they were more numerous, and would have swelled the volume to a greater size, than he had at first been aware of, and have considerably increased its price, without rendering it of any greater use, than might be supplied by a short Abstract, he dropt that design.

With respect to the importation of the manufactures and productions of the *East* into *Europe* antecedently to the year 1497 (when the passage by sea from *Europe* to the *East Indies* was first discovered) we find, that in the 13th century the *Mahomedan Moors* (a name derived from the antient *Mauritania*, their native country) made a conquest of the greater part of the peninsula of *India*, as well as of the most valuable of the *Spice Islands* bordering on its coasts; and having engrossed the commerce of those countries, they transmitted, during that and the two following centuries, the rich merchandize of *Asia* for *European* markets, chiefly through *Aden* in *Arabia* by the

CHARTERS granted to the

Red Sea to *Suez*, from whence it was conveyed upon camels to the *Nile*, and there shipped for *Cairo* and *Alexandria*, and sometimes it was carried from the *Persian Gulph* up the *Euphrates*, and afterwards conveyed by caravans to *Aleppo*. From those places it was dispersed by *European* merchants, but chiefly by *Venetians*, over *Europe*.

The *Portuguese* had the credit and good fortune of making the important discovery of a passage by sea to the *East Indies* in 1497. It was soon followed by their acquisition, partly by conquest and partly by treaty, of numerous settlements on the coasts of *Hindostan*; and the neighbouring islands, which enabled them to supply the *European* markets with *East India* goods; and it was not till the year 1584, that we find any attempts were made by this country to interrupt their monopoly of this valuable branch of commerce. In that year, some of the members of our *Turkey Company* obtaining introductory letters from *Queen Elizabeth* to the Emperor of *China* and the King of *Cambaya*, passed over land and visited the *Mogul's* court, and various parts of *Asia*, and, after making many useful discoveries, they returned home by the way of *Aleppo* and *Tripoli* in 1591.

In the mean time, the *Turkey Company* had prepared for a trading voyage to *India* by sea, and their fleet, consisting of three large ships, set sail the same year; but the voyage proved altogether unsuccessful, only one of the ships reaching *India*, where she was mastered and ran away with by part of her own crew, and never returned home.

In 1593, the *Turkey Company* procured an enlargement of their Charter, empowering them to trade through the dominions of the Grand Seignior to *India*, by a way newly discovered by *John Newberry*; but their efforts were attended with very little success.

In 1596, a fleet of three ships was fitted out by *Sir Robert Dudley* and others, for opening a trade with *China*; but meeting on their passage outwards with various disasters, and losing all hands, excepting four, by hardships, sickness, and famine, the ships were stranded and seized by the *Spaniards* in the *West Indies*.

In 1599, the *Queen* having resolved upon establishing an *East India Company*, appointed Mr. *John Mildenball* her Envoy to the

the Great Mogul, for obtaining the necessary privileges of trade, and sent him for that purpose, by way of *Constantinople*, to the Mogul's court, where with great difficulty he succeeded in obtaining a Firmaun from the Mogul for erecting some factories in his dominions.

THE FIRST CHARTER

For Erecting an EAST INDIA COMPANY,

dated the 31st of December, 1600.

On the last day of the year 1600, being in the 43d year of the reign of Queen *Elizabeth*, was issued the first Royal Charter for erecting an *East India* Company. By this Charter, the Queen (upon the petition of the earl of *Cumberland*, and 215 other persons, amongst whom were several knights and aldermen of *London*, praying the Queen's licence to adventure and set forth one or more voyages, by way of traffic and merchandize, to the *East Indies*, in the countries and parts of *Asia* and *Africa*, and to the islands thereabouts; divers of which countries and islands had been long since discovered, though not frequented in trade of merchandize;) incorporated the said earl, and other persons, by the name of "The Governor and Company of Merchants of *London* trading into the *East Indies*."—To be one body politic and corporate; to have succession; to purchase lands [without any limitation]; to have one Governor, and twenty-four persons, to be elected annually, who shall be called *Committees*, and shall jointly have the direction of the voyages, the provision of the shipping, and merchandize, also the sale of the merchandize, and the management of all other things belonging to the said Company.—Sir *Thomas Smith*, alderman of *London*, was to be the first Governor; a Deputy Governor to be elected in a general court; both the Governors and all the Committees to take an oath of fidelity.—Also every member to take an oath, before he be admitted to traffic as a freeman of the Company.—

An abstract of the 1st Charter.

Petition for the Charter.

Corporate name of the Company.

•May purchase lands.

A Governor and 24 Committees.

Their powers.

A Deputy Governor.

Both Governors and Committees to be sworn to fidelity. Oath to be taken by every member.

The

What persons may trade besides the Company.

Limits of trade defined.

A restriction.

Governor or Deputy to be present at all assemblies. Powers of General Assemblies.

No customs on exports for 4 voyages.

Bond for customs on imports, and time allowed for payment.

13 months allowed for re-exportation without further duty.

Licence for exporting coin and bullion.

The condition.

What ships and men may be sent to India.

The Company, their sons, (at twenty-one years of age), their apprentices, servants, and factors in *India*, or elsewhere, may, for fifteen years from *Christmas* last, freely and solely trade, by such ways and passages as are already found out; or which shall hereafter be discovered, "into the countries and parts of *Asia* and *Africa*, and 'into' and from all the islands, ports, towns, and places of *Asia*, *Africa*, and *America*, or any of them, beyond the cape of *Bona Esperanza*, to the *Streights of Magellan*, where any traffick of merchandize may be used, and to and from every of them;" in such manner as shall, from time to time, be limited and agreed on at any publick assembly or general court of the Company; any statute, usage, diversity of religion or faith, or any other matter, to the contrary notwithstanding; so as it be not to any country already possessed by any Christian potentate in amity with Her Majesty, who shall declare the same to be against his or her good liking.—Either the Governor or Deputy Governor must always be one in general assemblies: In those assemblies they may make all reasonable constitutions, &c. agreeable to the laws of *England*, for their good government; by plurality of voices; and may punish, by fines and imprisonment, any offenders against such laws.—The Queen grants to the Company an exemption from paying any customs upon *Exports* for the first four voyages;—and for customs which shall be payable for *Imports* from *India*, the Company shall be allowed to give their bonds, payable one half in six months, and the other half in six months after.—For merchandize lost at sea, outward bound, the customs shall be allowed to the Company out of the next cargo shipped off.—*Indian* merchandize that shall have paid the customs, may, until the end of thirteen months, be re-exported by any subjects, without paying farther customs.—The Company may export, in their first voyage now preparing, £30,000, in foreign coin or bullion, so as at least £6,000 thereof be first coined in the Queen's mint, and the like for the subsequent voyages, provided the Company first import at least so much foreign coin or bullion, in gold or silver, into this realm, of which £6,000 shall be coined as aforesaid. The Company may send yearly to the *East Indies* six good ships, and six pinnaces, with 500 mariners, unless the navy-royal goes

First EAST INDIA COMPANY.

forth.—None of the Queen's subjects, but the Company, their servants, or assigns, shall resort to *India*, without being licensed by the Company, upon pain of forfeiting ships and cargoes, with imprisonment, till the offenders give £1,000 bond to the Company, not to trade thither again.—Nevertheless, for the encouragement of merchant-strangers and others, to bring commodities into the realm, the Queen gives power to the Company to grant licences to trade to the *East Indies*; and She promises not to grant leave to any others to trade thither during the Company's term, without their consent. The majority of any general meeting of the Company may admit apprentices, servants, factors, &c. to the fellowship or freedom of the Company.—The silver to be exported shall only be shipped at the ports of *London*, *Dartmouth*, and *Plymouth*, and shall be duly entered by the Custom-house officers, without paying any custom for the same.—Gold and silver imported shall be entered before the landing thereof. With proviso, That in case this Charter shall hereafter appear not to be profitable to the Crown and Realm, then, upon two years notice to the Company, the Charter shall cease and determine;—but if profitable, then the Queen promises, at the end of the said fifteen years, upon the Company's suit, to grant them a new Charter for fifteen years longer.

None but the Company to trade or go to *India* without licence.
The penalties.

The Queen will not license others but by Company's consent.

For admitting apprentices, &c.

Rules to be observed on the export of Gold and Silver.

Queen may resume the Charter on two years warning, if the trade unprofitable; or she will enlarge their term.

N. B. *This is the same East India Company, which, through many various vicissitudes, existed under the same denomination till the year 1708; when it was absorbed by the present United Company of Merchants of England trading to the East Indies.*

N. B. *The original Shares subscribed were £50 each.*

CHARTERS *granted to the*

SECOND CHARTER,

dated 31st May, 1609.

The Abstract.

King *James* the First granted to the former Members of the Company a new Charter, (the earls of *Salisbury* (high treasurer), *Nottingham* (high admiral), and *Worcester* (master of the horse), *William Lord Cavendish*, and eleven knights, standing at the head of the list), whereby they were again incorporated by their former name, with perpetual succession, and invested with the sole exclusive trade within the limits described in their former Charter, for ever. But with power reserved to the Crown to resume the Charter on three years warning, if its continuance should not be profitable to the Crown or the realm.

The Company incorporated in perpetuity.

Power for the Crown to resume on three years warning.

The former constitution preserved intire.

The Charter contains a repetition in the general of the powers and privileges granted by the former, with some additional ones, relating chiefly to the payment of the customs, and the better securing the exclusive trade from invasion by interlopers. But the former constitution of the Company, and the modes prescribed by their former Charter for the management and carrying on their trade, are preserved intire.

GRANT *to the First* EAST INDIA COMPANY
of *the Island of* PULAROON,
dated 11th January, 1660.

The Abstract.

The island of *Roon*, otherwise *Pularoon*, was an early possession of the old Company. The *Dutch East India* Company having captured it, the arbitrators, appointed in 1654 for settling the disputes between the two Companies, decreed, that it should be restored to the old *English* Company; but the *Dutch* Company having failed to do so, King *Charles* the Second, by grant of this date, gave licence to the Company to take possession of the said island, and to regain it from the *Dutch* Company, and to plant, husband, manage, retain, and keep the same.

Awarded to be restored in 1654.

N. B. *The island was accordingly repossessed by the Company, who held it only a short time before the Dutch, in 1664, again seized it; and, by the treaty of Breda, in 1667, it was ceded to the Dutch in full right.*

THIRD CHARTER,

dated 3d April, 1661.

The preamble to this Charter states, that divers disorders and inconveniencies had been committed by the King's subjects and by foreigners, to the great prejudice of the Company and interruption of their trade, whereupon the Company had besought the King to confirm their Charters granted them by Queen Elizabeth and King James. The King accordingly grants, ratifies, and confirms unto the Governor and Company, that they shall be a body corporate and politic, by their former name, with perpetual succession for ever. And the Charter then proceeds, like that from King James, to the nomination of the first governor, deputy-governor, and twenty-four committees, with instructions for their annual election, and grants to the Company the following powers, in addition to those given them by their last Charter, (*viz.*);

Recital of disorders by interlopers.

The Company again incorporated by their former name.

A Governor, a Deputy Governor, and 24 Committees.

That the commissioners of customs shall permit no entry of India goods, but such as shall be allowed of by the Governor and Company, under their seal, or under the hand of the Company's officer, to be by them appointed to sit at the Custom House for that purpose.

No entry at customs but by the Company's allowance.

That every member shall have a vote in the General Court, at all elections and bye-laws, for each £500 stock which he shall possess; and that persons may unite smaller sums to make up that amount, and vote jointly for the same.

Qualification of voters.

That all plantations, forts, &c. where the Company's factories are or shall be established, shall be under their own command and controul, with the appointment of Governors and officers to govern the same; and that such Governor and his Council may exercise civil and criminal jurisdiction in the said factories, &c. according to the laws of England; and if the offence shall be committed in a place where it cannot be tried, the offender may be sent to such other plantation or fort where there is a Governor and Council to try him, that justice may be done.

Company to appoint their own Governors.

Their powers.

That the Company may export warlike stores, make peace and war with Princes and people in the limits of their trade (not being

May export warlike stores, and make war and peace.

being Christians), and recompence themselves for wrongs and damages sustained at their settlements.

May fortify
St. Helena, and
other settle-
ments.

That they may fortify *St. Helena*, and any other places within their limits of trade, and supply their forts and settlements with cloathing, victuals, ammunition, and implements, free from custom or duty, and transport thither such men as shall be willing to go; may govern them in a legal and reasonable manner, and inflict punishments for misdemeanors, or impose fines for breach of orders.

May seize
interlopers.

That they may seize upon all *Englishmen*, and other persons in the *East Indies*, sailing in any *Indian* or *English* vessel, or inhabiting those parts without the Company's licence, or that shall disobey their orders, and send them home to *England*.

Powers of
presidents and
councils.

That the King's subjects, employed by the Company in the limits aforesaid, shall suffer such punishment for offences there committed as the Company's president and council shall think fit, and the quality of the offences require; and in case of appeal, the offender shall be sent home for punishment. And for the better discovery of offenders, all persons may be examined on oath, before the Company's president and council, touching the same.

Company not
to trade in
dominions of
christian states
against their
will.

The Company is restricted from trading in the dominions of any christian prince or state in amity with the Crown of *England*, who shall overtly declare it to be against his will or good liking.

Charter may
be resumed on
3 years warn-
ing.

With proviso, that if the continuance of this Charter shall not be profitable to the Crown and the realm, the King may resume it on three years notice.

GRANT to the First EAST INDIA COMPANY
of the Island of BOMBAY,
dated 27th March, 1669.

The Abstract.

The King of *Portugal* having, in 1661, ceded the port and island of *Bombay* to the Crown of *England*, the King, by this Charter, grants and conveys the said port and island, with all

The rights, profits, territories, and appurtenances thereof, and all royalties, revenues, rents, customs, castles, forts, buildings, and fortifications, privileges, franchises, pre-eminences, and hereditaments thereto belonging, in as ample manner as it came to the Crown by the grant of the King of *Portugal*, and not further or otherwise, the King thereby creating and constituting the Company to be the true and absolute lords and proprietors of the said port and island, and other the premises. Saving always, the faith and allegiance to the Crown of *England* due and belonging, and the royal power and sovereignty over its subjects and inhabitants there. The same port, island, and premises, to be held to the Company, and their successors, of the Crown of *England*, as of the manor of *East Greenwich*, in perpetuity, and in free and common soccage, at a fee-farm rent of 10*l.* payable on the 30th of *September* yearly, at the Custom House.

To be held in as ample manner as it came to the Crown.

Saving allegiance.

To be held in soccage, at 10 *l.* per annum rent.

The inhabitants are to be permitted to remain in the quiet enjoyment of their privileges, and the free exercise of the Roman Catholick religion.

Privileges of inhabitants reserved.

The Company are not to alienate any part of the island, excepting to subjects of the Crown of *England*.

Company not to alienate except to the King's subjects.

The general court of proprietors, or the governor and committees, are impowered to make and publish, under the Company's seal, laws and constitutions for the good government of the island and its inhabitants, and the use of the port, and to impose punishments and penalties, extending to the taking away life or member, when the quality of the offence shall require it, so that the punishment and penalties are consonant to reason, and not repugnant to, but as near as may be agreeable to the laws of *England*, and subject to the provisos and restrictions contained in the Charter.

The Company to make laws for the government of the island.

The Governor and Company, or the Governor and Committees, are also impowered to appoint governors and other agents for the said island, and to recall and change them at pleasure; and the persons so appointed are invested with a power of ruling, correcting, and punishing His Majesty's subjects in the said island, according to justice, by courts, sessions, and other forms of judicature, like those established in *England*, by such judges and officers as shall be delegated for that purpose,

and appoint and recall Governors and other officers.

Courts of justice to be established.

CHARTERS granted to the

To repel invasions, and exercise martial law.

Governor, &c. may administer oaths.

King's subjects, and posterity, to be deemed natural born subjects.

The powers granted for the island extended to other settlements.

The grant to be construed in the most favourable sense.

pose, and in general to have the command over all persons in the island, and to repel, and expel, by force of arms, all attempts of invasion and annoyance, and generally to exercise all other authorities appertaining to the captain general of His Majesty's army.

The Governor and Committees may administer oaths to the persons intrusted with the government of the said island, and all other agents sent thither, and the like power of administering oaths to persons residing in the island is given to the Governor thereof for the time being; and it is declared that all persons, being His Majesty's subjects, inhabiting within the said island, and their children, and their posterity, born within the limits thereof, shall be deemed free denizens, and natural subjects, as if living and born in *England*; and that the Governor and Company, and their agents, shall have the same powers in the said island as in their other plantations within the limits of their trade; and that they shall also exercise and enjoy the several powers specifically granted by this Charter, in all other ports, islands, territories and places, which they shall purchase or acquire within the limits of their Charters, and that the Charter shall be construed in the most favourable sense for their benefit.

GRANT of the Island of ST. HELENA,
dated 16th December, 1674.

The Abstract.

After the Governor and Company had, under the authority of their Charter of 1661, erected forts, and made plantations at *St. Helena*, that island was captured by the *Dutch*, and retaken by the King's ships and forces. The King, by this grant, regranted and confirmed the same to the said Governor and Company in perpetuity, to be held in' socage tenure, as of the manor of *East Greenwich*, with the same powers and privileges, for the safety and protection thereof, and for the government of the inhabitants, and with the like declarations in favour,

of

First EAST INDIA COMPANY.

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of the Company and inhabitants, as were contained in the grant of *Bombay*; and with this further privilege, that the Company be permitted to export to the said island all kind of cloathing, provisions, or victuals, ammunition, ordnance, and *supplements*, without payment of custom, subsidy, or other duty; and also to transport thither such numbers of men, willing to go, as the Company shall think fit.

Necessaries may be shipped to *St. Helena*, free from duty.

Recruits may also be sent thither.

FOURTH CHARTER,

Being a Confirmation of Privileges, and a Release of Debts and Demands, dated 5th October, 1677.

In and before the year 1677, great clamours had been raised on account of the Company's exclusive privileges of trade; and many opinions were promulgated through the realm, that their Charters were become forfeited and void by misuser and abuse; doubts had also been suggested, whether the Company were not liable to account to the Crown for monies arising by penalties levied in the *East Indies*, and by seizures of forfeited goods, and by damages and compositions recovered from their servants for breach of contracts: the King, by this grant, confirmed to the Company for ever, all their rights, liberties, and franchises, granted by their former Charters, notwithstanding any misuser, nonuser, or abuser; and granted to them the benefit of all damages they should recover from their servants, or ship owners, for breach of covenant, and gave a general pardon to the Company, and their servants, of all debts and demands (except customs and subsidies which accrued since *September, 1676*), and directed that all prosecutions depending in respect thereof, should be surceased and withdrawn.—By this Grant the Governor and Company were also authorized to coin money at *Bombay*, and in all other places in the *East Indies* mentioned in any of the King's Charters, so that any of such coins be not called by the name of any coin current in the King's dominions, except in the *East Indies*.

The inducements for this Grant stated.

Confirmation of former privileges.

Grant of damages recovered for breach of covenants.

and of all debts to the Crown, except Customs.

Power to coin money in *India*.

FIFTH

CHARTERS granted to the
FIFTH CHARTER,
dated 9th August, 1683.

Company may
seize the
ships and
goods of il-
licit traders.

For the more effectually preventing and punishing interlopers residing at or trading to the *East Indies* without licence, the King, by this Charter, impowers the Company, their factors, &c. to seize all ships and goods brought from or carried to any place within the limits of the Company's exclusive trade, granting to the Company one moiety of the forfeitures, and reserving the other moiety to the Crown.

They shall
have the go-
vernment of
their forts,
&c.

Also that the Governor and Company shall have the rule and government of all forts, factories, and plantations, already or thereafter to be settled by the Company within the limits aforesaid, with the power of making and declaring peace and war with the heathen nations, and the appointment of Governors, &c. which Governors, &c. may muster forces and execute martial law in *India*; the King nevertheless reserving the sovereign right over the said forts, &c. and power of making peace and war when he shall think fit to interpose His royal authority.

May make
peace and
war, muster
forces, and ex-
ercise law
martial.

The King re-
serves his so-
vereignty.

Also a power to the Company to erect courts of judicature in any of their settlements, and to appoint judges thereof, who are to determine according to equity and good conscience, and the laws and customs of merchants, &c.

Company may
erect courts of
judicature;

And enjoy the
same privi-
leges in *Lon-
don* as other
chartered
Companies.

And lastly, the King grants that the Company shall enjoy all privileges in the city of *London*, in as large a manner as may be enjoyed by any Company of merchants erected by Charter.

A C O M M I S S I O N

For the Admiralty to assist the Company in the Recovery of their factory at Bantam, dated 1 Aug. 1683.

The King of *Bantam* having expelled the *English* Company from their fort and factory at that place, and delivered it over to the *Dutch East India* Company, the admiralty were authorized, by letters patent of this date, to grant commissions to such as the Company should recommend for enabling them to recover the said fort and factory from the *Dutch*.

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SIXTH CHARTER,

dated 2th April, 1686.

The interlopers in *India* having become very numerous and created great disturbances there, and by setting themselves up as the true Company, incited the Mogul's people to make war on the Company in *Bengal* to their great detriment, and the hazard of being deprived of their privileges of trade granted them by the country powers, a ship of war was dispatched to *India*, with the King's Proclamation, injoining all his subjects in *India* to repair to the Company's forts and factories, and to submit to their jurisdiction, with orders to seize all interlopers; and for enlarging and corroborating the Company's authorities, the King granted them this new Charter, whereby he ratifies all the preceding Charters for ever in their fullest extent, notwithstanding any nonuser, misuser, or abuser: And further grants to the Company, and their respective presidents, agents, chiefs, and councils in *India*, or to any three of them, (whereof such president, agent, or chief, to be one) power to administer to all persons employed by the Company, the oath taken by the freemen of the Company, and such other lawful oaths as the court of directors should prescribe: Also a power to exercise martial law at *Saint Helena*, and the Company's fort of *Pryaman* on the west coast of *Sumatra*, as well as in all their other limits. And the King's Majesty having been given to understand that many of the native Princes and Governors of *India*, &c. taking opportunity of the divisions, distractions, or rebellions amongst the *English*, occasioned by the late licentious trading of interlopers, have of late violated many of the Company's privileges, surprized their servants, ships and goods, besieged their factories, invaded their liberties, and by many other ways, without just cause, abused their chiefs and factors, to the dishonour of the *English* nation; for all which the Company intends to demand satisfaction in a peaceable way; and if not obtained that way, to use force of arms, wherein they will have occasion to use their ships in a warlike manner. Wherefore the King grants full power to the Company to appoint

Inducements for this Charter.

Proclamation published in *India* against interlopers.

Former Charters confirmed.

Power of administering oaths.

Company may enforce martial law in their settlements.

Recital of infractions in *India*.

Intention of the Company to do themselves justice, either peaceably or by force of arms.

Power to appoint admirals, &c.

[d]

admirals,

and muster
seamen and
soldiers;

and seize in-
ferlopers,
their ships and
goods,

and make war
on *Indian*
princes,

and exercise
martial law in
their ships du-
ring the King's
pleasure.

Power of coin-
ing money.

admirals, vice admirals, rear admirals, captains, &c. from time to time, who may raise and muster seamen and soldiers, on board their ships, as shall be directed by the Company, or by their captain general in *India*, to whom authority is granted for seizing all *English* interlopers, and compelling them to submit, and for taking their ships and goods. Also to make war on such *Indian* Princes as may hurt the Company; with power, in time of open hostility with any *Indian* nation, to exercise, on the other side the *Cape of Good Hope*, martial law, as well on board their ships as on land. Reserving however liberty to the King at pleasure to revoke this grant of martial law in their ships.

The Company may also coin, in their forts, any species of money usually coined by the princes of those countries, so that it be made agreeable to the standards of those princes in weight and fineness, and so that they do not coin any *European* money; and it is declared that all such money so to be coined by them shall be current in any city, town, port, or place, within the limits of the Company's Charters, but not elsewhere.

SEVENTH CHARTER,

dated 7th October, 1693.

Cause of for-
feiture of for-
mer Charters,

and the evil
consequences,
stated.

The Compa-
ny restored to
their charter-
ed rights;

The Company having made default in the payment of a duty of 5 l. per cent. imposed on their capital stock by an act of the 4th and 5th of *William* and *Mary*, cap. 15. a doubt arose whether in strictness of law their Charters were not become void, under a proviso contained in the act. To prevent the disorders and inconveniencies which would have befallen the Company, and other persons concerned and employed in their commerce, as well at home as abroad, if the Crown were to have taken advantage of the forfeiture, the King granted to the Company a new Charter of this date, for restoring them to their former capacities and privileges; subject to a special proviso, that if they should not accept of, and in all things conform to such orders and

First EAST INDIA COMPANY.

and constitutions as the King, with the advice of His privy council, should express and direct by any instrument under the great seal, the King should be at liberty to resume the Charter. And by two separate instruments under the great seal, dated the 11th of *November*, 1693, and the 28th of *September*, 1694, the King prescribed various rules and orders for the Company's observance; *viz.*

conditioned
for their sub-
mitting to
regulations.

Two Charters
of regulations
issued.

By the instrument of 1693, it is ordered, That,

1. All subscribers shall be members of the Company.
2. £ 744,000 shall be added to the present capital stock of the Company by a new subscription.
3. None shall subscribe above £ 10,000.
4. In general courts, £ 1,000 stock to give one vote; and none to have above ten votes.
5. Such as shall become proprietors by purchase, shall pay £ 5 for their freedom; who (as also the new subscribers) shall take the oaths appointed by law, and also the freeman's oath.
6. The Governor, or, in his absence, the Deputy Governor, to have a casting vote in all courts.—Each of them to have £ 4,000 stock in their own right; and each Director or Committeeman, 1,000.
7. No permission shall be granted for ships to *India* on a private account, under the penalty of forfeiting the Charters.
8. No private contract is to be made for the sale of the Company's goods, saltpetre sold for the King's use only excepted; but all to be openly and publicly sold.—And no one lot (jewels excepted) to exceed £ 500 value.
9. The Company shall annually export goods to *India*, of the growth and product of *England*, to the value of at least £ 100,000.
10. The Company shall annually supply the Crown with 500 tons of saltpetre, at £ 38 : 10 s. per ton, in time of peace, and £ 45 in time of war.
11. All dividends of the Company's profits shall for the future be made in money only.
12. A book to be kept by the Company, wherein the value of their stock shall be entered, and attested upon oath, and lie open to the view of all persons concerned; and the like as to mortgages, alienations, transfers, and assignments.

The heads of
the first Char-
ter of regula-
tions.

13. The

CHARTERS granted to the

13. The joint stock of the Company shall continue for a term of 21 years; and for the space of one year before its expiration, books shall lie open for new subscriptions to a new joint stock.

And by the second instrument of regulations, were made the following alterations and explanations:

Substance of
the second
Charter of
regulations.

1. The Company may licence their own commanders and mariners (but none other) to trade on their own private account, in such commodities, and to such value, as a general court shall direct.
2. To the intent that the Company's annual exports of *English* goods to *India* to the value of £100,000, may be proved, a true account thereof in writing, signed by the Governor or Deputy, shall be annually laid before the King and Council, attested on the oaths of the proper officers: And no part of such goods shall be reloaded, or carried any where out of the Company's limits.
3. Neither the Governor, Deputy, nor Committee, shall lend out the Company's money without the authority of a general court.
4. If this and the two last Charters shall not appear to be profitable to the Crown and realm, then, after three years warning, all the said three Charters shall be determined and void, and the said Governor and Company shall no longer continue a corporation.
5. Lastly, The Company shall, by a writing under their common seal, declare their acceptance of and submission to this and the said two last Charters—or, in their default, they shall no longer act as a corporation.

EIGHTH CHARTER,

dated 13th April, 1698.

At the request of the Company, the King, by His Letters Patent, made some further alterations in the foregoing orders in respect to the qualification of voters in general courts, by admitting

First EAST INDIA COMPANY.

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mitting any proprietor to give one vote for £500 stock,—two votes for £1000,—three votes for £2000,—four votes for £3000,—and five votes for £4000; and the qualification for a Director fixed at £2000 stock.

Qualifications to vote in general courts.

The Company were also impowered, by this Charter, to trade in and import from the *East Indies*, diamonds, pearls, &c. which they had been before prohibited from importing without the King's licence.

May import diamonds, &c. without licence.



CHARTERS GRANTED TO THE SECOND EAST INDIA COMPANY.

Proceedings
in parliament
1698.

Proposal of
the Old Com-
pany to lend
£700,000, at
4 per cent.

Proposal by
other mer-
chants to ad-
vance two
millions, at
8 per cent.

Merchants
proposal ac-
cepted.
Act passed for
erecting a
New Com-
pany.

Indulgence to
Old Company
till Sept. 1701.

Commission to
take subscrip-
tions.

Incorporation
of all the sub-
scribers as a
General So-
ciety.

Certain mem-
bers of the
General So-
ciety erected
into a new
East India
Company, by
Charter, 5th
Sept. 1698.

Their corpo-
rate name,
with succe-
sion
May acquire
lands, &c.

IN 1698, the House of Commons having taken into their consideration the state of the trade to the *East Indies*, two proposals were made to the House:—The first by the Old Company, who offered to advance to the public £700,000, at 4 per cent. per annum, on condition their exclusive trade might be confirmed by Parliament—The other by a body of merchants, who offered Government a loan of two millions, at 8l. per cent. on a like condition, provided that the subscribers were not to be obliged to trade in one joint stock, unless they should afterwards desire to be incorporated. The house preferring the latter proposal, an * act was passed, empowering the King to incorporate the subscribers, by the name of the General Society, &c. and also to incorporate such of the members thereof as should agree to trade in a joint stock; with a proviso, that the Old Company might continue to trade until *Michaelmas*, 1701.

In pursuance of this act, a commission was issued, under the great seal, the 14th of *July*, 1698, for taking the subscriptions for the loan of two millions. On the 3d of *September* following, the Royal Charter was passed for incorporating the subscribers into a General Society; and on the 5th of the same month, another Charter passed the great seal, for erecting the members of the General Society therein named, into a *New East India Company*.

An ABSTRACT of this CHARTER, dated the 5th of September, 1698.

The subscribers are incorporated by the name of “*The English Company trading to the East Indies*,” with perpetual succession; may purchase, and again convey and dispose of, lands and tene-
ments,

* See the act, page 14.

ments, and of goods and chattles (subject nevertheless to the restrictions contained in the said act); may sue and be sued in all courts, &c. The subscriptions of the respective members to be united, and esteemed the capital stock. All persons and corporations, intitled to any share in the stock, either as subscribers, or by assignment, &c. are to be members of the Company, and admitted without fee; other members of the General Society may be admitted, and their stock united to the rest; the annuity, or interest of the two millions, to be paid to the Company's treasurer, weekly, by the Exchequer; the capital stock may be increased, so that it does not exceed the sum total limited for their trade by the said act; the Company, and their factors, agents, and servants, may trade to and from the East Indies, &c. (the limits being described as in the Charter of 43d Elizabeth), so that the goods and bullion exported within any one year exceed not the total of the subscriptions of the Company, subject to the proviso for redemption, and other restrictions of the said act; no member to trade but in a joint stock; every member, and manager or director, to swear or affirm he will be faithful to the Company; and not to trade on his own private account to India; and to give his best counsel and advice, &c. The Company to give security to bring to England all their goods, except in certain cases specified in the act; all sales to be by inch of candle; no lot to exceed 1,000*l.* except jewels; Company annually to export goods of the growth, product, or manufacture of England, to the amount of one tenth part of the sum for which they shall trade; and render an account thereof, annually, to the privy council. They shall furnish Government with 500 tons of saltpetre, as the General Society were required to do by the said act and in lieu thereof: The Company shall have the same discounts * and allowances at the

Their subscriptions united into a capital stock.

Other members of General Society may be admitted. The interest of the loan to be paid weekly at Exchequer. Capital stock may be increased *sub modo*. Limits of trade described as in Old Company's Charter.

None to trade but in a joint stock. Members to be sworn.

All goods to be brought to England.

Mode of sale.

English goods to be exported by the Company.

Company to furnish Government with saltpetre.

Discounts to be allowed as

* By the Charter of 13 Charles the Second it was granted, that the Company, on giving bond, with surety, for the payment of their customs, should be allowed six months for payment of one moiety, and other six months for payment of the other moiety. By the Second Charter of Regulations this was altered, and the Company was to make present payment of their customs, and to be allowed a discount of 4*l.* 10*s.* per cent. per annum, for such payment of customs, and duties of tonnage and poundage, in recompence for the two six months; and for all additional impositions and duties, a discount of 6*l.* 5*s.* per cent. in recompence for the four three months allowed by law for payment thereof.

to the Old Company.

the customs, as granted to the Old Company by the Second Charter of regulations of the 28th *September*, 1694.

For providing ministers, schoolmasters, and chaplains.

The Company are to maintain a minister and schoolmaster at *St. Helena*, and one minister and schoolmaster in every garrison and superior factory; and to set apart therein a decent place for the performance of divine service: They are also to provide a chaplain for every ship of 500 tons or upwards; whose salary is to commence from the time of the ship's sailing outwards. All such ministers are to be first approved by the Archbishop of *Canterbury*, or the Bishop of *London*, and to be at all times entertained with due respect.

By whom to be approved.

Their duties.

The ministers resident in *India*, are to learn the *Portuguese* and *Hindoo* languages, to enable them to instruct the *Gentoos*, &c. in the Christian religion. Vacancies of resident ministers are to be supplied by the chaplains of the next ships that shall arrive: also a schoolmaster is to be provided at all garrisons and factories where necessary.

Vacancies how to be supplied.

24 directors appointed, 13 to be a quorum. To be elected annually in general court.

The Charter then proceeds to the nomination of twenty-four directors, of whom thirteen are to constitute a court of directors. Members may meet in general court, and choose *twenty-four* directors on 25th *March* annually, and make bye-laws and ordinances for the government of the Company and their affairs.—

Qualifications for voters.

Qualification to vote, 500 *l.* stock.—No person to have more than one vote.—Corporations may give one vote by deputy.—Directors are to call general courts for supplying vacancies in the direction by deaths or removals.—The forms prescribed for the oath and affirmation of voters.—Two directors may administer the same.—

Qualification for directors.

Qualification for a director, 2000 *l.* stock. To continue only whilst he holds such stock. The forms for the oath of qualification and office of directors, and for the oath of servants and agents. If any person elected a director shall not qualify in ten days, or shall refuse to act, another shall be appointed by the general court in his stead.

Directors not qualifying, others to be chosen.

Quarterly courts.

A quarterly General Court of proprietors to be holden in *March*, *June*, *September*, and *December*. Directors to summon other general courts, when required by nine proprietors, within ten days after demand. In default, nine proprietors may call a general court, by ten days notice fixed at the *Royal Exchange*, and a general court may remove directors for misconduct, and elect others.

9 Proprietors may call a general court.

UNION of the TWO COMPANIES.

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be annually delivered to the Privy Council. The Crown releases both Companies from all former covenants, excepting for the supply of saltpetre, of which merchandize they shall be obliged to deliver to the Office of Ordnance 494 Tons and $\frac{1}{2}$, at £ 45 per ton in time of peace, and at £ 53, in time of war; the refraction thereof being settled at $\frac{1}{15}$ per cent.

11th. This article directs that the Company's chaplains shall have precedence next after the fifth member of council in the factory.

12th. The Queen agrees to take the Company's sealed bonds for all the customs on their merchandize; the £ 15 per cent. on muslins, only excepted.

13th, 14th, 15th, and 16th. Nothing to be transacted on the joint trade, without the concurrence of both Companies:—And only servants and free merchants, or other corporations, (the Bank of *England* excepted) may be licensed to trade for themselves in the Company's ships.

17th. The Queen grants that the general courts of both Companies and their sub-managers shall have the sole government of their forts.—May coin foreign money in *India*; and the Old Company may convey *Bombay* and *Saint Helena* to the New Company.

18th, 19th, 20th. The Old Company, at or near the expiration of the said seven years, shall transfer into the books of the New Company their share of the joint stock to their respective members. And shall also, some time before the said expiration, assign to Her Majesty all the debts due to them, which debts she engages to re-assign, in ten days after, unto trustees, for answering the said Old Company's debts, and afterwards for the benefit of their members. The Old Company covenant to surrender their Charters, in two months after the expiration of the said seven years, into the Queen's hand, and the Queen engages to accept of such surrender, and from thenceforth the New Company is to be called *The United Company of Merchants of England trading to the East Indies*: whose affairs shall thenceforth be conducted by their own sole directors, agreeable to their Charter of the tenth of King *William* the Third. [*The remaining articles are purely temporary, as indeed some of the foregoing ones also are*]. And lastly, the Queen declares that this indenture shall be construed in the most favourable sense for the advantage of both Companies.

DEED OF CONVEYANCE

From the OLD COMPANY,

OF THEIR

DEAD STOCK to the NEW COMPANY,

dated 22d July, 1702.

Abstract of
the deed.
New Com-
pany convey
to Old Com-
pany, *Bombay*,
St. Helena,
and other
settlements.

Factories in
Persia.

Fort *St. George*
and *Madras*.

Fort and town
of *St. David*.

Cuddalore.

Vizagapatam.

Bencoolen.

Tonqueen in
Cochin China.

Ballafore, &c.
in *Bengal*.

Ordnance,
ammunition,
and other
moveables.

BY indenture quinquartite of this date, made between various parties, the Old Company convey to the New Company, not only the ports and islands of *Bombay* and *St. Helena*, granted to them by King *Charles* the Second, but also the forts of *Mazagom*, *Mabim*, *Syon*, *Syere*, and *Wotle*; the factories of *Surat*, *Swallly*, *Broach*, *Amadabad*, *Agra*, and *Lucknow*; the forts of *Carwar*, *Tellicberry*, *Anjengo*, and *Callicutt*; and the factories of *Gombron*, *Shyrax*, and *Ispabaun* in *Persia*, and the yearly rent of 3,333 *l.* 6 *s.* 8 *d.* granted them by the Sophy of *Persia*; also on the coast of *Coromandel*, *Cbingu*, *Ortixa*, and *Fort St. George*, with the castle, fortifications, and territory thereto belonging, upon which a large city is built (which were held of and paid rent to the said Old Company), together with the said city and dependencies. Also *Fort St. David*, and three miles compass of the circumjacent country, upon which several towns and villages are erected. Also the factories of *Cuddalore*, *Porto Novo*, *Pettipolee*, *Metchelepatam*, and *Madapollam*; and the fort and factory of *Vizagapatam*; the settlement of *York Fort* at *Bencoolen*, on the island of *Sumatra*, and the factory there; and the factory at *Indrapore*; and the factories of *Tryamong*, *Sillebar*, and some other outpagars or factories depending on the factory of *Bencoolen*.—In *Cochin China*, the factory of *Tonqueen*; also *Fort William* in *Bengal*, and the factories of *Chuttanuttee*, with a large territory thereto belonging. The factory of *Ballafore*, *Coffimbuzar*, *Dacca*, *Hughly*, *Maulda*, *Rajamaul*, and *Patna*, and their right to *Bantam*, or any other settlements on the south seas, and all other their forts, factories, islands, lands, tenements, territories, and hereditaments, between the *Cape of Good Hope* and the streights of *Magellan*; and all castles, fortifications, ordnance, guns, stores, ammunition, slaves, horses, cattle, ships, sloop, boats, vessels, plate, re-
venues,

venues, rents, customs, incomes, and profits, prerogatives, royalties, privileges, franchises, pre-eminencies and hereditaments of the said Old Company, within, upon, or belonging to, or held or enjoyed with, the said islands, ports, factories, &c. before mentioned. And also all their right, estate, title, and interest, of, in, or to the several messuages, warehouses, lands, tenements and hereditaments, of the said Company, in the parish of *Great St. Helens, London*; with their appurtenances. To hold the premises to the New Company, and their successors, in as large and ample manner as the same could or might have been held by the Old Company.

Warehouses,
&c. in *St. Helens, London*.

In this conveyance are contained divers covenants of a temporary nature, and also a declaration to ascertain what shall be deemed the dead stock of the Old Company; and also a mutual covenant for giving their respective consents to a decree in the court of chancery for a specific performance of the covenants contained in the indenture tripartite herein before abstracted.

The indenture tripartite to be made a decree of the court of chancery.

T H E A W A R D

OF THE

E A R L of G O D O L P H I N,

Between the Old and New EAST INDIA Companies,

dated 29th September, 1708.

BY deed poll, under the hand and seal of the Lord High Treasurer the Earl of *Godolphin*, made in pursuance of an act of the sixth year of *Queen Anne*, stating, that the Two Companies being desirous that a speedy and compleat union might be had and perfected, pursuant to the before abstracted indenture tripartite, had agreed to refer all matters in dispute concerning the same, and the compleating the said union, unto the final determination and award of the said Earl; and the said Earl, having thereupon heard both parties, did adjudge and award to the following purport; *viz.*

Abstract of the award. Recital of act 6 *Anne*, referring matters in dispute to Earl of *Godolphin*.

1. That

What shall be deemed the united stock.

Old Company to assign their foreign debts to the Queen, to be re-granted to the New Company.

New Company to pay the foreign debts owing by Old Company, and certain of their own foreign debts.

Old Company to pay 96,615*l.* 4*s.* 6*d.* and 66,005*l.* 4*s.* 2*d.* to the New Company.

Each Company to pay their own separate debts owing in *Great Britain*.

Old Company to assign their credits at home before they surrender their Charter, that the same may be granted to trustees for their use.

Members of the Old Company to be admitted of the New Company for their shares of stock.

1. That certain specified parts of the separate debts, goods, merchandizes, and effects of the said Two Companies respectively, should be deemed part of their united stock. And for vesting the same in the New Company for the benefit of the united trade, the Old Company were directed to transfer such of the said debts, as were due to them, unto the Queen's Majesty, to the intent the same might be re-granted under the great seal to the New Company; and after such re-grant, the New Company, in respect of the united stock, were made liable to the payment of the debts as well of the Old Company on their separate account, as of the New Company on account of their old additional stock, called the Shares in the *East Indies, Persia, China, and St. Helena*, and other the limits of their Charter.

2. That inasmuch as the aforesaid separate debts, credits, and effects of the Old Company, fell short by estimation of a sufficiency to pay what was owing abroad on their separate account, it was directed that the Old Company should pay to the New Company 96,615*l.* 4*s.* 6*d.* by installments, for the benefit of the united trade. And because the credits and effects of the New Company exceeded by estimation the debts due on account of their said old additional stock, called Shares in the *East Indies, &c.* therefore the Old Company were directed to pay to the New Company, for the use of the respective members interested in the said shares, the sum of 66,005*l.* 4*s.* 2*d.*

3. The third part of the award contains directions for each Company to discharge their respective debts at home within the times therein limited, and prescribes the mode for raising money amongst their respective members.

4. The Old Company were to assign to the Queen such debts, due to them in *Great Britain*, as they should not be able to get in before the time appointed for the surrender of their Charters, in order to their being re-granted to trustees for the benefit of the members of the said Old Company, in proportion to their respective interests.

5. The Old Company were also directed to transfer to the respective members of their Company, their respective shares in the capital stock of the New Company, who were thereupon to be admitted members of the New Company.

Directors to assemble and act according to the bye-laws; and where such shall be wanting, they may transact the affairs of the Company, make provision for shipping, appoint servants and agents, and generally do all other business of the Company, subject to the restrictions and provisions of the act.

Powers of the Directors defined.

A further power is given to the general court to make bye-laws and constitutions for raising an additional joint stock; for apportioning profits of trade; for the good government of their servants and agents; for inflicting penalties and punishments for any breach thereof, not being repugnant to law.

General court may make bye-laws, &c.

All fines and mulcts are granted to the Company.

The next part of the Charter prescribes the mode of keeping the Company's stock account, and making transfers thereof in the Company's books.

Transfers of stock.

All questions in general courts are to be decided by the majority; and in case of equality of votes, then by lot or ballot.

How questions are to be decided.

Directors duties may be executed by their sub-committees.

Directors may appoint sub-committees. The 5 l. per cent. duty to be paid to the Company.

The receiver-general of the customs is to pay over the Company's duty of 5 l. per cent. (granted by the said act for the maintenance of ambassadors) to the Company's treasurer.

The Charter then grants to the said Company for ever the whole and intire use and privilege of trading to and from the *East Indies*, in exclusion of all other persons (saving only an indulgence of trade reserved to the Old Company, until *Michaelmas*, 1701). And the King thereby enjoins all other his subjects from trafficking, visiting, frequenting, or adventuring in, to, or upon the same; thereby granting power to the Company, and their deputies, &c. to seize all ships and goods in *England* or the *East Indies*, which shall be forfeited or seizable under the said act; with all such other powers as are vested in the officers of the Customs, for seizing prohibited goods. But the Company may grant licences to others to trade, &c. under certain restrictions.

Exclusive trade granted to the Company.

All other persons prohibited from going or trafficking to *India*. Company may seize ships, &c. as customers may do prohibited goods.

The King grants to the Company the government of all forts, factories, and plantations, which shall be possessed by the Company in *India*, and other the limits aforesaid; and the right of appointing governors and other officers, and to remove them at pleasure, with power for such governors and officers to raise

The government of forts, &c. to be in the Company.

They may appoint governors, &c.

and raise forces.

xxii • CHARTERS granted to the Second COMPANY.

Sovereign rights reserved to the Crown.

forces for the defence of the settlements, reserving to the Crown the sovereign right and dominion over all forts, factories, and plantations.

Courts of justice on the coasts to be established.

The Charter then establishes one or more court or courts of justice to be held at such places, forts, plantations, or factories, upon the coasts within the Company's limits, as the Company shall appoint, each to consist of one person learned in the civil laws, and two merchants; and they, or the major part of them, (whereof a civilian is to be one), are to try cases of forfeitures, and seizures of ships and goods, coming on the said coasts or limits contrary to the act and this Charter; and all causes mercantile and maritime, bargaining, buying, selling, and bartering of ware; policies and acts of insurance; bills, bonds, and promises for payment of money, mercantile or trading contracts, charter parties, or trading contracts for freightment of vessels, and wages of mariners, and all other mercantile and maritime cases concerning any persons residing or being within the *East Indies*, or the said limits; trespasses, injuries, and wrongs done upon the high sea, or in the regions, countries, or places within the said limits, concerning any persons residing or being in the parts of *Asia*, *Africa*, and *America*, within the said limits; all which cases are to be determined according to the rules of equity, and the laws and customs of merchants, by such methods as the Crown, under the great or privy seal, shall from time to time appoint; and for want thereof according to the discretion of the judges of the said courts.—Their judgements are to be put in writing, and signed by the persons giving the same, with a short state of the facts; the Company are to enjoy all the privileges in the city of *London*, granted to any other Chartered Company; and all admirals, vice admirals, generals, commanders, commissioners of the customs, mayors, sheriffs, &c. are enjoined to be assisting to the Company and their servants. The Charter shall be construed in the most beneficial sense for the Company, and the King engages to grant to them such further privileges, &c. as may be lawfully granted by the Crown, and as shall be advised by the Company's counsel, and approved by the attorney or solicitor general.

Powers of those courts.

Crown may direct modes of trial by privy seal.

Company to enjoy privileges in the city of *London*.

Admirals, &c. to be assisting to the Company.

The King will grant further privileges when necessary.

THE UNION

OF THE

TWO COMPANIES.

On the twenty-second of July, 1702, an Indenture tripartite was made between Queen Anne of the first part; the Old Company of the second part; and the New Company of the third part: The substance of which is as follows.

The two Eng-
lish East India
Companies
united.

The Old Company, being possessed in the late sub-	} £.	315,000
scription of — — —		
And the New Company of — —		
And the separate traders of — —		23,000
Making in all the subscription for the loan of		<u>£ 2,000,000</u>

1st. It is agreed between both Companies, that the Old Company shall purchase of the New Company, at par, £ 673,500 of their stock, whereby their whole stock will be — — — £. 988,500
Leaving the like sum for the New Company, viz. 988,500
And the separate traders, as above, have — 23,000

£ 2,000,000

2d. That the whole trade to India shall be carried on with the said united stock for seven years, for the benefit of all the Members of the New Company; the Old Company to have a right and power equal to all the rest of the members, in the management of the trade, during the said seven years, but to keep their stock in their politic or corporate capacity, for the said term, without transferring it to their particular members.

3d. The Old Company's dead stock (defined to be the forts, factories, buildings, &c. that is, any thing but money, ships, and merchandize),

* N. B. By the subsequent deed of 22d July, 1702, it was agreed, that this Indenture should be confirmed and established by a decree of the Court of Chancery. See page 27.

merchandise), being valued at £ 330,000; the dead stock of the New Company valued at £. 70,000; the New Company shall therefore pay £ 130,000 to the Old Company, for making up £ 200,000, for their moiety of the whole dead stock, being now £ 400,000, which is intended to be a new additional stock on the joint bottom.

4th. But the Old Company, during the said seven years, shall have the use of their dead stock at home, [that is, their office and warehouses in *Leadenball Street*, &c.]; and then it is to go to the United Company, [the Old Company ceasing to be a Company at the end of the said seven years] comprehending the proprietors of both Companies.

5th. During the said seven years from the date of the indenture, each Company shall hold their distinct courts; and shall have distinct courts of directors.—Each Company may raise money, either for their respective moieties of the united trade, or for transacting their separate affairs (such as paying their separate debts, &c.); but debts contracted for the joint trade shall be discharged out of the United Company's stock.

6th and 7th. Both Companies shall forthwith bring home their separate estate, and divide the same amongst their respective members; after which, neither Company shall send out any ships or goods on their separate account, but all shall be upon the joint account, by such orders as shall be made by the general courts of both Companies, in the name of "*The English Company trading to the East Indies*," by direction of twelve directors out of each Company, subordinate to both the general Courts.

8th and 9th. Both Companies shall bear an equal proportion of the united trade, and the members of each may transfer their nominal stocks, in the book of their respective Company; but so as the Old Company shall keep their moiety of stock intire in their corporate capacity for the said seven years.

10th. Both Companies covenant with Her Majesty, that on the joint account there shall be exported annually to *India*, of the growth, product, or manufacture of *England*, at least one tenth part of the whole sum they shall trade for: An account whereof shall

be

UNION of the TWO COMPANIES.

XXIX

6. The Old Company were to surrender to the Queen all their Charters of Incorporation, &c. on or before the 25th of March, 1709. And for insuring the due performance of this article, certain bonds agreed to be granted by the New Company, to the members of the Old Company, (being part of their additional stock of 70*l. per cent.* and which had been agreed to be refunded, amounting to 70,000*l.*) were made liable to forfeiture.

The Old Company to surrender their Charters before 25th of March, 1709. Security taken for their so doing.

7. All covenants contained in the before abstracted indenture tripartite, not altered by the award, were adjudged to be in full force.

Confirmation of indenture tripartite.

8. It was declared, that the award should be made a decree of the court of chancery, by consent of both Companies.

The award to be made a decree in chancery.

And lastly, That the first election of directors for the United Companies should be made on the 14th of April, next ensuing the date of the award.

An election of directors for united trade, fixed for 14 April, 1709.

DEED of ASSIGNMENT

from the OLD COMPANY to QUEEN ANNE,
of the Debts due to them in Great Britain,

dated 21st March, 1709.

By this deed, the Old Company, in pursuance of the power referred to them by Lord Godolphin's award, and to prevent any loss which they might otherwise sustain by the operation of the intended surrender of their Charters, and their ceasing to be a corporation, transferred and assigned to the Queen, all debts and sums of money due and owing to them in Great Britain, particularly mentioned in a schedule annexed to the deed, in order to her Majesty's re-assigning the same to trustees, for the use of the members of the Company, in proportion to their respective shares and interests therein.

The Abstract.

DEED of SURRENDER
 by the OLD COMPANY to QUEEN ANNE
 of their Charters, and Corporate Capacity,
 dated 22nd March, 1709.

The Abstract.

The Old Company surrenders all their Charters and corporate capacities.

By deed poll inrolled in chancery the Old Company, in pursuance of Lord Godolphin's award, and for the entire extinguishment of their corporate capacity, granted, surrendered, yielded, and gave up to the Queen, her heirs and successors, their corporate capacity, or body politick, of *Governor and Company of merchants of London trading into the East Indies*, and all their Charters, capacities, powers, and rights whatever, for acting as or continuing to be a body politick or corporate, by virtue of any acts of Parliament, Letters patent, or Charters whatever.

GRANT from QUEEN ANNE to the New Company
 of Foreign Debts owing to the Old Company,
 dated 22nd April, 1709.

The Abstract.

Recital that both Companies had submitted to the award;

also that the Old Company had assigned their foreign credits to the Queen.

The Queen accepts thereof, and grants the same to the New Company, with the aid of the exchequer for recovery.

The Grant recites the indenture tripartite of the twenty-second of July, 1702; the act of the sixth of Queen Anne, and the Earl of Godolphin's award: And states that the two Companies had mutually submitted to the said award; and that, in pursuance thereof, the Old Company, by indenture inrolled in the court of chancery, dated the twenty-seventh of October, 1708, had assigned to the Queen's Majesty all debts due and owing to them on their separate account in the *East Indies, China, Persia, and Saint Helena*, or other limits of their Charter, or other places beyond sea, in the manner directed by the award.—The Queen by this declares Her acceptance of the assignment; and re-grants the said debts to the New Company, who are to be aided by the process of the exchequer for the recovery thereof.

The

UNION of the TWO COMPANIES.

XXXI

*The QUEEN'S Acceptance of the said Surrender,
dated 7th May, 1709.*

The Queen, by patent under her great seal of this date, in-
rolled in chancery, declared her acceptance of the deed of sur-
render made by the Old Company on the 22d March, 1709, and
approved and allowed thereof.

The Queen
accepts the
Old Compa-
ny's surrender.

REGRANT from QUEEN ANNE to Trustees of the
*Debts in Great Britain due to the Old Company,
dated 15th August, 1710.*

By letters patent under the great seal, the Queen re-assigned and
re-transferred the debts due to the Old Company in *Great Britain*,
at the time of their surrendering their Charter, unto Sir *Jona-*
than Andrews, and others, in trust for the members of the Old
Company, in proportion to their respective shares and interests
therein.

The Abstract.

THE FIRST CHARTER
*Of Incorporation of the Mayor and Aldermen at
Madras-patnam, Bombay, and Calcutta; and for
erecting a Mayor's Court and other Courts at each
of those Settlements; dated the 24th Sept. 1726.*

By this Charter, a mayor and nine aldermen, for each of the
said three settlements, were named and incorporated, with perpe-
tual succession, with power of acting under a common seal, and
of making by-laws, and of holding a mayor's court for the
trial of causes both civil and criminal, (high treason only
excepted);

The Abstract.

excepted); and on the 17th November, 1727, King George the Second, by Letters patent under the great seal, granted to the United Company, and their successors, all fines and amerciaments, forfeitures, penalties, and sums of money, which had been or should thereafter be adjudged, set or imposed, in the said several courts, with power to sue for, levy, and receive the same, without account.

N. B. *For the variations made in the foregoing Charter by the new Charter of justice, granted to the Company in 1753, see the note subjoined to the abstract of the new Charter at page xli.*

DEED of SURRENDER

*to King GEORGE the Second, by the United Company,
of the two last mentioned grants of 1726 and 1727,
dated 6th January, 1753.*

The Abstract.

The Company surrender the said two grants of 1726, and 1727.

By indenture, inrolled in chancery, made between the King's Majesty of the one part, and the United Company of the other part, the Company surrendered and yielded up the said two grants, and all the franchises, powers, jurisdictions, rights, and privileges thereby given. And the King thereby declared his acceptance of the said surrender, under a proviso, that it should be of no force or effect, until 30 days next after the arrival of the new Charter, intended to be granted for erecting courts of justice within the said respective settlements.

THE SECOND CHARTER

For erecting a Corporation, and a Mayor's Court, and other courts of judicature, at Madras-patnam, Bombay, and Calcutta; and for granting further powers to the United Company;

dated 8th January, 1753.

The Charter recites the former Charters of 1726, and 1727; and states, that the United Company, for several years before the granting of the said Charter of 1726, had, by a strict and equal distribution of justice at their settlements, encouraged not only the King's subjects, but those of other Princes, and also the natives of the adjacent countries, to resort to and settle therein, by which means the said settlements were become very populous, and especially the settlements of *Madras-patnam*, *Bombay*, and *Fort William*; and that the Company had, by their petition, represented that by means of the capture of *Madras* by the *French*, and their retaining the possession thereof till the treaty of *Aix la Chapelle*, the mayor and aldermen thereof had dispersed, and their powers and authorities, granted for the administration of justice in civil causes there, were dissolved: And further, that some defects had been discovered in the said Charter, and that the Company had therefore besought the King to accept a surrender of the said Charter and Grant, and to give them a New Charter for erecting other courts or jurisdictions, civil and criminal, with such alterations from the former, as would tend to the better administration of justice in the places aforesaid: And it then recites the said deed of surrender of the sixth of *January, 1753*.

The King, in consideration of the said surrender, &c. grants and establishes, that there shall be for ever, in the town or factory of *Madras-patnam*, one body politic and corporate, by the name of "The mayor and aldermen of *Madras-patnam*," to consist of a mayor and nine aldermen; of whom seven, at least, together with the mayor for the time being, shall be natural born subjects, the remaining two may be foreign protestants, the subjects of any other prince or state in amity with the King;—

The Abstract.

The Company, by an equal distribution of justice, have encouraged settlers,

at *Madras*, *Bombay*, and *Fort William*.

That the *French* having taken *Madras*, the corporation was dissolved.

The former Charter of 1726 defective.

Pray for leave to surrender it, and for a new Charter.

Incorporation of a mayor and nine aldermen at *Madras*;

with perpetual succession, and a common seal.

The first mayor and aldermen named.

Mode for annual election of a mayor.

The mayor to continue an alderman.

Mode of supplying vacancies of aldermen.

May be sued in default of qualifying.

In what cases the office of a mayor or alderman may be vacated.

The council may remove aldermen, who may appeal to the King in council.

Persons elected and not qualifying, their places to be supplied. Mayor and aldermen are erected into a mayor's court.

To hear civil causes.

Exceptions.

to have perpetual succession;—may sue and be sued, and have a common seal, with power of changing it.

The Charter then appoints the first mayor and aldermen by name—who are to be sworn; the office of alderman to continue for life, unless avoided, or himself removed;—two of the aldermen to be returned, on the first *Tuesday in December* annually, to the president and council of *Fort Saint George*, who are to choose one of the two to be mayor for the year ensuing;—and the like mode is prescribed for supplying any vacancy of the office of mayor, by his death or removal during his mayoralty, for the remaining part of the year.—The mayor is to continue an alderman after the determination of his office of mayor.

Vacancies of aldermen are to be supplied by the president and council, and are to be filled up before any mayor be elected.—Aldermen elected, and not qualifying in fourteen days, are to be fined by the mayor's court, with approbation in writing of the president and council.

Any mayor or alderman removing to any other settlement, or returning to *Europe*, or being otherwise absent from the town twelve months, or becoming the governor of the presidency, or a member of the council, shall vacate his office.

The president and council may, upon a reasonable cause, on a complaint in writing, remove any alderman; but he is to be first summoned to make his defence, and a reasonable time allowed him for that purpose.—The party aggrieved may appeal to the King in council, on giving security for the costs, in the event of the sentence being affirmed; but the appeal shall not suspend execution of the sentence.

Persons elected, and dying or departing before they have qualified, their places may be supplied by others.

The mayor and aldermen are erected into a court of record, by the name of "*The Mayor's Court at Madras-patnam*," with power for three or more (whereof the mayor or the senior alderman is to be one) to hear and determine all civil suits within the town of *Madras*, or other places subordinate to the fort or presidency of *Fort Saint George*; except suits between *Indian* natives of *Madras* only, which are to be determined among themselves, unless they mutually submit to the judgement of the Mayor's court.

No person interested is to sit in judgement.—On equality of voices, the mayor or senior alderman is to have two voices.

The former sheriff is to continue till a new one is appointed.

The president and council of *Fort Saint George* are to elect a new sheriff on the first *Tuesday* in *December* annually; who is to qualify by taking the oaths of allegiance, &c. &c.; to continue in the office till the 20th of *December* next ensuing, and until another shall be elected; and in case of his death or removal within the year, or being absent for three months (unless for cause to be allowed by the president and council), another shall be elected in his room for the remainder of the year.—The duty of the sheriff is to execute and make return to the process of the Mayor's court, and of the Court of requests hereafter mentioned; but with power when absent, for cause to be allowed, to execute his office by deputy.

The Charter then prescribes the forms and rules of practice in the said court in civil actions, *viz.*—The cause of action is to exceed five pagodas, and the complaint to be exhibited in writing.—The first process to be by summons under the hands and seals of two of the judges (the mayor or senior alderman being one).—In default of the defendant's appearance, and upon return of the summons by the sheriff, a *capias* may be issued to the sheriff to take the body.—Upon appearance or arrest, defendant to be admitted to bail.—The court is then to proceed to the examination of the complaint upon the oaths or affirmations of witnesses, &c. whose depositions are to be taken in writing, and subscribed in open court; and thereupon the court is to pronounce judgement according to justice and right; and to award execution by process to the sheriff for levying the debt and damages, with costs of suit; and for want of sufficient distress, the defendant may be imprisoned till satisfaction made; and where judgement is given for the defendant, the court may give him his costs, and the like remedy against the plaintiff as in the former cases specified for enforcing payment thereof.—In actions against the sheriff, the president and council are to depute a person to execute the process.

Persons interested not to sit in judgement, &c. Former sheriff continued. The sheriff to be elected annually.

The duty of the sheriff.

Rules of practice in the mayor's court.

First process a summons;

then a *capias*.

Defendant may be bailed. Witnesses are to be examined.

Judgement and execution.

In actions against the sheriff, court to depute.

In

Proceedings
in suits where
the parties
are parties.

In suits against the Company, the summons, &c. is to be addressed to the president and council; and in default of their appearance on behalf of the Company, other process may be issued against the Company's effects to compel appearance, &c. The court may also levy executions, upon judgements given against the Company, on their effects.—The president and council may also prosecute suits in the said court in the name and on the behalf of the Company.

Method of
proceeding
against such
as withdraw
from the ju-
risdiction.

If a defendant, after action commenced, shall withdraw out of the jurisdiction of the court, an affidavit may be filed, verifying the plaintiff's demand, and the court may issue sequestration against the defendant's effects to compel appearance, &c. and for want thereof within six months, (unless it shall be shewn that the defendant is returned to *Great Britain or Ireland*), the court may proceed to judgement *ex parte*, and make sale of the sequestered effects to answer the debt and costs, and if insufficient, execution may go for levying the deficiency.

Money and
effects
brought into
court, to be
deposited in
the Compa-
ny's treasury.

The Company having undertaken to be answerable to the suitors for money and effects brought into court, and to discharge the expences of receiving and repaying or restoring the same, so that the suitors may not be burthened thereby, all cash and effects brought into court are to be deposited with the president and council (but subject to the further orders of the court) in the name of an Accomptant General, to be appointed by the Directors, who are authorized to make rules for his guidance, conformable to the rules prescribed for the accomptant general in the court of Chancery of *Great Britain*, or as near thereto as circumstances will admit.

An accompt-
ant general
to be ap-
pointed.

Mayor's court
may admini-
ster oaths and
affirmations,
appoint
clerks, and
do other acts;
subject to the
approbation
of the Direc-
tors.

The court may administer oaths and affirmations; frame rules of practice; appoint clerks and officers; and do other necessary acts for the administration of justice, and the execution of the powers of the Charter; subject nevertheless to the approbation and controul of the court of Directors, who likewise are empowered to make rules and orders for the better administration of justice; but orders made by the mayor's court, not being repugnant to those of the Directors, shall be in force until revoked or altered by the Directors, and notice given thereof to the mayor's court.

Orders of
mayor's court
to be in force
till revoked by
Directors.

A table of fees to be paid by the suitors is to be settled by the mayor's court, and when approved by the president, it is to be kept fixed up at all times in a conspicuous part of the mayor's court; subject nevertheless to variations by the said court, with the approbation of the president and council, or by the Court of Directors.

A table of fees to be paid by suitors, to be established.

Fees may be varied.

An appeal from the mayor's court is given to the president and council, who are constituted a court of appeals, with power for three or more to act, (the governor or the senior member of council being present; and to him is given a casting vote when there shall happen to be an equality of voices).—Their judgements in appeal are to be final, unless the debt or damages and costs shall exceed 1000 pagodas; when exceeding that sum, or where no judgement in appeal can be given for want of a sufficient number of disinterested judges of appeal to act, (although the value be under 1000 pagodas), an appeal is given to the King in council, as in cases of appeals from the *West Indies*; but the security from the appellant is to extend to cover interest for the debt or damages which shall be finally awarded, as well as for the debt or damages and costs.

President and council constituted a court of appeals.

In what cases their judgements are to be final.

Appeals may, in certain cases, be made to the King in council.

Judgements in appeal are to be executed by the mayor's court, and in their default for fourteen days, then by the president and council.

How judgements in appeal shall be executed.

The Charter then proceeds to provide a speedy remedy for the recovery of small debts, by granting that there shall be forever, in the town of *Madras-patnam*, a court of requests for the town and factories thereof; and for that purpose the president and council are to appoint not less than eight, nor more than twenty-four, of the principal inhabitants of *Madras-patnam*, to be the first commissioners to hear and determine suits in a summary way, not exceeding the value of five pagodas each, under such rules and regulations as shall from time to time be given them by the court of Directors. Three or more are to sit in rotation.—The first commissioners are to continue until the first *Thursday* in the month of *December* next ensuing their appointment, on which day half the number of commissioners then in being are to be removed by ballot of the whole number, or of

A court of requests for *Madras* instituted.

Commissioners to be appointed.

Suits limited to five pagodas.

Three commissioners to sit in rotation. The duration of their office.

For the election of commissioners.

so many as shall be present, and the former number of twenty-four is to be made up by the ballot of the remaining half; and from thenceforth the elder commissioners are to be removed, after sitting two years, and their places, and also any vacancies happening in the interval among the last appointed commissioners, are to be supplied on the first *Thursday* in *December* annually, by the ballot of the last elected commissioners, and so from year to year.

President and council to be justices of the peace;

The president and council are empowered to act as justices of the peace for *Madras*, *Fort Saint George*, *Fort Saint David*, *Vizagapatnam*, the factories on the coast of *Sumatra*, and all other factories subordinate to *Fort Saint George*; with like power as justices of peace constituted by commission under the great seal of *England*.—The president and council, or any three of them (whereof the president or senior council shall be one), are to hold quarter sessions four times a year, and be a court of record, in the nature of a court of oyer and terminer and gaol delivery, and to be commissioners of oyer and terminer and gaol delivery for the trial of all offences, except high treason, committed within *Madras*, *Fort Saint George*; or any of the subordinate factories. Their proceedings to be by indictment, as in *England*; and they are to issue precepts to the sheriff for summoning a convenient number of the principal inhabitants of the district to serve as grand and petit juries; they may administer the same oaths to the juries as are taken in *England*, and swear or affirm all witnesses, being Christians, upon the Holy Evangelist, and natives according to their casts. They are to proceed to arraignment, trial, judgement, conviction, and punishment, and award execution as such courts may do in *England*; and may assemble and adjourn as to them shall seem convenient.

and to hold sessions of peace, oyer and terminer, and gaol delivery.

To proceed by indictment as in *England*.

To summon juries, and examine witnesses, &c.

To award execution.

President and council to be sworn.

The president and council are to take an oath faithfully to execute the offices of justices and commissioners of oyer and terminer, and also the oaths of allegiance, &c.

Proceedings begun, to be proceeded in.

Proceedings begun before the arrival of the Charter are not to abate, but are to be proceeded in as if commenced under it.

The

The Company is empowered to appoint generals and other military officers for the towns of *Madras*, and the towns, places, and dependencies of *Fort Saint George*; and to raise and maintain standing forces within the said towns and limits; and also seamen, and ships of defence; and they may displace such generals and officers at pleasure.

The Company may appoint Generals, &c.; and maintain forces by sea and land.

The said generals and other officers, according to their commissions and instructions, may assemble and exercise in arms the inhabitants of the said towns either by sea or land, and may repel invasions, &c. and in time of war may exercise martial discipline and martial law, and seize and destroy the ships, men, &c. of the invaders.

The powers of such generals and officers.

The Charter then proceeds to the ordaining and establishing a corporation for *Bombay*, to consist of a mayor and nine aldermen, and to the erecting the several courts of civil and criminal judicature for the town or factory of *Bombay*, and the limits thereof, and the factories subordinate thereto, with a sheriff to execute process, &c. in the like manner, and with the like powers, in all respects, as are before ordained for *Madras* and *Fort St. George*; and grants the like powers for the Company to appoint general officers and other military commanders, and for raising and mustering forces by sea and land; and training the inhabitants to arms, in the town, limits, and factories of *Bombay*, and to repel invasions.

The like corporation and courts established for *Bombay*, with the like powers of appointing generals, &c.

And the like provisions are in all respects made for a corporation, mayor's court, and other courts, &c. for the town of *Calcutta* at *Fort William* in *Bengal*.

And the like for *Calcutta*.

The Charter then gives a general power to the respective presidents and councils of *Madras*, *Bombay*, and *Fort William*, and to the court of directors for the time being respectively, to make bye-laws for the good government and regulation of the several corporations and courts thereby erected, and of the inhabitants of the towns and places aforesaid, and to impose reasonable pains and penalties upon such as shall offend against the same; such bye-laws not being contrary to the laws and statutes of the realm, and being first confirmed by the court of directors.

Powers for making bye-laws for the government of the said settlements.

The King grants to the Company for ever, all fines, amerciaments, forfeitures and penalties, adjudged, set, or imposed, in any of the said courts; the same to be received and levied to the

To be confirmed by the directors.

Grant of fines and forfeitures.

use

use of the Company without account, with power for the Company to recover the same by action, &c.; and the president and council, mayor, and aldermen of the respective presidencies, are required to pay over such fines and forfeitures to the use of the Company; and it is declared that such payments shall be of the same force as if made at the receipt of the exchequer.

Mayor's court to grant probate of wills, and letters of administration.

The King then ordains, that when any person shall die within any of the said three presidencies, or the factories subordinate thereto, the mayor's court within whose jurisdiction such death shall happen, upon proof made of the execution of any will of the deceased, shall grant probate of such will under the seal of such court, to the executor or executors, who shall have power to act as such, touching the debts and estate of the testator within the limits of trade granted to the Company; and where the party shall die intestate, or not having appointed an executor or executors residing within the said limits, then the mayor's court is to grant letters of administration in the former case, or letters of administration, with copy of the will annexed, in the latter case (but determinable upon any executor named in the will afterwards appearing in court, and praying probate); or if no executor be named in the will of the testator, then to the next of kin of the deceased residing within the jurisdiction of such court; or for want of such to the principal creditor, and for want of a creditor, then to such person as the court shall think proper, on security bond being given by the principal and his sureties to the mayor, in the form prescribed in the Charter, with condition duly to administer, &c.; and all administrators so appointed are empowered to act as such touching the estate and effects of the deceased within the said limits.

Mayor and aldermen are to qualify by oath.

Every mayor and alderman is to take the oath of allegiance, and also an oath of office, before two of the council of the presidency.

If principal seat removed, the court and powers to follow.

If the Company shall, for the convenience of trade, remove the seat of any of the said presidencies to any other place subordinate thereto, the mayor's court and court of requests may be removed thither, and the powers and jurisdictions thereof shall follow, with the change only of the name or stile of the place.

If Company be dispossessed of any settlement, and af-

It is also ordained, that if the Company shall happen to be dispossessed of any of the said presidencies, or of any principal settle-

ment

ment to which any of the said courts shall happen to be removed, and the possession thereof shall be afterwards restored to the Company, the same shall not be deemed a dissolution of any corporation or court; but in that case the court of directors are empowered to nominate the like officers as are appointed or directed by the Charter, who shall continue in office till others shall be appointed after the form aforesaid; and such officers shall have the same jurisdictions and authorities as might have been exercised if the possession had not been changed.

terwards restored, the powers of the Charter are to continue in force.

And lastly, the King reserves to himself and his successors full power and authority, upon any application to be made by the court of directors, to vary, revoke, and annul the said Charter, and to grant to the Company any new or other powers; and the King grants that the Charter, or the inrollment thereof, shall be valid and effectual in the law, and shall be construed in the most favourable sense for the best advantage of the Company, as well in courts of record as elsewhere, notwithstanding any non-recital, or other imperfection therein.*

Reservation in the Crown to vary the Charter.

The Charter to be construed in the most favourable sense.

* The points, in which this Charter differs from the former Charter of 1726 are, that by the former Charter, the election of the mayor was given wholly to the aldermen, whereas by this Charter they are to put two of their members in nomination to the Governor and Council for their choice of the mayor; and that by the former Charter, the mayor and aldermen were to supply vacancies of their members, whereas by the present, the choice is given to the Governor and Council; also by the former Charter, the mayor's court had cognizance of all civil suits between party and party, in the town of Madras, or any of the factories subordinate to Fort St. George; whereas by the New Charter, they are excluded from trying suits between Indian natives of Madras, unless by the consent of both parties; and lastly, that by the New Charter, a court of requests is established, for the recovery of small debts, with respect to which the former Charter was silent.

N. B. It is observable, that both these Charters, in prescribing the mode and forms of proceeding, excludes by implication any trial or inquiry of damages by jury, giving the court itself, as well where the defendant hath appeared to the action, as where he hath not appeared, the sole power of assessing damages, passing judgement, and awarding execution for the debt or damages adjudged, with costs of suit.

A GRANT to the UNITED COMPANY
Of Plunder and Booty taken from the NABOB
of BENGAL,
dated 19th September, 1757.

The Abstract.
Recital that
the Company
had com-
menced hos-
tilities against
the Nabob of
Bengal.

And had con-
certed a plan
of operations
with the
King's of-
ficers.

The agree-
ment stated.

The petition
for the grant.
The King
grants to the
Company the
reserved
moiety of the
booty and
plunder.

except goods,
&c. re-taken,
which are to
be restored to
the owners,
subject to pay-
ment of sal-
vage.

THE grant states, That the United Company had been obliged to commence hostilities against the Nabob of *Bengal*, for the recovery of the town and settlement of *Calcutta*, (which had been taken from them by the forces of the Nabob, without any just pretence), and of the valuable commodities belonging to the Company and other persons; and that the Company's officers at *Fort St. George* had concerted a plan of operations with the admiral and commanders of His Majesty's fleet in those parts, for regaining the said settlement, fort, and commodities, and for obtaining satisfaction for all losses; and that it had been agreed between them, that one moiety of the plunder to be taken from the *Moors* should belong to the captors, and that the other moiety should be reserved and deposited till His Majesty's pleasure should be known; and the Company having besought His Majesty, that in compensation for the damages they had sustained, and the expences of the expedition, he would grant them the said last-mentioned moiety, the King gives and grants to the said Company the said reserved moiety of all booty or plunder, ships, vessels, merchandizes, treasures, &c. which, in pursuance of the said concerted plan, shall be taken from the said Nabob, his forces, subjects, allies, and adherents, except such as have been forceably taken or detained by the enemy from His Majesty's subjects, or others under his protection, which are to be restored to the owners, on payment of reasonable salvage.

A SECOND GRANT to the UNITED COMPANY
 Of Plunder and Booty taken by the Company's
 Forces in INDIA,
 dated 14th January, 1758.

THIS grant states, That powers have been formerly given to the different *East India* Companies to send ships of war to *India*, to muster forces, to make peace and war with the native princes, and to recompence themselves for injuries and wrongs within the limits of their Charters; also, that the United Company have been of late years put to great charges in carrying on war in those parts against the *French*, and against the Nabob of *Bengal*, and other princes in *India*; and that some of the Company's possessions, merchandizes, and treasures, having been captured, have been since retaken by the ships and forces of the Company, in conjunction with those of His Majesty, and that other territories and effects have been captured from the enemy by the ships and forces of the Company alone. His Majesty, weighing how highly it imports the honour and welfare of his realm, that all fitting assistance and encouragement be given to the Company, for the support of their trade, &c. grants to the Company all manner of booty or plunder, ships, merchandizes, treasure, and effects, which, since the before abstracted Letters Patent of the 19th of *September*, 1757, have been, or shall be, taken from the enemy by any ships or forces of the Company, within the limits of their trade; provided the same be taken during wars or hostilities begun and carried on in order to recompence the Company upon the goods or people of those parts from whom they shall sustain, or have just cause to fear, any loss or damage; or shall interrupt them in their trade within the said limits; or shall in an hostile manner invade or attempt to destroy their settlements; or injure His Majesty's subjects, or others under his protection, trading or residing within the said limits; and also provided that such booty or plunder be taken in wars or expeditions begun, carried on, and completed, by the Company's forces or ships alone; with a saving of the Prerogative Royal to distribute plunder or booty, where the forces of His Majesty, by

land

The Abstract.
 Recital of the
 Company's
 powers to
 make peace or
 war in *India*;

and that they
 have been put
 to great ex-
 pence in the
 wars there;

and that some
 of their set-
 tlements and
 effects have
 been retaken
 from the
 enemy;

and that other
 territories and
 effects have
 been taken
 from the ene-
 my by the
 Company's
 forces.

The King
 weighing the
 matters, &c.
 grants to the
 Company all
 booty and
 plunder taken
 by their forces
 alone, since
 the former
 grant of 1757,
 or which shall
 be hereafter
 taken by them
 within their
 limits of trade.

This Grant
 restricted to
 cases specified.

The King re-
 serves his right
 of distribution
 of plunder
 taken by the

land or sea, shall be commanded to act in concert with those of the Company; and also saving all ships and goods re-taken from the enemy, which are to be restored to the owners, on payment of reasonable salvage.

The Company may cede, restore, or dispose by treaty, to *Indian* princes, fortresses or territories taken by the Company; but not of any taken from *European* princes, without licence from the Crown. The Charter is to be construed beneficially.

The King also grants, that it shall be lawful for the Company, or their servants, by any treaty of peace with any *Indian* princes or governors, to cede, restore, or dispose of, any fortresses or territories, already, or which shall hereafter be acquired by conquest; except that the Company shall not dispose of any settlements, conquered from any *European* power, without the licence of the Crown.

And lastly, it is declared, that the grant, or the inrollment thereof, shall be valid in law, and shall be adjudged in the most favourable sense, for the best advantage of the Company.



C H A R T E R

*For erecting a SUPREME COURT of JUDICATURE
at Fort William, in Bengal,
dated 26th March, 1774.*

THE King, by virtue of an act of parliament of the 13th year of his reign, ordains that there shall be, *within the factory of Fort William at Calcutta in Bengal*, a court of record, to be called "THE SUPREME COURT OF JUDICATURE AT FORT WILLIAM, IN BENGAL;" to consist of, and to be held before, a chief justice and three puisne justices (being barristers in *England* or *Ireland*, of not less than five years standing), who are from time to time to be appointed by Letters Patent, under the great seal, and to hold their offices during the pleasure of the Crown.

The chief justice and puisne justices are also appointed justices and conservators of the peace, and coroners, for the provinces of *Bengal, Babar, and Orissa*, and are invested with such and the like jurisdiction and authority as may be executed by the chief justice and other justices of the court of King's bench in *England*; their judgements and orders are to be made with the concurrence of the major part of them, or by such one of them as shall be sitting in court; and a casting voice is given to the chief, and in his absence, to the senior puisne justice present, when the court is equally divided.

The supreme court is to have a seal, bearing the impression of His Majesty's arms, within an exergue, bearing this inscription, "THE SEAL OF THE SUPREME COURT." The seal is to be kept by the chief justice, or, during a vacancy of that office, by the senior puisne justice, and during a vacancy of the office of chief justice, or of any puisne justice, who shall have had the custody of the seal, the said court is impowered to seize and take the seal from any person by any means.

All writs and processes are to run in the King's name; are to be passed under seal; are to be attested by the keeper of the seal for the time being; and are to be signed by the officer preparing the same.

The salary of the chief justice is fixed at £ 8,000 *per annum*, and that of each of the puisne justices at £ 6,000 *per annum*.

The Abstract. Act of 13 Geo. III, cap. 63.

A court of record, to be called, "The Supreme Court of Judicature at Fort William, in Bengal."

To consist of a chief justice, and 3 puisne justices. Their qualification.

To be appointed by the Crown, and to hold during pleasure.

To be justices of the peace, and coroners, in the 3 provinces; with the same powers as the justices of the King's bench.

Major part, or a single justice, may give judgment.

The chief, or senior puisne justice, to have a casting voice.

The court to have a seal, to be kept by the chief, or senior puisne justice.

All writs and processes are to run in the King's name.

Salaries of the 4 justices.

CHARTER of JUSTICE

Their rank and precedence.

The nomination of the first four justices.

Mode prescribed for electing a sheriff for the three provinces;

who is to take certain oaths.

His duty.

Court to depute where sheriff is interested.

Clerks and officers to be appointed by the court;

with reasonable salaries,

to be approved by Governor general and council.

For admission of advocates and attorneys.

The chief justice is to have rank and precedence next after the Governor general, and the puisne justices (according to their priority of nomination), next after the members of the supreme council.—*Elijah Impey* Esq. is constituted the first chief justice; and *Robert Chambers*, *Stephen Casar Le Maistre*, and *John Hyde*, Esqs. the first three puisne justices.

The supreme court are, upon the first *Tuesday* in *December* annually, to nominate three persons resident in *Calcutta*, or its precincts, to the Governor general and council, who are, within three days, to appoint one of the said three persons to serve the office of sheriff for one year, to be computed from the 20th of *December* next ensuing. The sheriff is to take the oath of allegiance, and also an oath of office; before the Governor general, or the senior member of the council present; and in case of the death of such sheriff, or of his departure from the provinces whilst in office, another person is to be appointed sheriff in his stead for the remainder of the year, in the manner aforesaid.— The duty of the sheriff is to execute and return, by himself or deputies, all writs and precepts to the supreme court; and to receive and detain in prison all persons committed by the court; and where any process shall be awarded against the sheriff, the supreme court may direct any other person to execute and return the same.

The supreme court is empowered from time to time, as occasion shall require, to appoint such clerks and ministers as shall be necessary for the administration of justice, and the execution of the authorities granted to the court; which said officers and clerks are to have and receive such reasonable salaries as the said court shall appoint for each office and place respectively, and as the Governor general and council shall approve; provided that all the said officers and clerks be resident within the jurisdiction of the court, so long as they shall hold their respective offices.

The supreme court may also admit so many advocates and attorneys at law upon record as they shall think fit. The attorneys are to appear, plead, and act for the suitors, and are made subject to removal by the court; and no other attorneys are to be allowed to practise in the said court.

The court is to settle a table of fees to be paid by suitors to the sheriff, and other officers, clerks, and attornies, for all business done by them in the said court, subject to the approbation of the Governor general and council, and also subject to any future variations to be made therein, at the discretion of the court, with the concurrence of the Governor general and council. The judges are required to transmit to his Majesty, within a year after the publication of the Charter at *Fort William*, a list of the said officers and clerks, and of their salaries, and a copy of the said table of fees; and the said table of fees is required to be kept fixed up in a conspicuous part of the court room at *Fort William*.

For settling a table of fees to be paid by the suitors.

The fees may be varied.

A list of clerks and officers, and table of fees, to be transmitted to the King. The tables to be hung up in the court room.

The supreme court may try and determine all suits upon trespass, injuries, debts, and demands, or other interests whatever, or any rights, titles, or claims to houses, lands, or other things; real or personal, within the provinces; and may hold pleas, real, personal, or mixed, in causes against the Company, or against the mayor and aldermen of *Calcutta*, or against any other of His Majesty's subjects residing, or who shall have resided within the provinces, or having debts or effects real or personal within the same, or against their representatives; and against any other person who, at the time of action brought, or cause of action accrued, shall be, or shall have been, in the service of the Company, or of the said mayor and aldermen, or of any other of His Majesty's subjects; (but they are not to try a suit against any person who was never resident in any of the said provinces, nor against any person resident in *Great Britain* or *Ireland*, unless the suit be commenced within two years after the cause of action arose, nor if the sum to be recovered shall exceed 30,000 current rupees).—The said court may also try and determine suits against other inhabitants of *India* residing in the said provinces, upon contracts in writing between them and any of the King's subjects, where the cause of action shall exceed 500 current rupees, and when such other inhabitant shall have agreed by such contract that in case of any dispute the matter shall be determined in the said court.

The civil jurisdiction and power of the court.

Restrictions.

Cognizance of suits amongst other inhabitants by consent.

The

N. B. By act of 21 Geo. III, chap. 70, printed in this collection, the authorities and jurisdiction of the supreme court of judicature are explained and more particularly defined.

Mode of commencing and prosecuting a civil suit in the Supreme court.

The mode prescribed for commencing and prosecuting suits, in the said court is, by filing a bill containing the cause of action or complaint, whereupon a precept is to be issued to the sheriff to summon the defendant, who is to appear and plead; with power to the court to give time after appearance, and to examine witnesses upon oath, and to summon witnesses for that purpose, and to award to such witnesses their expences, and to enforce the payment thereof, and also to compel witnesses to attend and give their evidence.—The depositions and affirmations of the witnesses are to be reduced into writing, subscribed, and filed of record; and where the persons summoned as witnesses shall neglect to appear, or appearing shall refuse to give their evidence, or to subscribe their depositions or affirmations, they are made subject to fine or imprisonment, or other corporal punishment not affecting life or limb, at the discretion of the court.

Means of compelling unwilling witnesses to appear.

The court is authorized, upon examination into the allegations of the parties, [or of the complaint alone, where the defendant shall confess the action, or shall not enter his appearance and plea,] to give judgement with costs, and to award writs of execution to the sheriff against lands, debts, and effects, or against the body; and where debts shall be extended, no discharge shall be effectual to the debtors without the order of the court.—

The court to proceed to judgement, and award writs of execution.

Further powers granted to the court of making interlocutory rules and orders.

In what cases parties may be held to bail;

The court may also make interlocutory rules and orders; and may, in default of a party appearing to the first precept, award a *capias*, and hold the party to bail; and where the cause of action shall be sworn to exceed 100 current rupees, or verified to the satisfaction of the court to be of an enormous personal wrong, the court may award a *capias* in the first instance, and hold the party to bail, and for want of bail may commit to prison until bail given. If a *non inventus* be returned to any summons or *capias*, a writ of sequestration may be awarded against lands, debts, and other effects of the defendant, with power of sale at the discretion of the court; and if the defendant shall not appear within a time to be limited, the court may proceed to hear and determine *ex parte*, and give judgement with costs, and cause such judgement to be satisfied out of the produce of the sequestered effects; and the deficiency (if any)

and writs of sequestration awarded.

may

may be levied by further process of execution. But if after sequestration, judgement shall pass for the defendant, the court shall award to the defendant his damages and costs of suit, including the costs of the sequestration.

If after sequestration, judgement passes for the defendant, the plaintiff is to pay damages and costs.

The Governor general and council are required to appoint an attorney to act on behalf of the Company, who is to reside in Calcutta, and on whom precepts against the Company are to be served; and in default of his entering an appearance for the Company, the court may compel appearance by writs of sequestration against the Company's estates and effects. In judgements against the Company the court is to award reasonable costs, and cause the same, with the debt and damages, to be levied by execution upon the Company's effects.—When no attorney shall be appointed for the Company, the court may appoint one for them.—After four sequestrations against the Company, and no appearance entered, and after two years from the service of the summons, the court may hear and determine the cause *ex parte*, and give judgement and costs, and cause the same to be satisfied out of the produce of the sequestered effects; and any deficiency therein may be levied by further execution. But if after a sequestration, judgement shall pass for the Company, the court shall award to the Company their costs of suit, and also their damages and expences occasioned by the sequestration.

An attorney to be appointed to act for the Company.

Mode of proceeding in suits against the Company.

The Company may also sue in the said court in the same manner as other persons.

Company may sue in the supreme court.

In suits brought in the provincial courts (exceeding the value of 500 current rupees) upon contracts in writing made between British subjects and any other inhabitants of the said provinces, and where such inhabitants shall have agreed by such contracts, that in case of any dispute, the matter shall be determined by the Supreme Court, then, on the application of either party, and either before or after judgement, the Supreme Court may grant a prohibition to the provincial court, and determine the suit.

In what cases the court may take cognizance of suits between the natives.

It is also ordained, that the said court shall be a court of Equity, and administer justice according to the rules and proceedings in the Chancery in Great Britain.

The supreme court shall act as a court of equity, as the Chancery of Great Britain.

CHARTER of JUSTICE

Also as a court of oyer and terminer and gaol delivery.

Also, that the said court shall be a court of oyer and terminer, and gaol delivery, for the town of *Calcutta*, the factory of *Fort William* and the limits thereof, and the factories subordinate thereto; with power to make the Grand Inquest of all treasons, murders, felonies, &c. within the said town, factory, limits, and subordinates. The grand juries and petit juries are to be summoned by the sheriff from amongst *British* subjects residing in the town of *Calcutta*, and criminal justice is to be administered and execution awarded as in the like courts and for the like offences in *England*, and the like power of inquest, presentments, &c. &c. is extended over all *British* subjects residing within the said provinces at large, and over all persons in the service either of the Company or of other *British* subjects, with power of issuing writs of *capias*, *subpœna*, &c. &c.

No objection to lie to the locality of jurisdiction.

No objection is to lie to the locality of the jurisdiction, but the trial and punishment shall be, as if the crime were committed in *Calcutta*.

The court may relieve convicts, or suspend execution, respite the proceedings.

The court may relieve or suspend execution, in cases proper for mercy, until His Majesty's pleasure shall be known; on those occasions the justices are to transmit to His Majesty a state of the case, and of the evidence, with their reasons for recommending the criminal to mercy, and in the mean time the party is to be kept in custody, or delivered upon bail, as circumstances may require.

Inferior courts and magistrates made subordinate to the supreme court.

The Charter then ordains, that the court of requests, and court of quarter sessions, established by the Charter of Justice of the 26. *Geo. II.*, and all justices of peace, sheriffs, and other magistrates in the said provinces, shall be subject to the order and controul of the supreme court, in the like manner as inferior courts and magistrates in *England* are subject to the order and controul of the court of King's bench; to which end the Supreme Court is empowered to award writs of mandamus, certiorari, procedendo, and error, directed to the said inferior courts or magistrates, and to punish any contempt of wilful disobedience thereto by fine and imprisonment.

Supreme court may award writs of certiorari and error.

Also

Also that the Supreme Court shall have *ecclesiastical jurisdiction* throughout the said provinces over *British* subjects, after the manner in which such jurisdiction is used in the diocese of *London*, with power to proceed in all causes, &c. appertaining to ecclesiastical jurisdiction amongst *British* subjects there, and which by the law and custom of the diocese of *London* are of ecclesiastical cognizance; and to grant probates of wills of *British* subjects, and Letters of Administration of such as shall die intestate in the said provinces, or Letters of Administration, with copy of wills annexed, either where no executor is named in the will, or where the executor shall not sue forth the probate; and also to grant citation, with power of sequestration, revocation, settling accounts, &c. &c. as used in the diocese of *London*.—Administrators are required to give security by bond, truly to administer and to make inventory, &c.; and the court may grant leave to parties interested to put such bond in suit.—The court is also to appoint registers, proctors, apparitors, and other officers, as there shall be occasion; and also guardians and keepers of the persons and estates of infants, and committees of idiots and insane persons, and to take inquests, &c.

Supreme court to exercise ecclesiastical jurisdiction in the provinces, as is done in the diocese of *London*; to hear causes of ecclesiastical cognizance; grant probates of wills, and letters of administration of intestates.

Forms of proceedings as in the diocese of *London*.

May appoint registers; and other officers; also guardians of infants, and committees of lunatics.

The supreme court is also constituted a *court of admiralty* for the said three provinces, and for the territories and islands adjacent thereunto, and dependent thereon, with power to try and determine all causes, civil and maritime, pleas of contracts, debts, exchanges, policies of insurance, accounts, charter-parties, and agreements for loading of ships, or relating to freight, or money due for ships hired or let out; transport-money, maritime usury, or bottomry; or to extortions, trespasses, injuries, complaints, demands, and other matters, civil and maritime, between merchants, owners, and proprietors of ships and vessels employed in the jurisdiction aforesaid, or others contracted, &c. upon or by the sea, public rivers, ports, creeks, harbours, and places overflowed within the ebbing and flowing of the sea at high water mark, within, about, and throughout the said provinces, and the territories and islands thereto adjacent and dependent, the cognizance whereof belongeth to the jurisdiction of the admiralty, as the same is used in *England*; and to proceed summarily therein with dispatch, according to the course of the admiralty

Supreme court to be a court of admiralty; and determine civil suits appertaining to admiralty jurisdiction.

The extent of their admiralty jurisdiction.

CHARTER of JUSTICE

admiralty in *England*, without the strict formalities of law, but according to the truth of the fact, and the equity of the case.

Further powers to try and punish maritime offences.

The supreme court may also hear, try, and determine, by inquest of *British* subjects resident in *Calcutta*, according to the laws and customs of the admiralty of *England*, all treasons, murders, piracies, robberies, felonies, maimings, forestallings, extortions, trespasses, misdemeanours, offences, excesses and enormities, and maritime crimes, done or committed upon the high seas, within the limits and jurisdiction aforesaid; and to fine, imprison, and punish, all violators of the law, delinquents, masters of ships, mariners, and others exercising maritime affairs, according to the maritime laws, and their demerits, &c.; and to deliver and discharge persons imprisoned upon their recognizances, &c.; and to arrest, according to the civil law, and the customs of the admiralty, all ships, persons, and merchandizes, wheresoever found in the said jurisdiction; and to compel all parties to appear and answer in the said court; with the power of using temporal coercion, and inflicting penalties, and of compelling witnesses to give evidence, and of promulging and interposing sentences and decrees, and putting the same in execution, according to the course and order of the admiralty of *England*.

May arrest ships, &c.

and compel parties and witnesses to appear;

and pronounce judgment, and execution.

Affidavits in the courts of admiralty.

Over what persons their admiralty jurisdiction shall extend.

Fines and forfeitures reserved to the Crown.

Appeals allowed from the judgments of the supreme court to the King in council. The manner of proceeding in appeal.

Affidavits and affirmations in the admiralty court, are to be taken, as in the supreme court. The admiralty jurisdiction is restricted to the King's subjects residing in the said provinces, and to persons who shall, when the cause of complaint shall arise, have been employed, directly or indirectly, by or in the service of the said Company, or of some of His Majesty's subjects.

The King reserves to himself all fines and forfeitures set or incurred in the supreme court, but authorizes the court to make satisfaction to prosecutors, out of any fine, at their discretion.

Persons aggrieved by any judgment, decree, order, or rule of the supreme court, may appeal to the king in council.—In civil causes, a petition to the court is to be lodged, stating the cause of appeal; and where the appellant hath been directed to pay money, or perform any duty, the court shall award that such judgment, &c. shall be carried into execution, or sufficient security given for the performance thereof, as shall be most expedient for substantial justice: In the former case, the respondent is to

give

give security for the performance of the order or decree to be made on the appeal.—In every appeal, security is to be given by the appellant for the costs, and for the performance of the judgment, or order in appeal.—These conditions being complied with, the court is to allow the appeal, and the party may then prosecute the same, after the rules observed in appeals to the King in council from the plantations or colonies; and the supreme court is to transmit to His Majesty in council, under their seal, copies of evidence, proceedings, judgments, decrees, and orders, had or made in the causes appealed.

Security to be given by the appellant.

In criminal cases, the supreme court may allow or deny the appeal, and regulate the terms upon which it shall be allowed.

In criminal cases the court may deny the appeal.

The King reserves a power to reject or admit any appeal, and to reform, or vary, any judgment, decree, or order, at his discretion; and the supreme court is to conform to the orders of His Majesty; but no appeal shall be allowed by the court, unless the appellant shall lodge his petition within six months after the pronouncing of the judgment, or order complained of, nor unless the matter in dispute shall exceed the value of 1,000 pagodas.

The King may reject any appeal.

Supreme court to execute judgments in appeal.

It is declared that the Governor General, or any member of the supreme council, or the chief justice, or puisne justices, shall not be subject to arrest or imprisonment in any suit or proceeding in the said court, except in cases of treason or felony; nor shall the court be competent to try, or determine any indictment, or information against the Governor General, or any of the council, for any offence, except treason or felony, charged to have been committed in the said provinces.—But where a *capias* may be awarded against the body, the supreme court may sequester the goods and estate of the parties until they shall appear, and yield obedience to the judgment or order of the court.

The persons of the Governor General, members of council, and justices of supreme court, protected from arrests, except for treason or felony.

Supreme court may compel appearance by sequestration.

The Charter directs that a court room shall be provided; and that,

A court room to be provided.

The chief justice and puisne justices shall take the oaths of allegiance, &c. before they act as such.

Justices of supreme court to take the oaths of allegiance, &c.

The Charter of the 26th of *Geo. II.*, so far as it relates to the mayor's court of *Calcutta* at *Fort William*, or the court of oyer and terminer and gaol delivery there, or to the civil, criminal, or ecclesiastical jurisdiction of the said mayor's court, is revoked, but without prejudice to judgments, &c. already pronounced.—In-

So much of the Charter of justice, of 26 *Geo. II.*, as relates to the mayor's court, and its criminal jurisdiction, revoked.

Proceedings depending to be transferred to the supreme court, with all the records.

dictments, and other proceedings in suits and prosecutions in the said last former courts, are not to abate, but are to be transferred to the supreme court, to be there proceeded in and determined; and all the records of the said courts are to be delivered over to the supreme court.

Terms, and sittings of the supreme court after term, to be appointed.

The supreme court is to appoint proper terms and law-days, and days for sittings after term; and to proclaim, hold, and adjourn the several sessions of oyer and terminer, gaol delivery, and admiralty, at their discretion.—They are to appoint not less than four terms in the year, consisting of four weeks each at the least; and every sitting after term is to continue fourteen days, if the business shall require it; and the session of oyer and terminer and gaol delivery is to be held twice a year.

Sessions to be held twice a year.

Court to frame rules of practice, and transmit them for approval to His Majesty in council.

The court is empowered to frame rules of practice, and to make standing orders for the administration of justice in their several jurisdictions, and they are to transmit the same under seal to His Majesty in council, for His approbation, controul, or alteration; His Majesty reserving to himself, with the advice of His council, the power of approving, rejecting, controuling, or varying the same; and of making such other rules and orders for the process of the said court, as to His Majesty shall appear convenient, and which are to be in force from the time of their transmission to the said court.

All officers and ministers to be aiding and obedient to the supreme court.

And His Majesty commands all governors, commanders, magistrates, officers, and ministers, civil and military, and other His subjects throughout the said provinces, and the islands and territories adjacent and dependent thereon, to be assistant and obedient to the Supreme Court in the execution of the several powers, jurisdictions, and authorities, granted by the Charter.

A . L . I . S . T .

OF SUNDRY OCCASIONAL

PATENTS, LICENCES, and COMMISSIONS,

Granted by the CROWN to the severall

EAST INDIA COMPANIES,

Which are not abridged in this COLLECTION.

The Dates.

- | | |
|----------------|--|
| 23 Feb. 1604. | A licence for the Company to transport £ 12,000 of foreign money. |
| 5 Jan. 1607. | A licence for the Company to transport £ 20,000 of foreign silver. |
| 8 Feb. 1608. | A licence for the Company to transport £ 20,000 of foreign silver. |
| 22 May, 1610. | A licence for the Company to sell, to other merchants, spices ungarbled, in whole packs, to be by them transported in such whole packs. |
| 4 Dec. 1611. | A charter or letters patents granting that neither the Company, nor their goods and merchandizes, shall be hereafter sued, vexed, arrested, molested, or disquieted, in respect of their trading, and divers other privileges. |
| 14 Dec. 1616. | A licence to the Company to transport foreign silver, either in bullion, or after having been new coined in the Mint within the Tower of London. |
| 11 July, 1617. | A licence to the Company to sell spices ungarbled, in whole packs, with a pardon for former contempts concerning the same, and licence to transport foreign bullion. |
| 16 Jan. 1618. | A licence for the Company to transport foreign bullion. |
| 4 Feb. 1622. | A charter empowering the Company to chastise and correct all <i>English</i> persons committing any |

- misdemeanors, in the *East Indies*, either with martial law or otherwise.
- 11 Oct. 1624. A pardon to the Company for certain offences; and a grant to them of such sums of money, and other goods and merchandize in their hands as belong to the King.
- 28 Mar. 1626. A licence for the Company to transport £ 30,000 in foreign gold.
- 17 Aug. 1626. A licence empowering the Company to erect mills and houses for making into gunpowder such saltpetre as they shall import.
- 13 Feb. 1626. A licence for the Company to transport £ 30,000 in foreign gold.
- 22 Mar. 1626. A licence for the Company to transport £ 20,000 in foreign gold or silver.
- 18 Feb. 1627. A licence for the Company to transport £ 60,000 in foreign gold, or £ 40,000 in *English* gold, at their option.
- 24 Mar. 1628. A licence for the Company to transport £ 60,000 in foreign gold.
- 10 Mar. 1629. A licence for the Company to transport £ 8,000 in foreign gold.
- 17 Oct. 1629. A licence for the Company to transport £ 10,000 in *English* gold.
- 9 Nov. 1630. A licence for the Company to transport £ 30,000 in foreign gold.
- 21 Nov. 1631. A licence for the Company to transport £ 30,000 in foreign gold.
- 3 Mar. 1631. A licence for the Company to transport £ 20,000 in foreign gold.
- 25 Sept. 1632. A licence for the Company to transport £ 40,000 in gold.
- 8 Oct. 1633. A licence for the Company to transport £ 40,000 in foreign or *English* gold.

LIST of GRANTS, &c. not abstracted.

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- 1 Mar. 1634. A licence for the Company to transport £ 20,000 in gold.
- 12 Mar. 1634. A licence for the Company to transport £ 40,000 in gold.
- 30 Nov. 1635. A licence for the Company to transport £ 30,000 in foreign or *English* gold.
- 21 Mar. 1638. A licence for the Company to transport £ 20,000 in foreign or *English* gold.
- 10 Aug. 1655. A warrant to pay to the Company £ 50,000, lent by them for the use of the Commonwealth.
- 18 Dec. 1660. A licence for the Company to transport £ 60,000 in foreign gold or bullion.
- 6 Feb. 1668. A grant by letters patent, containing an acquittal and discharge to the Company for selling two *East India* prizes, and of all claims of the Crown to the monies raised thereby.
- 7 Oct. 1673. A release to the Company of several covenants heretofore made between the Company and the commissioners of the navy, touching some ships sent to the *East Indies*.
- 7 Oct. 1673. A grant or warrant directing several sums of money to be paid to the Company by the commissioners of the customs.
- 27 Oct. 1674. A grant or letters patent of confirmation to the Company, of articles concerning the sale of four *Dutch* prizes.
- 13 Mar. 1674. A release to the Company of the monies produced by the sale of four *Dutch* prizes.
- 21 Oct. 1677. A grant or warrant to the Company to receive £ 40,000 out of the Exchequer.
- 24 Jan. 1677. A grant or warrant to the Company to receive £ 60,000 out of the Exchequer.
- 22 Nov. 1678. A grant or warrant for the Company to receive £ 50,000 out of the Exchequer.

lviii LIST of GRANTS, &c. not abstracted.

- 5 July, 1683. A warrant to the Exchequer to pay the Company £40,463: 10 s. for 1051 tons of salt-petre, by them furnished for His Majesty's use.
- 1 Aug. 1683. A warrant by letters patent, authorizing the commissioners of the admiralty to grant and give out commissions to such as the Company should name and recommend, to aid and assist them against the king of *Bantam*.
- 14 Sept. 1683. A warrant by letters patent to the commissioners of the admiralty to assist the Company against the king of *Bantam*.
1684. A proclamation restraining all His Majesty's subjects, except the Company and their agents, from trading to the *East Indies*.
- 3 Oct. 1689. A warrant for the Exchequer to pay to the Company £22,500, for 500 tons of brown salt-petre.
- 26 Oct. 1693. A release and discharge to the Company for the King's tenth part of prizes taken by them in the *East Indies*.
- 14 July, 1698. A commission to empower *Hugh Boscawen* and others to take the subscriptions for the loan of two millions, advanced by the General Society, pursuant to an act of parliament of the 9 and 10 *Will. III*, ch. 44.
- 3 Sept. 1698. A charter for the incorporation of the General Society.
1706. The Queen grants a pardon to the Old Company and their servants, of all crimes and offences committed contrary to any act of Parliament.
- 4 Nov. 1728. Letters patent to empower the commissioners of the admiralty, at the request of the said United Company, to give ample powers to the commanders of ships belonging to the said Company to take, seize, and destroy, any foreign ships