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No. I.

AT A.

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 30th March 1831.

THE Chairman stated to the Court that the Deputy Chairman and himself had, by appointment, the honour of an interview at Apsley House, on the 12th October last, with the First Lord of the Treasury, at which interview the President of the Board of Commissioners for the Affairs of India was present.

That he had communicated the substance of what then passed to a Secret Committee of Correspondence, which Committee, on the 20th of that month, agreed to a Minute containing their opinions on the important points then brought to their notice by the Chairman: that a copy of the said Minute was forwarded to the First Lord of the Treasury on the same day: And that although that noble personage had since retired from His Majesty's Councils, the Chairman felt it to be his duty to lay the Minute of the interview, and that of the Committee of Correspondence, before the Court for their information. The Chairman added that a copy had been sent to the late President of the Board.

The same were read.

No. II.

MINUTE of CONFERENCE at Apsley House on Tuesday the 12th October 1830, noticed in the preceding Minute.

(Secret and confidential.)

THE Chairman and Deputy Chairman of the East-India Company had, by appointment, the honour of an interview with the Duke of Wellington and Lord Ellenborough at Apsley House, on Tuesday morning the 12th instant.

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No. I.
—
Secret
Court,
30 Mar. 1831.

No. II.
—
Minute of
Conference.
12 Oct. 1830.

The

No. II.
 Minute of
 Conference,
 12 Oct. 1830.

The Duke of Wellington stated, that as the period was approaching when the Parliamentary notice must be given of the termination of the Company's exclusive privileges in 1834, and as it might be thought necessary to advert to that circumstance in the King's speech on the ensuing meeting of Parliament, he had requested to see the Chairs in order to ascertain what the views and intentions of the Company would be in the event of its being considered expedient that the Court of Directors should continue to exercise functions similar to those now entrusted to them in the Government of India, but that the Company should no longer possess the monopoly of the China trade.

To these remarks the Chairman replied that so far as his individual opinion went, and that also of the Deputy Chairman, they were satisfied that the Company had no view with respect to the government of India, beyond that of being a useful instrument in the execution of an important national trust; and that they would not be indisposed to continue their services to the public provided the requisite means were insured to them, by which they might be enabled to administer the government consistently with their own character and for the benefit of this country and of India. That financially speaking there is now a large annual deficit which the Company have been enabled to provide for chiefly through the China trade, that such deficiency would continue to a considerable amount, and that it was not apparent from what means the same could be met if the China monopoly was discontinued. That there is moreover an annual sum of nearly three millions sterling disbursed in this country on account of India, the remittance of which has been solely effected through the Company's trade. If the Company abandoned their commercial character, the Chairs did not see how this remittance was to be effected in future.

That under the existing system, the Indian territory had access to all the commercial capital of the Company, which assistance the Company had been willing to afford as long as their trade had yielded a dividend of ten and a half per cent. without risk of their commercial capital.

That under any contemplated change, the Court of Directors would feel it to be their first duty to maintain and to secure the interests and property of their constituents, who it could scarcely be expected, would consent to any portion of their capital remaining at hazard without ample guarantee and security.

The Duke of Wellington and Lord Ellenborough considered that the Proprietors had full security for their capital stock, and for the dividend at its present rate in their commercial assets, and in the value of the fixed property
 in

in India which might be adjudged to appertain to the Company in its commercial capacity. That the Company would retain the right to trade as a corporate body; and that Parliament should reserve the power of revising any arrangement which might now be entered into, if the Company ceased to have a commercial character.

Lord Ellenborough trusted that the reductions already ordered, and those which might hereafter be made, would bring the charges within the revenue by the termination of the Charter in 1834.

To this it was stated by the Chairs, that they apprehended rather a diminution than an increase of revenue; upon which

The Duke of Wellington said, that should the expectation expressed by Lord Ellenborough be disappointed, the deficit must be made good by loans or otherwise, as Parliament might direct; but that by the supposition of the revenue of India being no longer assisted by the profits of the China monopoly, it would be necessary to subject the expenditure to general and efficient control.

Other points of importance were touched upon, having reference to the conditions upon which the Court of Directors might, without prejudice to the interest of their constituents, continue to be engaged in the territorial administration of India, when divested of the monopoly of the China trade: but the statement of the discussion upon these points is not essential; as the object of the interview was merely to open the whole subject for the consideration of the Chairs.

The Duke of Wellington observed, that what had passed was to be considered as a private communication, and it was agreed that the outline of the conversation should be stated in writing, and mutually approved.

The Chairman stated, that when such Memorandum had been agreed upon, he should make the same known to a Secret Committee of Correspondence. The Duke then expressed a hope that when the Committee were in possession of the communication, he should hear from the Chairs upon the subject.

(Signed) ELLENBOROUGH,
W. ASTELL,
R. CAMPBELL.

(16th Oct. 1830.)

London, 12th Oct. 1830.

No. II.

Minute of
Conference,
12 Oct. 1830.

No. III.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

The 20th October 1830.

No. III. THE Committee proceeded to the consideration of the Minute of what passed at an interview which, at the instance of the Duke of Wellington, took place between His Grace and Lord Ellenborough and the Chairman and Deputy Chairman at Apsley House, on Tuesday morning the 12th instant.

Secret
Committee,
20 Oct. 1830.

The Chairs were informed by the Duke of Wellington, that the period was approaching when the Parliamentary notice must be given of the termination of the Company's exclusive privileges, and, as it might be thought necessary to advert to that circumstance in the King's speech on the ensuing meeting of Parliament, he was desirous to ascertain what the views and intentions of the Company would be, in the event of its being considered expedient that the Court of Directors should continue to exercise functions similar to those now entrusted to them in the government of India, but that the Company should no longer possess the monopoly of the China trade.

The Committee are far from offering any objection to an early and a full consideration of the general question touching such future plan as may be proposed by His Majesty's Ministers, for a further agreement between the Public and the Company; but they did not anticipate being called on within fourteen days only of the meeting of Parliament for an opinion, upon a supposed plan which it might eventually be deemed expedient to propose to the consideration of the Court of Directors.

The Committee do not perceive the necessity for connecting with the announcement of the three years' notice, which may be given through the Speaker in April next, a call upon the Company for any statement of what their views may be under certain supposed circumstances, nor is there an instance of the subject being adverted to in the King's Speech at the commencement of the session in which such notice has been given. The general subject of an arrangement (but not of the Parliamentary notice) was adverted to in the King's Speech of the 13th December 1792, a few months prior to the renewal in 1793; and again only in January 1812, the year preceding the last renewal under

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under the Act of 1813, notwithstanding that the discussion as to an arrangement had commenced so far back as 1808.

No. III.

Secret
Committee,
20 Oct. 1830.

The Committee nevertheless feel, that as the First Lord of the Treasury and the President of the Board of Commissioners have deemed it to be their duty to ascertain what would be the opinion of the Company under such circumstances, they can have no hesitation in stating most frankly and unreservedly what that opinion is, so far as the subject is now before them, because it may tend to prevent any committal to Parliament on the leading points contained in the Minute under consideration.

The Committee entirely accord with the declaration made by the Chairs, that the East-India Company have had no view with reference to the Government of India beyond that of being an useful instrument in the administration of an important national trust, and that the Company might be disposed to continue those services to the public, if they can do so consistently with what is due to their own character, and with advantage to England and to India; in the same spirit, however, the Committee must also most unreservedly declare, that they could not take upon themselves to recommend to the Company to be a party to an arrangement which they are convinced, from a thorough knowledge of the past, could only lead to disappointment and embarrassment for the future.

The Committee must remark, that this is the first occasion since the existence of the present system on which a proposition has been seriously submitted to their consideration which, whilst it confers no one advantage upon the Company, not only puts to hazard their commercial capital, but presents no guarantee whatever beyond what the Company in their own right possess, for the large stake which they have now embarked in the performance of those functions at present discharged by them in the government of our Eastern empire.

If the exclusive privileges should expire in 1834, the Company will still be a body corporate in perpetuity, and entitled to trade upon its joint stock. "To whom," it may be asked in the words of the late Lord Melville, "would the most important seats of trade belong? To the Company undoubtedly. Under their original and perpetual charters, they have legally purchased and acquired Fort St. George, St. Helena, Bombay, and Calcutta, long before they were in possession of territories, or of the Dewanny. These possessions are patrimonial property, and cannot be taken from them. Upon the whole, exclusive of the Dewanny, they have an unalienable right to valuable

No. III. "valuable landed possessions, amounting at least to £250,000 per annum. In addition to which, they have factories and commercial establishments both in India and in the Eastern seas, which undoubtedly belong to them."

Secret
Committee,
20 Oct. 1830.

Under the present system, the Indian territory has the use of the whole of the Company's means, including their capital, which has been amply secured from deterioration by the profits of the China trade: as is obvious from the fact that but for the limitation of the dividend to ten and a-half per cent., the proprietors would have divided profits to a much larger amount; notwithstanding the advantage given to territory by the use of the Board's rates of exchange; and notwithstanding also the losses on the India trade, a trade prosecuted by the Company as one purely of remittance, and rendered obligatory by the necessities of the territorial government.

If the Company were to be divested of the China monopoly, there would not only be a risk of the capital if it were made available, as at present, to the use of the territory, but there would be an absolute certainty of loss.

Upon an attentive examination of the Indian finances prospectively, it appears that after 1834, there will be a territorial deficit of at least £800,000 per annum, supposing the continuance of perfect peace in India.

It will be clearly apparent that if the China monopoly is to cease, there will be no profits available to political disbursements, and that if the public are permitted to have access to the Company's commercial capital, it is not difficult to foresee that such capital would be rapidly absorbed in Indian expenditure.

The Committee have every disposition to meet the views of His Majesty's Ministers, so far as the supposed benefit to accrue to the public from any contemplated alteration of the existing system is concerned; but they are decidedly of opinion, that if the Company are divested of the China monopoly, unless an ample guarantee is formed for the Company's capital, and financial means also provided upon a basis which shall be unobjectionable in point of principle, a separation between government and the trade will be inevitable, and that a complete abstraction must consequently take place of all the Company's commercial means and property from the Indian territory.

The Committee have confined their observations to what they conceive to be the most material points in the Minute now before them, purposely refraining from adverting to the other and numerous important matters which press themselves upon their attention with reference to the general subjects, upon which they will be fully prepared to enter whenever His Majesty's Ministers

Ministers shall see fit to submit any specific propositions having for their object a future arrangement between the public and the East India Company.

No. III.

Secret
Committee,
20 Oct. 1830.

WILLIAM ASTELL.

ROBERT CAMPBELL.

SWENY TOONE.

JOHN THORNHILL.

CAMPBELL MARJORIBANKS.

GEORGE RAIKES.

WILLIAM S. CLARKE.

GEORGE SMITH.

JOHN MORRIS.

A draft of a letter from the Chairman and Deputy Chairman to the Duke of Wellington, transmitting a copy of the preceding Minute, and requesting, should any further measure be at present intended on the general question of a future arrangement between the public and the Company, the Chairman and Deputy Chairman may be informed thereof in order that these proceedings may be communicated to the Court of Directors, was read and approved.

A draft of a letter to accompany a copy of the minute to Lord Ellenborough, was likewise approved.

No. IV.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday the 6th April 1831.

Resolved unanimously, That this Court, adverting to the communication made to them on Wednesday last of the Minute of a Secret Committee of Correspondence of the 20th October, arising out of an interview which the Chairman and Deputy Chairman had with the First Lord of the Treasury, and the President of the Board of Commissioners for the Affairs of India, at Apsley House on the 12th of that month; desires to record its concurrence in the sentiments expressed by the Committee upon the important subject to which such Minute has reference, and entirely approves the course which they have taken on the present occasion, notwithstanding the change in His Majesty's Councils since the date of the said Minute.

No. IV.

Secret
Court,
6 April 1831.

No. V.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 20th July 1831.

No. V. THE Chairman from the Committee of Correspondence laid before the Court memoranda of a conversation which took place at the India Board on Thursday the 7th instant, between the Right Honourable Charles Grant, the Deputy Chairman, and himself.

Secret
Court,
20 July 1831.

The same was read.

No. VI.

MEMORANDA of a CONVERSATION between the Right Honourable CHARLES GRANT and the CHAIRMAN and DEPUTY CHAIRMAN of the EAST-INDIA COMPANY, at the INDIA BOARD,

On Thursday, the 7th July 1831.

No. VI. Mr. GRANT said that his object in desiring the present interview was to ascertain the course the Company might be disposed to take regarding the Parliamentary Committee now sitting, and to know whether they had any intention of, at present, petitioning Parliament for a renewal of their Exclusive Privileges.

Memoranda
of Conversa-
tion,
7 July 1831.

He stated that difficulties had occurred in proceeding satisfactorily with the business of the Committee of the House of Commons, and that the opponents of the Company had complained that there appeared to be an unwillingness on the part of the Company to give information, or rather a disposition to withhold it; that this notion was very prevalent, and seemed to derive countenance from the circumstance of some of the members of the last and former Committees, who happened to be Directors of the East-India Company, frequently contending in the course of the enquiries, that as the Company were not before
the

the House, they were not called upon, in their corporate capacity as a public body, either to produce evidence in support of their own pretensions, or to expose the errors and misstatements of their opponents. Mr. Grant added that from these and other causes the public were impressed with notions unfavourable to the Company; that the country expected they would come forward, and that he inclined to think their doing so by petition would be judicious.

No. VI.
Memoranda
of Conversa-
tion.
7 July 1831.

In reply to this it was said, that during the last Committee the Company's officers were examined on the financial accounts, and evidence was also adduced to meet the allegations on the China Trade, and that with reference to the Committee now sitting, the members of it were quite competent to summon whom they pleased to give evidence on any points touching the questions the Committee might think it right to enquire into; that whether these related to the Judicial, Revenue, or other branches of the Company's administration of the Government of India, the best information on the subjects for enquiry would be found in the Records of the Company, or was to be obtained by the *visd voce* evidence of well-informed men; the Court had been and would at all times be ready to furnish the one, and to endeavour to discover the other; that as far therefore as the object was to obtain information, this might be equally well effected without the Company appearing as petitioners, which in fact they could not do without previously consulting the constituent body; that if a Court of Proprietors were convened for that purpose, which could hardly be done in such time as to render any conclusion at which they might arrive available during the present session, their first question would naturally be, whether, as had been the case on all preceding occasions, the Court had had any communication with His Majesty's Ministers in order to ascertain their views with respect to the renewal of the Charter, and to lay a basis on which to negotiate for that object. It was said that until some such communication as was had with the First Lord of the Treasury and the President of the India Board, during the late administration (the Minute of which it was presumed Mr. Grant had seen) should take place, the Company would hardly be in a condition to petition. The Court, it was said, might, if in possession of the views of His Majesty's Government, be disposed to accommodate themselves to those views so far as that could be done without compromising the interests of their constituents or their own character; as their object was, as had been already stated, to be an useful instrument for the discharge of a great public trust; and it was distinctly observed that

the

No. VI. the Court would not recommend to the Proprietors to petition for, or to receive, any Charter, the conditions of which should not be such as to secure the interests of the Proprietors, and at the same time to enable the Company to discharge all the obligations which might be imposed on them, with advantage to the state and with credit to themselves.

Memoranda
of Conversa-
tion,
7 July 1831.

In the course of the conversation, the propriety of the Court being made acquainted with the views and intentions of His Majesty's Government was urged on Mr. Grant.

Mr. Grant admitted the reasonableness of the expectation of the Company that if the Charter were renewed, they should have adequate means of administering and fulfilling the obligations it might impose; he also admitted (as had been in the course of conversation urged upon him) that in any arrangement to which the Company should consent, they must take care that the interests of the Proprietors were sufficiently secured.

Mr. Grant stated that the opponents of the Company said they were prevented, in consequence of the difficulties and obstacles to which he had alluded, from making out their case. They had thus declared themselves unable satisfactorily to continue the lead in the examination before the Committee. He thought that it now devolved on the Company to come forward and to shew grounds to entitle them to a renewal of their Charter, and that the country expected them to do so. In reply to this it was observed that in reality the case of the Company was established by the failure of their opponents; for as they had been unable to prove misrule, the fair conclusion was, that the government of the Company had been generally good: that if any part of their administration were assailed, measures might be taken by summoning proper evidence in the Committee to vindicate it, and if errors were discovered to exist, measures could be taken to remedy them; and when the Company shall be Petitioners before Parliament, they will be prepared to defend their administration and to support the expediency of maintaining the present India system.

While the Chairman and Deputy deprecated the idea of the Company petitioning prematurely, and adduced the instances of former times to show that negotiation had preceded petition, they expressed their anxiety that no time should be needlessly lost; and they urged in the strongest terms the desirableness and even the necessity, in reference to the numerous and extensive engagements of the Company both at home and abroad, and to the means of fulfilling them, that the Court should be apprised as early as possible of

of the views of his Majesty's Government, and that when the Court were in possession of such views, they would receive their immediate and earnest consideration previously to their taking the sense of their constituents thereon.

Mr. Grant stated, that as he saw it would not be possible to accomplish the presentation of a Petition from the Company during the present session, there was no alternative but for himself to take a more direct and leading part in the proceedings of the Committee, than, under ordinary circumstances, he should have thought it expedient for a Minister in his situation to adopt.

The Chairman distinctly stated, that the observations which he had made were to be considered as his individual views on the several matters adverted to, and that the Deputy Chairman fully concurred in them.

No. VI,
Memoranda
of Conversa-
tion,
7 July 1831.

No. I.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

Held on Tuesday, the 18th December 1832.

THE Chairman acquainted the Committee that the Deputy Chairman and himself had had several confidential interviews with Mr. Grant (at the instance of that gentleman), at the India Board, on and since the 24th ultimo, at which the subject of the Company's affairs, more especially regarding the renewal of the Company's Charter, had been matter of conversation.

No. I.
Secret
Committee,
18 Dec. 1832.

That on the morning of the 10th instant the Chairman received a note from Mr. Grant, stating that Earl Grey would be glad to see the Deputy and himself at four o'clock that afternoon. That they had accordingly met Lord Grey and Mr. Grant; when his Lordship stated, that the reason of his wishing to see them was the near approach of the period when it would be necessary to consider the Company's affairs, with the view of submitting some definite arrangement to Parliament in the ensuing session. After some general observations, his Lordship alluded to a paper in the possession of Mr. Grant, which contained an outline of the leading points which it was thought necessary to touch upon in the first instance.

That the said paper was then read; and after a good deal of conversation on the several points, the Chairs took their leave, with an understanding that the paper, when ready, would be sent to them.

That on the 11th instant, at half past eight in the evening, the Chairman received the paper in question, enclosed in an envelope to his address as Mr. Ravenshaw, without any note or intimation accompanying it. In consequence of which he wrote to Mr. Grant, to ascertain his wish as to the course to be adopted with the paper; and that late yesterday afternoon (the 17th instant) he had received a letter from Mr. Grant, expressing his request that the same might be submitted to a Secret Committee of Correspondence, and if necessary, ultimately to a Secret Court of Directors.

No. I. The said letter from Mr. Grant, dated at the India Board, marked "private," and addressed to "J. G. Ravenshaw, Esq.," was read; as was also the paper marked "confidential," which accompanied the letter.
 Secret Committee, 18 Dec. 1832. The Committee having deliberated thereon adjourned.

No. II.

LETTER from the Right Honourable CHARLES GRANT to the CHAIRMAN, noticed in the preceding Minute.

(Private.)

India Board, Dec. 17, 1832.

MY DEAR SIR :

No. II. I address you with reference to the Memorandum or Paper of Hints on the subject of the East-India Charter which was read to you and the Deputy at Lord Grey's, and which I have since transmitted to you.
 Mr. Grant's Letter. 17 Dec. 1832. Although it appears to the Government that the arrangement there described is on the whole the most eligible, yet, as Lord Grey and I stated at the time, it is open to discussion, and is submitted to you and the Deputy, and through you to a Secret Committee of Correspondence, and if you should so think fit, to a Secret Court of Directors, for the purpose of being examined and considered. The Government are prepared to give a full and impartial attention to any observations respecting it, or to any objections against it which may occur to the Directors, and, in the same spirit, to weigh the merits of any other plan which may be suggested as an alternative.

I have therefore to request you will be so good as to bring that Memorandum under the notice of a Secret Committee of Correspondence, it being understood to be at present a Confidential Communication.

I am, my dear Sir,

Yours very truly,

(Signed) CHARLES GRANT.

J. G. Ravenshaw, Esq.

No. III.

No. III.

MEMORANDUM or PAPER OF HINTS noticed in the preceding Minute.

(Confidential.)

THE China Monopoly to cease.

The East-India Company to retain their Political Functions.

The Company's Assets, Commercial and Territorial, with all their Possessions and Rights, to be assigned to the Crown, on behalf of the Territorial Government of India.

No. III.

Memorandum or
Paper of
Hints.

An Annuity of £630,000 to be granted to the Proprietors, to be paid in England by half-yearly Instalments, and to be charged upon the Territorial Revenues of India exclusively, and to form part of the Territorial Debt of that Country, not to be redeemable before the 30th of April 18—, and then, at the option of Parliament, by the payment of £100 for every £5. 5s. of annuity.

Such part of the Commercial Assets as is convertible into Money to be so converted, and the proceeds, with the Cash Balance of the Commercial Department, as exhibited in the Account of Stock by Computation for the 30th April 1834, appropriated to the discharge of an amount of the present Territorial Debt, equal to a Capital producing £630,000 a year.

The Territorial Revenue of India to be chargeable with all expenses incurred on account of that country at home and abroad.

The new annuitants to retain the character of a Joint Stock Company.

The qualification of the Proprietors, and the right of voting, to remain as at present.

The number of Directors to be ; one-fourth to go out by rotation every year, but to be immediately re-eligible.

The patronage to remain vested in the Directors.

The Military patronage to be exercised as at present.

The Civil Servants to be educated at Haileybury.

The details of the arrangement to be settled hereafter ; but, perhaps, something of the following nature might answer :

The students at the College to be considered only as competitors for Writershships.

Their number to be so regulated, that there may be always more candidates than appointments.

Each student to remain at the College no longer than years.

No. III.
 Memorandum or
 Paper of
 Hints.

Vacancies for Civil appointments in India to be filled from the College, on public examination, by the students approved the most able.

The Directors to fill up the vacancies at the College each year: each Director to nominate in succession.

The plans and arrangements respecting the course and subjects of study to be formed by the Board and the Professors.

The 47th section of the 53d Geo. III. cap. 155, to remain, but made applicable to *removal* as well as appointment, and to *Professors* as well as Principals.

The Governor General in Council to report annually, on his responsibility, the number of Writers and Cadets and Assistant Surgeons required for the service of the next year.

The Board of Control to have the power of reducing, but not of augmenting, that number.

Every British subject to have the right of going out to the seats of Government of the three Presidencies of India, without license; but his right of visiting the interior, or of residing there, and of acquiring and holding property, to be subject to the restraints and regulations which the local Government may impose.

The powers of the Court, and its relations with the India Board, to remain as at present, except as modified in the following summary:

The Court, on the Board's final and conclusive order, are to send the dispatch by the first ship that goes after such order.

In the event of the Court refusing to prepare a dispatch, or to send a dispatch as altered by the Board, the Board to have the power of sending it themselves.

Appointment of Governors subject, as now, to the approbation of the King; but the Board to have a veto on the recall.

The same, with regard to Commanders of the Forces.

The Board to have the same power with regard to pensions or salaries below £200 a year, and to gratuities below £600, that they have now with respect to salaries, pensions, or gratuities above those amounts.

Home expenditure and establishment to be under the control of the Board.

No. IV.

No. IV.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

Held on Friday the 21st December 1832.

THE Committee having further deliberated upon the hints submitted in Mr. Grant's letter of the 17th instant, adjourned.

No. IV.
Secret
Committee,
21 Dec. 1832.

No. V.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

Held on Friday, the 28th December 1832.

THE Chairman laid before the Committee a proposed minute with reference to the letter from Mr. Grant with the Paper of Hints.

The same was read and ordered to lie for consideration.

No. V.
Secret
Committee,
28 Dec. 1832.

No. VI.

AT A

SECRET COMMITTEE OF CORRESPONDENCE,

Held on Wednesday, the 2d January 1833.

THE Committee having fully and deliberately considered the Minute submitted by the Chairman on the 28th ultimo, with reference to the letter from Mr. Grant with the Paper of Hints respecting the Company's Charter;

The said Minute was unanimously approved, the same being as follows, viz.

No. VI.
Secret
Committee,
2 Jan. 1833.

The

No. VI.
 Secret
 Committee,
 2 Jan. 1832.
 Minute,
 23 Dec. 1832.

The Chairman and Deputy Chairman, agreeably to the wish expressed in Mr. Grant's note to Mr. Ravenshaw of the 17th December, have communicated to a Secret Committee of Correspondence the Paper of Hints respecting the Company's Charter, which was read to the Chairs by Mr. Grant in the presence of Earl Grey on the 10th December, and which was afterwards transmitted by Mr. Grant to Mr. Ravenshaw.

That Paper of Hints has been considered by the Secret Committee of Correspondence with the respect due to His Majesty's Ministers, and with the deliberation which the vital importance of the subject demands.

Upon the first proposition which the paper contains, *viz.* "the China monopoly to cease." The Committee beg leave to premise, that the exclusive privilege which the Company possess of trading with China is not used by them as a *monopoly*, in the sense in which that term is generally received, the Legislature having strictly restrained the Company from so using their privilege, by the regulations which require that the supply brought forward shall be adequate to the demand, and that the price at which the teas are put up shall be limited to the prime cost and charges.

With respect to a cessation of this exclusive privilege, whilst it will be the duty of the Company to bow to the wisdom of Parliament, the Committee feel it right to state for the consideration of the King's Ministers, that the discontinuance of that privilege involves a most essential change in the financial system upon which the affairs of India are now administered, since it is the exclusive trade with China which, to a great extent, furnishes the Indian territory with a safe and very beneficial channel of remittance of the funds required in England to defray political charges, and which has also afforded to the territory a large amount of direct pecuniary aid, under the fourth head of appropriation of profits specified in the 57th section of the Act of the 53d Geo. III. cap 155. If, instead of receiving these advantages, India had been called upon from year to year to provide funds to repay the full amount disbursed by the Company, the public debt of India since 1814 would have been upwards of seventeen millions sterling more than it now is, exclusive of the balance due in account to the commercial branch, and which, with interest, is computed at five millions.

When this important fact is considered, in reference to the pressure with which the Government demands already bear on our native subjects, notwithstanding the searching measures of economy which of late years have been introduced into all branches of the Indian Administration, the Committee cannot

cannot but hope that His Majesty's Ministers will pause, before they consent to deprive India of the great advantage of the China Trade as now conducted.

Nor can the Committee, invited as they have been by Mr. Grant to state their opinions with freedom, refrain from suggesting, that the throwing open of the China trade may be eminently detrimental to this country, by risking our amicable intercourse with China, or at all events, by removing the concentrated influence of the Company's Factory, under which the dealings of the English with that country have so long been conducted; by causing a deterioration in the quality of an article which has almost become a necessary of life; and by seriously interfering with a large revenue, levied, under the existing system, with perfect equality to all classes of consumers, and with incomparable regularity and cheapness to the State*, whilst the supposed advantage of an open trade, in affording new marts for our manufactures, are contrary to the facts elicited during the late Parliamentary enquiry, *viz.*—that the Americans take dollars and bills to China in preference to British manufactures; that such manufactures are not taken to any considerable extent by the commanders and officers of the Company's ships who have the privilege of taking them free of freight; and that although large quantities have been sent in the private trade to India and the Eastern Archipelago, yet they have very rarely found their way from thence to Canton.

Should it be argued, that tea would be somewhat cheapened to the consumer by that trade, which is now conducted by the Company at a profit, becoming only one of remittance, the Committee would submit, that that advantage, if eventually realized by the people of England, could only be acquired at the expense of the people of India, and would, in some measure, be countervailed, even to the people of England, by the expense of collecting the tea duty in an open trade; the amount of which duty, moreover, if still levied *ad valorem* (but how could it be *ad valorem* if the trade were free; and if not *ad valorem*, how could an unequal pressure of the tax be obviated?) would fall, with every reduction of price, to a much greater extent than would, it is believed, be made up by increase of consumption.

If, notwithstanding all these considerations, it should be determined to put an end to the exclusive trade with China, the Committee beg leave to suggest

* A Revenue of between three and four millions sterling is collected at an expense of about £10,000.

No. VI.

Secret
Committee,
2 Jan. 1833.

Minute,
28 Dec. 1832.

No. VI. to the King's Ministers, that the period that may be fixed upon for that change to take effect should be sufficiently remote, to allow of the Company's disposing of the stock of tea which, by the operation of the present law, they are compelled to have in warehouse.

Secret
Committee,
2 Jan. 1833.

Minute,
28 Dec. 1832.

With respect to the second proposition in the Paper of Hints, *viz.* "The East-India Company to retain their political functions,"—it will, of course, rest with the Court of Proprietors to consider, when the proposals, matured by His Majesty's Government, shall come before them, whether they be such as will justify the Company's undertaking to administer the Government of India for a further term. It can scarcely be necessary, however, for the Committee to point out to the King's Ministers, that an indispensable preliminary to any such arrangement would be, that the Company should be secured in the regular supply of funds to defray the territorial payments in England, amounting to between two and three millions annually; a difficulty which does not appear to be met in the Paper of Hints.

The third and fourth propositions, *viz.* "The Company's assets, commercial and territorial, with all their possessions and rights, to be assigned to the Crown on behalf of the territorial government of India."—"An annuity of £630,000 to be granted to the Proprietors, to be paid in England by half-yearly instalments, and to be chargeable upon the territorial revenues of India exclusively, and to form part of the territorial debt of that country, not to be redeemable before the 30th April 18—, and then, at the option of Parliament, by the payment of £100 for every £5. 5s. of annuity;"—appear to the Secret Committee of Correspondence to involve in substance the abolition of the East-India Company, and the surrender by them (for it cannot be contemplated to deprive them) of all their rights, privileges, and property, for no other compensation than the chance of receiving, after every other territorial demand shall have been satisfied, a dividend of 10½ per cent., for a term whose length is not stated; and which dividend, whatever the term may be, there can be little prospect that India, when deprived of the advantage of the China trade, will be able to pay.

With every respect for His Majesty's Ministers, the Committee unanimously decline to recommend the beforementioned proposals to the Court of Directors, to be offered by them for the acceptance of the Court of Proprietors; and beg leave to record their opinion, that no proposition whatever for continuing the Government of India in the hands of the Company, when deprived of the exclusive trade with China, can be acceptable to the Company, unless the

Proprietors

Proprietors be fully secured in the regular payment, half-yearly, of their dividend of 10½ per cent. per annum; and in the right, whenever paid off, to such an amount of principal, as, at the present price of Consols, would produce that rate of dividend. The Committee submit, that this is the least to which the Company can be considered entitled, when it is remembered that they have property amply sufficient to provide an investment in Consols equal to the required dividend; such property consisting of commercial assets, of pecuniary claims of large amount on India, and of possessions and rights in that country of great value, their title to which has never been disputed.

Indeed, when reference is had to the facts, that the Company has been the instrument of adding nearly the whole of Hindostan to the sovereignty of Great Britain, and that through the same instrumentality a trade has been opened, fostered, and preserved, yielding an immense revenue, providing an article essential to the comfort of the public, and causing beneficial employment for a large population and an extensive fleet of shipping; it might not have been unreasonable to expect, that in the event of its being deemed expedient with a view to the public benefit, that the Company should be broken up, some provision would be made by the country to compensate them for the services which they have rendered, for the risks which they have run, and for the sacrifices which they are called upon to make:—the Company's claim, in this respect, would seem to be irresistible, if they should be required to give up the right which they possess in perpetuity to trade in common with His Majesty's subjects. The Committee, however, abstain from pressing this point at present. What they now urge is, the undoubted right of the Company in their property to the extent before stated, and to such further extent as shall be sufficient to enable them to make a suitable provision for the numerous classes of servants, whose interests will be seriously affected by a change of system.

It is unnecessary, in the present stage of the discussion, to enter upon an examination of the numerous points of detail comprised in the Paper of Hints. It is sufficient to observe, that when the great principles which must form the basis of the scheme shall have been satisfactorily arranged, the Chairman and Deputy Chairman and the Secret Committee of Correspondence will lend their cordial aid to His Majesty's Ministers in arranging such a plan to be recommended to the Court of Directors for submission to the Proprietors, as may seem to be calculated to enable the Company efficiently to administer

No. VI.

Secret
Committee,
2 Jan. 1833.Minute,
29 Dec. 1832.

No. VI. administer the Government of India for a further time, with credit to themselves and with advantage to that Empire.

Secret
Committee,
2 Jan. 1833.

Minute,
28 Dec. 1832.

The Committee have thought it advisable to place these their sentiments before the King's Ministers previously to submitting the Paper of Hints to a Secret Court of Directors; but, if His Majesty's Ministers should desire to obtain the views of the Court, the Committee will take their pleasure upon the subject.

No. VII.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the*
EARL GREY.

(Secret.)

India House, the 3d January 1833.

MY LORD;

No. VII.

Letter to
Earl Grey,
3 Jan. 1833.

We have the honour to transmit to your Lordship the accompanying copy of a Minute of a Secret Committee of Correspondence of the 2d instant, with reference to the "Confidential Memorandum or Paper of Hints," which was read at the interview we were honoured with by your Lordship on the 10th ultimo, and subsequently sent to Mr. Ravenshaw, by Mr. Grant, on the 17th of that month, for the purpose of being communicated to the Committee.

We have the honour to be,

My Lord,

Your Lordship's most obedient and faithful servants,

(Signed) J. G. RAVENSHAW,
C. MARJORIBANKS.

The Earl Grey, K.G.
&c. &c. &c.

No. VIII.

No. VIII.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the Right Honourable CHARLES GRANT.

(Secret.)

India House, the 3d January 1833.

SIR:

We have the honour to transmit to you the accompanying copy of a No. VIII. Minute of a Secret Committee of Correspondence of the 2d instant, to whom the "Confidential Memorandum of Paper of Hints" sent by you to Mr. Ravenshaw on the 17th ultimo has been submitted.

Letter to the
Rt. Hon.
Chas. Grant.
3 Jan. 1833.

We beg to add, that we have forwarded a copy of that Minute to Earl Grey.

We have the honour to be,

Sir,

Your most obedient and faithful servants.

(Signed)

J. G. RAVENSHAW,
C. MARJOBANKS.

No. IX.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 13th February 1833.

THE Chairman stated to the Court that the Deputy Chairman and himself had been in communication with His Majesty's Ministers since the month of November last, on the subject of the renewal of the Company's Charter. That on the 17th December he received a communication addressed to him as Mr. Ravenshaw, which he had (in consequence of a letter from the Right Honour-

No. IX.

Secret Court.
13 Feb. 1833.

No. IX. able Charles Grant, received on the following morning) laid before the Secret Committee of Correspondence on the 18th December; and that, on the 2d Secret Court, 13 Feb. 1833. January, the Committee recorded a Minute, which was in the nature of an answer to the secret and confidential communication from Mr. Grant of the 17th December.—The Chairman then laid before the Court the undermentioned documents, *viz.*

Minute of a Secret Committee of Correspondence of the 18th December 1832.

Letter from the Right Honourable Charles Grant to J. G. Ravenshaw, Esq., marked "Private," and dated at the India Board, the 17th December 1832.

Memorandum or Paper of Hints, transmitted to the Chairman by Mr. Grant.

Minutes of Secret Committees of Correspondence of the 21st and 28th December 1832, and 2d January 1833, and

Drafts of letters from the Chairman and Deputy Chairman to Earl Grey and the Right Honourable Charles Grant, dated the 3d January 1833.

The Chairman further stated, that he was in confident expectation of receiving, in the course of this day, an answer, on the part of His Majesty's Ministers, to the Secret Minute of the 2d ultimo, which answer he would take an early opportunity of laying before the Court, after having communicated the same to the Committee.

And the several papers now laid before the Court having been read,

It was, on a Motion,

Resolved unanimously, That the Committee of Correspondence be requested to continue the negotiation with His Majesty's Ministers. And to communicate their proceedings to the Court from time to time, so far as the Committee shall consider the same can be done with reference to the welfare and interests of the Company.

No. X.

AT A

SECRET COURT OF DIRECTORS,

Held on Friday, the 15th February 1833.

THE Chairman acquainted the Court, that late in the afternoon of Wednesday, the 13th instant, he received a letter, addressed to the Deputy Chairman and himself, from the Right Honourable Charles Grant, dated at the India Board, the 12th instant, in reply to the Secret Minute of the Committee of Correspondence of the 2d ultimo; that he immediately communicated the said letter to a Secret Committee, and that the Court had been specially summoned, in order that they might now be put in possession of the same.

No. X.
Secret Court,
15 Feb. 1833

And the letter abovementioned having been read;

The Chairman further stated, that he had this day received a private letter from Mr. Grant, enclosing a copy of his letter of the 12th instant, with some alterations which he was desirous of having introduced; and

The several alterations having been read,

The Court agreed that the same be introduced into the letter received from Mr. Grant on the 13th instant; and that the said letter, so altered, be considered as Mr. Grant's reply to the Secret Minute of the Committee of Correspondence, before referred to.

It was then

Ordered, That the letter from Mr. Grant of the 12th instant be referred to the consideration of a Committee of the whole Court.

The Chairman submitted the draft of a letter to Mr. Grant, assuring him that no delay which can possibly be avoided shall be permitted to occur; but expressing the trust of the Court, that they shall be allowed sufficient time for the calm and deliberate consideration of the subjects treated of in the papers received from him, having reference to the new arrangement which it is proposed to make with the Company; and requesting further information upon certain points, respecting which the communications from him do not appear to be distinct:

And the same having been read, it was

Resolved, That this Court approve the said draft of a letter to Mr. Grant.

No. XI.

No. XI.

LETTER from the Right Honourable CHARLES GRANT to the CHAIRMAN and DEPUTY CHAIRMAN.

India Board, February 12, 1833.

GENTLEMEN:

No. XI.

Letter from
the Rt. Hon.
Chas. Grant,
12 Feb. 1833.

ON my return from Scotland, I found the letter which you did me the honour to transmit to me on the 3d of last January, with a copy of a Minute of a Secret Committee of Correspondence of the 2d of the same month, on the Memorandum or Paper of Hints sent by me to the Chairman on the 17th of December 1832.

I much regret that I have been prevented by my absence from returning an earlier acknowledgment.

I have, however, lost no time in laying the Minute before Lord Grey and the other Members of the Government. It has engaged our earnest attention, and the result of our deliberations I have now the honour to communicate to you.

I beg to return my thanks for the candid manner in which the sentiments of the Secret Committee are expressed, and to assure you that it shall be my endeavour, in my observations on the momentous topics under consideration, to maintain the same spirit.

The Memorandum which I transmitted to the Chairman was simply what it professed to be,—a mere collection of hints, unaccompanied by explanation or commentary. I was sensible that the addition of these might, in some respects, have been desirable; but I conceived the deficiency to have been, in a good degree, supplied by the verbal expositions which, in the conference between you and Lord Grey and myself, had been given of the general considerations connected with the propositions submitted to your attention.

Since, however, it is the wish of His Majesty's Government that those propositions should be brought before the Court of Directors, and ultimately, perhaps, before that of the Proprietors, it seems expedient that the considerations also, by which they are recommended should, at the same time, be submitted distinctly, though with as much brevity as may be possible, to the view of those respective bodies.

Accordingly, while I feel it necessary to advert to some of the main topics treated or referred to in the Minute, I shall interweave my comments on them with

with statements and observations tending to shew, and as I trust, to justify, the views and considerations that have led the King's Government to those conclusions which are embodied in the most leading and essential of the propositions submitted to you.

In following out this intention, it will be expedient that I should distribute what I have to offer into two divisions, suggested, as I think, by the subject itself.

In the first place, I will apply myself to that part of the plan proposed by Ministers, which provides for the future disposal of the trade which the Company now conduct, and of the political powers and functions which they exercise.

These are the points referred to in the first and second propositions of the Memorandum.

In the second place, I will direct my attention to the leading principles of the arrangement, by means of which His Majesty's Government propose to carry into execution the objects intended under the first head; such arrangement relating to the disposition of the Company's property, and to the provision to be made for the interests of the East-India Proprietors, on the one hand, and for the territorial interests connected with India on the other.

These subjects are comprized in the third and fourth propositions of the same paper.

I must observe, that the two branches into which I thus divide the topics of inquiry are, in some respects, connected together, and that therefore it will not always be possible, nor, as I conceive, necessary, in discussing them, to maintain the separation between them with perfect exactness.

First, we have to consider, in their main principles, those parts of the plan which relate to the future government of our Indian empire, and to the future arrangement of the trade with India and China.

I have here named these topics in what I consider to be the order of their comparative importance; but they are, in fact, intimately united. The establishment of an advantageous system of trade with the regions of the East, though primarily to be desired on account of the manufacturing and commercial interests of this country, is hardly less material to the well being of our eastern subjects; and, on the other hand, the establishment of a just and benignant system of administration over the territories of British India, an object of the last moment to the nations who inhabit them, is, at the same time, not only most important to our national honour, but must, in several views, reflect

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reflect back on us the benefits which we bestow; and, among other considerations, cannot but essentially minister to the commercial and manufacturing interests more immediately consulted under the former head of arrangement.

After a full and anxious deliberation, it appears to His Majesty's Ministers that the system of political administration which has been established in India, and which is exercised through the organ of the Company, although under the control of the national authority at home, has, notwithstanding too much of past defect and error, and in spite of much remaining imperfection, secured to the inhabitants of India so considerable a measure of those advantages which it is the proper object of Government to confer, and evinced so much susceptibility of receiving the improvements suggested by experience and reflection, that they would not be justified in lightly proposing to effect any alteration or disturbance of that system in its essential elements.

The preservation of the system seems, at the same time, to be collaterally recommended, by considerations of some moment to this country in a constitutional point of view.

Under any arrangement, a considerable share of the political patronage of India must, for some time at least, be dispensed from this country; and, by the arrangement actually existing, that patronage is lodged in hands which may possess it without exciting public or popular jealousy.

On these grounds, His Majesty's Ministers conceive it desirable that, subject to the changes and modifications suggested in the Memorandum, the East-India Company should retain the exercise of their political powers and functions. The changes and modifications to which I refer will doubtless be dispassionately considered by the Directors and Proprietors; and, so considered, I feel satisfied that, while they will appear both right and expedient in themselves, they will, at the same time, be felt not to constitute any obstacle to the retention by the Company of their political capacity.

The subject of the Company's trade has been regarded by His Majesty's Ministers with the same anxious attention as that of their government.

And here, while they are ready to pay every acknowledgment to the public spirit and the exertions of the Company in their commercial character, and while they are far from denying that there have been periods in which the commercial regulations of that body might be proper, or even necessary, they cannot but think that, at the present day, a very material change of system is advisable.

The trade of the Company with India has, I need not observe, already
much

much declined; or, to speak more correctly, has for some years virtually ceased to exist. For the transactions of a mercantile nature which the Company still carry on are confined to the purposes of making remittances to England, and of supplying military and political stores to India; purposes wholly unconnected with the properly commercial interests either of the Company or of their subjects in the East. I do not now enter into the consideration of these objects, further than by stating that they may, in the opinion of the Government, be sufficiently consulted, without involving the necessity of persevering in a course of commercial operations, confessedly not recommended by any intrinsic advantage.

His Majesty's Ministers therefore see no evil in looking forward to a total cessation of those operations, so soon as they can cease consistently with a due regard to existing transactions.

In so viewing this subject, they are not swayed by any ideas, purely theoretical, of the incompatibility of the functions of a corporate trade with those of a Government, but by a careful observation of the practical effects of the blended system of trade and Government which has prevailed in India; and they are convinced that the release of the Company, whenever this can conveniently take place, from the peculiarities imposed on their arrangements and proceedings, by their dealings, in the nature of commerce, with their own subjects, will very materially contribute to the efficiency of their political administration.

The trade of the Company, however, with India is not privileged, and it is conceived that no further enactment regarding it is necessary. It may be left to its fate under the operation of a new order of things. Any question, therefore, that now arises touching the Company's trade, must relate only to China.

This question, His Majesty's Ministers are well aware, is one of great delicacy as well as importance. They admit that, while our established system of China trade is ably assailed, it is defended also by arguments of no small cogency. They are sensible that no extensive change, however beneficial in general, can take place in a large system of commerce, without local and temporary inconvenience.

Yet, under a full sense of the extent of these admissions, they are, after much deliberation, led to the conclusion, that the interests of the nation will best be consulted, by no longer making the trade of this country with China the subject of exclusive privilege.

Such generally are the wishes and intentions of His Majesty's Government

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No. XI. on the two main questions,—the political administration of India,—and the British trade with China.

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To both these questions the Secret Committee have addressed themselves in their Minute; and on both it will therefore become me to offer further comments.

With regard to the government of India, however, since it is not proposed to deprive the Company of their political functions, I need not enter into any explanation; except in reference to some difficulties which, if the plan of ministers take effect, will, in the apprehension of the Secret Committee, embarrass the exercise of those functions by the Company.

The Secret Committee justly observe, that “it will, of course, rest with the Court of Directors to consider, when the proposals matured by His Majesty’s Government shall come before them, whether they will be such as will justify the Company’s undertaking to administer the Government of India for a further term.”

But the Secret Committee add, “It can scarcely be necessary for the Committee to point out to the King’s Ministers, that an indispensable preliminary to any such arrangement would be, that the Company should be secured in the regular supply of funds to defray the territorial payments in England, amounting to between two and three millions annually.”

The important topic brought under view in the last passage I shall have occasion to discuss fully hereafter; but I am not willing to pass it without notice in the connection in which it here stands. I shall, however, only remark,—first, that the funds requisite to meet the expenses of the Indian empire must be sought, and will be found, in the resources of that empire itself;—and, secondly, that the means of making available in England any part of those resources, will be furnished by some of the different modes of remittance which are usual in the commercial world, and which are never found wanting where remittance is required, either for commercial or political purposes. •

With regard to the opening of the China trade, the Secret Committee very fairly state the objections which, on various grounds, they feel to that measure, and the hazards and evils which they foresee as its inevitable consequences.

It is due to the Secret Committee, no less than to His Majesty’s Government, and to the subject itself, that I should not omit this opportunity of adverting to some of the observations of the Secret Committee, in the hope that, at least, it will appear that the Government has not embarked on this plan without having weighed

weighed it in all its bearings and relations, in its possible consequences,—for evil,—as well as for good. No. XI.

It is fortunate that, respecting the trade with China, ample materials of judgment are before the public. They are to be found in the papers printed for the House of Commons in 1813, in the various publications which have recently appeared on both sides of the question, and in the reports of the Committees of both Houses of Parliament printed in 1830, with the accompanying evidence. These documents exhaust the subject. They comprehend especially the arguments that can be adduced in favour of the existing system, and in deprecation of any departure from it. Of the latter class of arguments the Minute contains a correct summary. It appears, however, to the Government, that, of the arguments so relied on in the Minute, some have become obsolete by lapse of time and change of circumstances, and that the others, resting chiefly on probabilities and anticipations, are either overpowered by a fair estimate of probable contingencies on the opposite side, or, so far as they have weight, are to be regarded in the light, not so much of objections against the measure, as of warnings and suggestions for the safe and prudent accomplishment of it.

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The opening of the China Trade could never have been considered except as a question of time and circumstance.

The exclusive privilege of the Company is not an ultimate object. It is to be regarded as the means to an end,—as the gradual and guarded preparation for a more diffusive commerce:—and it was not without a reference to this view of the subject, that Parliament, by granting at successive times the Charter for a term of years, provided for a periodical revision of the arrangement adopted.

It must be observed, further, that during a course of years, circumstances of various kinds have been conspiring to work a relaxation of some of the restrictions which existed at the commencement of the present Charter, and to prepare the way for the removal of those that remain.

On both the last occasions of the renewal of the Charter, the exclusive privileges of the Company have been diminished.

In 1793 some participation of the India Trade was permitted to the nation, though certainly not to a great extent. In 1813 the restrictions on the Indian Trade were so greatly relaxed, that, so far as concerns principle, it may be said to have been opened. Since 1813 several laws have been passed, partly giving more scope, on specific points, to the British commerce with India,

No. XL partly enabling the Company to trade beyond the limits to which they were previously restricted.

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These successive modifications of the privileges of the Company have naturally created an expectation that, on the expiration of their subsisting lease, a further relaxation would take place. I admit that it would be equally weak and culpable in the Government to yield to this expectation merely because it exists. Still more criminal would be their conduct, if they proposed to surrender any just principle of commercial policy to ignorant or interested clamour. But the truth is, that the events of late years have forced on the majority of thinking and practical men a sense of the absolute necessity of some material mitigation of the restrictions of our commercial code, and that the improvements which have in consequence been adopted, have tended to confirm and disseminate the feelings and opinions in which they originated. The prepossession, therefore, if so it may be called, in favour of a more open trade to China, though not necessarily just, has a warrant in recent experience, and in the judgment of minds conversant with the subject of commerce in general.

Under these circumstances, His Majesty's Ministers feel that, if the restraints on the China Trade are to be continued, their continuance can be justified only on the clearest and strongest grounds.

It must be unnecessary to argue, and yet it is not to be forgotten, that in the case of this trade as of every other, the presumption is, that the extent of the dealings, and the national benefit resulting from them, will be in proportion to the opening afforded to capital and adventure to embark in the trade. Unless that presumption can, in this instance, be shown to have no place, the circumstances of the country undoubtedly call for a revised system.

Great Britain has now to contend, not as during her two last wars, with one competitor, but with many. The European nations have engaged ardently, and some of them for the first time, in the prosecution of general commerce; which continues also to be carried on by the United States of America with their characteristic energy. On the other hand, new and extensive accessions have, of late years, been made to the commercial market of the world. Our Australian Colonies, Mexico, South America, the Pacific with its Islands; to say nothing of the change of circumstances, political and commercial, which has occurred in India itself, and in the countries occupied by the Indo-Chinese nations. The opportunities thus afforded ought to be the most advantageous to that people which has the pre-eminence in capital, credit, and experience; but such opportunities cannot be fully turned to account, unless the merchant

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is allowed to carry on his transactions with different parts of the world in mutual connection and subserviency. The exclusion, therefore, of the nation at large from a particular mart of trade, and especially from one so situated as China, is injurious beyond the limits of the immediate evil, by narrowing the general sphere of commercial exertion, and breaking the continuity of the operations essential to the full prosperity of our foreign trade.

To these observations the first answer will be (indeed, that answer has already been given in the Minute by anticipation), that there is no prospect of an increased demand in China for British manufactures, and consequently, that any hopes of an extension of our China trade, in that respect, are wholly visionary.

In place of entering on the wide and debateable ground of discussion which this argument would open, I cannot help referring to the employment, and to the fate, of a parallel argument in another instance.

When it was proposed, in 1813, to open the India trade, the Company strongly asserted the impossibility of extending the use of British manufactures in India. The argument was, indeed, pressed, in that case, still more urgently, and greatly more in detail, than on the present occasion. It was propounded by some of the most honest, able, and enlightened persons that ever laboured in the service of the Company abroad, or guided its councils at home. It was supported by the production of a vast, and, in many respects, valuable body of evidence, proving that every effort had already been exhausted to promote the consumption of our manufactures in the East, and that the final limit to such consumption had obviously been attained.

The representations to which I refer were not without a great mixture of truth. The Company clearly shewed that much had been done in extending the export trade in question, and that no sudden or exuberant increase of that trade could, under any circumstances, be expected. Their statements, and the accompanying evidence, probably produced a wholesome effect, in correcting to some extent the extravagant hopes of speculators, and in enforcing, at least, a degree of caution on the early adventurers in the newly opened trade. But, in point of fact, their main position,—the impossibility of an augmented use of British commodities in the East,—has been practically refuted. The patient, thrifty, dexterous assiduity of private and untrammelled enterprize, has actually achieved what was then pronounced impracticable. I enter here into no particulars, the fact being undisputed.

Among those who, in 1813, were swayed by the apparent force of the argument in question, and by the eminent authority of those who urged it, I must place

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No. XI. place myself, then new to such subjects. At this moment, I might possibly have questioned its correctness, even under the same circumstances. Experience and observation have taught me never to distrust the power of commercial capital, when free from artificial impediments, to open for itself fresh markets, and to scoop out new channels of operation. But, from the actual issue of the experiment in the instance alluded to, there can be no appeal. It serves to render wholly inconclusive all arguments, proceeding on similar grounds, and pointing to the same results.

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I must, therefore, be permitted to dissent from the opinion, that it is chimerical, under any circumstances, to expect an augmented demand for British manufactures among the Chinese. It does not follow that I calculate on any prodigious or instantaneous increase in that demand; nor is the plan which the Government propose founded on any expectation of such an event.

I proceed to the second topic touched on by the Secret Committee, relating to the probable effect of the opening the trade with China; not indeed on the export, but on the import branch of it.

They contend,—and this also, I may remark, was contended in 1813,—that the admission of private adventure into that trade will be followed by a deterioration of the quality of the tea brought to the British market; and, in the next stage, by a defalcation of the large revenue now realized with singular cheapness and regularity from that article.

On the first of these points, the expected deterioration of the teas to be imported, I cannot altogether enter into the apprehensions expressed by the Secret Committee. That the Company, indeed, have taken great pains to ensure the goodness of the teas which they import, and that their efforts for this purpose have been very successful, I cheerfully concede. In this instance, as in several others, the public spirit and the attention of the Company have prevented what might have been thought the natural result of their exclusive command of the market. But the great principle still remains, that the best security for the goodness of a commodity is to be found in the rivalry of the dealers in it; and there seems to be no reason for distrusting the rule in the present case.

I do not mean to deny, that the opening of the trade may, in the first instance, be attended with the effect supposed. The introduction into any trade of a number of competitors has, perhaps, an immediate tendency to augment the quantity of the supply at the expense of its quality; but the very competition which produces this evil corrects it in the sequel. On no other principle

principle than this do we depend for the excellence, in point of quality, of the immense mass of commodities imported by our general commerce.

The argument drawn from the importance of the present system of the tea trade to the national revenue, and from the jeopardy in which a portion of our revenue would be placed by a change, though quite relevant, and though one of grave importance, is perhaps matter for the consideration of the State, rather than for debate between the Company and the Government.

I will only remark, therefore, that great as the fiscal benefit derived from the tea trade undoubtedly is, the argument in question is not decisive, unless it can be shewn that an open trade is, on the whole, likely to produce less of that surplus profit which is the only fund out of which revenue can for a continuance be drawn, than a trade managed under exclusive privilege; a proposition which I should hold to be inadmissible. In touching, however, this subject so briefly, I must not be understood to treat it as of light moment. There is, on the contrary, no part of the present question, to the importance of which His Majesty's Government are more alive, or with regard to which, in the event of the opening of the trade, they more deeply feel the necessity of making careful provision.

Before I quit the immediate subject of the China trade, I must observe that, even supposing the direct trade between England and China not to be extended in the degree which has been anticipated by many well-informed and enlightened men, there is yet another very important branch of commerce which the opening of China is likely considerably to advance and extend, namely, the trade between that country and British India. And, just in proportion as that trade may be extended, and as remittances through the medium of it, from India to England, may be facilitated, the prosperity of the former country, and its value as a customer to the latter, must be enhanced. The commercial dealings of the three countries are, indeed, so closely connected, that any view of the question relative to China which excludes the consideration of India, must be essentially defective. Now, in India we have found an abundant demand for British staples. That which is wanted is a corresponding return: and should this be more extensively furnished through the medium of the China trade, the interests of England would be materially promoted, even though the amount of British imports into China remained the same. Nor ought we to overlook the peculiar nature of the article which forms the main export of China to England. It is one yielded exclusively by that country, and it is one of general consumption among the labouring classes of this. The extended supply of it, therefore, while it can have little or no tendency to interfere

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I must now enter on another topic suggested by the Secret Committee, and one to which the Company have certainly a very good right to call the attention of His Majesty's Government. It is, indeed, a topic familiar to those who are conversant with the controversies relating to the present system of Chinese trade. The Secret Committee apprehend that the opening of the trade will be productive of no small hazard to the continuance of our relations with the Chinese people.

In entering on this subject, I need hardly state that, supposing the China trade opened, it would be necessary that there should be stationed at Canton, by the appointment of the Crown, some officer or officers, invested by law with adequate powers of supervision over all British subjects resorting to China.

The opinion of His Majesty's Government is, that a Chief and Council should be the functionaries so to be appointed, under provisions and regulations, a consideration of which does not belong to this place.

The present head of argument, like most of those to be found in the Minute of the Secret Committee, was prominent during the discussions of 1813. Opinions of weight were delivered on both sides; and though the determination of the Legislature to grant to the Company a fresh term of their exclusive privilege so far as respected China, chiefly proceeded on other grounds, I am far from contending that the reasonings of the Company did not produce considerable impression, or even that it may not, at that moment, have been prudent to confine, in the first instance, the measure of a free trade, then about to be tried, to the ports of India.

The Government, however, are satisfied that it would now be proper to extend the relaxation to the commerce with China, even supposing that no events had occurred, during the subsistence of the present Charter, to throw light on the particular question under consideration.

Admitting, for the sake of argument, that a freer resort of British adventure to the shores of China might somewhat increase the chance of broils between the adventurers and the natives; admitting further, that the jealousy of the Chinese might be even more sensitive under the new system than under the old; and lastly, admitting that a representative of the British nation might be less qualified to deal with the overt acts or secret workings of such jealousy, than commercial functionaries acting under the Company; yet the Government would by no means despair of combating these difficulties, by regulations carefully

carefully contrived and vigilantly enforced, aided by the powerful influence of those mutual considerations of interest, which alone gave birth to the trade between the British and the Chinese, and which, in spite of all past impediments, have fostered and promoted that trade up to the present hour.

In point of fact, however, a view of the present state of the British commerce and intercourse with Canton, and a reference to recent occurrences at that port, may lead to a doubt whether the Company justly estimate the nature and extent of the dangers to which the British interests are, even under the existing system, exposed.

On the discussions which have unfortunately taken place between the Canton Government and the British Factory, I will offer only a passing remark. Those discussions, perhaps, illustrate the hazards which beset our intercourse with a people so peculiar as the Chinese; but let me not be thought to draw from them an invidious inference, when I observe that they also authorize a question, whether the present system does, indeed, furnish so effectual a safeguard against the hazards alluded to, as is sometimes contended. I do not say that the Factory did not act with all the firmness and wisdom which the emergence demanded; but if, in spite of the exertion of such qualities, the British interests on the spot have barely escaped destruction, and if the actual position of those interests is universally felt to be most precarious, there may surely be some room to distrust the sufficiency of the guardianship to which they are confided.

This is not, however, the point to which I here principally refer. The country trade carried on between the principal ports of India and that of Canton has now attained a considerable height, and appears to be still increasing. It cannot fail to increase with the advancement of the commercial resources of India. That trade has not only brought private British ships to the Canton river, but has led to the stated residence at that town of a number of British merchants, mostly independent in circumstances as in character; possessed of much capital, and distinguished by British spirit and enterprize. Besides these residents, the British society in Canton is, for a great portion of the year, increased by a fluctuating body of individuals connected with the trade from India to China. The actual tonnage engaged in this trade is superior in amount to that which the China trade of the Company employs. The value of its imports into Canton increased from Dollars 9,897,000 in 1813-14, to Dollars 31,368,000 in 1829-30; that of the Company's imports being in 1813-14 Dollars 13,550,700, and in 1829-30 Dollars 11,665,000. It is true that this private trade is carried on under special licenses from the

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No. XI. Indian Governments, and that the individuals conducting it are bound to obey the directions of the local representatives of the Company. It is also true, that they cannot trade beyond the limits of the Company's Charter; but, subject to these limitations, the trade is conducted with the freedom of private adventure. It is supported by British capital, and its ramifications are spreading in India, and, though not ostensibly, in Great Britain.

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The subordination of this community of merchants to the Factory, though obligatory in point of strict right; rests chiefly on mutual good-will and prudence; and it would, probably, be only in a very strong case that the Supra-cargoes would attempt to deprive any one of its members of his license. What, even in such a case, might be the result of the attempt does not seem quite certain.

There is every reason to suppose, as I have already said, that the amount and importance of this trade will increase; and such an event, supposing the exclusive privileges of the Company in China to be continued, cannot but materially influence the relative position of the free traders on the one hand, and the local establishment of the Company on the other.

The free trade and the trade of the Company now move in different spheres; and, except as respects some of the articles of import from India to China, there does not appear to be any room for competition between them. The traders are, in fact, on good terms with the Company's servants, and they acted in concert with the Factory on occasion of the late differences with the Government of Canton. But the growth of a body of free adventurers under the wing of an exclusive commerce is not unlikely to lead to consequences of moment; and the division of the British residents at Canton into two commercial classes, so differently constituted and characterized, cannot but add to the embarrassments incident to the relations between the British and the natives. The free traders appear to cherish high notions of their claims and privileges. Under their auspices a free press is already maintained at Canton; and, should their commerce continue to increase, their importance will rise also. They will regard themselves as the depositaries of the true principles of British commerce, and the feeling of submission which they now manifest towards the authorities of the Factory may gradually be expected to give place to one of rivalry, if not of hostility.

I may overstate the probability of these results; but I can truly say, that the anticipation of them has not been suggested to me by the pending discussion between the Company and His Majesty's Government. On the contrary, it has repeatedly been impressed on my mind, during the consideration especially

especially which recent events in China have led me to give to this important subject, that our position in that country, under the present system, is very far from secure or satisfactory; that while we fix our eyes on the contingencies which twenty years ago threatened it, we are too apt to overlook those new and nearer dangers which are gathering round us from within and without; and that, in a word, some change and recasting of parts must soon become indispensable.—I thought it certain, that, even if Parliament resolved to continue the exclusive system for a fresh term, yet causes were at work which must, even before the close of the term, supposing it of reasonable duration, practically put an end to the system, either by silent dissolution or by forcible overthrow; or perhaps, in succession, partly by the one mode, and partly by the other.

Under this conviction, I felt it my duty to entertain the question which could not fail, in any case, very shortly to arise, whether we ought not to station at Canton some official authority independent of all parties, and unconnected with commerce of any kind.

That question will, of course, be disposed of by the opening of the trade: and with it may be dismissed many apprehensions which, without meaning to colour them too highly, I conceive to be at least as well founded as those indulged by the Company in reference to the disorders which an open trade may be expected to produce.

There is but one further subject which it seems to me necessary to consider, in relation to the China question; but it is one of the greatest importance.

Among the principal reasons for the continuance of the exclusive privilege to the Company in 1813, the most effective was drawn from the peculiar relation of the China trade, as conducted by the Company, with the financial system of India. This ground is again assumed by the Secret Committee.

“ With respect to the cessation (they observe) of the exclusive privilege, whilst it will be the duty of the Company to bow to the wisdom of Parliament, the Committee feel it right to state, for the consideration of the King’s Ministers, that the discontinuance of that privilege involves a most essential change in the financial system upon which the affairs of India are now administered, since it is the exclusive trade with China which, to a great degree, furnishes the Indian Territory with a safe and very beneficial channel of remittance of the funds required in England to defray political charges, and which has also afforded to the Territory a large amount of direct pecuniary aid, under the fourth head of appropriation of profits, specified in the 57th Section of the Act of 53 Geo. III. Cap. 155.

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 " year to year to provide funds to repay the full amount disbursed by the
 " Company, the public debt of India since 1814 would have been upwards of
 " seventeen millions sterling more than it now is, exclusive of the balance due
 " on account of the commercial branch, and which, with interest, is computed
 " at five millions. When this important fact is considered in reference to the
 " pressure with which the Government demands already bear on our native
 " subjects, notwithstanding the searching measures of economy which of late
 " years have been introduced into all branches of the Indian administration,
 " the Committee cannot but hope that His Majesty's Ministers will pause,
 " before they consent to deprive India of the great advantage of the China
 " trade as now conducted."

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On this argument it may be observed generally, that the weight to be given to it depends entirely on the view taken of the possibility of supplying the resources in question by other means, less onerous to the people of the country. If the principle were admitted, that the expense of remittance is to be saved to India, and also that the deficiency of the Indian revenue is to be supplied, and that all this is to be done at the cost of England, we should then merely have to consider whether the aid requisite for these purposes should be afforded directly by a grant of British money, or, as heretofore, indirectly through an enhancement in the price of tea.

But His Majesty's Ministers are by no means prepared to admit that principle; they cannot consent that India shall habitually lean on England for financial aid. The nature of the question is, indeed, materially altered since the period of 1813. At that time, no separation of accounts had been effected; there existed no sufficient means of solving the problem, whether the territorial branch required any and what assistance; and in order to meet a contingent and uncertain demand, it may naturally have been thought expedient to reserve a resource which could readily be adjusted to the exigencies of the moment. In 1813, further, the opening of the trade to India was an untried experiment, and the Government and Parliament of the time must, in that circumstance, have seen a powerful reason for not placing simultaneously in a new position, the other great branch of commerce on which they had to depend for the realization of the funds required to be remitted from India to England. They could not doubt that if private merchants were to conduct with regularity and success the trade which had belonged to the Company, the means of remittance could be found through the former, as surely and as advantageously as through the latter;—But it was not in their power to act

on the full assurance which His Majesty's Government now entertain; that, by the entire discontinuance of the exclusive system, the general trade would be benefited and not injured. And further, they contemplated the possible occurrence of uncertain demands on the Home Treasury; which are not now to be apprehended, and which, in fact, touch the question of supply, rather than that of the transfer of existing funds.

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We are now placed in very different circumstances. The trade to India is no longer the subject of debate. On that of China, His Majesty's Government have seen abundant reason to believe that, by being opened, it will be promoted rather than impaired; and ultimately, they cannot doubt of its being materially increased. The financial condition of India has now been thoroughly examined; and while, on the one hand, Ministers feel persuaded that, under a system of free trade, the means of remittance will be facilitated, they, on the other, hold it to be their bounden duty, to require that India shall not be allowed to be a permanent burthen on the finances of England.

The question of remittance has no necessary connection with that of deficiency of Indian revenue. It would equally arise, howsoever large might be the surplus revenue of India.

If our accounts were framed on proper principles, the surplus or deficit of that country would be exhibited only after a distinct allowance for any loss sustained in exchange between India and England, just as on remittance from one part of India to another. This principle it will be useful to maintain steadily in view; but both questions may be kept clear of extraneous entanglement; and I would not be understood as denying to the China trade, as conducted by the Company, the merit claimed for it, namely, that it has both discharged the cost of remittance, and also supplied the deficiency of the revenue.

But I must remark, that in both respects this object has been effected by the surplus profits of the trade, and that these surplus profits have been drawn from the people of this country, constituting as truly a tax on them as any of the national imposts properly so called. The seventeen millions, for example (admitting for the sake of argument the amount to be justly stated), by the supply of which through the China monopoly, it is observed in the Minute, that the public debt of India has been kept down, have been contributed out of the resources of this country, as certainly as if they had been appropriated by a vote of Parliament in aid of the Indian finances.

As to the means of remittance, assuming the funds to be actually forthcoming in India, it seems to be clear, both from experience in analogous cases, and

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and from the evidence taken before the Committee of the House of Commons, that no difficulty can be anticipated in effecting a transfer of them by the channels of general trade, on terms fully as favourable as those which the Company's commerce can afford. The facility will even be increased, if, as may be hoped, the general trade should increase under the new arrangements. The China trade itself will become more and more available for the end in view; and the probability is, that there will be an improvement of exchange, though not so far as to equal the rate now applied to the accounts between the two branches of the Company's concerns. It should, however, be remembered, that the advantage given to territory by the adoption of an arbitrary rate, is, in truth, not a gain upon the exchange, but a portion of commercial profit applied through that medium to the use of the territory, and ought to be considered as a part of those regular charges for which India, and not England, is answerable.

So also with regard to the actual deficiency of funds in India to meet the necessary expenses of the Government. There has certainly been such a deficiency, and it has been supplied by the means above stated. Whether to the extent of seventeen millions or twelve millions (the latter is the amount in the Appendix to the Report of 1830) or any other sum, it is not necessary here to enquire. But the mere fact of a deficit having hitherto existed, is no proof that there will always be a deficit in future. Yet this is assumed in the argument of the Secret Committee, and is more distinctly stated in a subsequent part of the Minute. In reference to the plan of charging the annuity of £630,000 on the Indian revenues, they observe, that "there is little prospect that India, when deprived of the advantages of the China trade, will be able to pay it."

I cannot but suggest, that this conclusion has been drawn from inadequate premises. A floating, but a regular, deficiency has hitherto been found to subsist in the Indian revenue; and the void has as regularly been supplied from other sources, without difficulty and without disturbance. The accommodation has proved most useful; but it may be apprehended that the very existence of a resource, so constant, so effectual, so readily and quietly applicable, has tended to create the evil which was to be remedied. I mean no particular reflection on any of the local Governments of India in past times. It was natural that they should not be very rigorous in repressing an expenditure, the excess of which the commerce was ever ready to feed.

The opinion which I have here stated is now, I believe, very generally entertained; it is, not, indeed, without some countenance, even from the
Minute

Minute of the Secret Committee. If the searching measures of economy, to which that Minute alludes as having of late years been introduced in all the branches of Indian administration had earlier been applied, there can be no question that much of the necessity of a resort to extraneous succour would have been averted; and I feel as little doubt, that these measures, or others of the same nature, would long since have been enforced, had not the desired succour been always at hand. In this view, the experience of the past, though unfavourable, may sanction better hopes as to the future. Once cut off the resource of the surplus profit, and the administrators of the Indian revenues will find themselves compelled to confine their expenditure within the limits of their proper income.

In this place it is right to mention, that the Government plan, if carried into effect, would not, as appears to have been apprehended, involve the augmentation of the present Indian Debt, nor impose any new burthen on the Indian Resources.

It is proposed to invest the proceeds of the Company's property in the purchase of the existing Indian Debt, to the amount necessary to secure the promised Dividend, and to place the East-India Stock-holders in the room of the Creditors so purchased out. The effect would be, not increase, but substitution. It is further intended to make this substitution in a manner peculiarly advantageous; namely, by redeeming, in the first instance, the remittable debt, which is, you are aware, held by conditions peculiarly unfavourable to India.

The proposed annuity, therefore, is not by any means to be regarded as a fresh burthen on the Indian resources, for which India will receive no financial equivalent; but as an outgoing, for which compensation will be derived through the medium of the Commercial funds of the Company, applicable to the use of the Territory, and ultimately operating to the reduction of the Indian Debt. This plan, therefore, instead of impairing, will tend to improve the general resources of our Eastern Empire.

With respect to the competency of India to answer all the just demands on her Exchequer, no rational doubt can exist. A revenue which, notwithstanding fluctuations, has during the last twenty years been steadily progressive, which, estimated according to the Parliamentary rates of Exchange, has now reached the annual amount of twenty-two Millions, and which promises still to increase; a territory almost unlimited in extent; a soil rich, fertile, and suited to every variety of produce; great resources not yet explored; a people, generally speaking, patient, frugal, laborious, improving, and evincing both desire and capacity of further improvement; these, I think, are sufficient pledges that

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No. XI. our Treasury in the East will, under wise management, be more than adequate to meet the current expenditure.

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These anticipations may be deemed too sanguine; but it must be observed that, in indulging them, I am assuming that the system of retrenchment now in operation throughout the different departments of the Indian administration, shall be followed out with wisdom and with steadiness, and that the resources of the country shall be fostered both by active encouragement and by judicious forbearance on the part of the governing authorities. On these suppositions, and considering moreover how greatly, and even extraordinarily, our political position in that quarter has been improved, and our empire consolidated, during the currency of the present Charter, it is, I think, no extravagant conjecture, that the financial condition of our Indian dominions will gradually advance, and not with an operation injurious to the people, but in perfect harmony with the progressive development of the national powers and capabilities. Such, surely, are the results which we may hope to see realized in that country, under the sway of a Government exclusively devoted to the administration of its territorial concerns, and watched and seconded by a constituted body bound up in interest with its territorial prosperity.

Having now given some exposition of the train of thought by which the Government have been led to the conclusions embodied in the first two propositions of the Paper of Hints, I proceed, secondly, to consider the particular arrangement under which it is proposed to accomplish their purpose.

The third and fourth propositions in the Paper of Hints are as follow:

“The Company’s assets, commercial and territorial, with all their possessions and rights, to be assigned to the Crown on behalf of the Territorial Government of India.

“An annuity of £630,000 to be granted to the Proprietors, to be paid in England by half-yearly instalments, and to be chargeable upon the territorial revenues of India exclusively, and to form part of the territorial debt of that country, not to be redeemable before the 30th April 18...; and then, at the option of Parliament, by the payment of £100 for every £5. 5s. of annuity.”

“These propositions,” it is observed in the Minute, “appear to the Secret Committee of Correspondence to involve in substance the abolition of the East-India Company, and the surrender by them (for it cannot be contemplated to deprive them) of all their rights, privileges, and property, for no other compensation than the chance of receiving, after every other territorial demand shall have been satisfied, a dividend of 10½ per cent., for a term

" term whose length is not stated, and which, whatever the term may be, No. XI.
 " there can be little prospect that India, when deprived of the advantage
 " of the China Trade, will be able to pay."

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On that part of this passage which refers to the security for the proposed dividend, I trust no long discussion can be necessary. Though it be made the last clause of the Committee's objection, I notice it first; because, if the impressions of the Secret Committee should prevail with the Court of Proprietors, I regret to say that there can be little hope of a satisfactory settlement. But I have already expressed the sentiments of the Government on the subject, and I cannot doubt that the justice of those sentiments will, on consideration, be generally admitted.

I must further remark, that the Secret Committee have materially misapprehended the provisions of the plan, if they suppose it to be meant that, when the Proprietors shall be placed on the territory of India, their annual dividends will be postponed to those of other territorial creditors. They will have the same plenary demands on the State with all other public creditors, and will stand precisely upon equal grounds. They will not come last, than they would come last in England if they had bought into the Consols; I have, indeed, before explained, that they would not constitute a new body of creditors, but only be substituted for creditors already existing.

With regard to the claims which the Secret Committee prefer on behalf of the Company, in whatever manner they may be adjusted, yet for the liquidation of them the Company surely cannot look beyond the property and revenues which they have hitherto administered. To the continuance of a monopoly of the China Trade, or to a share in any tax to which the consumers of tea may be subject, it will not be contended that they have any claim on the ground of right.

As little can the notion be entertained of casting them upon the general revenues of England. But I have the happiness of believing that the security offered to them is open to no reasonable impeachment; and, deeming it superfluous to dwell on this topic, I shall, for the present, content myself with the expression of my regret, that the Secret Committee should have admitted into their Minute the declaration which I have quoted. I must however add, that in proportion as the plan is advantageous to India, the value of the security will be enhanced. I will, therefore, before I consider specifically the points at issue, briefly advert to some of the circumstances which recommend the plan of the Government.

The plan, as I have already explained, involves no increase of Indian debt

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No. XI. or of charge on the Indian resources, but simply the substitution of one set of public creditors for another ; and that, in a manner peculiarly advantageous to India, by the purchase, in the first instance, of the remittable debt.

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While, therefore, with regard to England, it involves no expense, its financial advantages with respect to India are more than negative. It removes the pressure of a liability, which it might be difficult to find another opportunity of so conveniently discharging. It secures to the Proprietors of East-India Stock their dividend :—It not only preserves them in a separate character, thus continuing the connection between the Directors and the Constituency by whom they are elected, but it knits that connection more closely :—It identifies their interests with those of India, by giving them a direct and immediate money interest in its good government, and thus qualifies them, in a decidedly greater degree than hitherto, for the duties assigned to them in the system of Indian administration :—It relieves, at the same time, the Directors from many avocations, which can scarcely fail to withdraw their attention from the duties which belong to them as the rulers of a vast empire ;—and thus, while it is directly beneficial to the Indian finances, it affords new and stronger securities for that good government, on which the prosperity of the finances, not less than of all the other interests of India, must mainly depend.

Reverting to the general scope of the passage of the Minute under consideration, I have to observe that the propositions objected to cannot, in fairness, be said to involve the abolition of the East-India Company. On the contrary, the Company would stand on as firm a basis as ever ; the Proprietors receiving the same income as heretofore ; their representatives still holding their place in the government of our Eastern Empire ; and their privilege of trading as a joint stock company restricted, only because the exercise of it appears to be inconsistent with the obligations incident to the acceptance of political power.

In so far as concerns the property belonging to the Company in their commercial capacity, the proposed arrangement may, indeed, unobjectionably be said to involve a surrender ; but it involves also an equivalent, or what is so deemed.

The sufficiency of the equivalent is a distinct question to be considered as we proceed. If it be not insufficient, as I am persuaded it is not, there are assuredly abundant reasons to recommend the plan ; and, whether it be said to involve surrender and compensation, or conversely, tender and condition (for either expression is equally just), it is not to be forgotten that the proposed arrangement

arrangement is not compulsory. To accept or reject it, rests with the East-India Company. No. XI.

Strongly convinced that it will be for the advantage of the Company to accept it, His Majesty's Government cannot expect or wish that they should do so; except under a similar persuasion. On the one hand, His Majesty's Ministers, sincerely desirous of retaining the agency of the Company in the political government of India, are not the less anxious to see full justice done to all their claims. On the other hand, they are bound to watch with a jealous care over the general interests of the empire.

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In the plan proposed, they have endeavoured to reconcile these several objects; and advancing, as I shall now do, to the more detailed consideration of the two particulars already specified,—the surrender required, and the compensation tendered,—I shall, I trust, be able to satisfy you that their endeavour has not been unsuccessful.

First, let us shortly consider what it is that the Company is called upon to relinquish.

As already intimated, their China monopoly (I may use the word without any strictness of definition) ceases by the mere operation of law at the time fixed by the Act of 1813.

Here, at least, nothing is surrendered.

The right of British subjects to trade with India on an entire equality with the Company cannot be denied. It cannot be pretended, that the special privileges and property belonging to the Company in that country, would operate to the exclusion of their countrymen from any essential facility of admission or trade.

The dominion of the British Crown, securing equal protection for all classes of British subjects throughout Hindostan, has superseded the use and altered the character of those factories and settlements which may have been necessary to commercial dealings in former times.

Here again nothing is surrendered.

The political authority which the Company is to retain must be held as the pure gift of the British Parliament:—a trust confided to a particular body of British subjects, for the benefit of the Indian people, and for the good of the British empire in general.

That which may at the pleasure of the State be withdrawn, cannot, in any just sense, be said to be surrendered. Apart from the exercise of political functions, the relinquishment or limitation of their trade, on the footing of free competition, is indeed entirely optional with the Company. But their trade, con-

No. XI. ducted on such a footing, cannot, in the judgment of His Majesty's Government, be expected to be profitable;—and, finally, I must state with all plainness, that the interests belonging to the Company in that property which they appear to regard as exclusively commercial, are involved in a multiplicity of doubts and entanglements, from which an escape seems to be next to impossible, except through the operation of some such comprehensive scheme as that which His Majesty's Ministers propose.

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The basis on which the arrangement rests is the principle of a compromise between the two branches of the Indian concern,—the commercial and the territorial; meaning to denote by the former term, the interests permanently belonging to the Company as a commercial body, and by the latter, those national interests which they have administered as the organs of the political government of our Indian empire; with the obligations attaching to each class of interests respectively. The questions at issue between the two branches, the latter of which it is especially the duty of His Majesty's Government to represent in the present discussion, are, I need not say, long and intricate, consisting of reciprocal claims, some really questionable, and nearly all, in some degree or other, disputed. These differences could be brought to a termination only by one of two courses,—the one amicable, the other contentious:—either by an amicable compromise; or by an actual and authorized investigation,—searchingly applied to each head of an immense and complicated mass of details, with a view to an exact and final apportionment.

Such an investigation, however successfully we suppose it to be conducted, would be destructive of those paramount objects which, for the good of India and of England, the Government arrangement contemplates. The intention being, that the Company shall be continued in their political capacity, and that they shall commence the exercise of their resumed functions in the utmost possible state of efficiency, it would obviously be incompatible with that end that they should instantly be engaged in a sort of self-litigation, to be prosecuted by means of a complicated, vexatious, and scarcely terminable enquiry.

Even without reference, however, to the proposed arrangement, it may easily be shewn, that an investigation of this nature would be productive of the most serious inconvenience to the Company themselves.

According to the views which have at different times been stated on the part of the Company, there would, indeed, be little necessity for any investigation

gation at all.—In conformity with those views, the Secret Committee have recorded their sentiments in the following passage.

“ With every respect for His Majesty’s Ministers, the Committee unanimously decline to recommend the before-mentioned proposals to the Court of Directors, to be offered by them for the acceptance of the Court of Proprietors, and beg leave to record their opinion, that no proposition whatever for continuing the Government of India in the hands of the Company, when deprived of the exclusive trade with China, can be acceptable to the Company, unless the Proprietors be fully secured in the regular payment half-yearly of their dividend of ten and a half per cent. per annum, and in the right, whenever paid off, to such an amount of principal as, at the present price of Consols, would produce that rate of dividend. The Committee submit, that this is the least to which the Company can be considered entitled, when it is remembered that they have property amply sufficient to provide an investment in Consols equal to the required dividend; such property consisting of commercial assets,—of pecuniary claims of large amount in India, and of possessions of rights in that country of great value, their title to which has never been disputed.”

Supposing this statement to be unimpeachable, and supposing all that is here enumerated to be the clear and unquestioned property of the Company, unaffected by any liability to any other party, the idea of a compromise would, of course, be inadmissible. They would then be justified in pressing their claim to the uttermost.

But this concession can hardly be expected.

The property claimed as commercial by the Company is well known to be exposed to many doubts and questions, both as to the amount and the nature of its component parts. It is further supposed to be subject to heavy liabilities.

My only object, at present, is to prove that compromise is the far preferable mode of proceeding. I am not, therefore, called to give an opinion on the disputes between the parties, and still less on the responsibilities of the commercial capital.

If it can be shown that, in the opinion of very competent authorities, doubts of the gravest kind attach to the subjects of altercation, and that it is questioned by such authorities, whether the most serious liabilities do not affect that property which the Company assume to be incontrovertibly their own,

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No. XI. my purpose will have been gained; for it will then appear, that adjudication cannot be attained, except through the medium of a minute and detailed enquiry. But, in whatever mode such an inquiry may be conducted,—whether by a Parliamentary Commission,—or by arbitration,—or before a legal tribunal,—or in any other imaginable form,—the very institution of it must give a severe shock to the credit of the Company.

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That blow once struck, the sequel will be marked by increasing mischief. Such enquiries, it is well known, are usually protracted far beyond the estimated time. In the given case, the examination must extend back through the transactions of nearly a century, and must apply to property, both in India, in England, and afloat, and, as to a great portion of it, placed under very peculiar circumstances.—In the interim the Charter expires:—the China monopoly is at an end:—and in what situation, it may be asked, are the East-India Stock-holders?—From what funds are the dividends to be paid?—In what manner are the commercial operations of the Company, even those already in progress, to be carried forward?

Let it be supposed (what certainly cannot be assumed as matter of course) that the final issue, at some period which it is impossible to anticipate, shall assign to the Company all that they claim,—will it be contended that even such an event would, in the slightest degree, compensate for the injury which they must in the mean time have sustained?

It is, however, incumbent on me to advert to the grounds on which I have come to the conclusion, that the question between the commerce and the territory really involves the difficulties supposed.

The commercial property claimed by the Company, exclusively of property in India, may be thus stated:

The Commercial capital, as computed		
by the Company on the 1st May 1829	£21,102,182
Reimbursements of wars previous to 1765	£3,616,000	
Less—Home Bond-Debt at that time		
outstanding	1,616,000
		<hr/>
		2,000,000
		<hr/>
		£23,102,182
		<hr/>

The commercial capital, computed at £21,102,182 on the 1st May 1829, is thus composed:

Cash

Cash at home and abroad, and property in the public funds	£2,186,129
Goods and merchandize at home and abroad	7,383,937
Property afloat and freight thereon	3,531,897
Debts due to the Company at home and abroad for goods sold and investments	2,227,195
Buildings and dead stock	1,467,967
East-India annuities	1,207,560
Due from territory	4,631,906
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	22,636,585
Deduct debts	1,534,403
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	£21,102,182

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It would be improper in me to assert, nor do I mean even to insinuate, that, under most of these heads, an impartial arbitrator would not adjudge to the Company that for which they take credit. But, unquestionably, no arbitrator could dispose of the matter, without having first considered various deductions which, on behalf of the territory, might be claimed; I do not say justly, but with sufficient reason to warrant the demand.

* Thus, for example, of the sum stated to be due to Commerce from Territory, amounting to £4,631,906, a large amount is open to question, independently of the surplus of commercial profits, which is liable to appropriation under the 53d of Geo. III.

Thus, also, it has long been, as you well know, a matter of dispute, whether the Home Bond-Débt (amounting to £3,796,000) is chargeable to the Territorial or the Commercial branch. On whichever of those branches that debt shall be determined ultimately to fall, it must, at all events, be paid in the first instance by the Commerce; and although it is probable that the holders of the bonds would be averse to being paid off, yet if it should be deemed expedient to discharge the whole, or any part of their debt, so much of the Commercial funds as may be necessary must, of course, be applied to that purpose.

The value of the property which might be considered clearly to belong to the Company would also give rise to various questions; and more especially, the rights and privileges claimed by the Company in India, most of which have been in abeyance for a period of nearly seventy years, would certainly be found involved in inextricable doubts, both as to amount and as to title.

It

No. XI. It would, indeed, be difficult, if not impossible, to come to any conclusion as to any part of the property under enquiry (supposing that there is no compromise) without opening all the questions which have been raised in regard to the Commercial profits of the Company, and the origin of their debts and assets; questions which, as you know, comprehend the very origin of our Territorial acquisitions in India, and require for their solution a variety of information, now probably no longer to be attained.

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A moment's reflection on the particulars embraced by each of the several heads above specified, will, I conceive, satisfy every reasonable mind of the necessity of admitting the principle of a compromise for which I am contending. But supposing that all these difficulties were overcome,—supposing all the facts as stated on behalf of the Company to be established, and all the items exhibited in their accounts to be admitted, there remain grave and perplexing questions of law, which embrace the whole extent of the Company's claims, and of which the consideration cannot be neglected or evaded.

These I proceed to explain.

The Commercial assets of the Company, included in the account of Stock by Computation in 1794, although not separately and distinctly exhibited, may, I presume, be stated to have been under eight millions sterling.

The Commercial assets on 1st May 1814 were computed by the Company to exceed nineteen millions. In that period, therefore, that is under the Charter Act passed in the year 1793, the property in question was increased by a sum of more than eleven millions.

We need not argue on the supposition that this increase arose out of an application of the Territorial funds in the hands of the Company to their Commercial occasions. The representations which have been made on that point would, indeed, have to be very fully and carefully considered, if we were driven to a contest between the two branches; and they have not been overlooked by His Majesty's Government in considering the expediency of a compromise. But the liabilities to which I am now adverting attach to the Company, on the favourable assumption that the whole of the increase in question may be resolved into an accumulation of so much of the Commercial profits received during the time. The question is, whether any part of the Commercial profits could legally be thus applied?

It is admitted on all hands, that by the Charter Act now existing, no similar application of the Commercial profits could legally take place. But it is urged, that the Act of 1793 is no less peremptory than that of 1813, in setting apart the surplus profits of Commerce for Territorial purposes; and good opinions hold

hold it to be seriously questionable, whether, at least, at the expiration of the Act of 1793, the Company were not bound to replace to the credit of the Territory all that accession to their capital which had been formed out of the intermediate profits of their Commerce, and whether that obligation on them does not remain in force up to the present moment.

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The opinions to which I have alluded, I must be distinctly understood neither to impugn nor to support. Others of equal weight may perhaps be cited in opposition to them. But the very circumstance, that a question so seriously affecting a claim founded on a matter of account divides authorities entitled to respect, would form a strong reason why the parties concerned should resort to a compromise, rather than contend for rights, the mere discussion of which must occasion great injury both to themselves and to the public.

The liability to which I have now referred, supposing it really to attach to the Commercial assets, so called, of the Company, would deeply affect the value of their property. A doubt, however, has been raised, and is indeed sufficiently familiar to the Company themselves, whether that property be not liable to another demand, which would be absolutely overwhelming.

The question which I have in view is this,—whether the whole of the Company's Commercial property be not legally responsible for those debts and engagements which have been contracted in the Company's name for Political and Territorial purposes, and whether it will not continue so responsible, even, although the Company should be wholly deprived of their political powers and functions.

This question branches into a variety of points which I forbear from enumerating, but which I can, on good authority, state to be entitled to the most serious consideration; and which, if pressed adversely, cannot fail to involve any attempt to adjust the Company's affairs in the utmost embarrassment. I have felt no difficulty in adverting to this subject; because, as I have before intimated, it is in its general nature not new to the Company.

Let it be observed, however, that I consider the question referred to as likely to arise only in the event of an adjustment being attempted on the ground of strict right. I will hereafter endeavour to shew, that neither this nor the former question ought to embarrass the Legislature in sanctioning an adjustment on the basis of the compromise suggested by His Majesty's Government.

It will, perhaps, be said that, whatever may be the strictly legal estimate of the mutual debts and demands of the Commerce and the Territory, Parliament may, and must, deal with this contested case on enlarged principles of justice and policy.

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That such is both the right and duty of Parliament, His Majesty's Ministers are convinced; and it is precisely on this persuasion that they found their hope of obtaining from Parliament an approbation of the plan which it is their intention to recommend. It will presently, I trust, appear that, in its essential features, that arrangement is not without a sanction even from past Parliamentary proceedings. Meanwhile, I need scarcely remark that Parliament can legislate on no partial view of interests in this complicated case, and must always lean to the rule of confirming legal rights, where no clear cause is shewn for an exception.

From the tenour of some of the previous observations, it might perhaps be argued, that the claims which the Government least consult in proposing a compromise, are those on the part of the Territory: But the truth is that, in the judgment of the Government, the concerns of the Territory, no less than those of the Commercial department, have a deep interest in a compromised settlement.

No share which the Territory might ultimately gain of the Company's assets alleged to be Commercial, could compensate for the evils of an enquiry of indefinite extent, duration, and complexity. During the process of that enquiry, the contested property would be in the hands of the adverse party: and a good deal of difficulty might occur in furnishing the funds necessary for the current home expenditure.

There are other considerations, however, beyond these. The most important object for the Territory is, that it should, as soon as possible, be placed under a good and settled system of government. Whether the plan of His Majesty's Ministers sufficiently provides for that object, is a question of separate consideration; but, assuming for the present this to be the case, the plan cannot too speedily be carried into effect: not to mention what has already been said, that if the Company, as a Commercial body, should be placed in immediate litigation with the Territorial interest, the continuance of their political functions, which is one material part of the plan, would be rendered quite impossible.

Of the public creditors in India, who form an important branch of the Territorial interest, I must observe, that their rights (I speak not now of the claims in dispute between the Commerce and the Territory, but of their rights as national creditors of India), though undoubtedly standing on a firm foundation of justice and expediency, have never yet been recognized by the Legislature, except in a temporary point of view. Their situation is, in some respects,

respects,

respects, anomalous—for they have grown up under an anomalous system—and might subject them, if it were tried, by technical rules of law, to questions against which they ought to be secured. If it be said here, as in the former instance, that the rights of this class of men should be dealt with, not on the ground of legal exactness but of a liberal equity, I willingly, as before, accede to the opinion: and it is precisely because I do so, that I desire to release the interests of these, as of all other parties, from the embarrassments of extreme claims and pretensions, and to provide for them on the common basis of a fair and rational compromise, sanctioned and established by the authority of Parliament.

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It cannot be expected that the several parties concerned should relinquish their claims without adequate consideration.

On the other hand, the determination to maintain or resist them with unqualified rigour, would involve consequences, the very exemption from which is more than an equivalent for even liberal concession.

The expediency of acting on the principle of a compromised settlement will not, probably, be longer contested; and I shall now proceed to consider, whether the terms prescribed by the plan of Ministers be fit and just.

The difficulty of settling the conditions of the compromise between the Commercial and Territorial interests, arises chiefly from the confusion of functions which has hitherto, and perhaps of necessity, existed in the system of the Company. To some extent the same difficulty has always been felt, and has been dealt with; for even during the pendency of the system, and while the two departments have continued in avowed connection, Parliament has found it necessary to fix a limit between the interests belonging to them respectively.

The object now is to discover some practical rule of demarcation; some principle, the operation of which may be expected to satisfy both parties; and such a principle is not to be sought in abstract, or speculative considerations, but in the results of experience, so far as these afford any precedent applicable to the case.

It appears to the Government, that, by observing what has hitherto been the feeling and understanding as to the relations that ought to subsist between the two classes of interests in question,—what degree of beneficial share in the common concern has through a long course of years been allotted to each, and apparently with the approbation of all parties,—an adequate guide or standard will be obtained for the terms of any prospective arrangement.

The difficulty, as I have observed, has already been dealt with by the Legislature,

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lature, though under circumstances, it must be owned, considerably different from those under which it now presents itself.

The Charter Acts of 1793 and 1813 carefully regulated the order in which the Company, as a Commercial body, that is, the Proprietors of Stock, on the one hand, and the Territory on the other, in respect of its interest to relieve itself from debt, might make use of the Company's Commercial profits; and the provisions laid down for this purpose by those two Acts, though not precisely identical, were nevertheless conformable to the same general rule.

Both Acts directed that, after providing for certain urgent or current payments, all the net proceeds of the Company's sales at home, and the duties and allowances arising to them by private trade, and all their other profits in Great Britain, should be applied in payment of the dividend to the Proprietors. Both Acts afterwards directed the application of the profits to the payment of the debt in India, until such debt should have been reduced to a certain specified amount; but that, when that debt was thus reduced, and the Home Bond debt was also reduced to a certain amount, the surplus profits (and by the later Act the surplus revenues also) should be applied to the formation of a guarantee fund of £12,000,000.

If the debts, however, should afterwards exceed the specified amount, the appropriations were again to take place. The limit assigned to the Indian debt by the Act of 1793 was that of two millions sterling; by that of 1813, ten millions sterling; and it is hardly necessary to say that the present debt very greatly exceeds the latter amount.

I do not state the provisions of these clauses with minute exactness; and some of them I wholly pass by, as not in the least affecting my immediate argument. The Acts differ in some particulars from each other; but in main points, so far as respects the present question, they coincide, and the principles common to both may thus be said to have been established by Parliamentary sanction, by general acquiescence, and by the experience of forty years.

I should, however, mention that both Acts provide for the reduction of the Home Bond Debt; and the Act of 1813 directs its reduction indifferently with that of the Territorial Debt, at the option of the Directors, with the approbation of the Board. I must repeat, that if the proposed arrangement takes effect, the Government must, out of the Commercial Funds of the Company in their hands, make adequate provision for the Home Bond Debt, in the event of its being expedient or requisite to discharge the whole or any part of it. This I wish should be always understood; although, for the sake of brevity,

brevisly, I do not always specify the Home Bond Debt in words, when discussing of the Company's obligations; and although, on account of the greater importance of the interests more immediately connected with Territory, I treat the question before us generally as a question between the Proprietors on the one hand and the Territorial interest on the other.

Whether the Home Bond Debt ought in strictness to be considered as Territorial or Commercial, it is on this plan quite unnecessary to determine.

It is true that, during the subsistence of these Acts, the Commercial and Territorial functions of the Company were, for many purposes, very intimately blended together, and that the precedent which they furnish cannot without modification be adapted to the present conjuncture.

The connection between Commerce and Territory was then to be continued; it is now to be dissolved. The object then was to effect a distribution of profits; it is now in the nature of a division of capital. Still a general conformity to the principle of those Acts is by no means impracticable.

It is, indeed, to be recollected, that the principle in question has already been maintained under an important change of circumstances. The Act of 1813 implicitly, though with circumstantial variations, followed the preceding Act. Under the Act of 1793, however, the Company retained in substance the monopoly of the Indian trade. Enjoying then the whole trade of the country which they at the same time governed, it might have been natural to suppose, and in fact it was at that period supposed, and supposed in some respects correctly, that their Territorial power ministered to the advancement of their Commerce; and if might, therefore, seem but a fair return, that the surplus profits of the Commerce should contribute to the well-being of the Territory. But the Act of 1813 extinguished the exclusive privileges of the Company in India. It left them the monopoly of the China trade only; a trade having no natural connection with the territorial control of India, and which, at all events, could not derive from the Indian functions or measures of the Company the same degree of assistance with that which had been afforded to the exclusive trade granted by the former Act. Still we find the former principle of appropriation continued. The Dividend is first secured; and then all the Commercial receipts, with the reservation above stated as to the Bond Debt, are directed to flow into the Territorial exchequer, until a certain measure of fulness is attained.

It is not my intention, nor do I conceive it of the least importance, to enquire into the particular views of those, at whose recommendation, and under whose guidance, the Legislature passed the two Acts in question,

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and

No. XI. and especially the Appropriation clauses. But I find in those clauses a rule or principle established, which has now been actually, and without objection, in force during two entire terms of the Company's trade and sovereignty. Thus it is not only proved that Parliament has deemed itself morally, as well as constitutionally, competent to legislate on this subject, but a practice has, under its authority, been established during forty years. To that practice all subsisting interests have conformed, or under it they have grown up; and if the Act of 1813 were now to be re-enacted for another term of twenty years, or for a much longer term, it cannot be thought that any of the parties concerned would object;—indeed there is no doubt that all would acquiesce.

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The principle so established by the two Acts in question may be stated; that the profit accruing from the Company's Commerce should, in the first instance, be employed in securing the regular payment of the Dividends to the Proprietors of Stock, and that it should then be applied (speaking generally) for the benefit of the Territory; such last mentioned application to be suspended only so long as the burden of debt on the Territory continues below a certain specified amount.

The position in which the Acts thus place the Proprietors is very observable. The Proprietors, being in fact the Company, are, in one sense, undoubtedly, debtors to those who have claims on the Company; but, in another point of view, they may be considered as creditors on the common concern: and it is rather in this light that they seem to be regarded by the Appropriation clauses.

But the claims of the Proprietors being provided for, the next use of the Commercial funds, to an indefinite amount, is given to the Territory for its own benefit, due regard being had to the claims of the Home Bond Creditors. I here use the expression, "the benefit of the Territory," because the reduction of debt must always be presumed to be beneficial to the Territory, though to the creditors who are paid off it may, in many cases, be very inconvenient.

I am aware, and indeed have already stated, that by both Acts some peculiar payments are directed to be made out of the profits, in preference even to the Dividend. These are payments, however, essential to the maintenance of the system, and without which the wheels of Government would come to an abrupt stand. It is on the same ground that, in the appropriation of the territorial revenues, certain payments of prime necessity,—those, for example, on account of the military expenditure,—are preferred to the payment

payment of the interest of the debt. The general rule is not affected by such exceptions.

"I am aware, also, that in both Acts there are provisions, by which, after many intermediate appropriations, and after a large reduction of debt, the Proprietors are assured of sharing (very scantily indeed) in the ultimate residue of profits. There never has been any approach to the realization of the hope thus held out. The enactment has proved a dead letter, and the silence of all parties respecting it during many past years, proves that all notion of the promised benefit, if ever entertained, has long since been abandoned.

It is, on the whole, the opinion of the Government, that, with allowance for the change of circumstances, it will be both just and expedient that the pecuniary interests of the Proprietors and the Territory should be maintained in that relative position towards each other, in which they have so long continued, under the express authority of Parliament, and that they should be so maintained by the same authority. They conceive that sufficient justice will be done to the Company, commercially considered, by continuing to them the receipt of their Dividend, and no more; and sufficient justice to the Territory, by calling on it to relinquish all claim to so much of the Commercial property as will be required to form a fund for the payment of the Dividend, on condition of receiving all the rest of that property to its own use,—the Government, on behalf of the Territory, taking upon itself, with the Commercial property made over to it under the arrangement, all the obligations incident to that property in the hands of the Company, among which obligations the Home Bond Debt is of course included.

Such is the principle which essentially regulates the terms of the compromise proposed by the Government, and they believe that it will be for the advantage of all parties to accede to those terms.

On the one hand, the Proprietors of East-India Stock can offer no just objection to the plan. They are assured in the receipt of all that, during the last forty years, they have been satisfied to receive,—of all that they have habitually regarded as the amount of their pecuniary interest in the concern,—of all that they could fairly have expected, or that they would in fact have expected to be secured to them, if the present Charter Act were to be renewed for forty years or for a century.

It may be said, however, that the situation of the Proprietors is deteriorated, inasmuch as their future receipts are to depend only on the security of the Indian revenue. The Secret Committee, as has already appeared, expect

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that

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that the Indian revenue will be permanently deficient; and they moreover think that the present amount of Dividend ought to be secured to the Proprietors in the national stock of this country, the Commercial capital of the Company being, as they allege, quite equal to purchase a sufficiency of such stock.

To the last suggestion, there are several objections; but it may suffice to observe, that it could not be acted upon, without allowing to the Company all, or nearly all, that they claim as their Commercial capital,—and thus, in fact, conceding to them at once, and without investigation, all the points at issue between the Commerce and the Territory.

That suggestion, therefore, must be dismissed from contemplation. All that seems essential is to shew that the situation of the Proprietors, so far from being injured by their acceptance of the new arrangement will be materially improved. For let it be recollected, that the arrangement is offered to them, not as an admission of all the claims and pretensions which may be put forward on their behalf, but professedly on the footing of compromise.

In the first place, I must once more declare the conviction of His Majesty's Ministers, founded on grounds which, having already stated them, I need not recapitulate, that the Territory of India is essentially solvent;—that the Indian resources will, under proper management, be capable of answering every fair demand on them;—and that, in order to call them forth into full efficiency, one of the principal means is to release them from the seductive and hurtful aid of the profits of a foreign trade carried on by those who administer them. His Majesty's Ministers are not only impressed with this persuasion, but they believe that, if the arrangement to be proposed by them were framed on the assumption that there must always, as a matter of course, be a deficiency in the Indian revenues, the very effect of the arrangement would be to perpetuate that deficiency.

In the second place, let it be considered what is the present position of the Proprietors. Their security rests mainly on the profits of the China trade; a trade, the very existence of which the Company state to be exposed to many dangers, and which no man will affirm to afford an absolutely certain resource, together with a reversionary prospect of help from the surplus of the Indian revenues, which surplus, according to the representations of the Secret Committee, will never exist, and which is at least not likely to be realized, under a system that renders the Commerce and the Territory mutually dependant. Besides this, the double security thus given to the Proprietors, whatever its value in other respects, is ensured to them only during a term of years; on the expi-

ration

ration of which, a period now just at hand, their interests are left without any Parliamentary protection, and must stand exposed to those very doubts, questions, and embarrassments, from which the proposed arrangement is tendered to them as an escape.

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The Acts of 1793 and 1813 looked forward, in some degree, to the unprotected situation in which the Proprietors would be placed on the expiration of their Charter. They even endeavoured to provide a resource for the emergency. And what was that resource? The guarantee-fund of twelve millions, already mentioned: no approach to the formation of which has ever been made. Even that guarantee-fund, however, could in no case be formed, unless the Indian and Home Bond Debt were reduced to a certain specified amount. The intended arrangement actually gives to the Proprietors an income equivalent to that which the guarantee-fund was designed to secure; and gives it, notwithstanding the existence of a largely increased debt. This surely is a boon to the Proprietors; and, receiving it, they cannot reasonably complain that a liberal appropriation is next made for the benefit of the Territorial creditors, or of that territory on which the debts of those creditors are charged.

For these reasons, I am clearly of opinion, that the Proprietors would be benefited by acceding to the projected arrangement. If, however, any doubt should still remain as to the value of the annuity which it is proposed to secure to them on the Territory of India, that doubt will be dispelled, by an appeal to the prices at which the promissory notes of the Government are actually sold in the market. If, again, it be suspected that those prices are enhanced, in consequence of the additional value given to the notes by a reliance on the Company's Commercial assets, then this circumstance must not be overlooked in estimating the actual interest which the Proprietors possess in those assets, and in lieu of which it is now proposed to assign to them a fixed dividend.

There is another objection which may perhaps be urged on the part of the Proprietors. It may be said that, whereas the Charter Acts reserved to them a chance, however distant and minute, of an ultimate reversion of profit, the proposed plan cuts off that chance, without holding out to them any equivalent for its loss.

I have before remarked on the extreme smallness of the ultimate chance so reserved. It is too remote and visionary to be taken into the account. But I must now further observe, that, if the plan of Ministers holds out no equivalent for the loss of that chance, this is not the fault of the plan, but of the actual state of the Company's assets and debts. There is no room, therefore,

No. XI: to speak of a reversion, or to complain that no compensation is to be made for the loss of it.

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These considerations will, I trust, satisfy the Proprietors, that their interests are duly consulted in the plan recommended by His Majesty's Ministers.

I must however add, in reference to this subject, that, while the Government deeply feel the obligation of providing for every fair and just claim that can be preferred on behalf of the Proprietors, it is from other and higher considerations that they are led to attach peculiar value to that part of their plan which places the Proprietors on Indian security. The plan allots to the Proprietary body important powers and functions in the administration of Indian affairs; and, in order to ensure their properly exercising such powers and functions, His Majesty's Ministers deem it essential that they shall be linked and bound, in point of interest, to the country which they are to assist in governing. The measure, therefore, of connecting them immediately with the territory of India, is evidently not an incidental or immaterial, but a vital, condition of the arrangement; and, in proportion as this condition is dispensed with, the advantages of the arrangement are sacrificed. If the Proprietors are to look to England rather than to India for the security of their dividend, their interest in the good government of India, and consequently their fitness as one of the principal organs of Indian Government, will in the same degree be impaired; and if, according to the suggestion of the Secret Committee, they are at once to be placed on the national stock of this country, it is not easy to see what greater propriety there will be in assigning a share in the administration of the Indian Empire to them than to any other body of our national stockholders.

To return, however, from this important topic to the point more directly before me, I must repeat, and I trust I have proved, that all due provision is made in the plan of Ministers for the proper interests of the Proprietors, considered as holders of stock, and without reference to the political powers with which they are to be invested.

But, if the Proprietors ought to be content, so also, on the other hand, ought the Territorial interests.

I have, in a former page, shewn that the plan will lay no new burthen on the Territory, to which, indeed, its effect will be in some respects advantageous. The Territory is to be released from the contingent liability which the present Act imposes on it, of contributing, in certain events, to the funds of the Company and to the National Exchequer. It cannot, in future, expect relief from Commercial profits; but that relief was ensured to it only during the pendency

pendency of a statute now expiring, (and its gains) subject to the securing of the dividend, and the providing (as explained) for the Home Bond Debt, all the Commercial capital of the Company for its own use, to be applied either in the discharge of debt, or in any other mode that may appear more immediately beneficial. It sacrifices (this must attach to any compromise) a part of its own claims; but it is released, on the other hand, from counterclaims of the Company, amounting to several millions.

The disputes respecting the items of the Commercial property are closed. The question regarding the appropriation of profits between 1793 and 1813 is set at rest.

With regard to the Territorial creditors, they obtain specific advantages. They obtain, for the first time, a national recognition of their lien on the Indian Territory; they obtain a release from all doubts or difficulties, which, either in law or in equity, might have been raised, as to the nature of their rights in a technical point of view.

All the property of which the Commercial branch surrenders the possession, subject to the reservations already mentioned, confirms the obligation which the Territorial creditor holds.

His security, under the existing Acts, is confined to a temporary claim on the Territorial revenue and Commercial profit. It will, under the new Act, consist of the general funds and revenues of the Indian Government, aided and augmented by the surplus assets of the Company at home, and, by all their Commercial property in India, which, whatever be its amount, will merge into the general funds and revenues of the Indian Empire.

Besides all this, the interest of the Territorial creditor, when viewed on a great scale, must be considered as identified with that of the Territory which is his principal security, and must be promoted by whatever promotes the Territorial prosperity.

On the whole, I indulge the hope, that the observations into which I have now, perhaps at too great length, entered, will not only shew the necessity of effecting the desired settlement of the Company's affairs by a compromise, but will prove that the terms of the compromise proposed by His Majesty's Government are such as ought to satisfy the feelings and expectations of all parties.

In the exposition which I have given you, I am aware that I have stated the case of Government (if I may so term it) more fully than is usual in public communications. It appeared to His Majesty's Ministers that, under all the circumstances of the present occasion, an unreserved disclosure of their views

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and opinions, to whatever partial inconvenience it might expose them, was due to the subject itself,—to this country,—to India,—and to those to whom the present observations are addressed; and I cannot doubt that the Court of Directors will apply themselves to the discussion in a corresponding spirit of candour and courtesy.

The Paper of Hints which I had the honour of transmitting to you contains matter relating to several points, the consideration of which the Secret Committee have, with great propriety, thought it advisable to defer till the basis of the new system shall have been established. On those points it may perhaps be hereafter expedient that I should address you; but, in this particular, I shall think it my duty to be guided by circumstances. In the present letter I have confined myself to the great and leading topics announced at the commencement of these pages;—topics, the consideration of which must be admitted to be, the most immediately, if not the most deeply, important: and even in treating these, I have found it necessary to abstain from many observations which suggested themselves as worthy of attention.

Whatever may be the decision of the Company, I must repeat that it is not the intention of the Government to recommend to Parliament the renewal of the Company's exclusive privilege of trade with China.

It is the wish of the Government to be enabled to recommend to Parliament the continuance in the Company of the political administration of India; but they can be so enabled only by the Company's acceptance of the terms of the proposed compromise. His Majesty's Government are not without hope, that the Secret Committee will, on further deliberation, and after giving due attention to the developments contained in this letter, of the reasons which recommend the plan, be induced to qualify the opinions announced in their Minute. The Government cannot but trust, at least, that the Court of Directors will take a more favourable view of the matter; and they beg to avail themselves of your offer to lay the Memorandum or Paper of Hints before that Court.

It will give his Majesty's Ministers peculiar pleasure, if the Court of Directors should see fit to recommend the arrangement to their constituents. If this unfortunately should prove not to be the case, His Majesty's Ministers, with every respect for the Secret Committee and the Court of Directors, will yet feel it their duty not to relinquish the hope of accomplishing the compromise, until the Proprietors have an opportunity of expressing their opinion on a subject so vitally affecting their interests. It will be for that body finally to decline or accept the proposal. Their acceptance of it will, I need not say, be satisfactory

tory to the Government. * But I am bound to state, frankly, that His Majesty's Ministers being, on the fullest consideration, convinced of the justice and liberality of the terms now offered, will be prepared, in the event of a rejection of them, to propose to Parliament a plan for the future Government of India without the instrumentality of the Company.

I must particularly request that you will have the kindness to lay the Paper of Hints and this letter before the Court of Directors, and afterwards, if necessary, before a Court of Proprietors, with as little delay as the rules of your proceedings may permit. It is my desire and intention, at all events, to bring the subject of the East-India Charter under the consideration of Parliament before Easter.

The Proprietors will, before that time, have had ample opportunity to pronounce their judgment. But if no decision on their part is communicated to me by the 23d of March, I shall feel myself compelled to consider it as a declining of the proposal.

I have the honour to be, Gentlemen,

Your most obedient and humble servant,

(Signed) CHARLES GRANT

The Chairman and Deputy Chairman
of the East-India Company.

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Letter from
the Rt. Hon
Chas. Grant
12 Feb. 1833

No. XII.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the Right Honourable CHARLES GRANT.

East-India House, 15th February 1833.

SIR:

No. XII.
Letter to the
Rt. Hon.
Chas. Grant.
15 Feb. 1833.

We have the honour to acknowledge the receipt of your letter, dated the 13th instant, which, as well as the Paper of Hints which you transmitted to the Chairman on the 17th December last, and the Minute of the Secret Committee of Correspondence of the 2d ultimo, we have communicated to the Court of Directors.

The Court, whilst they request us to assure you that no delay which they can possibly avoid shall be permitted to occur, trust that they shall be allowed sufficient time for that calm and deliberate consideration which is due to the vast importance of the subjects treated of in these papers, and upon which it must be necessary, previously to any announcement of a new arrangement to Parliament, that the Proprietors should be consulted.

In order that the Court may be enabled to form their opinion, they are desirous of obtaining information upon three points, respecting which the communications from you do not appear to be distinct.

The Court therefore request that you will have the goodness to inform them, *first*, whether it be the intention of the King's Ministers to make it a condition of the continuance of the territorial government of India in the hands of the Company, that the Company should relinquish their right to trade in perpetuity? *Secondly*, Whether it be intended to include in the proposed assignment to the Crown of the Company's assets, that part of the commercial property which consists of monies actually subscribed by authority of Parliament, as capital for conducting the Company's trade? And *Thirdly*, the term for which it is meant that the annuity of £630,000 shall be irredeemable?

We have the honour to be, Sir,

Your most obedient humble servants,

(Signed) J. G. RAVENSHAW,

C. MARJOBIBANKS.

The Right Honourable Charles Grant,

&c. &c. &c.

No XIII

LETTER from the Right Honourable CHARLES GRANT, to the CHAIRMAN and DEPUTY CHAIRMAN.

India Board, 19 February 1833.

GENTLEMEN:

I have the honour to acknowledge the receipt of your letter dated the 15th of this month. No. XIII

I beg to offer my thanks to the Court of Directors for the gratifying assurance that no delay which they can possibly avoid, shall be permitted to occur in relation to the subject of our present correspondence. Relying on this assurance, I may, in return, express the sincere desire of the Government, that every opportunity should be afforded for the calm and dispassionate consideration, which, as you justly observe, is due to the vast importance of the subjects treated of in the Papers now before you.

Letter from
the Rt. Hon.
Chas. Grant,
19 Feb. 1833.

In this spirit I proceed to advert to the three points on which the Court desire information. I shall consider the questions in the order in which they appear in your letter.

Your first question is:—

“Whether it be the intention of the King’s Ministers to make it a condition of the continuance of the Territorial Government of India in the hands of the Company, that the Company should relinquish their right to trade in perpetuity?”

The relinquishment of the Charter of the Company, as a Joint Stock Company, forms no part of the Government plan. It appears, however, to the Government, and it will, I am persuaded, be, on consideration, the opinion of the Company themselves, that, so long as the Company are to exercise, under the new arrangement, the political powers proposed to be vested in them, it is indispensably necessary to the efficient administration of those powers, that their right to trade should be altogether in abeyance, due time being, of course, allowed for the winding up of their commercial concerns. I must think indeed that, even supposing no restriction of this kind to be laid on the Company, and supposing them to attempt to continue their trade as a Joint Stock Company, still the opening of the China Trade would have the effect of so lowering their profits, as to induce them, for their own sake, to desist from the exercise of the right in question, with respect to China, as they have already relinquished it virtually in regard to India.

The

No. XIII. The second question is:—

Letter from
the Rt. Hon.
Chas. Grant,
19 Feb. 1833.

“ Whether it be intended to include in the proposed assignment to the Crown of the Company’s assets, that part of their commercial property, which consists of Monies actually subscribed by authority of Parliament as capital for conducting the Company’s trade ?”

This question would almost seem to imply, that that part of the Company’s commercial property which consists of monies actually subscribed as here stated, exists at this time in some separate and definite form. Though wholly unaware of such a fact, and impressed with the persuasion that the subscribed capital of the Company is involved in their general commercial property, I have no hesitation in replying, that in the proposed assignment the Government intend to include the whole of the Company’s commercial capital, whether composed of subscription or accumulation, and whether existing in a separate shape, or mixed up and confounded with their general assets. On this basis, in truth, the proposition of the Government entirely rests, as the tenor of my letter of the 12th of this month plainly shews.

And, undoubtedly, all the property to which I have referred is equally comprehended in the very serious question to which, in that letter, I directed your attention, viz. “ Whether the whole of the Company’s commercial property be not legally responsible for those debts and engagements which have been contracted in the Company’s name for political and territorial purposes; and whether it will not continue so responsible, even although the Company should be wholly deprived of their political powers and functions ?”

The third question is, “ The term for which it is meant that the annuity of £630,000 shall be irredeemable ?”

The duration of the term His Majesty’s Ministers regard as a matter open to discussion and arrangement. They are not indisposed to a considerable latitude of provision in that respect, and will be willing to take into consideration any suggestions which the Company may wish to offer.

In conclusion, I beg to express my readiness to supply explanation, if required, on any other points connected with the present discussion.

I have the honour to be, Gentlemen,

Your most obedient humble servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. XIV.

No. XIV.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 20th February 1833.

A letter from the Right Honourable Charles Grant, dated at the India Board the 19th instant, being read, stating, in reply to the letter from the Chairman and Deputy Chairman of the 15th instant, and in advertence to his communication of the 12th instant, that in the arrangement which it is now proposed to make with the Company, it is no part of the Government plan that the Company should relinquish their charter as a Joint Stock Company; but that it appears to the Government to be indispensably necessary, to the efficient administration by the Company of their political powers, that their right to trade should be altogether in abeyance; that in the assignment to the Crown of the Company's commercial assets, the Government intend to include the whole of the Company's commercial capital, whether composed of subscription or accumulation, and whether existing in a separate shape or mixed up and confounded with their general assets; and that, with respect to the duration of the term for which the proposed annuity to the Proprietors of East-India Stock is to be irredeemable, His Majesty's Ministers regard the matter as open to discussion and arrangement; that they are not indisposed to allow a considerable latitude of provision in that respect, and that they will be ready to take into consideration any suggestion which the Company may wish to offer; and expressing, further, his readiness to supply explanation, if required, upon any other point connected with the pending discussion:

It was

Ordered, That the said letter be referred to the consideration of a Committee of the Whole Court.

No. XIV.
Secret Court,
20 Feb. 1833.

No. XV.

AT A

SECRET COMMITTEE OF THE WHOLE COURT,

Held on Friday, the 22d February 1833.

No. XV. THE Committee, pursuant to the Court's references of the 15th and 20th instant, proceeding to take into consideration two letters from the Right Honourable Charles Grant, dated at the India Board the 12th and 19th instant; the former replying, on the part of His Majesty's Ministers, to a Minute of a Secret Committee of Correspondence of the 2d ultimo, on the Memorandum or Paper of Hints respecting the Company's Charter, which was sent by Mr. Grant to the Chairman on the 17th December last; and the latter containing a reply to certain questions submitted by the Court in a letter from the Chairman and Deputy Chairman of the 15th instant.

Secret
Committee
of the
whole Court,
22 Feb. 1833.

The Chairman laid before the Committee the draft of a proposed letter to the Right Honourable Charles Grant, submitting the sentiments of the Court on the principal propositions in the Paper of Hints, and on the statements and arguments contained in Mr. Grant's letter of the 12th instant.

The said draft of a letter was read; and

The Committee having deliberated thereon, adjourned to Tuesday next, the 26th instant.

No. XVI.

AT A

SECRET COMMITTEE OF THE WHOLE COURT,

Held on Tuesday, the 26th February 1833.

No. XVI.

Secret
Committee
of the
whole Court,
26 Feb. 1833.

THE Committee met by adjournment from the 22d instant, for the purpose of continuing the consideration of the draft of a proposed letter to the Right Honourable Charles Grant, submitting the sentiments of the Court on the principal

principal propositions on the Paper of Hints respecting the Company's No. XVI. Charter, which was sent by Mr. Grant to the Chairman on the 17th December last, and on the statements and arguments contained in Mr. Grant's letter of the 12th instant;

And the Committee having agreed to certain alterations therein;

It was

Resolved, nemine contradicente, That the said draft of a letter, as amended, be approved and submitted to the Court.

Secret
Committee
of the
whole Court.
26 Feb. 1833.

No. XVII.

AT A

SECRET COURT OF DIRECTORS,

Held on Tuesday, the 26th February 1833.

THE Chairman laid before the Court the draft of a letter which had been No. XVII. agreed to by a Committee of the Whole Court to the Right Honourable Charles Grant, submitting the Court's sentiments on the principal propositions in the Paper of Hints respecting the Company's Charter, which was sent by Mr. Grant to the Chairman on the 17th December last, and on the statements and arguments contained in Mr. Grant's letter of the 12th instant;

Secret Court,
26 Feb. 1833.

And the same having been read, it was

Resolved, nemine contradicente, That this Court approve the said draft of a letter to the Right Honourable Charles Grant.

No. XVIII.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the Right Honourable CHARLES GRANT.

East-India House, 27th February 1833.

SIR:

We have the honour to acknowledge the receipt of your letter dated the 19th instant, containing a reply to the questions which the Court of Directors

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submitted

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submitted in our communication of the 15th instant, and we beg leave to express the acknowledgements of the Court for your promptitude in furnishing the information which they wished to obtain.

We now proceed to submit to you, and through you to Earl Grey and the rest of His Majesty's Ministers, the Court's sentiments on the principal propositions contained in the Paper of Hints received from you on the 17th of December, and on the statements and arguments contained in your letter of the 12th instant.

The first consideration which presses itself upon the Court's attention, and that which they feel to be paramount to every other, is the obligation under which the Company lie towards the people of India. Connected as the Company are and have so long been with that country by ties of the most binding character, and requiring as they do from its inhabitants a large revenue to meet the necessary expenses of the state, a serious responsibility must rest upon the Company to do all that in them lies to advance the prosperity of the country, and to promote the happiness of its vast population. From this responsibility the Court have not the least desire that the Company should escape. On the contrary their first object ever has been, and must continue to be, the welfare of India; and so long as there shall appear to be the least prospect of their being instrumental in the promotion of that object, the Company ought not, in the Court's opinion, to shrink from continuing their agency in administering the territorial government. The same considerations would, we believe, lead them cheerfully to resign that weighty trust, if another plan, the alternative for example which you state the King's Ministers are prepared to adopt, can be devised better calculated to achieve the great object of providing for the good government of India.

The Court are, however, relieved from the necessity of adverting to any alternative plan, by the opinion which His Majesty's Government have decidedly expressed and reiterated in your letter, that, subject to the changes and modifications suggested in the Paper of Hints, the Company should retain the exercise of their political powers and functions. Practically, therefore, the primary question is, whether the Company can do so upon the terms proposed? and this question ought not, the Court think, to be embarrassed by considerations affecting the property and claims of the Company as a commercial body. The Company would never think of relinquishing the charge of governing India merely because they had property to protect and claims to prefer; neither, we are persuaded, can it be contemplated by the King's Ministers, that

that the Company should, without adequate compensation, relinquish either property or claims, in order that they may continue to administer the government of India, for which trust they are considered to be the fittest instrument. Whether the agency of the Company in that administration be continued or not, their separate rights of property must be maintained and preserved, upon the same principles as those of any other corporation. Justice in the decision of that matter, (whether compromise or actual adjudication of each claim be resorted to) is all that the Company require, and is no more than they are entitled to expect.

Putting out of view, then, for the present, the claims of the Company in their commercial capacity, which will form a distinct subject for consideration in the sequel, we proceed to the primary question:—Whether the scheme of the King's Ministers be such as to enable the Company efficiently to administer the Government of India.

It is observable from your letter, that in deciding that the Company should continue the exercise of their political functions, His Majesty's Ministers have been guided by experience of the past, and by an apprehension that a fundamental change in that respect might be liable to constitutional objections in this country.

But the experience of the past is the experience of a system which the plan of His Majesty's Ministers will, if adopted, essentially alter; for that system combines the territorial government of India with the trade of the Company, and that trade if it is contemplated in the plan shall cease.

The Court admit, that the combination of Government and Trade in India may be liable to some objection, and that it may be desirable for the Company to relinquish that portion of their commercial operations, if the requisite remittance of territorial funds can be otherwise effected with equal advantage, security, and regularity as at present. The plan, however, provides for the cessation not only of the Company's Indian trade, but also of their China trade. It proposes, in fact, to annihilate the Company as a commercial body, and to restrict them to the exercise of their political functions.

The Court submit for the consideration of the King's Ministers, whether, in one most important respect, consequences very injurious, to say the least, to the good government of India might not ensue from the adoption, of this material change in the constitution of the Company; and whether the immediate effect of such a change might not be, that the Company, instead of forming, as they now do, an integral, independent, and important part of the machinery

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machinery by which the Government of India is conducted, would be reduced to a state of weakness and dependence, incompatible with the right performance of the momentous duty assigned to them.

The Court look upon the system of Indian Government established by the Act of 1784, as one in which the different authorities employed in carrying it on are eminently qualified to exert a beneficial check upon each other; and to this circumstance the Court are disposed to attribute much of the purity with which, since the passing of that Act, the Government has been administered. The nature of the local government of India, composed of three separate presidencies; the Governors of each of which act under the advice, and to some extent the control of their respective Councils, and the subjection of all the proceedings of this local Government to the Court, this body again subject to the control of the Board of Commissioners instituted for that especial purpose, make up a system of various powers, diverse in their origin, and acting under mutual influence, the effects of which the Court are disposed to think of incalculable value in a Government, the power of which over its subjects is almost absolute, and upon which public opinion can exert but a feeble and uncertain operation. If these remarks are well-founded, any measure, the tendency of which would be to remove from its position any one of the powers concerned in the government of India, or materially to weaken it in the exercise of its functions, is greatly to be deprecated. Now, to apply this argument to the case immediately in view, if the East-India Company (acting through the Court as their organ), were to lose any of their present power and influence; if, further, they were deprived of all effectual voice in the disposal of the funds which are now at their command, they might, indeed, be suffered to retain the nominal character of Governors of the British Territories in the East, but it is evident that all but the shadow of their former authority would be gone: they might, indeed, be charged with the same degree of responsibility as is now exacted from them in that capacity; but the grounds upon which much of this responsibility rests, and which render it just and proper that they should be held responsible, would no longer exist; and they would, probably, often have to incur the odium of resisting measures which they might consider objectionable, without having the weight and independence which would suffice to obtain for their objections a proper consideration. The Court are also firmly of opinion, that a considerable degree of independence should attach to the body in whom the patronage of British India is vested; and that, without the possession of such a character, the

the right of making appointments to office might prove rather a dangerous privilege,

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Divested of their commerce, from which the Company derive so large a portion of their influence and character in England as a body independent of the Government of the country, the Court greatly fear lest they should become merely an instrument for giving effect to the views of the Indian Minister, whose sway over India would, under the plan of His Majesty's Government, be almost absolute, and little exposed to the vigilance of Parliament, in consequence of the appearance of a check in the Company, which, if the apprehension of the Court be well founded, would be perfectly illusory.

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The probability of such a result is greatly enhanced by that part of the plan which proposes to increase the powers of the Board, and to restrict those of the Company. You say, indeed, that the scheme allots important powers to the Proprietors. The only powers which it gives to them are those which they already possess; and whilst the Directors are to continue subject to all the present limitations, the Board are to be invested with authority themselves to send dispatches, without allowing of any appeal, although their contents may be opposed to the judgment of every member of the Court.

We admit, indeed, that according to the construction which has been put upon the right of appeal now possessed by the Company, that right is valueless, except as affording some opening for calling public attention to the subject of dispute. The Court earnestly press upon His Majesty's Ministers the expediency, with a view to the security of India, as well as to a constitutional control over the acts of the Indian Minister in this country, of allowing an appeal upon the merits of important cases arising out of the Government of India, in which the Board and the Court may differ; or, at the least, of providing for giving publicity by the communication to Parliament of such cases of difference between the two authorities.

The Court do not deny the expediency of making provision to limit the time during which it shall be open to them to appeal against alterations, and to secure the prompt transmission of the dispatch after the final decision of the appeal. They hope, however, that the expedient of allowing the Board, as well as the Court, to send dispatches, and thereby superseding the authority of the Court as the only body from which orders to the local Governments can constitutionally emanate, will never be adopted.

Nor is it only in respect of the transmission of dispatches that the Board's powers are proposed to be increased. By the plan suggested, the Court will

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be precluded from expending a shilling without the consent of the Board. That the Board should have a general control over the territorial expenditure both in India and in England, the Court fully admit; but they consider a continuance of the independent power which they now possess, of rewarding services and conferring pecuniary benefits, to be of essential importance to the efficient exercise of their functions. The plan further provides, that the Board shall have power of control over the home establishment, the very officers and servants employed by the Court.

The Court do not say that His Majesty's Ministers in proposing this plan intend to convert the Court into a Government Board. If that were their intention, the Court are persuaded that the Minister would not hesitate frankly to avow it. But the Court must candidly state, that, in their judgment, no scheme could be better devised to produce such an effect, than one which embraces the propositions to which we have now adverted, and which we confidently hope that the King's Ministers will see the propriety of modifying. We are encouraged in this expectation by the assurance which you have given, that it is intended that the Company "shall commence the exercise of their resumed functions in the utmost possible state of efficiency."

In offering these remarks, the Court wish to be considered as speaking merely in the character, and under the obligations which that character imposes, of representatives of the people of India: as such, they desire to feel and to act during the present crisis: as such, they think that their situation entitles them to regard themselves; and their wish is, strenuously to avoid any line of proceeding inconsistent with the duties which such a character urgently demands.

It is in the same character that the Court attach value in a pecuniary point of view to the exclusive privilege of trade with China. They have not asked for, nor have they the least pretence to a continuance of, that privilege, for any other financial purpose than that of supplying means necessary for carrying on the Indian Government. The Court would be understood as making this admission in the most unqualified manner.

In proceeding to notice the effect which a discontinuance of the Company's trade will have upon the finances of India, we must explain, that you have misapprehended the statement of the Secret Committee of Correspondence, that if "India had been called upon from year to year to provide funds to repay the full amount disbursed by the Company, the public debt of India since 1814 would have been upwards of seventeen millions more than it
" now

“ now is.” The Committee did not mean to say, that the commerce had contributed seventeen millions, but that India had been saved from borrowing that sum; and you are aware that the commerce receives only English interest from the territory, whilst the territory, for loans contracted in India, must pay Indian interest. This circumstance, and the difference of time (the statement in the Report of 1830 extends only to 1828-29; whereas that shewing the amount to be seventeen millions extends to 1833-34), explains the variation which you have pointed out. You will perceive that the statement of the Committee is exclusive of the advantage which has resulted to the territory, from the payment out of commercial funds of the interest of the Home-bond Debt.

The Court observe with satisfaction, that you are fully impressed with the fact, that the commerce of the Company has in past times proved a most useful auxiliary to the territory of India, not only by furnishing the latter with a safe and favourable remittance of the funds required for political purposes in England, but also by supplying to a great extent direct pecuniary aid to the finances of that country. But they also observe, that you appear to entertain a very strong opinion, that the territory, under proper financial management, is not likely to need this kind of assistance in future. While the Court are as fully sensible as His Majesty's Ministers can be, that it is not merely desirable to place India upon a solid basis of financial independence, but incumbent upon those to whom the duty of governing that country is entrusted, to adopt every prudent and practicable method for this purpose, they regret extremely that they cannot look forward with such sanguine expectations as you, Sir, appear to do, to the financial prosperity of India, when deprived of the support hitherto afforded to it by the Company's commerce. The only safe test whereby to judge of the financial capabilities of India prospectively, is past experience; and that, as you yourself admit, is directly opposed to the hypothetical expectations which you form of the future. So far from calculating upon any permanent increase in the territorial revenues, the Court cannot, under present circumstances, do more than hope that they will not materially decline; a point upon which they feel great anxiety, when they look to the actual condition of the land revenue.

With respect to charges, it seems to be the opinion of the King's Ministers that the expenditure of past times has been unnecessarily high, in consequence of the reliance placed by the local Governments on the commercial profits of the Company. The Court cannot altogether concur in this opinion; they

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believe that the embarrassment of the Indian Finances is to be ascribed principally to the expensive wars in which we have at different times been involved. But even admitting that the argument has some weight, it is only properly applicable to the period since 1814. Previously to that time it was contended by the opponents of the Company, that their commerce was not only unproductive, but was a clog upon the territorial revenues; and it was for the purpose of settling that controversy that the separation of accounts was prescribed. You are, of course, aware that, in the term preceding the separation of accounts, as well as in the succeeding period, there was a large territorial deficiency.

The Court would not be understood to despair of India ever becoming independent on external financial aid; nor can it be necessary for them to say, that their most strenuous efforts shall be joined to those of the Board of Commissioners for the promotion of that very important object. Still, supposing it to be achieved, and it must be some time, at least, before that can be the case, we would earnestly plead for a continuance of the present financial system, upon the ground that India possesses a strong claim to the advantage of any surplus fund that could be saved by reduction of charge. Has not India been kept poor through her connection with England? Has not England derived immense wealth from that connection? And may not India, therefore, justly ask that she should not be deprived of the financial advantages resulting to her from the Company's trade?

The Secret Committee of Correspondence were perfectly aware, that so far as respects the proposed annuity of £630,000, no additional charge would be imposed by the plan on the Indian revenues, since the plan provides for the relief to India of an equivalent amount of present charge, by means of an application of a part of the commercial property to the redemption of the territorial debt; but the apprehension which the Committee felt, and it is one in which the Court cannot but participate, was, that India, when she has lost those advantages which she now possesses from the Company's trade, might be unable to defray the present charges.

You say, indeed, that those advantages "have been drawn from the people of this country, constituting as truly a tax on them as any of the national imposts properly so called." That would certainly have been the state of the case, if the privilege which the Company possess had been used as a monopoly. But the Secret Committee have most correctly shown that such is not the fact. If you will refer to the Report from the Select Committee of the House

House of Commons of 1830, you will perceive that the Company have not received more than a fair mercantile profit upon the capital employed; and it will not surely be contended that the profit of a merchant is to be regarded in the light of a tax. If so, as we presume merchants who in an open trade import tea will expect a profit, the tax will still be continued, whilst a further direct tax, will be necessary to defray the charge of collecting the tea duties. The great financial advantage which, as it appears to the Court, the present system possesses is, that by the concentration of a great trade, the reasonable profits of commercial operations are made available to supply a deficiency in the Indian revenues.

It is not only as regards an improvement in the Indian finances that His Majesty's Ministers are sanguine; they appear also to think that no difficulty will be experienced in effecting remittances from India on the territorial account, amounting to between two and three millions annually, upon terms as favourable as at present. The Court cannot indulge any such expectation; not that they deny that, when the Company shall have given up trade, the free trade from India and China will afford an extensive medium of remittance, but they think that it will be necessary for the Government either to consent to a sacrifice in the rate of exchange, by raising the requisite funds by means of drafts upon India negotiated here, or to take the security in India and in China of a lien upon Cargo, thereby rendering necessary some commercial establishment there and in England; and, in either case, they are apprehensive that the punctual realization of the full amount cannot be safely relied on. The expedient of a bullion remittance could only be resorted to occasionally, and might, we apprehend, operate inconveniently upon India.

Upon this part of the subject we will only further state, that it is impossible, in the judgment of the Court, too highly to estimate the importance of securing to the Home Government of India regularly the funds requisite to meet all territorial demands. If there should be any failure in that respect, the consequences in paralysing the efficiency of the supreme authority, and in communicating to India all the odium and misery of an apparently bankrupt government, will be inevitable; for it should never be forgotten, that the vital spring of the whole of this complex machine for administering the government of British India, is in England, where constitutionally it can alone rest.

We are persuaded, Sir, that you will do the Court the justice to admit, that in thus pointing out the difficulties which present themselves to the adoption of the proposed scheme, they are only discharging their duty to His Majesty's

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Government, to the public, and to India. Need we add, that if, notwithstanding all that has been stated, it shall be finally determined to separate the trade from the territorial administration, it will be the earnest endeavour of the Court to lessen the inconveniences which they have suggested as likely to arise from such a measure. But they must repeat, that to enable them to do so with any good effect, the plan should, in their judgment, provide much more completely than it does at present, for giving independence and weight to the proceedings of the Court, in that part of the government of India which it is proposed to assign to the Company.

The Court have fully considered all that you say upon the advantages expected to result to this country and to India from the opening of the China trade. Most earnestly do they wish that those advantages may be realized, and that the apprehensions expressed by the Secret Committee of Correspondence may be proved groundless.

Far be it from the Court to say, nor did the Committee ever intend to convey the idea, that it was chimerical, "under any circumstances, to expect an augmented demand for British manufactures among the Chinese."

The question is not, whether, under any circumstances, but whether, under the present circumstances, and with reference not to the Company's exclusive privileges but to the commercial policy of the Chinese, such an expectation can be rationally entertained?

The Court think not: and this opinion is very much grounded upon the important facts brought to your notice by the Secret Committee of Correspondence, *viz.* That the Americans, second only to the British in commercial enterprize, have made the experiment of taking British manufactures to China, and have found it unsuccessful; that the officers of the Company's ships, possessing peculiar advantages of freedom from freight and of established connection in China, take such manufactures to a very limited extent; and that, although the way has been long open for goods of that description to pass from India and the Eastern Archipelago to China, British merchants have scarcely ever availed themselves of it.

These facts elicited, during the Parliamentary investigation, and in no respect shaken by any evidence of a contrary tenor, you have not noticed; but you meet the question by an exposition of the general principles of free trade, and by a reference to the results of the open trade with India.

The Court, equally with you, Sir, appreciate the power of British industry, capital, and enterprize, if allowed free scope; but the check to such exertions,

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in this case, is not, as the Court think, to be found in the Company's privilege, so much as in the conduct and policy of the Chinese. The doubt, which the Court entertain is, in fact, whether it be possible for private and individual competition to withstand, much less to thrive under, the system of trade prescribed by the regulations of the Chinese Government, which we have no power to alter, and which they have shewn a fixed determination to maintain, notwithstanding the efforts which have from time to time been made to induce them to relax it.

Upon the comparison which you have drawn from the open trade with India, as proving the effects of freedom in augmenting a demand for British manufactures, you must allow us to point out to you, that the results of the India trade in that particular are not such as you suppose them to be. If you will examine the Custom-house returns, you will perceive that in *value* the exports of British manufactures to India increased in a larger ratio during the Company's last term, *viz.* from 1793 to 1814, than they have during the present. The quantities exported have undoubtedly increased during the present term as compared with the former, but the increase is much more than accounted for by abatement of cost; whilst, both in value and in quantity, the comparison is in favour of the former term, if we except cotton manufactures, which, to a great extent have become a new article of export since 1814, and that not as the consequence of free trade, but of the power of machinery, and of other circumstances affecting trade generally.

If His Majesty's Ministers should think it necessary, the Court will be prepared to establish these several points; and being established, you, Sir, will admit that you do yourself injustice, that you do injustice to the eminent persons who, with you were of opinion in 1813 that there was no ground to expect, without a change of circumstances, that the demand for British manufactures in India would materially increase, when you assert that such predictions have been disproved.

But were the fact as you have supposed it to be, what analogy is there between China, where an Englishman can plant his foot on one spot only, and that merely by sufferance, and where a jealous government imposes whatever regulations it thinks proper for the protection of its own manufactures, and India, where there is resident a large and increasing body of Europeans, and where the British Government may provide, as it has done, by fiscal regulations, for encouraging the manufactures of Great Britain, to the prejudice, if not to the entire destruction of those of India?

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The Court therefore cannot agree with you, that any argument for throwing open the trade with China can be drawn from analogy with the working of the trade with India.

It would seem, that, the King's Ministers are also impressed with a belief, that even supposing no increase to take place in the exports from this country, an open trade would produce an increase in the exports from India to China; and you express an opinion, in which the Court entirely agree, that any view of the question of the China trade which excludes India, must be essentially defective.

We have no hesitation in stating our conviction, that whether the China trade be privileged or free, it must take the course principally of a remittance trade from India; it being quite clear, that the most advantageous mode which can be adopted for placing funds in China for the purchase of teas, is by drafts upon India. Indeed, His Majesty's Ministers must be aware, that nothing but the anxious desire which the Company have felt to uphold the manufacturing interests of Great Britain, has prevented them from buying all their teas with money from India, instead of purchasing one-third, as at present, with the proceeds of British manufactures. It will, perhaps, be said, that the Company, in doing this, have proved themselves to be bad merchants. That may be true. Their apology must be, the zeal with which, as British subjects, they have been animated (honest, though possibly mistaken), to promote what they conceived to be important interests at home.

In an open trade merchants will, of course, have no other view than their own interests; and as those interests will be best promoted by exchanging the produce of India for that of China, the Court cannot but join with His Majesty's Ministers in expecting an increase in the exports from India to China. But this advantage would arise not so much from a cessation of the Company's privilege, as from a discontinuance of the practice which the Company have adopted, of sending large quantities of British manufactures to China.

We think it right here to explain, in reference to the comparison which you have drawn between the private trade of India with China in 1813-14 and in 1829-30, that the statement from which you have taken the value in the former year is confessedly imperfect, owing to the want of proper documents, as it includes the exports to Canton from *British* Indian ports only; whereas the value given for 1829-30 includes the imports into Canton from *all* the ports in the East-Indies. But not to lay much stress upon this circumstance, the Court must beg to remind you, that the cause of the large increase of the private-

private-trade from India to China since 1813-14, is to be traced to the rapid growth of the *smuggled* trade in opium. Out of the total value of private imports into Canton from India, amounting in 1829-30 to Dollars 18,447,147, no less a proportion than 13,468,924 dollars was the value of opium. The trade in this article is prohibited by the laws of China, and it is consequently, one in which the Company have never engaged. Had they done so, the comparative statements of the Company's and the Private-Trade, to which you have referred, would have exhibited very different results. This explanation, the Court think, goes very far to deprive any arguments, founded upon the growth of the private-trade, of the weight which might otherwise have attached to them. And here the Court cannot refrain from expressing their apprehension of what may probably be one consequence of an alteration of the existing system of our commerce with China. At present the Chinese Government receive regularly a large revenue from the Company's trade; and secured in the possession of this income, it is not very strict in enforcing its own laws against the trade in opium, which is so important to the Indian revenues. But if the general trade with China, instead of being under the management of one body answerable for, and controlling the whole, were transferred to the hands of private individuals, each pursuing his course according to his view of his particular interests at the time, there cannot be much doubt that the high notions of the free traders to which you have alluded, so utterly at variance with the jealous policy of the Chinese Government, would not long be confined within the bounds which that policy has prescribed. Hence a danger, by no means improbable, that the *whole* of the British trade would gradually become a smuggled one; and that, in such an event, the Government of that country, finding their revenue from the trade no longer secure, might put an end to it altogether.

Supposing an increased export to China of the manufactures or products either of England, or of India, you contemplate the increase with peculiar satisfaction; because, as China makes her return in an article which is produced no where else, the enlargement of such a trade will not be at the expense of the other customers of Great Britain. From which we infer, that you are of opinion that the people of Great Britain, or her customers in other countries, will not only consume more tea, but will expend more money in the purchase of that article, when the trade is open, than they now do; and that such increase of expenditure will provide the means of paying for the augmented quantities of goods which it is assumed will be sent to China. Before this

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this result can be brought about (it being always, we presume, supposed that one benefit expected from the discontinuance of the Company's privilege is, that tea will be cheapened to the consumer), there must be a vast increase in the quantity of tea brought to market, as well as in the demand for it; and the Court cannot but think that deterioration of quality would inevitably follow.

You rely upon the effect of rivalry among the dealers in tea to prevent this consequence; but in China the tea trade is confined to the Hong, to which, as stated in the Report from the Select Committee of the House of Commons of 1830, "the Company's influence has afforded a necessary and efficient "counterpoise." There can, therefore, be little or no rivalry among the persons who supply the tea in China.

The Court submit it as their opinion, that the consumption of tea depends chiefly on the quality, and that the inspection which the article at present undergoes at Canton, and the control the Company possess in the market there, have the effect of maintaining the general quality of the tea investment. To this circumstance may fairly be ascribed, the extensive use of tea among the people of Great Britain, in comparison with those of any other country, not excepting even America.

In closing their remarks upon the subject of the trade in Tea, the Court trust that you will acquit the Secret Committee of any intention to obtrude unnecessary observations respecting the large revenue which that article affords to the public exchequer. Most entirely do the Court and their Committee feel with you, Sir, that this part of the question is matter rather for the consideration of the King's Ministers than of debate with the Company. Still, when you bear in mind, this the revenue of, between three and four millions annually is regularly paid by the Court, and that the Company's system saves the expense of collection, you will admit, that it was only natural for the Committee to state prominently facts of such importance, and to which they were constant eye-witnesses.

Upon the proposed appointment of a Chief and Council at Canton the Court beg leave to observe, that though they must not be understood as asserting, that the broils and disputes in which British private-traders might become involved with the Chinese, would, in general, lead to the suspension of the whole trade, yet they are satisfied that no officer or officers whom the King's Government might appoint as the British representative, would have the influence which the Company's Select Committee possess with the Chinese authorities, in bringing such

such disputes to a favourable termination. The influence of the Select Committee is to be traced chiefly to the circumstance of their being the sole managers of an extensive and valuable trade, which they have it in their power to suspend at any time, when pressing considerations require such a course of proceeding; and there is also this advantage resulting from the Company's being required to retain on hand a large stock of tea, that a suspension of the trade for a whole season does not involve any want of the article at home. How little influence even a King's Ambassador would have, without such a character as that possessed by the Select Committee, may be seen in the failure of all former embassies to the Government of Peking. The Court are also inclined to think, that while no authority could be more determined than the Select Committee in resisting substantial injustice on the part of the Chinese authorities, they are much more capable, from their peculiar character, of settling disputes in an amicable manner than a King's officer, even though he were invested with power to suspend the trade; that while they, without loss of honour, could concede upon smaller points, the latter, being an immediate representative of the British Crown, would frequently have no course left but one which would necessarily terminate in hostile extremities.

In proceeding to the question affecting the property and claims of the Company as a commercial corporation, the Court think it necessary to remove the misapprehension under which you labour, in supposing that the suggestion which the Secret Committee of Correspondence have made on behalf of the Proprietors, could not be met without conceding *all* that the Company claim. What the Secret Committee suggested, *viz.* that the Proprietors should be considered entitled to such an amount of the property as, if invested in Consols, would be sufficient to produce the annuity of £630,000, might be accomplished by the outlay of eighteen millions sterling.

The statement which you have given of the property claimed by the Company shews the amount to be more than twenty-three millions; and even after deducting the unappropriated surplus profit, it would exceed twenty millions: this is exclusive of the property in India, the value of which was estimated by the Indian Minister in 1793 at £250,000 per annum, which, at twenty years purchase, is equal to five millions; and although it is quite true, as you state, that the right to this property has remained in abeyance for seventy years, yet the Company's title to it, so far from having been questioned, has been distinctly recognized and expressly reserved in the several Acts

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Acts of Parliament by which the term of the Company's privileges has been from time to time renewed.

If, therefore, all that the Committee suggested were carried into effect, there would still remain a considerable amount of property to be made over (should it be so decided) to the territorial branch.

But you seem to think that the accuracy of the statements of the Company's property may be questioned; that, supposing their accuracy to be established, doubts may be entertained of the legal right of the commercial branch to some of the items; and that the whole of the Company's property, whatever be its amount, may be deemed subject to overwhelming liabilities.

Upon the first of these points, *viz.* the possible inaccuracy of the statements, the Court wish it to be distinctly understood, that they have no desire to avoid the most searching scrutiny into their accounts. It may, indeed, excite some surprise, that any such scrutiny should now be deemed necessary. During the last three years, Committees of Parliament have been diligently employed in investigating the Company's accounts; information of every kind required for their elucidation has been promptly supplied; evidence tending to impugn their accuracy has been freely received, and has given rise to evidence of an opposite character. A professional Accountant has been called upon by the Board to render assistance in this matter, and voluminous details have been furnished, sufficient for the completion of any investigation, however minute, which the most scrupulous objector could desire; besides all which, the amounts of two of the most material of the claims, those for the balance of war expenditure and with regard to the home bond debt, were long since vouched for by the decision of a Committee of Parliament. Yet now, within six weeks of the time when His Majesty's Ministers have determined to bring the subject of the Company's affairs under the consideration of Parliament, and to propose a final dissolution of the connection between the territory and the trade, you suggest that, previously to the Company's taking to themselves any part of the property claimed as their own, it will be necessary to apply a searching scrutiny to their accounts, unless they acquiesce in such a compromise as that which you have proposed:—and you ask, "What, in the mean time, will be the situation of the East-India Stockholders? from what funds are the dividends to be paid?"

We cannot permit ourselves for an instant to doubt, Sir, that it is your desire that nothing should be introduced into this discussion calculated to excite alarm

alarm in the breasts of the Proprietors whose interests are so deeply involved. Their dividends would be paid, as at present, from the proceeds of the Company's sales, which must continue until 1836, owing to the operation of the Commutation Act; and by that time it might be hoped that the supposed scrutiny would have terminated. But, on the other hand, the Court may be allowed to enquire, what would the territorial branch do for funds? It can have no right to a farthing from the home-treasury after April 1834, and, therefore, as you justly apprehend, "a good deal of difficulty might occur in furnishing the funds necessary for the current home expenditure."

The doubts which you suggest as to the legal rights of the Company to some of the commercial property, appear to refer principally to that portion which consists of profits of trade accumulated between 1794 and 1813; respecting which we must observe, that the commercial assets of the Company in 1794 (previously to which year the growth of the capital had been checked by urgent and heavy demands of the territorial branch) amounted to eleven millions, instead of eight millions as assumed by you; so that, adding the balance of war expenditure and the value of property in India, you will perceive that, even in 1794, and excluding all the accumulated profits in question, there was sufficient commercial property to purchase the proposed annuity in Consols.

But farther, whilst Parliament, since the acquisition of the Dewannee, has restrained the amount of dividends, it has imposed no limit upon the growth of the trading capital; and so far from objecting to the Company's title to the whole of the trading stock as it stood at the commencement of the present term, made provision in the Act of 1813 against any diminution of its amount, through the continued connection with the territory, by requiring a reimbursement to the Company, *in full*, of all sums expended by them for political charges; and so binding is that enactment considered, that the Court, according to the advice of Counsel (of which you have been apprised), are at liberty, without any control on the part of the Board, to require the Indian Government to replace the portion of the Company's capital now due, as the balance of political expenditure in England.

We must also remind you, that the ulterior appropriations to which the home profits might have been considered applicable under the Act of 1793, were cancelled and repealed by the Act of the 53d Geo. III. cap. 155, sect. 61; and that the 4th section of that Act expressly provided for the continuance by the Company, after 1834, of trade "with all, or any part of their joint stock, in trade, goods, merchandize, estates, and effects." Provision of that nature

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appears to have been made in successive enactments, since the 3d Geo. II. cap. 14, which in the most express terms recognises the right of the Company, collectively and individually, whenever their exclusive privilege shall cease, to any property and estates which they may possess *beyond the subscribed capital*.

You have raised a further question; “whether the whole of the Company’s commercial property be not legally responsible for those debts and engagements which have been contracted, in the Company’s name, for political and territorial purposes, and whether it will not continue so responsible, even although the Company should be wholly deprived of their political powers and functions.”

The Court are entirely persuaded, that if you, Sir, and His Majesty’s other Ministers, had more fully reflected upon all the bearings and circumstances of this case, you would at the least have paused, before you gave currency, with the sanction of such high authority, to the doubt propounded in the passage which we have now quoted, and would have seen that questions regarding the liabilities of the territorial and commercial branches respectively, when severed by such a scheme as that which is now proposed, must be solved upon principles of substantial justice, rather than by subtle refinements of law.

We appeal to you, Sir, we appeal to the King’s Ministers generally, whether it can consist with common justice, that the trading stock of a commercial corporation should be held liable for the political debts of the British Empire in India; which empire would, in the case assumed, be wrested from the Company by an act of power. We say “wrested,” because that, which you characterize as “a pure gift from the British Parliament,” that Parliament has distinctly reserved as a question never yet decided.

The ground of the supposed liability is, that the territorial debt was contracted in the name of the Company. But, Sir, if there be any validity in that reasoning, what (the Court ask, and they do so with the utmost respect), what becomes of the territory itself, every inch of which has been acquired by, and is held in the name of the Company? What becomes, again, of the civil servants of India, who are all under covenants to the Company? Or what, lastly, becomes of the Indian army, every member of which is bound by allegiance to the Company? Is it not abundantly clear, that as the Company using but one name, have acted in a two-fold capacity, the mutual engagements and liabilities of the territorial and commercial branches must possess their separate and distinctive characters; and, therefore, that the territory and the territorial debt must go together?

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The Court remarks, that after raising the question regarding the liabilities of the commercial property to the debt of India, you suggest, that the territorial creditor has no direct lien upon India, notwithstanding that Parliament has provided that the interest of the debt shall be paid out of the territorial revenues, and that no portion of such interest shall be paid out of the commercial funds.

When we advert to those parts of the Act of 1813, which make the interest of the debt a territorial charge exclusively, and guard against any deterioration of the commercial property through the Company's connection with the territory, we can scarcely conceive it possible that a moment's doubt should be entertained, that if Parliament did not technically, it did virtually, substantially, and in good faith, grant to the Indian creditor, a lien upon the territorial revenues for his principal.

Whilst the Court, in vindication of the rights and interests of their constituents, have felt it necessary to make the foregoing observations, they request us to assure you, that, far from having any desire that the Company should pursue their claims "with unqualified rigour," they see no objection to a settlement upon the principle of fair and liberal compromise. That principle is, in fact, recognized by the Committee of Correspondence, in their Minute of the 2d of January.

By acceding to the compromise which the King's Ministers have proposed, the Company would surrender every right and all the property that they possess; but, on the other hand, what would the territory relinquish? Nothing absolutely nothing. It would, indeed, lose, and the Court deeply regret that it should lose, the large advantages which it derives from the Company's trade; but, as the result of the compromise, the territory would evidently relinquish nothing, the charge of the annuity being, as you observe, counterbalanced by diminution of debt, through an application of the commercial assets. Not only would the territory be no loser by the arrangement, it would positively be a gainer to the extent of the surplus of the commercial property after providing the dividend.

To this you will probably object that we are thus assuming the territory to have no right to the commercial assets. We are so. We take that ground, and contend that it is perfectly substantial, and consistent with the Act of the 53d Geo. III. cap. 155, which has subjected the territory to all its present charges (and they are not to be increased by the suggested arrangement), and

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No. XVIII. has guarded against any encroachment by the territory on the commercial assets.

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In proposing to the Company to accept as an equivalent for all their property and claims an annuity of £630,000, payable half-yearly, or in other words, a dividend at the present rate of $10\frac{1}{2}$ per cent. secured upon India, the King's Ministers appear to have been guided by the appropriation clauses in the Acts of 1793 and 1813; and the Court admit, that the intention of Parliament, probably, in both of those enactments, but certainly in the latter, was to secure to the Proprietors always the dividend of $10\frac{1}{2}$ per cent. and no more, until certain reductions should have been effected in the territorial debts. It is, however, equally clear, as indeed you seem to allow, that Parliament made that arrangement, because the Proprietors were entitled to commercial property fully sufficient to provide for such dividend.

The King's Ministers now propose to grant the same annuity; but to secure it upon the Indian territory exclusively. The Court will candidly state their two principal objections to this proposal. They object to it, first, because the plan gives to the Board of Commissioners, who alone of the three authorities to be entrusted with the government of India will have no personal interest in its welfare, a sway almost absolute; so that, whatever the Proprietors and Directors shall think essential to the security of the dividend, may be opposed and overruled by the controlling Board: and, secondly, because, in the event of the finances of India becoming embarrassed, either through the cessation of the Company's trade, through the occurrence of war, or from any other cause, it may not be possible for India to pay the dividend in addition to all other charges; and although you intend that the dividend shall have precedence of the territorial charges in England, yet the Court feel that it would not be possible, neither would it be proper for the Company, as rulers of India, to receive from the territorial revenues for their own use, any thing, until all current obligations had been met. What would be said, if India required stores to prosecute a war, and the Company refused to send them, because there were not the means to pay for the stores without trenching on the dividend? Even under the operation of the Act of 1813, the Company have not escaped from imputations (most unjust and unfounded, we admit,) of receiving dividend to the inconvenience of the territory. We entreat, Sir, your attention, and that of your colleagues, to this fact, as strongly confirming the objection which the Court have expressed. You will find on reference to the Financial despatch to Bengal

Bengal dated the 24th of September 1828, para. 259, that Lord Amherst when Governor General, adopted as his own view, the statement of his Secretary, that the consignment of bullion to the Company, from India, in repayment of territorial expenditure at home, would raise the popular cry "that we had looked merely to commercial dividend."

The Court are, indeed, aware that, at present, priority is given to the dividend over political charges; but then the dividend is paid out of commercial funds, provision being made that, in the event of a deficiency of means to meet political demands, Parliament shall supply it. You have not proposed a continuance of this provision. Nor do the Court ask it, although they feel with their Committee, that it would not have been unreasonable to expect that some provision would be made by the country, to compensate the Company for the services which they have rendered, for the risks which they have run, and for the sacrifices which they are called upon to make. They are most sincerely desirous that the adjustment of the Company's affairs should be effected without subjecting Great Britain to the remotest pecuniary liability on account of India.

But the Court trust that His Majesty's Ministers will see the propriety of more effectually guarding the interests of the Proprietors. At present, the property upon which the security for the dividend rests is principally embarked in a trade which centres in England, and some parts of it are actually invested in the public securities of this country; and now that the trade is to cease, the Court submit that, if the dividend is to be charged upon India, the least which the Proprietors are entitled to expect is, that some collateral security for the regular payment of the dividend, and ultimately, if necessary, the principal, in the shape of an effective sinking fund, based upon the investment in the national stocks of some portion of the commercial assets, should be established.

This proposal need not interfere with the wish which the King's Government has, to bind up the interests of the Proprietors with those of India. Nor is it opposed to, on the contrary, it is perfectly consistent with the principle of every Parliamentary enactment which has contemplated the formation of a guarantee fund. Neither would it be calculated to act prejudicially upon the finances of India, as upon the fund being equal to meet the demand of the Proprietors in full, the interest on the accumulated amount would belong to the territory. If, as we can scarcely permit ourselves to doubt, you should be pleased to entertain this suggestion, there will not, we think, be any difficulty

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in adopting it upon a satisfactory basis. But the Court are decidedly of opinion, that without some arrangement of the sort, justice will not be done to the rights and interests of the Proprietors.

The Court would further submit, whether at the expiration of the term of the annuity (which we are glad to find is not to be a short one), the Proprietors should not receive as much principal as is now to be applied out of their property to the discharge of territorial debt.

In considering these suggestions, dictated by an earnest desire to meet, as far as possible, the views of His Majesty's Ministers, we entreat, Sir, that it may be recollected, that the Proprietors are asked to surrender not only all their property and claims, but also their right to trade in perpetuity. You say, indeed, that the latter condition is not required, and that the right to trade is to remain only in abeyance; but as the proposals involve the transfer to the territory of all the Company's trading capital, the arrangement must be regarded as virtually including a surrender of the right to trade; a right with which it must be remembered that the Company were originally invested for the attainment of an important national object, to which neither individual enterprize nor means were adequate, and which it is acknowledged has produced the most important and beneficial results to India and to England.

Before we conclude this letter, we deem it important to call your attention to two points: First, the period to be allowed to the Company for winding up their commercial concerns. We presume that that will be the period fixed for the commencement of the open trade. It would, we think, be only deluding the public and injuring the Company, or rather the Indian territory, supposing the proposed arrangement to be carried into effect, to sanction a free trade with China previously to the disposal of the large stock of teas retained by the Company in obedience to the law, and this will not be effected until June, 1836. And secondly, the necessity of making provision, out of the Company's property, for outstanding commercial obligations, and for suitable pensions to the servants of the Company, whose interests may be affected by the change of system.

We have only to add, that nothing which we have said now, or upon any former occasion, is to be considered in the least degree as committing the Proprietors, to whom the proposals of the King's Ministers, when finally matured, and we trust, for the sake of all parties, considerably modified, will be submitted.

You may be assured, Sir, that no delay which the Court can avoid, shall occur in

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in their taking the sense of their Constituents. You must be aware, however, that some time must necessarily be occupied in doing so; and we are persuaded that, in stating that if no decision of the Proprietors should be communicated to you by the 23d of March, you would feel yourself compelled to consider it as a declining of the proposal, it could not have been your wish or intention to force on a premature decision on questions of such grave and vital importance to the East-India Company.

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We have the honour to be, Sir,

Your most obedient humble servants,

(Signed) J. G. RAVENSHAW.

C. MARJORIBANKS.

The Right Honourable Charles Grant, M.P.

&c. &c. &c.

No. XIX.

AT A

SECRET COURT OF DIRECTORS,

Held on Friday, the 15th March 1833.

THE Chairman laid before the Court a letter from the Right Honourable No. XIX. Charles Grant, dated at the India Board the 14th instant, and received this day, acknowledging the letter from the Chairman and Deputy Chairman of the 27th ultimo, which conveyed the sentiments of the Court on the Paper of Hints respecting the Company's Charter, transmitted by Mr. Grant to the Chairman on the 17th December last, and on the statements and arguments contained in Mr. Grant's letter of the 12th ultimo, and explaining the views and intentions of His Majesty's Ministers upon the points in which the Court conceive the plan to be seriously, if not conclusively, objectionable; reserving for future discussion many of the topics touched upon by the Court, and which do not involve the Court's approbation or rejection of the plan.

The said letter was read.

And after a discussion of some length,

The further consideration thereof was adjourned until to-morrow.

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No. XX.

LETTER from the Right Honourable CHARLES GRANT to the CHAIR-
MAN and DEPUTY-CHAIRMAN.

(Secret.)

India Board, 14th March 1833.

GENTLEMEN :

I have the honour to acknowledge the receipt of your letter of the 27th ultimo, expressing in detail your sentiments on the Paper of Hints transmitted by me to the Chairman on the 17th of last December, and on the statements and arguments contained in my letter to you of the 12th ultimo ; and in the promptitude of this communication I recognize, with pleasure, a proof of your determination to conduct the present discussion with all the celerity which may consist with the serious and vital importance of the questions to which it relates.

Having attentively perused the observations which you have offered, and, in connection with them, having carefully reconsidered the subject at large, I should have been happy to reply to your letter with the fulness and minuteness to which it is entitled, and in the course of that reply to enter into such defence, explanation, or qualification of the opinions before stated by me, as might be most agreeable to truth and justice. But I am, on mature reflection, satisfied that I shall best consult both your wishes and the public interests, by confining my present communication to those essential points on which, as I understand you to intimate, your acquiescence in the plan of compromise tendered to you by His Majesty's Government, and your recommendation of that plan to your Constituents, are suspended.

Your letter, naturally following mine into a considerable extent of remark and disquisition, touches on many topics which, whatever their intrinsic importance, or even their relevancy to the general subject of the connexion between this country and India, are comparatively immaterial in the particular stage which the present discussion has attained. They do not involve your approbation or rejection of the plan proposed by His Majesty's Ministers. Such topics, therefore, I shall, on this occasion, altogether avoid, not only from the necessity of economizing time, but from the obvious expediency of narrowing the field of debate to the matters really at issue.

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In taking this course, I need scarcely request that I may not be misunderstood, as meaning to treat with disrespect those of your statements and reasonings which I leave unnoticed; and, on the other hand, I must be allowed distinctly to ask, that my silence regarding such statements and reasonings may not be construed into an admission of their correctness.

The discussion now opened must for some time, and in various shapes, occupy the attention of His Majesty's Ministers, of the Company, and of the Nation. The progress of it is therefore likely to afford an abundance of opportunities, far more convenient than the present, of elucidating, in all its branches and bearings, the plan under review, and of examining the various opinions respecting it which may have been expressed by any of the parties concerned.

I will therefore proceed at once to state, in concise terms, the points in which, as I collect from your letter, the Court of Directors conceive the plan to be seriously, if not conclusively objectionable; and on each of these I shall, with the same brevity, and with as little of comment as possible, explain the views and intentions of His Majesty's Ministers.

First. The Court apprehend that the effect, though not the design, of the plan will be, that the Company, instead of forming, as they now do, an integral, independent, and important part of the machinery by which the Government of India is conducted, will be reduced to a state of weakness and dependence, incompatible with the right performance of the duty assigned to them.

“Divested of their commerce, from which the Company derive so large a portion of their influence and character in England as a body independent of the Government of this country, the Court greatly fear lest they should become merely an instrument for giving effect to the views of the Indian Minister.”

It is afterwards stated, that the plan may be expected, though not so intended, “to convert the Court into a Government Board.”

To these, and other general allegations of the same kind, I will here return this general answer, that it is the intention of His Majesty's Ministers that the Court and the Board, shall, in all material points, retain the same comparative powers, and occupy the same relative position, as at the present moment; and the Ministers believe that, notwithstanding the loss of that commerce, and the consequent extinction of that commercial influence which the Company have hitherto possessed, that body will, on the whole, preserve,

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No. XX. without sensible diminution, and in some respects with increased effect, its present importance and independence, as a part of the machinery employed in the administration of the government of India.

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Of course it cannot be meant or anticipated, that the Court shall be reduced to the situation of a Government Board. No such intention can fairly be inferred, nor can any such consequence follow from that disjunction of commercial and political functions, which, after the most careful advertence to the experience of the past, His Majesty's Ministers deem essential to the good government of our Indian empire.

Secondly. The Court complain, that according to the Government plan, the Board is to be authorized to send despatches to India directly, and without admitting of any appeal; and they recommend the allowance of an appeal on the merits of important cases arising out of the government of India, on which the Board and the Court may differ; or, at the least, some provision for a communication of such disputed cases to Parliament.

In answer, I request the attention of the Court to the following explanatory remarks and statements:—

1st. The right of appeal by petition to the King in Council, which the Court now possess under the act of the 33d George III. cap. 52, section 16, is applicable only to cases in which a question arises, whether a despatch sent by the Board to the Court for transmission to India relates to matters of commerce, on the one hand, or to those of government or revenue, on the other. When the Company's commerce has ceased, no such question can arise, and the right of appeal expires as a matter of course.

2dly. Cases may occur, in which the Court dispute the lawfulness of an order or instruction proposed by the Board to be transmitted to India, and for these some provision must be made; but whether by referring them to any of the established tribunals of the country, or to some judicature specially appointed, or in what other precise mode, will be matter of future discussion. His Majesty's Ministers see no reason to doubt that a mode satisfactory to both parties may, without much difficulty, be found, by which, on the Court's presenting a remonstrance against the legality of an order or instruction, the question may be brought to a final decision: the time to be limited, within which such remonstrance must be preferred.

3dly. If the time so allowed be exhausted without any remonstrance, or if the matter drop by default of the Court, or be decided against the Court, the Court shall send out the despatch to India within a further limited space of time.

4thly. The despatches hereafter transmitted by the Court to India shall not be signed by the Directors, or any of them; but such despatches shall, as now be drawn up in the name of the Court, and an officer of the Court shall be empowered to send them out, signed by him, in the name and by the order of the Court, first affixing to them the Company's seal.

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5thly. In the event of the Court neglecting or refusing to transmit to India, within a limited time, any despatch sent to them by the Board for such transmission, which by law they ought so to transmit, the Board may direct the proper officer of the Court forthwith to transmit such despatch, with the same formalities as if it had been delivered to him for that purpose by order of the Court; and such officer shall, on pain of forfeiture of his situation, be bound to obey the direction.

6thly. His Majesty's Ministers are clearly of opinion, that in cases of difference between the Court and the Board, no appeal to any third party on the merits can be allowed, nor can any new or express provision be made for the communication of such cases to Parliament. Even under the present system, however, matters in dispute between the two authorities in question may, in many ways, be brought under the notice of Parliament, and this species of reference will be equally practicable under the new arrangement.

Thirdly. The Court object to that part of the Government plan which provides, as stated in the Paper of Hints, that the Board shall have the same power with regard to pensions or salaries below £200 a year, and to gratuities below £600, as they now have with regard to pensions, salaries, and gratuities above these amounts; and farther, that the home expenditure and establishments shall be under the control of the Board.

The Court consider the independent power which they now possess of rewarding services and conferring pecuniary benefits, to be of essential importance to the efficient exercise of their functions. They complain, also, that the Board should have power of control over the very officers and servants whom they employ.

On this part of the subject I can truly say, that nothing is more foreign from the wish of His Majesty's Ministers, than that the Court should unnecessarily be deprived of any of the means or opportunities which, under the present system, they enjoy, of remunerating service, or of conferring marks of grace or munificence. But the Board cannot forget, that the functions of control and inspection with which they themselves are invested have a special reference to the territorial revenues of India, and that, under the

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The Board do not therefore conceive that it will be possible to leave to the Court that discretionary application of the revenues, for the purpose of conferring rewards or favours, which the Court are desirous of possessing; nor, on the other hand, can the Board admit that the exercise of the control, which would constitutionally belong to themselves, over the application of any part of the revenues to the purposes in question, as well as over any other application of them, could possibly operate to the diminution or disparagement of the just dignity of the Company.

The expenditure connected with the home establishment partly falls within the scope of the same observations, but partly also rests on different grounds. Here also the territory is the source of supply; but the object of the expenditure is of prime necessity, and at the same time of limited and ascertainable extent; and the general purposes of control can be answered without a minute inspection of items.

The Ministers are not aware of any objection to the introduction of a legislative provision, by which a specified sum, to be agreed on from time to time between the Court and the Board, should be placed in the hands of the Court, to be applied in defraying the charges of the home establishment, care being taken that the disposal of such sum should be accounted for to the Board, but the Board not being invested with any power of interference in the details of such disposal, nor having any voice, collectively or individually, in determining what persons shall be employed as officers or servants in the home establishment, or according to what rule or scale they shall be promoted or remunerated.

The fourth objection offered by the Court, and the last which I feel it necessary to notice, relates to that fundamental part of the Government plan which proposes to secure the annuity to be in future received by the Proprietors of India Stock in the Indian territory exclusively.

On this very important subject I should fear to do injury to your remarks and suggestions by attempting to abridge them; and, on the other hand, an exact transcript would swell this address to an inconvenient length. I will therefore content myself with referring to your letter thus generally, and will proceed to request your attention to the following observations.

1st. His Majesty's Ministers are distinctly of opinion, that under the operation of the plan, no moral or honorary obligation will attach on the Company,
to

to postpone their receipt of their dividends to the satisfaction of all other current demands of the territory; but, on the contrary, that those dividends will be payable, and ought always to be paid, as the interest of the territorial creditors has hitherto been paid, on the day on which they fall due, and that the estimates and arrangements necessary to obviate all risk of a failure in the punctual discharge of them, ought to be considered as a matter of paramount importance in the management of the Indian finances.

Let it be recollected, that the Proprietors, when transferred to India, will stand precisely in the position of the territorial creditors, and ought, in all respects, to enjoy the same rights. Farther, it is a matter of the utmost concern, even to the territory itself, that the dividends of the Proprietors should be punctually realized. No room exists, therefore, for subjecting the Proprietors to the supposed obligation for which the Court contend. In order, however, to obviate any embarrassment on the subject, His Majesty's Ministers think that it will be proper, and would not be difficult, to provide, by express enactment, against the inconvenience which the Court apprehend.

2dly. The Government are most anxious to meet, so far as they are able, the wish expressed by the Court, that the interest of the Proprietors should be fortified by some collateral security in the shape of a sinking fund, formed by the investment of a portion of the commercial assets in the national stocks of this country. Their power, however, of acceding to this wish is necessarily limited, by the obligation under which they feel themselves to be placed, of maintaining the general principles of the proposed arrangement.

If, by investment in the national stocks, a large fund were provided, under the condition of immediately indemnifying the Proprietors for any failure in the current payment of their dividends, it must be obvious that one great principle of the arrangement, that is, the principle of identifying the interests of the Proprietors, as such, with those of the Indian territory, would in a great measure be sacrificed. On the other hand, it seems to the Government that security may, in a certain form, be afforded to the Proprietors against eventual loss, without any material prejudice to the principle in question, and even with some advantage to the practical operation of the plan in other respects.

With this view, the Government propose :

That there shall be taken out of the commercial assets of the Company the sum of £1,200,000 sterling, which shall be invested in the national stocks or other public securities of this country, and shall, with its accumulated interest form a fund, as a guarantee or collateral security for the capital stock of the Company, and applicable to its future redemption.

That

No. XX.
Letter from
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Chas. Grant,
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Chas. Grant,
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That this sum shall not, nor shall any part of it, nor of the dividends arising from it, be applied to any other purpose than the formation of such guarantee fund for the object just mentioned; but that it shall be suffered to accumulate until it shall be applied, as hereinafter mentioned, towards the redemption of the annuity of £630,000, or until it shall, together with its accumulations, amount to the sum of twelve millions; after which, no further accumulation shall take place, but all the subsequent interest or dividends shall be applied, at the option of the Directors and the Board, either towards the discharge of the principal of the general territorial debt of India, or in some other manner for the benefit of the territory.

That at the time which shall have been fixed by Parliament as the period when the annuity of £630,000 payable out of the territory to the Proprietors shall become redeemable, the whole of the guarantee fund, as it then subsists, and whether it shall then be of the amount of twelve millions or of any lower amount, shall be applied in or towards the redemption of that annuity, on the terms which shall have been prescribed by Parliament.

In carrying into effect this scheme, it may be convenient to the Company to avail themselves of the debt owing to them from the Public of £1,207,559. 15s. which, under the act of the 33 Geo. III., cap. 47, section 7, they are entitled to receive on the determination of their exclusive privileges. The Government are ready to repay that debt on the part of the Public: or should the Company prefer it, to retain the sum of £1,200,000 in their hands as a loan, paying such interest for it as may hereafter be agreed upon. In the former case, the sum would merge into the general mass of the commercial assets of the Company, and would of course fall under the general operation of the proposed arrangement: in the latter, it would form the nucleus of the guarantee fund, the accruing interest being invested for the purpose of accumulation.

I should hope that the scheme, of which I have thus given the outline, will remove any degree of difficulty which the Court might otherwise feel in approving of the proposition of the Government. With the sincerest anxiety to satisfy every reasonable wish on the part of the Proprietors, His Majesty's Ministers are of opinion that they would not be justified in proposing further concessions. They rest, at the same time, in the persuasion that, in modifying, so far as they have now done, their plan as originally proposed, they do not deviate from its essential principles.

The dividend intended for the Proprietors remains unaltered: it is that amount

amount of dividend which they now receive under the Charter Act. A guarantee is, indeed, given to the Proprietors for the ultimate security of their capital; but while this is calculated to increase their confidence in the general operation of the plan, it is, on the other hand, made their interest and their duty, in the meantime, to co-operate with the Court and the Government in promoting the resources and economizing the expenditure of India. Farther, the effect of the scheme is to collect in the hands of the State a fund which may, at the proper conjuncture, be applied towards the redemption of the annuity of the proprietors, sparing *pro tanto* the necessity of any particular effort for that purpose. At the same time, India loses no part of the principal sum thus abstracted for a season from the fund destined to the use of the territory. She loses, indeed, the difference produced, in point of interest, by investing the sum in England; but this is the price paid for the benefits which, if the anticipations of Ministers be just, she will derive from the plan in other respects.

Letter from
the Rt. Hon.
Chas. Grant,
14 Mar. 1833.

I must add in this place, that it is impossible that the Court or the Company should entertain a deeper conviction of the importance of economy in the administration of our Indian empire, than that with which His Majesty's Ministers, and particularly the Members of the India Board, are impressed. Even the distrust so strongly expressed by the Court of the future competence of the Indian revenue to sustain by its unaided force the burdens to be imposed on it, cannot increase the anxiety which the Government before felt, to take all possible means of obviating just apprehension on this subject.

Undoubtedly, the hope of a diminished expenditure is mainly founded on the necessity for it, that it will be felt to exist under a system which precludes all extraneous sources of income. But this foundation, however good, will not of itself suffice. Much care will be requisite in providing, and much firmness as well as diligence in carrying into effect, auxiliary arrangements, directed to the same end. I do not now enter into the details of such arrangements, as this would lead me into an extended variety of observation foreign to the purpose of the present address; but I deemed it my duty not to lose the opportunity of manifesting the general sentiments of His Majesty's Government in relation to the immediate subject of your solicitude.

Before I conclude, I feel myself called upon to advert to two other topics, though they belong in strictness to matters of detail.

To one of these you have very properly called my attention. I mean:

No. XX. " the necessity of making provision out of the Company's property for out-
 Letter from " standing commercial obligations, and for suitable pensions to the servants
 the Rt. Hon. " of the Company whose interests may be affected by the change of
 Chas. Grant, " system."
 14 Mar. 1833.

On this point I wish to observe, that the assignment of the Company's commercial property must necessarily involve also a transfer to the Government of all the obligations, whether of a legal kind or binding on the ground of equity and liberality, which may attach to that property; and to the claims of both descriptions the Government are prepared to give every fair and proper degree of consideration. But as the recognition of such claims forms no part of the present negotiation, you will, I trust, be satisfied with this general assurance.

The other point on which I must touch relates to the mode of appointing and educating the youths destined for the Civil Service of India,

On a full consideration of the provision for this purpose contained in the Paper of Hints, the Government feel a strong doubt whether the principle on which that provision proceeds ought not to be carried to a greater extent. I make this reservation for the sake of caution; but it was, I conceive, fully understood, that all such provisions in the Paper of Hints as have not been brought into view by the Secret Committee or the Court of Directors during the present correspondence, should remain perfectly open for consideration, until those articles which are to constitute the basis of the arrangement between the Government and the Company should have been definitively determined.

In respect of those fundamental points, the views of His Majesty's Government are now fully before you. Alterations of detail may undoubtedly be suggested and discussed hereafter; but I must frankly state, that His Majesty's Ministers feel it their duty to call for a decision on the arrangement as it now stands, and that it will not be in their power to entertain the proposal of any additions or modifications, in the character of conditions precedent to the adoption of the plan on the part of the Company.

I have only further to add my request, that the subject may, at your earliest convenience, be submitted to the Court of Proprietors, together with the correspondence relating to it.

You do me no more than justice, in acquitting me of any wish or intention to force on a premature decision on questions so important to the East-India Company. In proof of the absence of any such inclination I beg to mention,

that

that I have no desire to adhere to the period specified in my last letter as **No. XX.** the limit of deliberation on the subject. It is still, however, my anxious wish to bring the matter before Parliament at the earliest possible period; and I continue to rely with confidence on your assurance, that no unnecessary or avoidable delay shall take place in the course of your further proceedings.

Letter from
the Rt. Hon.
Chas. Grant,
14 Mar. 1833.

I have the honour to be, Gentlemen,

Your most obedient, humble servant,

(Signed) CHAS. GRANT.

The Chairman and Deputy Chairman of the Court of Directors.

No. XXI.

AT A

SECRET COURT OF DIRECTORS,

Held on Saturday, the 16th March 1833.

THE Court, resuming the consideration of the letter from the Right Honourable Charles Grant, dated the 14th instant, in reply to the letter from the Chairman and Deputy Chairman of the 27th ultimo.

No. XXI.

Secret
Court,
16 Mar. 1833.

It was,

Ordered, That the said letter be referred to the consideration of a Committee of the Whole Court.

Whereupon the Court resolved, itself into a Committee of the Whole Court accordingly.

No. XXII.

AT A

SECRET COMMITTEE OF THE WHOLE COURT,

Held on Saturday, the 16th March 1833.

THE Committee, pursuant to the Court's reference of this day, proceeded to the consideration of a letter from the Right Honourable Charles Grant,

No.
XXII.

Secret
Committee,
16 Mar. 1833.

dated

No. XXII.
Secret Committee,
16 Mar. 1833.

dated at the India Board, the 14th instant, explaining, in reference to the Letter from the Chairman and Deputy Chairman of the 27th ultimo, the views and intentions of His Majesty's Ministers upon the points in which the Court conceive the propositions submitted by Ministers, respecting the Company's Charter, to be seriously if not conclusively objectionable.

The Chairman laid before the Committee the draft of a proposed letter to Mr. Grant in reply to his communication abovementioned.

And the Committee having deliberated thereon, adjourned to Monday the 18th instant.

No XXIII.

AT A

SECRET COMMITTEE OF THE WHOLE COURT,

Held on Monday, the 18th March 1833.

No. XXIII.
Secret Committee,
18 Mar. 1833.

THE Committee resumed the consideration of the draft of a proposed letter to the Right Honourable Charles Grant, which was read in the Committee on the 16th instant, in reply to his letter of the 14th instant, in which he explains the views and intentions of His Majesty's Ministers upon the points in which the Court conceive the propositions submitted by His Majesty's Ministers, respecting the Company's Charter to be seriously, if not conclusively objectionable:—

The said draft of a letter was again read.

And some amendments having been agreed to therein:

It was further proposed to amend that paragraph which relates to the guarantee fund, by leaving out the words "there should be added to the £1,200,000, the stock now standing in the Company's name, amounting to £891,000 three per cent. stock:" and by substituting the following, viz.

"It should amount to the sum of £3,000,000."

And the question, "that the words proposed to be left out stand part of the letter," being put by the ballot;

It passed in the affirmative.

The said letter, as amended, was then approved.

No XXIV

AT A

SECRET COURT OF DIRECTORS.

Held on Monday, the 18th March 1833.

DRAFT of a letter which had this day been agreed to by a Committee of the whole Court, to the Right Honourable Charles Grant, in reply to his letter of the 14th instant, was read and approved.

No XXV.

LETTER to the Right Honourable CHARLES GRANT from the CHAIRMAN and DEPUTY CHAIRMAN.

East-India House, 18th March 1833.

SIR,

We have had the honour to receive, and to lay before the Court of Directors your letter dated the 14th instant.

The Court had hoped to be enabled to lay before the General Court, which is appointed to be held on Wednesday next, all the correspondence upon the subject of the Company's charter. But as they are still without information upon some points respecting which the Proprietors must be specifically informed before they can pass any decision upon the principles of the proposed arrangement; and as there are other points arising out of your communication which seem to require observation on the part of the Company, it becomes the duty of the Court to submit a further representation to the King's Ministers, previously to laying the papers before the Proprietors.

In doing this, it will be quite unnecessary for the Court to say any thing in support of the opinions upon the general question which were expressed in our last letter, as you have deemed it expedient to waive all reply to the arguments which were then adduced. The Court will therefore confine themselves to the points to which you refer as really at issue, and to those upon which further information seems requisite.

First, with respect to the immediate interests of the Proprietors.—The Court must

No.
XXIV.Secret
Court.
18Mar.1833.

No. XXV.

Letter to
the Rt. Hon.
Chas. Grant,
18Mar.1833.

No. XXV. must keep prominently in view what it is that the Company are called upon to surrender, and what they are to receive as an equivalent. They are asked to surrender every thing which they possess as a Corporation; their capital, computed at more than twenty-one millions sterling, every item of which is commercial in its origin, and in the character which it now bears;—their right to trade, most valuable when considered in connection with that capital, and with the position and influence which the Company have established here and abroad; and which right, if they chose to exercise it, must greatly interfere with, if not altogether, prevent the advantages which private merchants expect to reap from a free trade with China;—their pecuniary claims, some sanctioned by a Committee of Parliament, both in principal and amount, and all recognized either by Parliament or in Parliament by ministerial statements;—their lands, forts, and factories in India, for which they have as good a title as that by which any private property is held;—and, finally, their claims in respect of the territory at large, which up to the present time Parliament has always reserved.

Letter to
the Rt. Hon.
Chas. Grant,
19 Mar 1833.

The right of the Company to retain the whole of this property, including an equivalent for their claims, has been questioned; and although the Court are satisfied of the soundness of the Company's title to all that property, and of the validity of these claims, yet they cannot be insensible to the difficulties which might be opposed to their readily realizing and possessing themselves of the one, and obtaining a liberal adjustment of the other, if the King's Government were adverse to the Company. This consideration, pressed in your former letter with such force, as to leave no doubt that an adverse disposition would arise towards the Company if they were to stand "on the ground of strict right," together with the fear of injury to India from the transfer of the Government to other hands, has induced the Court to entertain the question of compromise upon the terms offered, *viz.* a surrender of the property and claims for an annuity of £630,000. The adequacy of the security for this annuity is one of the points at issue; and whilst the Court have no desire to disparage the financial capabilities of India, they cannot shut their eyes to the fact, that the official prospective estimates, as well those framed by the authority of the Board, as of the Court, all shew a deficit after 1834. With such a prospect, and considering that the Proprietors had hitherto depended on the security of a property and trade which centred in England, the Court felt it necessary to require that some collateral security should be provided both for the dividend and for the capital; never intending by that proposal to intimate that they

they despaired of removing the territorial deficit; which, on the contrary, No. XXV. they shall be rejoiced to be enabled to do by co-operating with you in such measures as shall appear calculated to accomplish that object without endangering our tenure of India.

Letter to
the Rt. Hon.
Chas. Grant,
18 Mar. 1833.

We observe with satisfaction, that the King's Ministers have met the Court's suggestion so far as to propose that the balance of that portion of the original subscriptions of the Proprietors, which was lent to Government, and which Government must repay before the Company's exclusive privilege can cease, amounting to £1,200,000, shall be set apart to accumulate at compound interest, until it amounts to twelve millions, and to form a guarantee fund to that extent for the capital, but for the capital only.

The sole effect of that arrangement would be, that if at the end of sixty or seventy years, the Indian territory should be unable to redeem the capital, it might be paid to the extent of twelve millions out of this fund; but in the mean time, should the territorial revenue prove deficient in any one year in the remittances requisite to meet the dividend, how is delay in the payment of it to be avoided, unless there be some collateral security?

We confidently submit to you, that the guarantee fund should apply to the dividend as well as to the capital, and that there should be added to the £1,200,000, the Stock now standing in the Company's name, amounting to £891,000 Three per Cent. Stock; whilst there cannot, we think, be the least apprehension that this extension of the plan of a fund so limited in amount will lessen the desire of the Company to promote the financial prosperity of India, the fact of the Company's having that collateral security for the dividend will relieve the Court from the imputation to which they might otherwise be liable of using their political power as Governors of India, for the purpose of extracting dividends from that country at all hazards. We do not of course mean that any sum which the fund may be required to pay for dividend should be permanently alienated. Our object is to secure the Proprietors against the consequences of a temporary emergency in India. Should such consequences arise, India would be called upon, when the emergency had ceased, to make good the payments in which she might have proved deficient.

The Court further request, that you will have the goodness to apprise them of the term of years during which it is intended that the dividend shall be irredeemable. They presume that the government of India will continue with the Company for the same term, otherwise, the essence of the whole plan, that which you designate "a vital condition of the arrangement," the linking

No. XXV. linking and binding up of the interests of the Proprietors with "the country" which they are to assist in governing" will be lost.

Letter to
the Rt. Hon.
Chas. Grant,
18 Mar. 1833.

We fear, from your saying nothing in reply to our suggestion as to the rate at which the capital is to be redeemable, that we must conclude that the Ministers are not disposed to fix a higher rate than £100 for every £5. 3s. of annuity as specified in the Paper of Hints, but we rely upon the assurance given to us in your letter of the 19th ultimo, that the term of the annuity will be of considerable length.

It remains for us upon this part of the subject only to express the thanks of the Court for the intention which you have manifested of providing by a legislative enactment for the payment of the dividend with the same punctuality as is observed towards the Territorial bond-holders, an arrangement, which, combined with the security of the guarantee fund when made applicable to the dividend, cannot fail of being very satisfactory to the General Court.

When furnished with specific information upon the points to which we have adverted, the Proprietors will probably be enabled to decide whether or not they will agree to the general principle of the proposed compromise. We are at the same time persuaded, that whatever may be their decision in that respect, the Proprietors looking, as they have always done, with the most anxious regard to the welfare of our Native subjects, will take a lively interest in that part of the plan which relates to the future administration of the Government of India, in which the Court now act as an intermediate body unconnected with the King's Ministers. If this independence should cease, the charm of the system by which the affairs of India have been hitherto administered would vanish, and the best, perhaps the only security for its continuance when the new Plan shall have come into operation will be in affording the Court the opportunity of giving publicity to their views in important cases of difference from the Board. Under this impression the Court suggested an appeal upon such cases, and the communication of them to Parliament. You state that the King's Ministers are disposed to allow of an appeal to some Tribunal upon questions in which the Court may dispute the *legality* of the Board's Act. The Court apprehend that such cases are not very likely to arise, nor does it readily occur to them that any other tribunal can be required to decide matters of mere legality than the ordinary Courts of Law. The appeal desired was upon the merits of cases, not indeed generally, but those of a special nature, for it never entered into the contemplation of the Court that there should be a system of appeal resorted to upon every difference of opinion

opinion. They conceived that if the proposal were entertained, there would be little difficulty in limiting the right of appeal to cases in which long experience has proved it to be desirable; so that if any Indian Minister should take upon himself acts which appeared to the Court to be unconstitutional, to militate against the principles of good government, to interfere with substantial justice to our allies, or what will be of great importance under the new system, to invalidate or impair the security of the Proprietors, there should be some appeal against such exercise of authority, or at the least some means of enforcing the personal responsibility of the act; which, as the Court think, would be best accomplished by requiring the communication of it to Parliament.

The Court much regret that Ministers should decline to acquiesce in the latter proposal; and although, as you say, "matters in dispute between the two authorities may in many ways be brought under the notice of Parliament," yet you must allow us to remind you, that independently of the reluctance which the Court must always feel to push themselves before the Legislature in the character of disputants, there is great practical difficulty in bringing to the notice of Parliament important cases connected with the Government of India. Papers may, indeed, be moved for,—but unless the Ministers concur in the motion, it must generally happen, as it has happened, that the papers are refused.

We must repeat the conviction of the Court, that publicity as a rule and not as an exception, is the most effectual method that can be devised for maintaining a wholesome check upon the exercise of power by the Board.

Such is the nature of the check (and we believe it to have been most salutary) under which the Court have exercised the power, without reference to the Board, of making pecuniary grants of limited amount; the particulars of which are systematically reported to Parliament.

The Court are concerned to perceive that Ministers refuse to sanction a continuance of that power, and upon a ground which is unintelligible to the Court, viz. "that under the new order of things, the territorial revenues will constitute the only fund on which pension, salary, or gratuity, can be charged." Is not that the case now, as respects every territorial pension, salary, or gratuity? And if so, where is the necessity for change, or where its propriety? If, as the Court cannot doubt, it be indeed the wish of the King's Ministers that the Company should not "be deprived of any of the means or opportunities which, under the present system, they enjoy of remunerating service, or of conferring marks of grace or munificence."

No. XXV.

Letter to
the Rt. Hon.
Chas. Grant,
18 Mar. 1833

-If

No.XXV. If the Court had abused the power in question, there would be good reason for removing or further restricting it. They appeal to you, whether any such abuse has existed, and if, as we are persuaded will be the case, you admit that there has not, we rely with confidence upon your determining that the power ought still to remain.

Letter to
the Rt. Hon.
Chas. Grant,
18Mar.1833.

The Court are satisfied with that part of the arrangement which relates to the home establishment; understanding that the amount which may be fixed upon as the maximum of its expense is not to be varied by the Board, at their pleasure, but only in the event of an alteration in the extent of the establishment, or in circumstances affecting the scale of remuneration generally.

We need scarcely say, that it will always be the anxious desire of the Court, to keep that establishment within such bounds as may be consistent with efficiency, and with what is due to those who devote themselves, as the Company's servants always have done, exclusively to the discharge of their public duties.

We give full credit to you and to the rest of his Majesty's Ministers for the intentions which you express, "that the Court and the Board shall in all material points retain the same comparative powers, and occupy the same relative position, as at the present moment."—But we own that it is difficult for us to reconcile this announcement either with those parts of the plan to which we have already adverted, or with the intention expressed in the Paper of Hints to control the independent power of the Court to recall Governors General, Governors, and Commanders in Chief; which power it may be more important than ever for them to possess, when the Dividend becomes dependent on the territorial revenues.

There is another point upon which the Court feel great anxiety. We refer to the proposal that all the property shall be transferred—to whom? Not to the Board—not to the Company in their new, or rather restricted character,—but to the Crown, for the benefit of the Indian territory; so that, whilst the Court are to be the agent in administering the territorial government under the control of the Board, the funds applicable to the Territory are to be in the custody of the King's Ministers.

It would be very satisfactory to the Court to receive from you an assurance that the proposed transfer of the property to the Crown is only the technical mode of accomplishing the arrangement; and that, practically, the Company, as the Administrators of the territorial government, are to continue to hold all the Territorial Funds in England, subject to the control of the Board, and with

with the understanding that all appropriations of the funds are to originate, as at present, exclusively with the Court.

You will have observed from our last letter the apprehension which the Court feel, that great difficulty may be experienced under the proposed plan, in effecting the Government remittances from India. The Court trust that ample power will be given to them to call home from time to time a sufficiency of funds. We conclude that it is not intended to allow the Company, even for the purposes of remittance, to bring home produce; a permission which we cannot but think it would be important to preserve, at least until experience shall have shewn that remittances to the extent required can be safely and more beneficially effected in some other mode.

It would appear to be in your contemplation, that the Ministers should to some extent be invested with the power of appropriating the commercial property, for you state that the outstanding commercial obligations and the claims of the Company's commercial servants are to be made over with the property to the Crown, to be dealt with as the Ministers may think fit. The Court apprehend that upon no principle of law or equity could claims and obligations unconnected with the territorial government, and arising solely out of contracts and engagements which the Company have entered into as a commercial corporation acting under a perpetual charter, be transferred from the Company to any person or persons whatever. But be this as it may, the Court think it their duty to add, that they are convinced that the Proprietors would feel the utmost repugnance to any proposal for their abandoning the interests of men who have beneficially served the Company with zeal and fidelity, and transferring them to the care of others, who, having had no opportunity of witnessing, must be unable to appreciate their services. We cannot doubt that you will enable us to satisfy the Proprietors upon this point.

It may deserve consideration, with a view to relieve the Indian revenues from every avoidable charge, whether much expense in providing for servants might not be saved by continuing, at least for a time, the management by the Company of goods imported in the free trade, as the amount received for agency at present defrays the charge of a large portion of the commercial establishment, and it may also prove convenient to the merchants of London that that system should not be hastily abandoned. Such an arrangement as that here suggested would be attended with this great advantage, that it would continue employment not only to officers and clerks, but also to many of the labourers, all of whom must receive a certain amount of pay from the Com-

No. XXV.
Letter to
the Rt. Hon.
Chas. Grant,
18 Mar. 1838.

No. XXV. pany whether employed or not. The evil to individuals and to the community of suddenly throwing out of employ any considerable number of persons, is too obvious to need pointing out.

Letter to
the Rt. Hon.
Chas. Grant,
18Mar.1833.

•The Court fully understand that such provisions in the Paper of Hints as have not been brought into view during the present correspondence, as well as any which you may have mentioned, but to which we have not yet specifically adverted, are to remain open for future discussion. The Court have hitherto abstained from touching upon them, because they did not wish to embarrass the consideration of the main principles of a new arrangement by discussing points which, while they are comparatively of minor importance, may be considered as affecting in a great degree the personal feelings of the Court, rather than the interests of the Proprietors. Of that nature is the proposed alteration in the mode of appointing civil servants, respecting which, as you have again adverted to it, and expressed an intention of extending it, the Court will only say, that the scheme which shall most effectually provide the means of giving good servants to the Indian empire, is that which will, assuredly, meet the views of the Court, whatever its effect may be on their patronage.

We have the honour to be, Sir,

Your most obedient and faithful servants,

(Signed) J. G. RAVENSHAW.

C. MARJORIBANKS.

The Right Honourable Charles Grant,
&c. &c. &c.

No. XXVI.

AT A

SECRET COURT OF DIRECTORS.

Held on Friday, the 22d March 1833.

No.
XXVI.

Secret
Court,
22Mar.1833.

THE Chairman laid before the Court a letter received this day from the Right Honourable Charles Grant, dated at the India Board, the 21st instant, acknowledging

acknowledging the receipt of the letter from the Chairman and Deputy Chairman of the 18th instant, stating that as he has already expressed to the Court the sentiments of His Majesty's Ministers upon several of the topics therein adverted to, he does not think it requisite now to re-enter into them; and that if it be thought proper again to discuss them, a more fitting opportunity will occur in a future stage of the proceedings, when at the invitation of the Court he shall willingly engage in such discussion; declining, however, to re-open the consideration of the amount specified by Government for the guarantee fund, or of the purpose to which that fund is to be applicable; stating, with respect to the duration of the proposed annuity, which he considers to be a fair subject of negotiation with the Proprietors, that His Majesty's Ministers are ready to recommend it to Parliament, to declare that within the term of forty years the Annuity shall not be liable to a compulsory discharge; but that as regards the duration of the Company's political functions, His Majesty's Ministers are not under the same obligation of coming to an immediate resolution; adding, however, that if the present arrangement be adopted, he shall be happy to be favoured with the Court's views on the propriety of fixing any, and if any, what period to the political authority of the Company; pointing out in reference to the subject of appeals, the course which it is intended to pursue in cases in which pecuniary claims of an old date may be revived, and concerning which the Court and the Board may differ; expressing his sincere participation in the solicitude of the Court for the Officers and servants of the Company, whose interests may be affected by the proposed change of system; and in conclusion requesting that the plan as it now stands may, at the Court's earliest convenience, be submitted to a General Court of Proprietors.

And the said letter having been read,

It was moved and on the question;

Resolved, That the letter addressed by the Right Hon. Charles Grant to J. G. Ravenshaw, Esq., dated the 16th instant, and which was read as part of the Chairman's speech in a Committee of the whole Court on that day, be now delivered in and added to the other documents relating to the present negotiation. Whereupon

The same was delivered in and read.

The Court then proceeding to take into consideration the letter from the Right Hon. Charles Grant of the 1st instant:

No.
XXVI.

Secret
Court.
22Mar.1833.

No.
XXVI.
—
Secret
Court,
22Mar.1833.

The Chairman submitted the draft of a proposed letter to Mr. Grant, informing him that, agreeably to his desire, the Court have convened a Special General Court for Monday next, for the purpose of communicating to the Proprietors the correspondence which has passed respecting the Company's Charter; stating, that in the present stage of the discussion, the Court feel that the time has not yet arrived when it would be proper for them to submit to their constituents any distinct recommendation upon the subject: but that they fear, from Mr. Grant's last letter, that it will be impossible for them at any time to lend their sanction to the proposed scheme, since, independently of other considerations, the vital condition upon which he had previously declared it to rest, viz. the binding up in one link the interests of the Proprietors with the country which they are to assist in governing, will be abandoned, unless the Company retain the administration of the country for all the time during which their interests are to be identified with it.

And the same having been read,

It was proposed to leave out all the words after the word "scheme;"

And the question, "That the words proposed to be left out stand part of the letter," being put by the ballot,

It passed in the affirmative.

The said draft of a letter to Mr. Grant was then approved.

Draft of an advertisement summoning a Special General Court for Monday next, the 25th instant, was likewise read and approved.

No. XXVII.

LETTER from the Right Honourable CHARLES GRANT to the
CHAIRMAN.

Great George Street, 16th March 1833.

MY DEAR SIR:

No.
XXVII.

Letter from
the Rt. Hon.
Chas. Grant,
16Mar.1833.

It may be satisfactory to you to know my impressions on two or three points, on which, as I do not consider them as conditions of the proposed arrangement, I gave no specific information in my last letter to you and the Deputy Chairman.

I have not mentioned any period for the repayment of the annuity of £630,000, nor did it seem necessary, as, in your letter, you had alluded to
it

it only generally; but I should think it fair to fix it at the period when the guarantee fund, according to probable calculation, shall amount to six millions. Short of that period the annuity not to be redeemable, and thereafter to be redeemable at the option of Parliament, by the repayment of £100 for every £5. 5s. of the annuity.

The period during which the political functions of the Company shall be continued is not specified; but it appears to me that it should be about fifteen years. At the same time, it would be well worth the serious consideration of the Court, whether the Company will not stand better and firmer, if the Act contain no provision respecting the time of their government of India.

The number of members of which the Court of Directors shall consist, is a matter of difficulty. The obvious diminution of the duties of the Court would seem to render some reduction necessary, subject to a question, how far that reduction should take place before the complete winding up of the commercial concern. Probably it would be well that the Court should be divided into committees, having the care of separate departments of the administration, and in that case it is clear that there must be retained a sufficient number of Directors to constitute those Committees.

On the subject of appeals, to which the Court seem to attach considerable weight, I might have added a remark in my letter.

It is intended that, in all cases in which old pecuniary claims are revived, and about which the Board and the Court differ, such, for example, as those which have unfortunately divided us of late, the Act shall provide means (if any can be devised) of referring them to some independent authority or judicature.

I think it right to give you my present impressions on these points. I give them, I need not say, sincerely; and it is not likely that I should change them, unless on very strong reasons shewn. I do not mean even this degree of reservation to apply to the provision that the annuity, whenever redeemable, shall be redeemed at the rate of £100 for every £5. 5s. This I always considered as a *sine quâ non*, and it was so treated in my first letter to you and the Deputy Chairman.

I am, my dear Sir,

Your's, very truly,

CHARLES GRANT.

J. G. Ravenshaw, Esq.
&c. &c. &c.

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Letter from
the Rt. Hon.
Chas. Grant,
16Mar. 1833.

No. XXVIII.

No.
XXVIII.Letter from
the Rt. Hon.
Chas. Grant,
21 Mar. 1833.LETTER from the Right Honourable CHARLES GRANT to the CHAIR-
MAN and DEPUTY CHAIRMAN.

India Board, 21st March 1833.

GENTLEMEN :

I beg to acknowledge the receipt of your letter of the 18th instant.

I have now the honour to reply to the enquiries of the Court, so far as under the circumstances of the present correspondence seems necessary and practicable.

In the observations which I am about to offer, I hope that you and the Court will not ascribe it to any want of respect on my part, if I adhere to the rule which I laid down when I last addressed you; I mean that of confining my attention to those points which appear to be vital and fundamental to the proposed arrangement.

In your letter of the 18th instant you advert to a variety of topics, on which I have already expressed to you the sentiments of His Majesty's Government, and into which, accordingly, I do not think it requisite now to re-enter. If it be thought proper again to discuss them, a more fitting opportunity will occur in a future stage of our proceedings; and I can only say that, at the invitation of the Court, I shall willingly engage in such discussion; in so far at least as concerns matters not as yet conclusively determined. I make this exception, because, among the topics in question, there are two which involve the very basis of the arrangement, and of which I must therefore, in adherence to the course which I have prescribed to myself, decline to re-open the consideration.

These are,

First, the amount (£1,200,000) of the sum set apart for the guarantee fund; and

Secondly, the application of that fund solely to the capital of the annuity of £630,000.

Fully appreciating the motives of duty towards their constituents which have induced the Court to revert to these subjects, I am not the less obliged to state my inability to accede to the wishes of the Court respecting them; and I should more deeply regret this circumstance, were I not of opinion that sufficient security is furnished to the Company by the concession already made in this matter by His Majesty's Ministers.

There

There is, however, one subject touched on by you, regarding which I think it incumbent on me to meet your desire for further information, the term during which the annuity of £630,000 is to be irredeemable. For, as to the rate of repayment, you have justly construed my silence to imply, that the Government intend to adhere to the rate mentioned in the Paper of Hints, namely, £100 for every £5. 5s. But respecting the term of the annuity, I feel that I am able to answer your enquiry without any substantial departure from the rule to which I have alluded, as limiting the range of my present communication.

This is a point which you have a right to urge as a subject of consideration preliminary to your recommendation of the new arrangement; and I was in expectation of some suggestion in relation to it, in your letter of the 27th of February. As it is now brought under notice, I have no objection to regard it as having been mooted in that letter; and I proceed to give my reply.

Before I do so, however, I must, in reference to one of your remarks, observe, that the term of the annuity is a question to be kept entirely separate from that of the duration of the Company's political functions.

The former is a fair subject of negotiation with the Proprietors, as affecting the pecuniary value of their property. The latter, as involving solely a political trust, must be determined exclusively in reference to the national interests of Great Britain and of India.

The two questions are indeed connected by the Government plan; but they are to be resolved on independent principles; nor can it be admitted that His Majesty's Ministers are under the same obligation of coming to an immediate resolution in the one case as in the other.

If the arrangement be adopted, I shall, of course, be happy to be favoured with your views on the propriety of fixing any, and, if any, what period to the political authority of the Company, as well as on all other questions which regard the administration of our Indian dominions. It is the more necessary to reserve this point at present, as I conceive that it will hereafter be a matter for grave consideration, whether the interests of India and of the empire at large will not be better consulted, and whether the Company will not in every respect be more strongly and advantageously placed, if the duration of their political functions is left indefinite, than if they are put under the invidious, and perhaps delusive, protection of a specified period.

As to the duration of the annuity, expecting that the guaranteed fund will, in about forty years, amount to six millions, His Majesty's Ministers are ready to recommend it to Parliament to declare that, within the term of forty years, the annuity shall not be liable to a compulsory discharge.

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Letter from
the Rt. Hon.
Chas. Grant,
21 Mar. 1833.

No.
XXVIII.

Letter from
the Rt. Hon.
Chas. Grant,
21 Mar. 1833.

In reference to the subject of appeals, to which the Court appear to attach considerable weight, I think it right to insert here a remark, which ought more properly to have found a place in my last letter.

It is intended that, in all cases in which pecuniary claims of an old date are revived, and concerning which the Court and the Board differ—such for example, as those which have unfortunately occurred of late—there shall by law be provided means (if any can be devised) of referring them to the consideration and decision of some independent authority or judicature.

There is yet one topic to which, although it was, as I hope, sufficiently noticed in my last letter, I cannot, in deference to the feelings of the Court or in justice to my own, omit once more to recur: I mean the consideration which is undoubtedly due to the officers and dependents of the Company. In the solicitude of the Court on that head, I sincerely participate; and in the arrangements respecting the future circumstances of those meritorious servants, it will be my anxious desire, as well as my duty, to co-operate with the Court in every effort to fulfil the obligations of justice and liberality. But, without entering into details, I trust that the Court and the Company will be satisfied with the general assurance which I gave in my last communication, and which I have now repeated.

I here close the observations which I think it necessary at the present moment to offer to the Court.

In declining to enter more largely into the topics to which you have called my attention, I am not actuated by any indisposition to the fullest and minutest examination, of every question that must be included in a comprehensive view of the present conjuncture, and of the principles of policy which it requires us to adopt. But I feel a deep conviction, that it will be in every respect the most convenient and advantageous course to abstain from the consideration of matters of detail and circumstance, however important or interesting, until we shall have agreed on those still more vital and essential matters, which are to form the foundations of the desired arrangement.

It, therefore, remains for me only to request that the plan as it now stands may, at your earliest convenience, be submitted to a General Court of Proprietors.

I have the honour to be, Gentlemen,

Your most obedient and humble servant,

CHAS. GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. XXIX.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the Right
Honourable CHARLES GRANT.

East-India House, 22d March 1833.

SIR:

We have the honour to acknowledge the receipt of your letter, dated the 21st instant.

Agreeably to the desire which you have expressed; the Court have convened a Special General Court for Monday next, for the purpose of communicating to the Proprietors the correspondence which has passed respecting the Company's Charter.

In the present stage of the discussion, the Court feel that the time has not yet arrived when it would be proper for them to submit to their constituents any distinct recommendation upon the subject, but they fear from your present letter, that it will be impossible for them at any time to lend their sanction to the proposed scheme, since, independently of other considerations, the vital condition upon which you had previously declared it to rest; *viz.* the binding up in one link the interests of the Proprietors with the country which they are to assist in governing, will be abandoned, unless the Company retain the administration of the country for all the time during which their interests are to be identified with it.

We have the honour to be, Sir,

Your most obedient and faithful servants,

(Signed) J. G. RAVENSHAW,

C. MARJORIBANKS.

The Right Honourable Charles Grant, M.P.

&c. &c. &c.

No.
XXIX.

Letter to
the Rt. Hon.
Chas. Grant,
22 Mar. 1833.

No. XXX.

LETTER *from the Right Honourable CHARLES GRANT to the CHAIRMAN and DEPUTY CHAIRMAN.*

India Board, 25th March 1833.

GENTLEMEN :

I have the honour to acknowledge the receipt of your letter, and to thank you for the information that the Court of Directors have summoned a Special General Court, with the view of communicating to the Proprietors the correspondence that has recently passed on Indian affairs.

I must, at the same time, express my regret, that the Court do not feel themselves enabled to offer to their constituents any distinct recommendation on the subject; and still more, that they anticipate the impossibility of giving, at any future period, their sanction to the proposed scheme.

Of the considerations which have led to this anticipation one only is specified, and to that particularly I now desire to advert.

A suggestion having been made by me, the effect of which would be, that the term during which the political functions of the Company should be continued to them would fall short of that during which the annuity to be paid to the Proprietors should remain unredeemed, the Court conceive that I have abandoned the condition of linking the interests of the Proprietors with those of the country to be governed; a condition which His Majesty's Ministers have always represented as essential to the plan.

I cannot allow the great question at issue to be referred to the Proprietors without attempting to vindicate His Majesty's Ministers from such an imputation.

A very few words will place this position beyond doubt, and will shew the misconception into which the Court have fallen.

Anxious that the plan should afford an adequate security for the good government of India, the Ministers have felt, and I, on their behalf, have repeatedly

No. XXX.

Letter from
the Rt. Hon.
Chas. Grant,
25 Mar. 1833.

No. XXX. repeatedly argued, that it was material that the Company, an intended and most important organ in the constitution of that Government, should be bound up in point of interest with the country to be governed, and consequently that the annuity to be paid to the Proprietors should be charged on the Indian territory. The natural inference, so far as any inference could be drawn on the subject, was, that the annuity should remain unredeemed so long as the Company's political functions should continue to be exercised.

Letter from
the Rt. Hon.
Chas. Grant,
25 Mar. 1833.

The Court, it will be seen, have inverted the inference. They construe it to be, that the Company's political functions should continue to be exercised so long as the annuity remains unredeemed; and because the suggestion to which I have referred would not accord with such a proposition, they conclude, I do not think justly, that a vital condition of the plan is necessarily sacrificed.

It was avowedly for the sake of India that I urged the principle of identifying the interests of that country with those of the Company, so long as the Company should continue the administration of Indian affairs. On the other hand, I admit that the Company have, on their part, a right to contend, if they think proper, that they ought to retain the administration of Indian affairs so long as their interests are identified with those of India. But the Court will, I am sure, perceive that this is the converse of the principle on which the plan proceeds; and on this point I do not, in the present stage of the discussion, express a decided opinion.

I am glad of the opportunity of offering this explanation, to which I do not doubt that the Court will do justice.

I request that you will do me the favour of adding this letter to the papers which are to be presented to the Special General Court.

I cannot conclude without expressing my earnest hope that the Proprietors may see reason to regard favourably the proposition of the Government. They will, I trust, bear in mind, that it is on the leading principles of the plan, and only on these, that they are now called to exercise their judgment. That they will perform this duty with a candour and deliberation suitable to its importance and responsibility, I cannot doubt: and it is on this conviction that I rely, as well for the soundness of their ultimate decision, as for their just estimation of the motives which influence the conduct of the Government on the occasion. His Majesty's Ministers have no end in view except the general advantage of the empire. The plan which they propose will, in their opinion, be found, on a dispassionate consideration, to recommend itself as calculated
to

to consult the various interests to be provided for, and above all, to promote that object for which the Proprietors have ever manifested the liveliest solicitude,—the well-being of our fellow subjects in India.

No,XXX.
Letter from
the Rt. Hon.
Chas. Grant,
25 Mar, 1833.

I have the honour to be,

Gentlemen,

Your most obedient humble servant,

CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

LONDON

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Lincoln's-Inn Fields.

No. XXXI.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 3d April 1833.

HENRY ST. GEORGE TUCKER, Esq., a Member of the Court, delivered in his Dissent from the Correspondence which has recently taken place on the part of the Court with the Right Honourable Charles Grant, respecting the Company's Charter, recorded as approved on the Minutes of the Secret Court of Directors which were read to the General Court on the 25th ultimo, and are now under the consideration of the Proprietors.

The said Dissent was read, being as follows, viz. (See No. XXXII. *infra*.)

No.
XXXI.
Court of
Directors,
3 Apr. 1833.

No. XXXII.

DISSENT by HENRY ST. GEORGE TUCKER, Esq.

ALTHOUGH our letters to the President of the Board of Commissioners for the Affairs of India are distinguished for their ability, for their clearness, their candour and truth, their conciliatory tone and spirit, and statesmanlike views, as well as for their successful refutation of that specious and imposing, but unsatisfactory reasoning, which characterizes the letters of Mr. Grant, yet I cannot determine to give my full and unqualified assent to those large and important concessions which have been extorted from us in the course of the pending negotiation.

In one brief line, we are called upon to assent to the absolute surrender of the Tea Trade, which has hitherto constituted the great, and only certain source of supply for the payment of our Dividends; a trade which furnishes the most safe and advantageous remittance of the territorial tribute, and which,

No.
XXXII.
Mr. Tucker's
Dissent,
30 Mar. 1833.

No. which, conducted as it is at present, pours into the British Exchequer an annual revenue of three and a-half millions sterling, free of the charge of collection : I pass over this question for the moment, as I propose to address myself, in the first instance, to those leading points which are canvassed in our letter to Mr. Grant of the 18th instant;

Mr. Tucker's
Dissent,
30 Mar. 1833.

First. I do not consider the Annuity proposed to be granted to the Proprietors of East-India Stock, payable out of the surplus revenue of India, to be such as the Court can safely recommend for acceptance to *English capitalists*, unless it be guaranteed by a sufficient capital, to be secured to the Proprietors in this country.

Second. I consider the sum of two millions sterling, which the Court seem inclined to accept as a Guarantee Fund, to be insufficient either to secure the punctual payment of the Annuity of £630,000, or to provide for the ultimate redemption of the principal.

Third. I am of opinion that no adequate provision has been made for the safe and punctual remittance of funds to provide for the regular payment of the Annuity, in addition to the large territorial charge which is incurred annually in this country.

I have always been accustomed to regard the Commercial Assets of the East-India Company as the fund to which they might fairly, justly, and confidently look for the payment of their Dividend, and ultimately for the reimbursement of their capital.

These assets have been produced from the original contribution of the Proprietors (the last subscription having been made at the rate of £200 for every £100 of stock), and from the accumulation of commercial capital during a long course of years, the Proprietors not having been permitted to divide their profits, although their property was exposed always to commercial risk.

The right of the East-India Company to this capital is so clear and incontestable, that it is only wonderful that a doubt should have been expressed with respect to it. Mr. Grant's menace of confiscation, or of destruction by Legal or Parliamentary process, is evidently addressed to our fears. No British Minister can ever seriously have contemplated such a proceeding; nor do I believe that any statesman could be found in this country, bold enough or wicked enough, to put such a threat into execution.

I contend, then, that the Commercial Assets of the Company, after satisfying all legal obligations, and after setting aside a sum sufficient to provide for the payment of Commercial Pensions and Annuities, ought to have been reserved

as a Guarantee Fund for the payment of the Annuity of £630,000, and for the redemption, eventually, of the capital of twelve millions; at the rate proposed by Mr. Grant of £100 for every £5.5s. of Annuity. This is the legitimate object to which those Assets ought to be applied, instead of their being reserved for the discharge of the Bengal remittable Loan; an application which is not desired by the Indian creditor, and which would involve a positive injury to our Proprietary, who would be severed from their capital, and placed as creditors upon the territory of India.

I contend further, that the Court ought to have insisted on having time allowed for the realization of these Assets. Whether they are to be appropriated to the redemption of territorial debt or to the formation of a Guarantee Fund, the Proprietors of East-India stock, and the Government and the Nation, are alike interested in our having the means of realizing them to the best advantage. We have ordered Teas to be purchased in China, sufficient, with the quantity in store and *in transitu*, to supply the consumption of this country to the end of 1836; and if the Ministers should be so impudent and so unjust as to open the trade suddenly in 1834 to the wild competition of adventurers and smugglers, it is to be apprehended that a heavy loss must be sustained on our sales of Tea after that period. We have retained and kept up this very large stock, under what has appeared to me always to be a doubtful construction of the Act of Parliament. But even if the obligation upon us did not extend so far, the Court can fairly plead consideration for the British consumer as their justification; for while we were entrusted with the exclusive privilege of supplying his wants, it was incumbent upon us to supply them liberally, and to take care that no casual interruption of the trade, or other circumstances, should produce a scarcity of the article, and the consequent enhancement of its price. Is the East-India Company to be mulcted? Is its property to be left unprotected and liable to deterioration, in consequence of the just and liberal consideration manifested by its functionaries towards the British public?

Further, let me observe, that we have generally, and I believe at the present moment, advances for Silk, outstanding in the hands of those who cultivate the mulberry and rear the silk-worm, of Pykars, Gomashas, and others engaged in the supply of the cocoon, to the extent of about seventy lacs of rupees, or £700,000 sterling.

Now, if the manufacture be suddenly relinquished, a large portion of this sum will be lost to the Company; for advances of the kind in India, where

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the cultivators and manufacturers have seldom much capital, can only be realized gradually. Moreover, a serious loss must also be sustained if all our factories are brought to sale at once, before private individuals are prepared to undertake the manufacture upon a large scale. The loss is not the only evil. We have carried on the manufacture to a great extent (from £700,000 to £800,000 annually) upon mixed considerations: partly, to encourage and support a very numerous and useful class of our native subjects; partly to effect a remittance of the territorial surplus to this country; and partly, I may say, to furnish at a moderate price and of a good quality, the raw material of one of our most valuable manufactures. This was a *national* object, to which the Court of Directors have never been indifferent. We have not unfrequently sustained a loss on our trade. We have been willing to encounter this contingency; but who will take our place with an intention to act in the same manner, and upon the same public principles?

It would be unreasonable and absurd to expect that any private merchant should sacrifice his more immediate interests to public considerations. He must, and he will act upon commercial principles; and he will not embark his capital, or devote his time, to the advancement of national objects. Will any Minister, then, attending only to the interested representations of Agents and Adventurers, place one of our most valuable staples in jeopardy?

Will he allow thousands, and tens of thousands of our industrious and suffering manufacturers to be thrown out of work, and to become paupers on our already burthened parishes, by suddenly putting an end to the system under which the raw material is at present so abundantly and regularly supplied, without having any satisfactory assurance that a proper substitute for our Agency will immediately be found; I have never been an advocate for the union of the Commercial and Political character in *India*; but I am not so prejudiced or so wedded to system, as not to be capable of perceiving distinctions, or of admitting exceptions from the best general rules; and I do foresee that great public inconvenience may be experienced from a sudden and peremptory discontinuance of our agency in carrying on the manufacture of raw silk in our Bengal territory. When I state that I feel no reluctance to separate the Political and Commercial character, I confine myself strictly to *India*.

The trade from *China* to England stands upon a very different footing; and I never had a more deep-rooted conviction upon any public question, than I have

have upon the expediency of continuing to the East-India Company the exclusive supply of the home market with the article of tea. This privilege, I maintain, is to be justified on *commercial, fiscal, and political* considerations of the greatest weight; and serious will be the responsibility of the Minister who is presumptuous enough to supersede the system by resorting to an untried experiment. I have long and deeply reflected on this most interesting question; and although I fear that the decision is already taken, and that all remonstrances on our part would now prove unavailing, I am induced to annex to this Dissent an extract from a Paper which I wrote on the subject in 1831. My proposition, it will be seen, was confined to a *temporary* extension of our exclusive privilege to supply the *home market* with tea, because I thought that a temporary concession, under certain restrictions, would be more easily obtained, and because I entertained a hope that time and experience would bring wisdom, would dissipate prejudice, and silence popular clamour so far, as to enable the Government of this country to act upon the dictates of reason and sound policy.

The Court, in their last letter to Mr. Grant, do call for a temporary extension of our Commercial operations; but as they do not take precisely the same view of the manner of proceeding which I am disposed to do, I will state concisely the particular concessions which I think it would be desirable to obtain from His Majesty's Ministers.

1st. The trade between England and India, and between India and China, to be entirely relinquished by the Company in 1834, with the exception of the articles of Silk and Saltpetre.

2d. The Company to import Silk and Saltpetre, as heretofore, to the 1st July 1836; but in the mean time to dispose of their factories and buildings *gradually*, so as to avoid loss on a forced sale, and to reduce their advances in order to realize the outstanding balances, without unnecessary sacrifice, and without distressing the parties who are under engagement to liquidate those advances by the delivery of cocoons or silk.

3d. The Company to discontinue the importation of tea after 1834-35,

4th. The Company to be allowed time for disposing of their stock of Tea in hand to the 1st July 1836; and no Teas to be imported into Great Britain or Ireland by Private-Traders before the 1st July 1835, nor be brought to sale in this country before the 1st July 1836.

5th. Private Merchants to be allowed to send their ships *immediately*, under license by the Company, to China and the Eastern Islands, to export freely

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the

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- the produce and manufactures of this and all other countries, to bring back the produce and manufactures of China and the Eastern Archipelago, the article of Tea only excepted for home consumption, and to carry that produce and those manufactures to all parts of the world where British ships are received, without any exception whatever.
- 6th. The sum of two crores of rupees to be placed by the Supreme Government annually in the Commercial Treasury of the Company, in two equal instalments, on the 1st January and 1st July of each year, to the 1st July 1836, to supply a Territorial remittance to this country.
- 7th. The sum of two millions sterling, in return, to be placed by the Company in the Home Territorial Treasury, for the payment of the Annuity of £630,000, and the Military Pensions and other Territorial charges, including Bills for the interest of any portion of the Indian Debt which may still be payable in this country: The two millions, as above, to be paid in like manner by two equal half-yearly instalments, on the 1st January and 1st July of each year, into the Home Territorial Treasury.
- 8th. Such portion of the sum of two crores of rupees as may be required, to be applied to the purchase of Silk and Saltpetre.
- 9th. The Commercial assets which may be realized in India by the sale of Factories and other buildings, and by the recovery of debts, to be applicable eventually to the same purpose.
- 10th. The Supra-cargoes at Canton to draw on the Commercial Treasury of India for such funds as they may require, and as they may find it practicable to obtain, by bills, for the purchase of the Tea investment.
- 11th. These Supra-cargoes (or a Chief and Council, with an establishment on a reduced scale) to continue under the immediate control of the Company, and to be employed, not only in their present duties, but in the exercise of a consulate control over the private shipping, Indian and British.
- 12th. To have the power of sending away any European British subject from China, in the same manner as this power has been, or may be granted to the Governments of India.
- 13th. To be furnished with copies of all invoices or manifests of Tea shipped on British bottoms for consignment to Europe, and to transmit copies of such documents, both to the Court of Directors and His Majesty's Board of Customs, in order that the necessary precautions may be taken to guard against the illicit introduction of the article into Great Britain and Ireland.
- 14th. All private ships trading to China and the Eastern Seas to sail under license

license by the Company, and the Owners and Commanders to enter into Bond, engaging to land cargoes of Tea at the port of consignment, and to observe, under penalty for its infraction, the laws and usages of China, and the other countries and islands with which they may carry on trade.

15th. The Supra-cargoes to be employed generally as the instruments of effecting the remittance of the Indian territorial surplus to this country, even after the Commercial functions of the Company may have ceased; and for this purpose, to be allowed still to draw upon the Treasuries of India, and to invest the funds so obtained in the purchase of Sycee silver, or other bullion for consignment to England, or in the purchase of Bills on this country, secured by consignments of Tea and other produce.

16th. Such consignments to be realized by the Company, and the proceeds to be applicable to the payment of the Home territorial charge.

17th. The Warehouses and buildings in this country, which may not be required for commercial purposes on the reduced scale of the Company's trade, to be disposed of as opportunities may offer, and the establishment of Officers and Servants to be reduced as far as may be practicable, the supernumeraries receiving pensions or other suitable provision, due regard being had to their merits and length of service.

I shall now revert to those important questions with which I commenced, namely, the competency of Indian security to satisfy a European creditor, and the sufficiency of a Guarantee Fund of two millions sterling as collateral security; and with a view to arrive at safe conclusions on these questions, it will be necessary to consider the present and probable future state of our Indian finances, the political condition of our empire, and the extent of those commercial resources which we can look to as a means of remittance to this country. I shall treat these several topics as briefly as possible, for the time allowed for recording a Dissent will not admit of my entering into details, and a plain summary will, perhaps, best answer the end which I propose to myself.

That Indian security is highly appreciated by the Native capitalist and by Europeans residing on the spot, is quite certain; and that an Annuity payable out of the Indian revenue would be, for some time, negotiable, and perhaps very acceptable to the speculators in the money-market of this country and the Continent, may also be admitted; but that such an Annuity could with propriety be offered to the Proprietors of East-India stock, without an adequate guarantee, in exchange for the large Commercial capital which belongs to them,

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them, I cannot for one moment allow. It would be an absolute mockery to tender to the Widows and Minors, to the Trustees and other parties, whose funds are locked up in our Stock, an annuity which they cannot realize, and which the Indian Government may find it difficult to pay with punctuality, even for a short term of years.

It will not satisfy me to be told that the five per cent. securities of the Indian Government can be disposed of at par, and that the Bengal Remittable Loan bears a premium of about thirty-five per cent. I apprehend that this is an artificial value, produced by peculiar circumstances. The Remittable Loan is held as a sort of Bill of Exchange bearing interest. It is its English value of 2s. 6d. the sicca rupee which has created the high premium, it having been found impracticable, for some years past, to obtain a safe remittance at a better exchange than 1s. 11d. the sicca rupee, or the medium produce of a consignment in bullion. So, too, the value of the five per cent. Debt has been enhanced by the difficulty of transferring capital to this country. Private credit in Calcutta has sustained a severe shock: and as the savings from Income, or the accumulating capital, cannot find a safe channel for conveyance home, the resident capitalist is compelled in some measure to invest his growing funds in the Government securities, at whatever sacrifice. No man, I presume, of common prudence, would willingly keep his capital at a vast distance from his personal control and management, and at some risk and charge of agency, merely to obtain an interest of five per cent. per annum, when he can generally realize four per cent. in this country without any such risk or expense, and an interest of five per cent. in the securities of Prussia and other Continental States.

When I submitted to the British Public a short Digest of the Finances of India brought down to the year 1822-23, nothing could well be more prosperous than our situation. We had a gross revenue of about twenty-two millions. The Indian surplus amounted to full two millions per annum, affording a net surplus of half a million sterling, after providing for the payment of the territorial charges in this country. The public Debt bearing interest amounted to £31,623,789; but we had in our treasuries above ten millions in *specie and bullion*, of which from three to four millions was applicable to the immediate reduction of the local debt.

I contemplated this picture at the time with infinite satisfaction, I own; but how different is the present aspect of our affairs! The fatal Burmese war undermined the very foundation of our financial prosperity. Our treasure
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has been exhausted; our debt has been increased from £31,623,780 to £41,301,308; no surplus revenue has been realized sufficient to defray the territorial charge; and from the best view which I can take prospectively of our finances, I entertain serious apprehensions with respect to the practicability of our obtaining from India, even during a period of peace, a clear annual surplus, sufficient to provide for the territorial disbursement in this country, augmented, as it will be, by the Annuity of £630,000.† For this opinion I am bound to state my reasons.

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The Indian surplus for the year 1830-31, after a peace of six years' duration, and after a careful and unsparing reform of the public establishments, is stated at £1,799,633, and the home charge to be defrayed from this surplus amounted in the same year to £1,473,565.

But have we any reasonable ground of confidence that the revenue can be maintained on its present scale? I fear not.

The land revenue of Fort St. George and Bombay is falling off; and, in my opinion, it will continue to decrease, while we continue to uphold in that territory the existing system of revenue administration. From the same cause, the land revenue of the Ceded and Conquered Provinces under the Bengal Presidency can no longer, I fear, be depended upon. Our promises to the landholders to fix the assessment in perpetuity, have not been redeemed. They have no longer the same confidence in us, or the same motive for calling forth and improving the resources of their lands; and the country is placed under the management of Revenue servants, who have no permanent interest in its prosperity. For my sentiments on this subject, I must refer to my Dissent of the 27th December last; as I must to my Minutes of the 30th May 1827 and 8th August 1829, for my opinions with respect to the system of revenue management adopted at the presidencies of Fort St. George and Bombay.

But it is not merely the Land Revenue which is undergoing a process of deterioration; the Opium and Salt Revenue is, I apprehend, becoming insecure. The management of the former during the last ten years has been, to say the least, very questionable. We have proceeded upon a new principle, and have endeavoured, by means of treaties with the Rájpoor States and other arrangements,

* See Annexed Statement A.

† It will not be augmented to the full extent of £630,000, because it is proposed to apply the Commercial Assets to the redemption of the Home Bond Debt and of the Bengal Remittable Loan. The Interest redeemed will be a deduction from the amount of the Annuity.

No. XXXII. arrangements, to force and extend production and consumption. These onerous treaties have, it is true, been abandoned; but a remedy for an evil is not always found by withdrawing from a wrong course: the effects may still remain, and be felt for a very long period.

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The Salt Monopoly, as it is called, is threatened with destruction, in this country. I was twice examined on the question last year by a Committee of the House of Commons, and the object of the cross-examination, evidently was, to extort from me an acknowledgment, either that Liverpool salt could be substituted with advantage, or that the manufacture should be opened to private speculation, to the supercession of the present Government agency. To both these projects my opinion was decidedly adverse; and I think it right to repeat in this place, my firm conviction that, if the change contemplated of giving up the manufacture to private speculators should be carried into effect, it will be impossible to realize the large revenue which is now drawn from the consumption of salt in Bengal under the existing system of management.

It may be urged, that if our revenue should fall off, we must reduce our expenditure. True.—We have been engaged in this difficult and ungracious work for several years; and no man who has not, like myself, been employed upon Committees of Finance, can well form an idea of the difficulty of cutting down the public establishments of India, without producing evils as much to be deprecated, perhaps, as the absence of economy. I am aware that great savings have been anticipated from the more general employment of the Natives as Revenue and Judicial functionaries; but we must not proceed too rapidly in this work of substitution. No individual has a higher opinion than myself of the intelligence of the Natives of India, and of their capacity for office, and I was one of the earliest advocates for their being associated with us, as Assessors, in the administration of justice, and as Tehsildars, or subordinate Collectors, in the management of the Land Revenue. But I nevertheless consider that, in the present state of society in India, it would not be safe to employ the Natives *generally* in offices of high trust without European superintendence.

If I turn from this slight review of our finances to an examination of our political situation in India, I cannot perceive, I confess, any just grounds of confidence or gratulation. I am sensible that I must touch upon delicate ground, and I shall touch it lightly; but I cannot admit that safety is best secured by shutting our eyes against the perception of danger. When I peruse the publications which are constantly issuing, both from the European and the Native press of India, I find abundant matter for serious reflection. The tem-

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per of the European officers upon several subjects is far from satisfactory. The Native Army of Bengal is no longer composed, I believe, of the same excellent materials as heretofore. The higher order of men, both Mahomedan and Hindoo, can no longer be induced to enter the service. That service has been very harassing to them of late, in consequence of the numerical reductions which have been made in the strength of the regiments: they have been employed on duties which were formerly performed by provincial battalions, and in a part of the country where the climate is injurious to those who have not been habituated to it; and other causes of dissatisfaction, and even of disgust, might easily be pointed out, if any useful purpose could be answered by the exposure.

Within the last two years insurrections have taken place in various parts of the country, and even within fifty miles of the principal seat of Government. I am quite aware that popular tumults have occurred at former periods, at Bareilly, at Bénarès, at Mirzapore, and other cities; a slight insurrectionary movement also occurred about thirty years ago in Midnapore, in consequence of the resumption of some Chákerán lands; and something of the kind took place at a later period in Cuttack. But these partial disturbances have been of rare occurrence, and have hitherto been easily suppressed. There seems, however, to be something new and peculiar in the character of the Khole insurrection, which I have not seen satisfactorily explained; and although it is well known that combustible materials exist in many parts of our Indian territory which are readily ignited by fiscal rapacity or religious zeal, this is a circumstance arising out of our situation and the nature of our dominion, which has not hitherto assumed a malignant character. We must never forget that we have superseded the ancient Government; that we have displaced the aristocracy of the country, and have extended our rule over an immense population, differing from us in religion and habits, and in almost every feature of character. This has been, and this must be, our position; but has it assumed any new aspect? I think it has. The Hindoos are advancing rapidly in knowledge; education is making great progress; the press is active and busy. Those Natives who have received an English education have imbibed new views, have acquired new desires, and evidently feel that they may justly claim a larger share in the administration of their country. British subjects, not in the service, are aspiring to the possession of land and of political power. Some of the King's Judges have inculcated doctrines calculated to weaken the power and influence of the local Government. The discus-

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sions in this country on the subject of the religious observances of the Hindoos have produced uneasiness; the surveys and local scrutinies which have been carried on, the enquiries which have been instituted into the right of appropriate waste lands, and into the titles of the holders of rent-free lands, have all tended to shake confidence, and to create distrust and alarm; and above all, the degradation of the landed aristocracy of the Western Provinces, and the evasion of our pledge to give the benefit of a fixed assessment to the landholders, have created enemies in that quarter, where enemies are most to be dreaded. Political economists may say that this is all as it should be; that an aristocracy is a useless incumbrance upon the land; and that the best possible system of taxation is for the Government to assume the entire rental of the country. Be it so: but the excluded Talookdars and Zemindars will still remember that their rights have not been respected; and it is impossible that they should contrast their present with their former condition without a feeling of discontent. The Hindoo is passive and enduring, submissive by habit to his rulers, and easily conciliated by kindness; but he is keenly alive to insult and the sense of injury, and when roused is capable of the most headlong violence.

A tribe of fierce Mahomedans (the Rohilla Afghans) is spread over the fine province of Rohilcund; a brave race of Jáats inhabit the Upper Doab and the adjacent districts on the west of the Jumna; and the Rajpoot is found in almost every part of the country, with that martial spirit which he displays in his native seat in Central India. Let us not, in our presumption, fancy that these warlike tribes are to be neglected and misgoverned with safety: They have a rallying standard at hand at Delhi; and the Board of Commissioners have manifested a disposition of late to raise and give importance to that illustrious pageant, by the marked countenance which they have shown to his unaccredited agent in this country. Nor is this a solitary instance where the long-established policy of the court has been overruled. That power which heretofore protected the people of India in some degree, and which enabled us to defend the public purse, has of late been weakened; and the Court of Directors of the East-India Company have been placed in the humiliating situation, of being forced repeatedly to act against the judgment and conscience of a majority of its members.

But even if we admit, what I cannot admit, that our policy is unimpeachable,

* See the Court's Letters of the 9th May and 5th July last.

able, that our political situation abroad is as firm and as stable as it appeared to be ten years ago, and that our Western Provinces are not in that unsettled and unsatisfactory state in which I believe them to be at this moment; if, moreover, we assume, what I do not think probable, that a surplus revenue can be produced in India for a series of years, sufficient to defray, not only the Home Territorial charge, but the Annuity of £630,000* to the Proprietors of East-India stock, *which was heretofore supplied from our Commercial profits, now for ever to be abandoned*; still let me ask, in what manner is the remittance of from two to three millions sterling from India to England to be effected? By means of what agency is the operation to be conducted; and in what manner are the Proprietors of East-India Stock, the Civil and Military Pensioners, and other Annuitants, to be guarded against disappointment?*

That valuable article, Indigo, will, it may be expected, continue to furnish a supply to the extent of at least two millions † annually. Silk may be produced and imported into this country, as at present. Cotton, Sugar, Drugs, Saltpetre, Dyeing-woods, and various other articles may swell the amount. Bullion may also be imported; but the Government will always have to encounter the competition of private remitters. The remittance in Tea, in Silk, and some other articles, is at present *in our own hands*; but if we go into the market merely as purchasers of Bills, we may not always find good Bills to the extent required; nor shall we, I fear, find *safe* Bills generally, at any time, unless they be secured by consignments of goods. ‡ And who are to be the consigners and managers of these goods? who are to effect insurances and sales? Are we to resort once more to our Commercial character in order to effect these purposes? §

I am quite willing, as a Member of this Court and as a proprietor, to relinquish the Company's Trade with *India* as soon as we can wind up our Silk concern, and dispose of our factories and buildings without making an unnecessary sacrifice. ¶ *China* is the proper channel for the territorial remittance. In that country *we have no political character* to interfere with our Commercial functions. ¶ *China* incurs annually a large debt to *India* for Opium and Cotton; *England* incurs a large debt to *China* for its Teas; and *India* incurs a large political debt to *Great Britain*. ¶ This international account has been hitherto settled in the simplest manner through the instrumentality of the Company; ¶

* See former note.

† The Indigo sales in this country have reached three millions and a half, but in the last two years they have little exceeded one million sterling per annum.

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but we could not, I think, with all our advantages, venture to engage in a race of competition with those whose operations may be expected soon to derange the markets of purchase and sale for Teas, in the same manner as they have already deranged the markets of India. The circuitous remittance through China must therefore, I presume, be effected by consignments of bullion, or by Bills: and here again occurs the question, whether it would be safe to take Bills without the security of goods, and whether the management of such consignments will not render a recurrence necessary to our Commercial functions. Mr. Grant's Guarantee Fund of £1,200,000 would suffice only for two years, even if it should be made applicable to the payment of the Dividends; but what would be the situation of the Proprietors should War occur—should the Revenue fail—or should the remittance by private Bills experience the fate which has lately attended such remittances?

Upon the best consideration which I can give to these multiform difficulties, it appears to me that the Proprietors of East-India Stock will not have sufficient grounds of reliance for the punctual receipt of their annuity from the territorial surplus of India, unless a fund be established in this country as a collateral security: and impressed with this apprehension, I am bound, as a faithful steward and as an honest man, to explain the grounds of my opinion. I wish not to disparage the resources of India. I should be sorry, indeed, to cast the slightest shade over public credit in that country, or to express a doubt with respect to the territorial securities, in which the property of so many of my countrymen is invested. The question for us to consider is, whether we can recommend our Constituents to *surrender their property and become creditors upon the territory of India*. This question they must decide for themselves; and it will be a relief to my mind, if the grave responsibility of influencing their decision, on an occasion where they have so much at stake, should devolve on others better informed than myself. One thing they cannot fail to remark—that the security for their property will be poor indeed, if their Court of Directors be rendered an inefficient body; and if the complex machinery, to be constructed for the administration of India, is to be framed upon the model of the colonial system in operation in our other transmarine possessions.

Mr. Grant has justly observed in one of his letters, that the protection of the Home Exchequer is the affair of the Government and not of the East-India Company; and I do not call in question the wisdom of Ministers to conceive, or their power to execute. They may have devised plans for the regular

regular and economical collection of the high duty on Tea, and for the prevention of smuggling; a practice which is not only destructive of good morals and injurious to the fair trader, but which often leads to bloodshed and to other crimes. But still I may be permitted to ask, is it nothing to divert Commerce from an established channel? Is it a light matter to shut up the Docks and Warehouses of this great metropolis; to send adrift its Traders, Factors, and Brokers, and some two or three thousand Labourers who are now employed by the Company? Political economy may say again, "this is all as it should be; let capital and labour seek the best places for employment, and find their proper level." But, in the mean time, the numerous classes of persons to whom I have alluded may be ruined. Liverpool, Glasgow, and Hull may gain something; but their gain will be at the expense of those whose interests and well-being ought equally to be the object of the Statesman's care.

I have urged, that we should ask for *time* to wind up our commercial concerns without a gratuitous waste of property; but let it not be supposed for a moment, that I consider the future abandonment of our Trade with China to be desirable, or to involve no public inconvenience. I maintain, that true policy would impel His Majesty's Ministers to perpetuate our agency for the supply of the home consumption with Teas. I contend, that we can purchase them, and supply the British consumer with great advantage, both with respect to price and to the quality of the article. The Paper which I annex shews the grounds of this opinion; and nothing which has been adduced in evidence before the Committees of Parliament, and nothing which has come to me through the press, or otherwise, has tended to weaken, in the slightest degree, the impressions which I have received on this subject. They are equally strong upon the *political* branch of the question, the projected change of system appearing to me likely to produce collision, and to endanger our friendly relations with the Government of China.

I will now advert, in as concise a way as possible, to those questions which are connected with the functions and powers of the Home Authorities under the proposed arrangements, as far as I can collect from Mr. Grant's Correspondence the nature of his plans.

First. The retention of the power to recal Governors and Commanders-in-Chief appears to me to be highly essential to the respectability and efficiency of the Court of Directors. This power has been rarely exercised, and there can be no temptation, to abuse it; but if it be withdrawn, the Public Functionaries abroad may set at nought the authority of the Court, and may hold

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us in contempt. A Governor may be lavish in the public expenditure, may think only of providing for his own dependents or those of the Ministry, may be indolent and inactive, or arbitrary and capricious in the exercise of his powers, and notwithstanding these and other defects of character and conduct, he will retain firm possession of his station, as long as he can succeed in propitiating the Ministry of the day, who may be interested in his continuance in office, and even derive influence and advantage from his mal-administration.

Second. I consider the control of the Army should continue to vest in the Court of Directors. I do not observe that the Indian Army is noticed in Mr. Grant's Correspondence; but as the question of incorporating it with His Majesty's Army was discussed at a former period, and as a great deal of evidence has been taken before the Committee of the House of Commons on the expediency of such an incorporation, it would, I think, have been satisfactory if Mr. Grant had specifically declared, that it was not the intention of His Majesty's Ministers to propose any material change in the constitution of that force, which has hitherto been maintained as a distinct corps, deriving its existence from the East-India Company, and owing allegiance to that body.

Third. I attach little importance to Mr. Grant's proposal, to deprive the Court of Directors of the power of making small grants of money and of bestowing small pensions and annuities. We have not abused the power, I hope, and whether it be quite delicate to withdraw it without a necessity or any apparent reason, I am quite satisfied that the public expenditure should be subject to as much check and control as possible. While men act, right, and only desire to do that which is just and proper, they can feel no objection to the most rigid scrutiny of their proceedings.

Fourth. The number of Members to constitute the Court of Directors.

If the number of Directors were to be determined now for the first time, and the Court were relieved from their Commercial duties, I should say that twenty, or even sixteen, Directors, might conduct the Territorial business; but I can perceive no sufficient reason for a change, and I should be disposed to retain the present number in preference, for the following reasons:

We are more likely to find the knowledge and experience necessary for conducting such diversified and complicated duties in the larger number.

The patronage can with more safety be assigned to the larger number.

There is a greater probability of our commanding the services of men of high character and independent fortune. One of the practical advantages of the
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the present system, strange and anomalous, as it may appear in theory, is that it collects together men from different branches of society, possessing habits of business and varied knowledge and experience in almost every profession and department of the public service; and these different elements operate mutually as checks upon each other. Their connections are numerous and supported, as they generally have been, by the Proprietary and by this once powerful City, they constituted a great and influential body, which no Ministry could safely attempt to coerce while they acted upon sound public principles. Their power and independence would diminish with the diminution of their number, and they would no longer constitute a barrier to protect the interests of India against the selfish policy which too often displays itself in this country.

Party spirit, which is apt, no doubt, to impede public business, may be found among four as well as among twenty-four: a fact which was strikingly illustrated during the memorable administration of the late Mr. Hastings in India.

It is quite true, that business proceeds in general with more dispatch when conducted by small numbers of men, and that responsibility can be made more direct and efficient. But it would not be difficult, I think, to accomplish these objects, by dividing the Court into Committees upon a different plan. This is suggested to us by Mr. Grant; but it is matter of internal arrangement, which the Court are competent to adopt without any legislative provision. A very simple and easy modification of our Committees would enable us to apply our knowledge, and to distribute our labour in a more useful manner, and would supersede the necessity for substituting *votes* and a *Secretary's signature* to our despatches, as proposed by Mr. Grant, since the Committee which should prepare the despatches might be required to attest them under a personal responsibility.

But the greatest difficulty which Mr. Grant's plan of administration involves remains to be noticed, namely, the disposition of the relative powers of the Board and the Court, in such manner as to maintain a just equipoise, without compromising the efficiency of the system. This is a difficulty inherent in the complex problem to be resolved.

Unity of design and action is, I acknowledge, very essential in the exercise of political power; but Mr. Grant's plan would seem to put us forward before the public as an administrative body, to be entrusted with certain mechanical functions, while all substantial power would vest in the Board. It would make us something like a steam-engine, which the hand of the engineer is wont to

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stop or put in motion at pleasure. Now, the very worst system of administration is, I think, that which assigns ostensible responsibility without actual power, and bestows unlimited power without direct responsibility.

Still, however, we must not be too fastidious. The present system is, by no means perfect. It works tolerably well, because it commands the services of respectable, upright, and independent men. Good instruments will improve an indifferent system, and take much of the evil out of a bad one. If we fly off, because things are not placed precisely on the footing which we would wish, the new machinery may fall into worse hands, and the people of India will be the great sufferers.

I will state concisely the points which it appears to me necessary to insist upon, and which, if conceded, would enable the Court, I hope, to continue to act as a useful organ for administering the affairs of India.

1st. The Court to retain the *Initiative* in all cases, except those which relate to the Secret Political Correspondence with India.

2d. The Court to retain the absolute power of recalling Governors and Commanders-in-chief, as well as all other public functionaries and servants, without the exercise of a *veto* by the Board.

3d. The Court to retain the Military Patronage, and the control of the Indian Army and the establishments abroad, upon the present footing.

4th. The Board to continue, as at present, to exercise the power of sending out Political despatches through a Secret Committee of the Court; and to exercise further, upon their own responsibility, the same powers which have been conferred on the Governor-General in Council of India, of acting without the concurrence of the Court, on all matters involving questions of international law, the obligation and construction of treaties, the levying of war, making peace, and generally, on all matters purely of a political character; but in cases where the Board may so act on their separate responsibility, the grounds of their proceeding to be regularly recorded; and such powers not to extend to Revenue, Judicial, Commercial, or Military matters.

5th. The Board to have the power of altering despatches prepared by the Court; but should the Court demur upon any important occasion (after remonstrance, or a personal conference), to adopt such alterations in cases involving a great public principle, as contracts with the public creditors, engagements with the landholders, and the like, the Court to be at liberty to bring such questions before the Privy Council; and the Court to be bound to carry into effect any orders which may issue under the sanction of that tribunal. But,

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in all cases, the Court to be at liberty to record their protest or dissent from orders issued by the Board upon their separate responsibility, and copies of all such protests or dissents to be printed every year, and submitted to Parliament and to the Court of Proprietors, except in instances where, from the nature of the subject (the discipline of the Army, and the like), publicity may, in the judgment of the Court, be liable to produce public inconvenience.

6th. In cases of minor importance, where the Court may differ from the Board, without being prepared to oppose the alterations made in their despatches, the Board to have the power of ordering the despatches so altered by them, to be forwarded immediately to India; but the Court to be at liberty to enter a protest upon their proceedings, in all cases where they may see fit to do so.

7th. The Board to exercise a *veto* in the case of all money grants and pensions, both at home and abroad, as well as on the creation of new officers, and generally a restraining power over the public expenditure, both in this country and in India.

8th. Should it be determined to reduce the number of the Court hereafter, in consequence of their being relieved from all Commercial business, the number not to be less than twenty (including the four members who will be out by rotation), and the remaining ten to be employed, until vacancies occur, in settling and winding up the Commercial concerns of the Company, and in managing the Guaranteed Fund to be produced from our Commercial Assets.

It appears to me that, with some such provision, the Court might safely undertake to become the organ of the territorial administration; and it is unquestionably our duty to smooth the way, as far as possible, to a satisfactory settlement of the great questions at issue with His Majesty's Ministers.

The question relating to the nomination of Writers to the service of India is one of national concernment, and on this subject Mr. Grant has given us only a very indistinct insight into his views. The Court have very properly expressed their feeling on this subject, and I am quite sure that they will be satisfied with that arrangement which may seem best calculated to provide for the interests of the public service.

It is, in truth, a great constitutional question, whether the Patronage of India can be safely deposited in other hands; and the Court of Directors do not ask for any power or privilege, which cannot be conceded on public principles.

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No. XXXII. I have now explained my sentiments on the leading points which are adverted to in the course of our Correspondence with the President of the Board of Control. The performance of this duty has been attended with much anxiety; for the occasion is one of paramount importance, and we have been placed in a situation of peculiar difficulty, in being called upon to decide on the best course to be pursued to protect the interests of the Proprietors, whom we represent. This consideration has made me solicitous to explain the grounds of my opinion, in those instances where I have not had the good fortune to concur with some of my colleagues, and especially upon the proposed Guarantee Fund, which appears to me to be quite inadequate. We have all laboured together with the most earnest zeal at this momentous crisis in our affairs. We have one object, one interest, and one duty; and if we should succeed in reconciling the differences which have occurred, and in establishing an arrangement with His Majesty's Ministers on a satisfactory basis, we shall have just ground to congratulate ourselves upon our success, and we shall have deserved well of our Constituents, of the People of India, and of the British Public.

Mr. Tucker's
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30 Mar. 1833.

East India House,
30th March 1833.

(Signed) H. ST. G. TUCKER.

No. XXXIII.

PAPERS referred to in Mr. TUCKER'S DISSENT.

(A.)

STATEMENT OF INDIAN RESULTS combined with the Home-Charges from 1814-15 to 1830-31.

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Papers referred to in Mr. Tucker's Dissent, 30 Mar. 1833.

	INDIA		Home Charges	Surplus	Deficit
	Surplus	Deficit			
	£	£	£	£	£
1814-15	1,342,273	—	1,391,865	—	49,592
1815-16	276,893	—	1,402,472	—	1,125,579
1816-17	955,451	—	1,390,359	—	434,908
1817-18	487,489	—	1,347,052	—	859,563
1818-19	—	42,766	1,446,001	—	1,488,767
1819-20	—	80,833	1,544,857	—	1,625,690
1820-21	1,648,798	—	1,414,210	234,588	—
1821-22	2,057,051	—	1,507,773	549,278	—
1822-23	3,087,960	—	1,628,153	1,459,807	—
1823-24	426,387	—	1,287,560	—	861,173
1824-25	—	1,445,487	1,651,077	—	3,096,564
1825-26	—	3,039,625	1,817,232	—	4,856,857
1826-27	71,303	—	2,429,894	—	2,358,591
1827-28	—	1,190,575	2,060,141	—	3,250,716
1828-29	1,022,130	—	1,967,405	—	945,275
1829-30	1,138,238	—	1,748,740	—	610,502
1830-31	1,799,633	—	1,473,565	326,068	—
				2,569,741	21,563,777
					2,569,741
TOTAL DEFICIT					£ 18,994,036

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In support of the foregoing Propositions for laying the basis of an arrangement with His Majesty's Ministers, I submit the following

EXPLANATORY REMARKS.

It is scarcely necessary, nor is it perhaps practicable, to specify the various modes in which the East-India Company may be exposed to loss and embarrassment, and the public service to inconvenience and injury, from a longer delay in establishing the basis of the plan, on which the commerce of the Company is hereafter to be conducted, and the future administration of the Indian territory to be provided for.

The Court of Directors are at this moment in the situation of tenants whose lease is about to expire. They are not looked up to as the permanent Governors and Administrators of the Indian territory; they have already lost much of that weight and influence which are essential to the useful and efficient exercise of the functions of government; and their authority over their servants and officers abroad must soon cease to be respected, if any doubt should be permitted to exist, with respect to its stability and duration beyond the term of the existing Charter.

In transacting the commercial business of the Company, difficulties are daily occurring. We cannot engage ships, or enter into other contracts carrying us beyond the term of the Charter; we cannot with safety give any further order for the provision of investment; and we have already, perhaps, exposed the Company to the hazard of loss, by authorizing the purchase of a quantity of Teas in the ensuing year, 1832-33, sufficient, with the quantity previously ordered and in store, to supply the home consumption for at least twelve months after the expiration of the Charter in April 1834,* and should our

* Quantity of Company's unsold Tea in Warehouse on the 4th November 1831,	lbs. 51,168,568
Quantity ordered for consignment in 1831-32.	30,350,000
Do. 1832-33.	30,000,000
Equal to nearly four years' consumption	lbs. 111,518,568
Average quantity of Company's Tea sold in the last three years	lbs. 28,128,388

exclusive privileges be then withdrawn, the sale of these Teas must be exposed to very injurious competition from those who may rashly embark in the trade before they have acquired the necessary knowledge and experience to enable them to conduct it with safety and advantage.

It may also be observed, that the Company have large commercial advances and other debts outstanding; that they possess valuable and extensive buildings and factories for the manufacture of silk and other purposes; and that these commercial assets cannot be realized without considerable loss, unless time be allowed for winding up the concern to the best advantage.

The Company have already made great sacrifices, by prosecuting an unprofitable trade, for the purpose of upholding the manufactures of India, and of furnishing the territorial remittance to this country; but the Court of Directors would not be justified in continuing this trade for another season, if the Company are not to enjoy any exclusive privileges beyond the term of the existing Charter.

It must, at the same time, in candour be admitted, that the Company will make no concession to which they attach value in abandoning the trade with India, or the trade between India and China, or the export trade to China from this country, the importation of Teas alone having yielded generally a commercial profit during the last ten years. They are not disposed, therefore, to assume any merit in making such a concession. It is consistent with a due regard to the interests of all the parties concerned, that they should withdraw from certain branches of trade; but the time and manner of retiring from this commerce must depend, in some degree, upon the nature of the arrangements which may be contemplated with relation to their future existence as a Commercial and Political Body.

From the year 1820 the trade with India has been attended with a heavy and an increasing loss, amounting in eleven years to the aggregate sum of £3,137,920; but it is necessary to explain, that a large proportion of this loss is to be ascribed to the rates of exchange at which the Company have been required, by the express order of the Board of Commissioners, to replace from the proceeds of their consignments from India the territorial charge disbursed in this country. Had a more equitable rate of conversion been adopted, having for its basis the bullion value of the coins interchanged, the actual loss, within the period in question, would have been reduced to the comparatively small sum of £775,089. The difference or excess may be regarded as a sacrifice exacted from the commerce to the territory.

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The Company, indeed, have been often and severely reproached for carrying on this trade so long, by those who are not apparently aware that it has been prosecuted for the purposes of a forced remittance; and with the view of upholding, for a time at least, the declining manufactures of India. The latter object was one to which the rulers of a country alive to the situation of the people could not be indifferent; but experience has shewn, that the skill and industry, and cheap labour of India, cannot, under any degree of encouragement from the Government, maintain a successful competition with the power of British machinery; while the Legislature has not, in its wisdom, seen reason to bestow on our Asiatic subjects, that equal protection so manifestly their due, by allowing their produce and manufactures to be received into this country at the same rates of duty at which the produce and manufactures of Great Britain are received into the Ports of British India.

If it be objected to the Company, that it was imprudent to continue a remittance trade which did not yield as much as would have been produced by a remittance in bullion, it will be proper to hold in mind, that the precious metals are not to be found in our Indian territory; and although they are imported from various quarters in the operations of commerce, there is necessarily a limit to their exportation. We cannot supply their place to any considerable extent by the substitution of a paper currency, because the ordinary transactions of the people are on too small a scale to admit of the use of such a medium of exchange, while the facility of counterfeiting it constitutes a serious objection to the more general introduction of a paper currency among them. Any sudden and considerable diminution of the quantity of specie in circulation has accordingly been found to be productive of public inconvenience. It is liable to derange prices, to affect public credit, and to create difficulties and impediments in realizing the revenue and in carrying on the commercial business of the country.

The Company's trade in cotton and sandal-wood to China was also one of remittance for the supply of the Canton treasury,* and it was considered to give

* It is no longer necessary for the purpose, and it has in part been already abandoned.

The consignments of Cotton have yielded, on an average of nine years, per Sicca Rupee	1s. 10d. 629
The Remittance by Bills, ditto	2s. 1d. 719
Bullion Value of a Sicca Rupee	2s. 1d. 56

The consignments of Cotton from Bombay have yielded a fair remittance. The provision of cotton and sandal-wood at Madras has been discontinued, in consequence of its having been attended with loss.

give profitable employment to the Company's shipping when required for political objects (the conveyance of troops, stores, &c.) ; for as the additional charge for freight was only thirty shillings per ton, it was presumed that they would earn much more; in the shape of political and commercial freight, on the circuitous voyage.

The exportation of metals and British manufactures to China was also prosecuted, with the double view of furnishing a remittance, and of promoting the manufacturing interests of this country. But the time is at length arrived, when collateral objects of this kind must give place to more urgent considerations. The Company have been charged with a total disregard of commercial principles, when, in fact, commercial objects were not immediately in view. They have been told that their transactions have had the effect of deranging both the foreign and domestic markets; that they have purchased dear and sold cheap, with little attention to profit and loss, or to the state of supply and demand; that, in uniting the character and powers of sovereign to that of merchant, they have obtained an undue advantage over other traders; and that they have thus driven out those who would have carried on the commerce of India on safe and wholesome principles, and to the advantage of the empire at large.

It would answer no useful purpose, at this late period, to enter upon an examination of these charges. The Company are willing to admit, that the time has arrived when some important changes may be introduced in the existing system with the prospect of advantage, and they are solicitous to satisfy all the just expectations of the country. They are prepared to abandon the trade from India altogether, and to withdraw from the export trade to China, both from India and this country. They are moreover willing to confine their commercial operations to the single article of Tea for the supply of the home consumption, allowing the British merchant to engross the rest of the trade between China and the Eastern Archipelago, and every other part of the world.

By giving up the circuitous voyage to India, and by despatching their ships to China at certain stated seasons, they have reason to expect that the voyage may be completed in less than twelve months, and that two voyages may be performed in the period which is now occupied by one; that by means of this easy and judicious change, by reducing the military equipment of their ships, and by contracting for the tonnage required for the home voyage only, a saving in the charge of freight may be effected in nearly the proportion of one-half the present amount, while by reducing their stock of Tea, and the consequent charge

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charge of interest, and by enforcing certain reductions in the charges of merchandize, both abroad and at home, the trade will be relieved from every expense which is not essential to its successful prosecution.

So much evidence has been brought to bear upon the question of the China monopoly, that it would be vain to attempt to reconcile the discordant statements and opinions which it exhibits; but there are certain facts connected with it which admit of no contradiction. Under the existing system, the Government of this country realize an annual revenue of from three millions and a half to four millions sterling, without incurring any charges of collection, while the Company are enabled to pay the dividends on their capital stock, amounting to about £600,000 per annum, which constitute properly a national charge, since a portion of this capital has actually been advanced for territorial purposes, that is, for maintaining our dominion in a country, whose possession has tended most essentially to aggrandize the British empire.

It may be asked, then, will any statesman of common prudence be found disposed to put to hazard a revenue of this kind, so safely and so easily realized, by resorting to untried theory? What interest is he called upon to protect? That of the British consumer, it will be replied. But the British consumer must continue to pay the present tax of £100 per cent., unless some effectual and unobjectionable substitute can be provided; and has not the experiment been made of reducing the tax on Tea, and substituting one which was found to be of a much more oppressive character? And have not the Government been compelled to *recur* to this productive source of supply, by raising the tax on Tea to its present high standard?

If the British consumer be called upon to pay inordinate charges in addition to the tax, he would have just cause of complaint.* But such will not be the case; and the Court of Directors, supported as they are in the opinion by the best evidence on the subject, must contend that their teas are procured on *more favourable terms*, both with respect to quality and price, under their management, than they are likely to be under the competition which must take place,

* The Company, like other merchants, must of course look to a profit on their trade, sufficient at least to pay the interest on the capital employed, which, on the capital employed in Tea (about six millions) would amount to about £300,000 per annum. In collecting the tax without any charge, a saving accrues to the nation, which operates as a relief, either to the consumer or to the payer of taxes generally. The charge of collecting the customs of the United Kingdom exceeds six per cent., that on the excise exceeds five per cent. Take the lowest, and the charge of realizing the revenue on Tea would amount to about £200,000 per annum.

place, in the event of the trade being rendered perfectly open and free. They must also contend, that the prices in the home market are likely to be more steady and uniform under the present management; for although the competition of numerous importers might sometimes reduce them below their natural level, that is, below the actual expense of bringing the article to market, there will occur, on the other hand, violent alternations in the case of a deficient supply; and the consumer will not only suffer from enhanced prices, but also from that adulteration which high prices always tend to produce. Had not the East-India Company, at a very great sacrifice of interest, observed the precaution to retain a large stock of tea in their warehouses, it is to be apprehended that the late occurrences in China would have had the effect of raising the price of the article far beyond its ordinary rate, and that the British consumer at this moment would have been exposed to all the disadvantages incidental to a deranged state of the market. Moreover, it may be asked, in what manner could an *ad valorem* duty of £100 per cent. be collected, if the Company's public sales were dispensed with? Would it be safe to take the invoice or a valuation by brokers, or the result of a private sale, when there would be such temptation to evade so high a duty; when the article itself is of a quality which is not discoverable from any particular designation, and when the price of this article depends so much upon the taste, if not the caprice of the consumer?

The Chinese system for regulating their foreign commerce by the instrumentality of the Co-Hong, or society of merchants, is essentially one of monopoly, and this confederation can only be met and opposed by an agency of the same character. Individuals acting against individuals negotiate upon equal terms, and prices are generally brought to a just level; but if a single seller have the privilege of supplying great numbers of eager and inexperienced purchasers, it cannot be difficult to determine on which side the advantage will preponderate. The British merchant will be in a great measure at the mercy of the Chinese Hong. Not having any factory or establishment at Canton, he will be liable to many impositions, for which it will be impossible afterwards to obtain indemnification. He will have no ground of confidence; every chest of tea must be examined to ascertain its quality; and to detect those frauds in the package which the Chinese practise with so much skill; and he will be exposed to all those exactions, vexations, and delays, which are only now prevented by the weight and influence of a great commercial body, proceeding steadily, and combining the advantages of unity of action.

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And how, it may be asked, will collision with the Chinese Government be prevented, if numerous adventurers be permitted to flock to that country in small vessels, in pursuit of some temporary object, without regard to future consequences? The free traders from India and America have already established an organized system of smuggling at the anchorage of Lintin, in open defiance of the Chinese authorities, and the outrages which they have lately committed, in aggravation of their habitual violation of the law, are likely to produce a most embarrassing question of a political nature. British consuls may, no doubt, be stationed at Canton, and be invested with ample powers of restraint and control, but it is apprehended that they would be objects of jealousy to the Chinese authorities; and whatever control they might exercise over British subjects trading as such, they could not give them that distinctive character which the ships and officers of the Company at present bear, and which prevents their being confounded with other foreigners, whose conduct may be such as to give just ground of offence to the Chinese Government.

Some inconvenience may be experienced from the promiscuous resort of British shipping to China, *even under licenses from the Company*; but the evil will be of a much more serious character if its mediatory influence should be withdrawn, and all causes of commercial difference should become matter of political concern to the two States.

Again, if an unrestricted intercourse with China be conceded, and the British merchant be allowed to import tea into Great Britain in ships of all descriptions, by what means can a contraband trade be prevented? In what manner will it be practicable to secure the revenue, when there is the temptation to evade a duty of £100 per cent.? At present, the large ships of the Company are well known and easily identified. They import at a particular dock; they never break bulk (as it is termed) during the voyage; and strict regulations are prescribed to enforce the delivery of every chest of tea which is put on board in China. The commanders and officers holding their situations during good behaviour, with the prospect of rising to higher grades and to the superior advantages of the service, have much at stake, and their good conduct can confidently be relied upon; but if the free importation of tea into England should be permitted without these necessary checks, and without those grounds of confidence which a well organized and respectable service is calculated to afford, it will be extremely difficult, if not impracticable,

impracticable, to guard against frauds upon the revenue to a very injurious extent.

If, however, financial considerations could with prudence be disregarded, if an annual revenue of nearly four millions sterling might without inconvenience be endangered, or the Government were prepared with an unobjectionable substitute, there are *political* considerations which demand the most deliberate attention. The existing system of restraint has tended unquestionably to prevent any serious collision with the Chinese for a century past; and it is impossible for any sober mind to contemplate a rupture with that empire without feelings of the deepest repugnance. The Chinese do not court a political connection with us; they are not solicitous even to extend a commercial intercourse. They have a right to frame and enforce their own municipal laws and regulations, and to observe whatever policy shall seem to them best in relation to the commerce of foreigners at their ports. They have almost isolated themselves from the rest of the world; and without being in a condition to attempt aggression on other nations, they claim only the privilege of remaining unmolested at home. The empire, which in point of geographical extent is second only to that of Russia (if we exclude our own territorial possessions in the East), is thronged with a peaceful and industrious people, whose numbers are estimated at one-fourth of the population of the inhabited globe; and whatever may be its theoretical or practical defects, this people have long submitted to their national government and to its institutions, without appearing to desire foreign interference or a foreign connection. And yet there are men rash enough to meditate the invasion and subjection of this immense empire! Men who would carry war and desolation into a country, to teach its Government the principles of free trade, or to enforce a recognition of the international law of Europe! The project of invading so populous a region while the Government and the people are united, would be sufficiently extravagant, if the object were just and rational. It would be wild, because the expense must be enormous, the waste of life must be great, and the prospect of success slight and uncertain; while success itself would perhaps in its consequences be a greater evil than disappointment. We have already a much larger territory than we can properly govern; we have more subjects than we can protect and foster, and improve in their social condition; and we have complicated duties to perform and perplexed interests to adjust, very far beyond the ordinary reach

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XXXIII. of human intelligence. To add the empire of China to our dominion (if Europe and America should quietly submit to our further aggrandizement) would be to heap one huge mass upon another, until the whole should fall by its own weight, or until by some sudden convulsion the enormous branches should be violently torn from the parent stem.

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The commercial intercourse with China is extremely beneficial to us, and its continuance is highly desirable. It supplies us exclusively with an article of consumption, which is conducive to the comfort of our people, and which could not now be dispensed with, without breaking in upon our long-established habits. This article is *the productive source of a large revenue, which is realized without difficulty and without expense.* The Chinese receive in return our metals and manufactures, and they also take from us (too largely, it may be apprehended) a large quantity of opium, the produce of our Indian territory, from which we draw a considerable annual revenue.

These are among the financial and political considerations which call for dispassionate examination. Under the existing system, the important objects adverted to have in a great measure been secured; and it is not too much to contend, that under an entire change of that system, they would be placed at very great risk. If the Chinese could be prevailed upon to adopt the policy of free and unfettered trade, we might fairly be called upon to act upon the same principle; but a confederated association, on the one hand, can only be met and successfully opposed by an organized body of the same description. The Company's Factory at Canton is constituted in a way peculiarly suited to counteract that which might prove extremely injurious in the constitution of the Chinese Co-Hong; and there are abundant grounds for believing, that the quality of the Teas has been preserved from deterioration, and that the prices have been maintained on a fair and just level, by the steady, firm, and judicious conduct of our Supra-cargoes. It is not enough to shew that the Americans and others can purchase good and cheap Teas at Canton. They are enabled to do so under the shelter of the Company's monopoly. They benefit by the influence which we have established, and only travel with ease and convenience, because we have constructed a safe and commodious road for all those who have occasion to frequent it. The extensive purchases of the Company, which are regulated by parties meeting upon an equal footing, determine the general prices of Tea, and may be said to settle the market; and the American and other purchasers follow with ease in the wake of this great body, which has already penetrated the resisting medium.

Moreover,

Moreover, in noticing the commercial advantages which we derive from our intercourse with China, we must not overlook the fact, that it furnishes a safe, convenient, and advantageous channel for effecting a remittance of the territorial tribute due from India to the mother-country. China incurs annually a commercial debt (or balance of trade) to the extent of above two millions sterling, for the opium and cotton which it receives from India. Great Britain, on the other hand, incurs a large debt to China for the teas with which it is annually supplied; and India incurs a political debt to Great Britain, both on account of surplus revenue applicable to the payment of territorial charges at home, and also on account of the private fortunes acquired by British subjects in India, which sooner or later are removed to the mother-country. This extra demand upon India, beyond that which may arise on the reciprocal interchange of commodities, is estimated to amount to at least three millions sterling per annum; and the East-India Company have acted as the great instrument of effecting the remittance. By very simple arrangements, the debts and credits of the three countries have, in a great measure, been adjusted by this great commercial and political organ of administration. Where a balance is found to exist, it is settled by a bill, instead of having recourse to the more tedious and expensive process of a bullion remittance; and although the system of management has not yet, perhaps, attained its utmost state of perfection, the Court of Directors, if invested with the single privilege of supplying exclusively the home market with Tea, can confidently undertake to effect, as heretofore, the territorial remittance on favourable terms, and to supply the British consumer, regularly and abundantly, with the article of the best assortments and qualities, and at fair and reasonable prices. The first cost in China, it is contended, will be *more moderate* and *less fluctuating* and *uncertain*, than it is likely to be under the influence of that violent competition which a free trade must engender. The law* which requires the Company to put up the article at public sale at prices which represent the actual cost with the subsequent charges, must furnish ample security against the exaction of inordinate profits, as long as the consumption is fully supplied; and the Company, so far from having attempted to enhance prices by a scanty and inadequate supply, have been anxious to promote consumption and to extend their trade, by habitually retaining a much larger stock of Teas than the demand

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* Act 24 Geo. III cap. 88, sec. 5.

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required or the provisions of the Legislature exacted,* and by exposing a larger quantity for sale than the dealers have been generally disposed to purchase; thus proposing to realize a small per-centage on a large consumption, rather than a high rate of profit on a more limited quantity.

The facts which have been adverted to are capable of being substantiated by documentary evidence; and it would not be difficult to furnish much more ample details, if the present statement were intended to do more than lay the foundation for ulterior proceedings.

With respect to the deputation of a Commission to India, for the purpose of prosecuting an enquiry on the spot, it may be observed, that the Committees of the Lords and Commons have collected a great body of evidence on Indian affairs; but it is certain, at the same time, that their investigation has not been conducted with that regularity and steady attention to particular objects, which are essential to give it a connected form and a concentrated force. The examination of witnesses is very diffuse and desultory, and is frequently broken in upon and interrupted; the object of the questions is not always apparent, and the bearing of the replies is often involved in doubt and uncertainty. The opinions of the witnesses are various and discordant, and even upon matters of fact their statements are sometimes adverse and contradictory. The immense bulk of evidence renders a digest of it extremely difficult, and it can scarcely be reconciled or be justly appreciated, except by those whose previous knowledge has rendered them independent of any such enquiry.

That difficulties of the same kind may occur in the course of prosecuting a local enquiry cannot be denied; and unless the investigation be committed to able, independent, and impartial men, it may be *worse than useless*. Three experienced Commissioners, however, employed as they will be upon one great object with undivided attention, may be expected to proceed in a more systematic manner towards the great end proposed, and to collate, arrange, and work up the materials which may be collected, in a way to embody every

* Act 24 Geo. III. cap. 38, sec. 5, requires that Tea shall be ordered to be purchased, sufficient with the stock in hand to supply at least *one year's consumption*. The Company have usually retained a stock equal to about two years' consumption, independently of the quantity *in transitu*. For the quantity exposed to sale annually, see Statement B.

every thing of importance, to the exclusion of every thing which is not essential to the development of the questions at issue.

The following summary is intended to exhibit the various heads of enquiry to which the attention of the Commissioners should be directed; but it will be useful to furnish them with instructions much more in detail, with respect to the time and manner of conducting the investigation.

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First General Head.—China, the Eastern Archipelago, and the Settlements in the Straits of Malacca.

1st. On the best means of improving and securing our political relations with the Government of China.

2d. On the best means of rendering the commerce between China and Great Britain most conducive to the prosperity of the national interests.

3dly. On the expediency of continuing to the East-India Company the exclusive privilege of supplying the home market with the article of tea.

4th. On the nature of the establishment (whether consular or otherwise) which should be maintained at Canton, or at any other station, for superintending the trade, and controlling the conduct of British subjects while resident in China.

5th. On the state of the trade carried on between China and British India, and on the best means of preserving the revenue derived from the opium monopoly in Bengal.

6th. On the best means of encouraging and improving the trade which is carried on by British subjects in the Indian Archipelago.

7th. On the present condition of the British Settlements in the Straits of Malacca, the Coast of Tenasserim, &c.

8th. On the best means of providing for the administration of those dependencies.

9th. On the question of rendering the Island of Singapore, or some other convenient station, an entrepôt for British commerce with China, in the event of any obstruction occurring to the commercial intercourse of British subjects with that empire.

10th. On the best means of preventing piracy, contraband trade, and the traffic in slaves, in the Straits of Malacca and the Eastern Archipelago.

11th. On our political relations with Siam, Cochin-China, and the Malayan States.

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Second Head.—On the Constitution of the Government of British India.

- 1st. With relation to its constitution, efficiency, and political powers.
- 2d. Its legislative functions.
- 3d. Its judicial functions, and power of control over European British subjects and foreigners.
- 4th. Its power to regulate and control the press.
- 5th. Its control over the army.
- 6th. Its civil and military patronage.
- 7th. Its relations towards the Independent Native Powers.
- 8th. Its connection with the States of Oude, Hyderabad, Nagpore, and other dependencies.
- 9th. Its connection with the Rajpoot States, Bhopaul, Saugur, Rampoor, &c.
- 10th. Its relation towards the titular Emperor of Delhi, the Nawaub of Moorshedabad, the Nawaub of the Carnatic, the Rajahs of Tanjore, Mysore, &c.
- 11th. Its means of control over the military force maintained by the Government of Hyderabad and other dependencies.
- 12th. Its power to tax European British subjects.

Third Head.—Supreme Courts of Judicature.

Powers and jurisdictions of these Courts over the Natives of India residing beyond the limits of Calcutta, Fort St. George, and Bombay.

Over the Revenue, Military, and other Servants of the Government.

Over Natives in the employ of Europeans.

Their claim to *exclusive jurisdiction*, whenever their jurisdiction attaches, and to superiority over the Provincial Courts to the exclusion of a concurrent jurisdiction.

Their efficiency in affording protection to the Natives of India against European British subjects and foreigners, and against the public Functionaries of the local Government.

Expense of litigation and duration of suits.

Their general character and tendency to impress the Natives with a sense of their own security, and with a respect for English law and British justice.

Fourth Head.—Judicial Administration of India.

- 1st. Judicial establishments.
- 2d. The jurisdiction of the Provincial and other Courts.

3d. Code

- 3d. Code of Regulations enacted in 1793.
- 4th. On the recognition of the Mussulman law as the criminal code.
- 5th. On the employment of Natives in judicial situations.
- 6th. On their employment as jurors.
- 7th. Duration of suits and expense of litigation.
- 8th. On the Panchayet or Native Courts of arbitration.
- 9th. On the guarantee to the Natives of their religion, laws, and social institutions.
- 10th. On the effects of the union of the magisterial and revenue authorities.
- 11th. General effects of the judicial system upon the character and conduct of the Natives, and its tendency to afford protection to the persons, property, and rights of individuals.

Fifth Head.—On the Indian Revenue.

- 1st. On the land revenue.
- 2d. The salt monopoly.
- 3d. The opium monopoly.
- 4th. On the Abkarry, or tax upon spirituous liquors and drugs.
- 5th. The stamp duties.
- 6th. The sayer and duties on pilgrims.
- 7th. The customs.
- 8th. On the land tenures of India.
- 9th. On the comparative advantages of the different modes of revenue settlement in regard to the financial interests of the State.
- 10th. On their influence upon the condition and well-being of the agricultural population.
- 11th. On their effects in preventing or mitigating the evil of periodical scarcity or famine.
- 12th. On the question of resuming alienated lands and lands appropriated to religious endowments.
- 13th. On the appropriation of waste lands by the Government.
- 14th. On the expediency of allowing Europeans to hold land, either in full property or under long leases.

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XXXIII.

Papers
referred to in
Mr. Tucker's
Dissent,
30 Mar. 1833.

Sixth

No.
XXIII,

Papers
referred to in
Mr. Tacker's
Dissent,
30 Mar. 1883.

Sixth Head.—On the Territorial Debt of India.

- 1st. Its growth and present amount, rate of interest, and annual charge.
- 2d. On the expediency of allowing payment of the interest to be made in England.
- 3d. On the settlement of the account between the territory and commerce.
- 4th. On the mints and coinage, and on the expediency and practicability of equalizing the currency of India.
- 5th. On the banking establishments of India, and the use of a paper currency.

Seventh Head.—On the Army of India.

- Its present condition and degree of efficiency.
- On the means of promoting the well-being and efficiency of this branch of the service.

Eighth Head.—Marine Establishments.

- On the present condition of the Bombay Marine or Navy of India.
- On the means of improving that branch of the service.
- State of the Pilot Service in Bengal and at Bombay.
- Means of improving those establishments.
- On the practicability and advantage of introducing steam navigation on the rivers of India.
- On the employment of Lascars, or native seamen, in the military and commercial marine.

Ninth Head.—Civil Service of India.

- Question of an exclusive service.
- Nature of the education for that service, and the proper age for entering it.
- On the separation of the judicial branch, and the proper education to be given to the servants destined for that department of the service.
- On the scale of allowances, furloughs, retiring pensions, &c.
- On the general advantages and disadvantages of an exclusive service.
- On the proper selection for that service, and application of the patronage.

Tenth Head.—Indo-Britons and European Foreigners.

- 1st. Number and character of the Indo-Britons.
- 2d. Means of affording them employment, and of improving their condition.
- 3d. Laws

- 3d. Laws applicable to them.
- 4th. Condition of the Portuguese and other descendants of foreign Europeans.
- 5th. Laws affecting foreigners generally.

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Eleventh Head.—Natives of India.

- 1st. Character of the Mahomedans, and on the two sects into which they are divided.
- 2d. Character of the Hindoos.
- 3d. On the guarantee to the Natives of their religion and laws.
- 4th. On the existence of any general feeling calculated to unite them in any common object hostile to the British supremacy.
- 5th. On the support of temples and places of pilgrimage.
- 6th. On the means of promoting education.
- 7th. On the influence of the Hindoo and Mahomedan religion and law upon the character of the people.
- 8th. On the suttee and other sacrifices.
- 9th. On the effects of caste and Brahminical privileges.
- 10th. On the means of improving the condition and raising the character of the Natives generally.

Twelfth Head.—On Colonization, or the Location of Europeans in India.

- 1st. Its probable effect upon the agricultural, commercial, and manufacturing interests of India.
- 2d. Its probable effect upon the commercial or other interests of Great Britain.
- 3d. Its probable tendency to displace the Native landholders from their present possessions.
- 4th. Its tendency to produce collision between the Natives and Europeans.
- 5th. On the practicability of administering the present system of judicature, and of maintaining an efficient police after the admission of European settlers.
- 6th. On the expediency of introducing English law, the English language, and English institutions into the interior of India.
- 7th. On the tendency of colonization to strengthen the connection between the two countries, or to lead to a separation of the Indian empire from Great Britain.
- 8th. On

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8th. On the effect of a long residence in India upon the physical and moral character of Europeans.

9th. On the probable effect of the introduction of the lower order of Europeans as settlers among the Natives of India.

On the general advantages and disadvantages to the Natives resulting from the residence of Europeans among them.

Nature of the laws and regulations applicable to Europeans residing in India, and means of improving those laws.

Last Head—General Policy.

1st. Proper seat of the Supreme Government.

2d. On the expediency of establishing a subordinate Government or Presidency in Central India or the Western Provinces of Bengal.

3d. On the means of protecting our Indian territory from foreign invasion, and of cementing a cordial friendship with the Native independent States.

4th. On the best means of bringing forth the agricultural and commercial resources of British India, so as to promote the prosperity of the country, and to increase as much as possible its value to Great Britain.

5th. On the best means of encouraging the production of cotton, tobacco, and other articles, of a quality to suit them for the home market, with a view not only to extend the channel of remittance from India, but also to render Great Britain, as far as possible, independent of all foreign supply in those articles.

6th. On the means of encouraging the manufactures of India, and of improving the condition of the manufacturers, who have had to sustain an unequal competition with the manufactures of Europe, under the operation of the existing laws.

7th. On the means of conciliating the affection of our Native subjects, and of averting all sources of danger to our empire, whether from external or internal causes.

8th. Generally, on the means of consolidating and giving stability to our dominion, and of rendering the connection between the two countries permanent and mutually beneficial.

It may be urged, that the enquiry contemplated might be committed with better effect to the Governments of India, assisted by their officers, since they would

would command greater influence, and would possess more extensive means of drawing forth the best evidence. It will be necessary, no doubt, to arm the Commissioners with very ample powers. They must be authorized to call for evidence from every quarter, to summon before them, if necessary, the highest functionaries, to examine witnesses upon oath, to commit for perjury or contempt, and generally, to command whatever they may require for the due execution of their trust. But it would be quite impossible for the Local Governments to conduct such an investigation without neglecting their other duties. They have already duties to perform so numerous and arduous, that it is scarcely practicable to do justice to them all; and it is, perhaps, one of the evils inherent in our situation, that owing to the circumstance of European agency in India being so expensive, it is found impossible to furnish that full and complete apparatus of Government which the exigencies of the service require.

An objection of a different, and of a much more serious character, is to be found in the difficulty of pointing out three men possessing such varied knowledge and experience, such industry, energy, and impartiality, such freedom from any bias towards particular theories, as to become fair, intelligent, and unprejudiced judges of a system, involving some of the most difficult and complicated questions which could be submitted to the human understanding. To unravel and expound some of these questions, professional knowledge will be necessary; and to embrace them all, knowledge as various as the subjects will be required. But to all this it may be replied, that in conducting human affairs, we must resort to the best means and instruments within our reach; and that if it be impossible to accomplish every thing which may be desirable, we must endeavour to produce as much good as circumstances will permit.

It is not the East-India Company, or their Court of Directors, who call for a Commission; but they are willing and ready to aid in promoting any investigation into the character and conduct of their administration, which Parliament or His Majesty's Government may wish to institute. They feel confident that it will bear the strictest examination; that they will be found to have acted towards the people of India as just and beneficent rulers; that the country, which was acquired by the exertion of extraordinary energy, has been retained by the habitual exercise of vigilance, prudence, and wisdom, and by enforcing sound and just principles of Government;—and they may add, in conclusion, that they are fully aware and quite ready to admit, that their claims to be continued in

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No. the administraiton of our Indian territory can rest only upon the ground, that
 XXXIII. their agency is likely to promote, in the greatest attainable degree, the prosper-
 ity of our Asiatic possessions, and the general interests of the mother
 country.

Papers
 referred to in
 Mr. Tucker's
 Dissent,
 30 Mar. 1833.

East-India House,
 November, 1831.

(Signed) H. ST. G. TUCKER.

No. XXXIV.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Monday, the 25th March 1833.

THE Chairman acquainted the Court that it had been specially summoned for the purpose of laying before the Proprietors the communications which had taken place between His Majesty's Government and the Court of Directors respecting the Company's Charter.

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XXXIV.
General
Court,
25 Mar. 1833.

The undermentioned papers were then laid before the Court, and read, *viz.*

Minutes of a conference between the Duke of Wellington and Lord Ellenborough and the Chairman and Deputy Chairman, at Apsley House, on Tuesday the 12th October 1830.

Minute of a Secret Committee of Correspondence of 20th October 1830.

Minute of a Secret Court of Directors the 20th March 1831.

Minute of a Secret Court of Directors of the 6th April 1831.

Memorandum of an interview between the Right Honourable Charles Grant and the Chairman and Deputy Chairman, at the India Board, on the 7th of July 1831.

Minute of a Secret Court of Directors, 20th July 1831.

Minute of a Secret Committee of Correspondence, the 18th December 1832.

Letter from the Right Honourable Charles Grant to the Chairman, dated 17th December 1832, noticed in the preceding Minute.

Memorandum or Paper of Hints.

Minute of a Secret Committee of Correspondence, 21st December 1832.

Minute of a Secret Committee of Correspondence, 28th December 1832.

Minute of a Secret Committee of Correspondence, 2d January 1833.

- No. XXXIV. Letter from the Chairman and Deputy Chairman to Earl Grey, dated 3d January 1833.
- General Court, 25 Mar. 1833. Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated 3d January 1833.
- Minute of a Secret Court of Directors, 13th February 1833.
- Minute of a Secret Court of Directors, 15th February 1833.
- Letter from the Right Honourable Charles Grant to the Chairman and Deputy Chairman, dated 12th February 1833.
- Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated 15th February 1833.
- Letter from the Right Honourable Charles Grant to the Chairman and Deputy Chairman, dated 19th February 1833.
- Minute of a Secret Court of Directors, 20th February 1833.
- Minute of a Secret Court of Directors, 22d February 1833.
- Minute of a Secret Committee of the whole Court, 26th February 1833.
- Minute of a Secret Court of Directors, 26th February 1833.
- Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated 27th February 1833.
- Minute of a Secret Court of Directors, 15th March 1833.
- Letter from the Right Honourable Charles Grant to the Chairman and Deputy Chairman, 14th March 1833.
- Minute of a Secret Court of Directors, 16th March 1833.
- Minute of a Secret Committee of the Whole Court, 16th March 1833.
- Minute of a Secret Committee of the Whole Court, 18th March 1833.
- Minute of a Secret Court of Directors, 18th March 1833.
- Letter to the Right Honourable Charles Grant from the Chairman and Deputy Chairman, 18th March 1833.
- Minute of a Secret Court of Directors, 22d March 1833.
- Letter from the Right Honourable Charles Grant to the Chairman, 16th March 1833.
- Letter from the Right Honourable Charles Grant to the Chairman and Deputy Chairman, 21st March 1833.
- Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, 22d March 1833.
- The Chairman stated, that since the meeting of the Court he had received a further letter from the Right Honourable Charles Grant, dated this day, in reply to the letter from the Chairman and Deputy Chairman of the 22d instant; Whereupon the same was read.

On

Resolved unanimously, That the several Papers which have been communicated to the General Court respecting the Company's Charter, be printed for the information of the Proprietors.

Resolved unanimously, That the consideration of the above-mentioned Papers be adjourned until Monday the 15th April next.

The Court adjourned accordingly.

No. XXXV.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES.
Held on Monday, the 15th April 1838.

The Chairman acquainted the Court that it was specially met by adjournment for the purpose of taking into consideration the papers respecting the Company's Charter which were laid before the General Court on the 25th ultimo.

A Dissent of Henry St. George Tucker, Esq. having reference to the papers above-mentioned, and recorded on the Minutes of the Court of Directors of the 3d instant, was called for and read.

The following Resolution was then submitted to the Court:

"That having attentively considered the correspondence which was laid before the Proprietors on the 25th ultimo, this Court must, in the first place, express their cordial approbation of the conduct of the Court of Directors, in maintaining, as they have done, with judgment, zeal, and ability, the rights and interests of the East-India Company."

"That on reviewing the intimate connexion which has so long subsisted between India and the Company, this Court desire to record their conviction that the Company can have no other object in undertaking to administer

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General Court,
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“ the Territorial Government for a further term, than the advancement of the
 “ happiness and prosperity of our Native Subjects, and that if Parliament
 “ in its wisdom should consider, as His Majesty’s Ministers have declared,
 “ that that great object may be best promoted by continuing the administra-
 “ tion in the hands of the Company, but divested of their commercial
 “ character, the Company having through the Court of Directors suggested, as
 “ it was their duty to do, the difficulties and dangers, political as well as finan-
 “ cial, which beset the dissolution of the connexion between the Territorial and
 “ Commercial branches of their affairs, it will not shrink from the undertaking
 “ even at the sacrifices required, provided that powers be reserved to enable
 “ the Company efficiently to administer the Government, and that their
 “ pecuniary rights and claims be adjusted upon the principle of fair and liberal
 “ compromise.”

“ That the Company, however, looking to the present and prospective state
 “ of the Indian finances, to the aid which the Territory derives from the
 “ Trade, and to the probable difficulty of effecting remittances from India
 “ under the proposed system, are of opinion that it is not reasonable that ‘ the
 “ Company’s Assets, Commercial and Territorial, with all their possessions
 “ and rights, shall be assigned to the Crown on behalf of the Territorial
 “ Government of India,’ in exchange, as proposed by His Majesty’s Minis-
 “ ters, for an annuity of ten and a-half per cent. for forty years, payable in
 “ England, out of the Territorial Revenues, and redeemable at the end of
 “ that period, at the rate of £100 for every £5. 5s. of annuity) except on the
 “ following conditions, viz.

“ First. That the sum to be set apart for a Guarantee Fund be extended
 “ to such an amount as upon reasonable calculation will be sufficient, with
 “ the accumulations during forty years, to redeem the Annuity at the
 “ expiration of that term; and that in the event of India failing in any
 “ one year to remit sufficient funds to pay the Dividend, the deficiency
 “ shall be supplied out of the Guarantee Fund; any sums which may be
 “ taken for that purpose being made good to the fund by subsequent
 “ remittances from India.

“ Secondly. That the Company, exercising the same powers as they
 “ now possess under their Charter, shall continue to administer the
 “ Government of India for a defined period, not less than twenty years,
 “ and if deprived of it at the expiration of that term, or at any time sub-
 “ sequently thereto, they shall be allowed the option of demanding pay-
 “ ment

ment of the principal, at the rate of £100 for each £5.5s. of annuity, and whenever paid off, they will be enabled, if they shall see fit, with their capital, or any portion thereof, to resume their undoubted right to trade, which it is now proposed by His Majesty's Ministers, should be in abeyance to be revived and pursued as to about 1800 of the

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XXXV.
General
Court,
15 Apr. 1838.

Thirdly, That during the period of the Company's administration of the Territorial Government, all measures involving direct or contingent expenditure shall originate with the Court of Directors, and be subject as at present to the control of the Board of Commissioners, under the restrictions of the existing law; and further, that sufficient powers be reserved to the Company to check, by a system of publicity to both Houses of Parliament, or by some other means, any acts of the Board which may appear to the Court of Directors to be unconstitutional, to militate against the principles of good government, to interfere with substantial justice to our allies, or to invalidate or impair the security for the Dividend; and

Fourthly, That a sufficient power be retained over the Commercial Assets to enable the Court of Directors to propose to the Company, and ultimately to the Board for their confirmation, a plan for making suitable provision for outstanding Commercial obligations, and for such of the commercial officers and servants of the Company as may be affected by the proposed arrangements.

That the Court of Directors be requested to communicate this Resolution to His Majesty's Ministers."

And after a discussion of some length it was moved,

That the Debate be adjourned until to-morrow, and that the Resolution which has this day been submitted be printed for the information of the Proprietors. Whereupon

It was proposed to omit the word "to-morrow," and to substitute the words "Friday next."

And the question, "That the word to-morrow stand part of the question," being put,

It passed in the Affirmative.

It was then moved and carried by a majority of 100
Resolved, That the Debate be adjourned until to-morrow, and that the Resolution which has this day been submitted, be printed for the information of the Proprietors.

The Court thereupon adjourned until to-morrow the 16th instant.

No. XXXVI.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES.

Held on Tuesday, the 16th April 1833.

No.
XXXVI.
—
General
Court,
16Apr.1833.

The Chairman acquainted the Court that it was specially met by adjournment, for the purpose of continuing the consideration of the Papers respecting the Company's Charter, which were laid before the General Court on the 25th ultimo.

The Resolution which was yesterday submitted to the General Court was read, *viz.*

(See page 155.)

The Debate was then resumed; in the course of which it was proposed to amend the said Resolution, by adding thereto the following words, *viz.*

“That this Court feel, that to deny the Proprietors permission to invest their own undeniable property in the Public Funds, with a view to secure the payment of their Dividends, and ultimately their capital stock in this country, in preference to drawing £630,000 per annum from the Revenues of India (were there even a rational hope of realizing so large a sum from a source liable to such contingencies, as have been strongly pointed out by the Directors in the printed Correspondence), would be a violation of the first principles of justice, and such as cannot be submitted to without dishonour to the Court, and a desertion of those rights upon which depends the property of every British subject.”

And after a discussion of some length,

It was

Resolved, That the Debate be adjourned until Thursday next, and that the Amendment which has this day been proposed be printed for the information of the Proprietors. Whereupon

The Court adjourned until Thursday next the 18th instant.

No. XXXVII.

AT A

GENERAL COURT,

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Thursday, the 18th April 1833.

It was, on a Motion,
Resolved, That the Dissent of Henry St. George Tucker, Esq. read in this Court on the 15th instant, together with the Papers thereunto appended, be printed for the information of the Proprietors.

No.
XXXVII.
General
Court,
18 Apr. 1833.

(For Dissent vide page, 113.)
The Chairman acquainted the Court that it was specially met by adjournment, for the purpose of continuing the consideration of the Papers respecting the Company's Charter, which were laid before the General Court on the 25th ultimo. The Resolution which was submitted to the General Court on the 15th instant, with the Amendment proposed on the 16th instant, were read, viz. (Vide pages 155 and 158.)

The Debate was then resumed. In the course of the Debate notices were given by Proprietors of their intention to submit the following Motions, if opportunities should offer for their so doing, viz.

“ That the Company, exercising the same powers as they now possess under their Charter, shall continue to administer the Government of India for a defined period, and if deprived of it at the expiration of that term, or at any time previous to the termination of their Annuity, the Government shall guarantee to the Proprietors the punctual payment of their Annuity of 10½ per cent. until the period at which the principal will become payable, at the rate of £100 for each £5. 5s. of Annuity; and whenever paid off they will be entitled with their capital, or any portion thereof, to resume their undoubted right to trade, which it is now proposed by His Majesty's Ministers should be in abeyance.”

“ That

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XXXVII.
General
Court,
18 Apr. 1833.

“ That this Court approve of the abolition of the China Monopoly, as calculated to promote the general interests of the Empire.

“ That this Court consider that the Assets of the East-India Company are more than sufficient to secure the due payment of their Dividends, or if desirable of their capital. That they are therefore in justice entitled to compensation that will insure this end.

“ That the Annuity offered by His Majesty’s Government on the Territorial Revenues of British India is *insecure* on account of wars and disturbances that may ensue, and the Dividends are consequently insufficient. That so far from this mode of payment uniting the interests of the governors and the governed, it has a tendency to render the money interest predominant, and to increase the burthens of taxation on the people of British India.

“ That this Court, satisfied that the Court of Directors will not sanction the sacrifice of their property contrary to all principles of justice, leave the further negotiations and settlement of this great question in their hands and to their wisdom.”

“ That this Court being deeply impressed with the necessity of maintaining a secure and certain channel of remittance for the requisite annual payments in England on account of the Indian territory, and perceiving no valid objection to the Company continuing to participate with the Public in the trade of the article of Tea from China, are of opinion :—

“ That a sufficient portion of the Commercial Assets of the Company should be appropriated for the purpose of continuing the Trade with China to such an extent as shall enable the Company from time to time to effect such remittances.

“ That this Court, in urging the necessity of this measure, are actuated by no desire to rival or interfere prejudicially with the interests of private merchants: but, on the contrary, the Court feel convinced that the continuance of the Company’s influence at Canton will be found to be the best safeguard and protection of the interests of private merchants, as well as of those of the British and Indian empires.”

And after a discussion of some length, it was

Resolved, That the Debate be adjourned until to-morrow, the 19th instant; Whereupon

The Court adjourned accordingly.

No. XXXVIII.

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Friday, the 19th April 1833.

The Chairman acquainted the Court that it was specially met, by adjournment for the purpose of continuing the consideration of the Papers respecting the Company's Charter, which were laid before the General Court on the 25th ultimo.

No.
XXXVIII.
General
Court,
19 Apr. 1833.

The Resolution which was submitted to the General Court on the 15th instant, with the Amendment proposed on the 16th instant, were read, *viz.*

(*Vide pages 155 and 158.*)

The Proprietor who submitted the above Amendment gave notice of his intention, at a proper period, to request the Court's permission to withdraw the same, for the purpose of substituting another.

The Debate was then resumed.

And after a discussion of some length, it was

Resolved, That the Debate be adjourned until Monday next, the 22d instant. Whereupon

The Court adjourned accordingly.

No. XXXIX.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Monday, the 22d April 1833.

No.
XXXIX.

General
Court,
22Apr.1833.

The Chairman acquainted the Court that it was specially met by adjournment for the purpose of continuing the consideration of the Papers respecting the Company's Charter, which were laid before the General Court on the 25th ultimo.

The Resolution which was submitted to the General Court on the 15th instant, with the Amendment proposed on the 16th instant, were read, *viz.*

(*Vide pages 155 and 158.*)

The Debate was then resumed, in the course of which notices were given by Proprietors of their intention to submit the following Amendments, if opportunities should offer for their so doing, *viz.*

“That all the words after the word ‘That’ in the original Resolution be omitted, for the purpose of inserting the following, *viz.*

“This Court, having attentively considered the Correspondence submitted to the Proprietors on the 25th ultimo, are of opinion that the time has arrived when they must give up their claims to the exclusive Trade with China, and yield to the public voice, and to the determination of His Majesty's Ministers to lay open the Trade with that Empire to the community at large; and this Court will cheerfully concur in any arrangements that may be necessary to carry that important change into effect; trusting in the liberality of His Majesty's Ministers and in the justice of Parliament to enable the Company to settle their outstanding assets as advantageously and as securely as their past services and rights entitle them to expect.

“That this Court, on reviewing the intimate connection, commercially and politically, which has so long subsisted between British India and the Company, desire to record their anxious wish to concur with His Majesty's Government and with Parliament, in every way in their power, to promote

“the

" the welfare, prosperity, and happiness of the Natives in India, alike important
 " to the cause of humanity as to the power and to the commerce of Britain,
 " That if Parliament in its wisdom should consider, as His Majesty's
 " Ministers have declared, that the Company can administer for a further term
 " the Territorial Government of India, divested entirely of their commercial
 " character, as the best means of promoting the happiness and prosperity of our
 " native subjects in that extensive Empire, this Company will not shrink from
 " the undertaking, provided that Parliament will grant power to enable the Com-
 " pany effectually to administer the Government of that Country, and, at the
 " same time, to secure the just pecuniary claims and interests of the Proprietors.
 " That this Court confidently rely, that, whilst the Company are thus
 " conceding to the wish of the British Nation, the pecuniary rights and claims
 " of the Proprietors will be adjusted upon the principle of fair and liberal
 " compromise, that will do honour to the Nation and justice to the Company,
 " who have with great efforts, and at great risk, raised the Empire in India to
 " its present magnitude.
 " That this Court is obliged, after the most deliberate consideration, to
 " declare that the plan proposed by His Majesty's Ministers for settling the
 " pecuniary affairs of the Company, and for securing the regular payment of
 " the dividends and principal of their stock, is neither satisfactory nor liberal,
 " nor even a just equivalent for the immense amount of Commercial and
 " Territorial Assets which the Company are called upon to surrender to the
 " Crown; and this Court therefore, anxiously hope that His Majesty's
 " Ministers will review the whole circumstances of the Company's past and
 " present situation, and will agree to such arrangement as shall place the
 " dividends and principal of their stock beyond the risk of those political
 " changes and occurrences in India that might endanger either or both, and
 " which it may not be in the power of the Proprietors or of their Directors to
 " control or to prevent, until it shall be the pleasure of Parliament to place
 " the Government of India in other hands, and to direct the Proprietors to
 " be fully paid for their stock at the rate of £100 for every £1. 5s. of annuity.
 " That the Court of Directors, in whom this Court place perfect confidence,
 " will be pleased to lay these the opinions of this Company, before His
 " Majesty's Ministers with all due respect, and continue their negotiations, in
 " the hope that, under the extraordinary circumstances in which the Company
 " have been and are placed, their just pretensions will meet a more favourable
 " consideration.

No.
 XXXIX.
 General
 Court.
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General
Court.
22Apr.1833.

“ That the words ‘ at the rate of £100 for every £5. 5s. of annuity,’ after
“ the words ‘ redeemable at the end of that period,’ in the original Resolution,
“ be omitted, and the following words inserted instead, *viz.* ‘ at such a rate as
“ will be equivalent to the value of the said annuity.’ ”

“ That in the second condition the words ‘ exercising the same powers as
“ they now possess under their Charter,’ be omitted.

“ That in the second condition the words ‘ at the rate of £100 for every
“ £5. 5s. of annuity’ be omitted, and the following inserted instead thereof,
“ *viz.* ‘ at such rate as will redeem the Annuity of ten and a-half per cent.’ ”

And the Amendment which was submitted to the Court on the 16th instant
having been, with the Court’s consent, withdrawn,

The following Amendment was submitted, in conformity with notice pre-
viously given, *viz.*

“ That all the words after the words ‘ defined period,’ in the second con-
dition specified in the original Resolution, be omitted, for the purpose of
“ inserting the following, *viz.*

“ ‘ And if deprived of it at the expiration of that term, or at any time
“ previous to the termination of their Annuity, the Government shall gua-
“ rantee to the Proprietors the punctual payment of their Annuity of ten
“ and a half per cent. until the period at which the principal will become
“ payable, at the rate of £100 for each £5. 5s. of Annuity; and whenever
“ paid off, they will be entitled with their capital, or any portion thereof, to
“ resume their undoubted right to trade, which it is now proposed by His
“ Majesty’s Ministers should be in abeyance.’ ”

The said Amendment having been, with the Court’s consent, withdrawn;

It was proposed, in conformity with notice previously given, to amend the
original Resolution by adding thereto the following words, *viz.*

“ That this Court being deeply impressed with the necessity of maintaining
“ a secure and certain channel of remittance for the requisite annual payments
“ in England on account of the Indian territory, and perceiving no valid
“ objection to the Company continuing to participate with the Public in the
“ trade of the article of Tea from China, are of opinion

“ That a sufficient portion of the Commercial Assets of the Company should
“ be appropriated for the purpose of continuing the Trade with China to such

“ an

“ an extent as shall enable the Company from time to time to effect such
“ remittances.

“ That this Court, in urging the necessity of this measure, are actuated by
“ no desire to rival or interfere prejudicially with the interests of private
“ merchants; but, on the contrary, the Court feel convinced that the con-
“ tinuance of the Company's influence at Canton will be found to be the best
“ safeguard and protection of the interests of private merchants, as well as of
“ those of the British and Indian Empires.

And the said Amendment having been likewise withdrawn with the Court's
consent,

The following Amendment was submitted, in conformity with notice pre-
viously given, *viz.*

“ That all the words after the word ‘ That ’ in the original Resolution be
“ omitted for the purpose of inserting the following; *viz.*

“ This Court, relying upon the assurances given by His Majesty's Ministers,
“ confidently look forward to the settlement of the existing differences on the
“ principle of fair and liberal compromise: but in case the Court of Directors
“ shall not be able speedily to terminate the negotiation on this principle, that
“ the Court of Directors do, without further delay, appeal to the Legis-
“ lature.”

And the Question, “ That the original words stand part of the question ”
being put,

The same passed in the Affirmative.

The main question being then read, *viz.*

“ That having attentively considered the Correspondence which was laid
“ before the Proprietors on the 25th ultimo, this Court must in the first place
“ express their cordial approbation of the conduct of the Court of Directors,
“ in maintaining, as they have done, with judgment, zeal, and ability, the
“ rights and interests of the East-India Company.

“ That on reviewing the intimate connexion which has so long subsisted
“ between India and the Company, this Court desire to record their conviction
“ that the Company can have no other object in undertaking to administer
“ the Territorial Government for a further term, than the advancement of
“ the happiness and prosperity of our native subjects; and that if Parliament
“ in its wisdom should consider, as His Majesty's Ministers have declared, that
“ that great object may be best promoted by continuing the administration in
“ the hands of the Company, but divested of their Commercial character, the
Company

No. XXXIX.

General
Court,
22 Apr. 1833.

“ Company having, through the Court of Directors, suggested, as it was their
“ duty to do, the difficulties and dangers, political as well as financial, which
“ beset the dissolution of the connexion between the Territorial and the Com-
“ mercial branches of their affairs, will not shrink from the undertaking even
“ at the sacrifices required; provided that powers be reserved to enable the
“ the Company efficiently to administer the Government, and that their pecu-
“ niary rights and claims be adjusted upon the principle of fair and liberal
“ compromise.

“ That the Company, however, looking to the present and prospective state
“ of the Indian finances, to the aid which the territory derives from the trade,
“ and to the probable difficulty of effecting remittances from India under the
“ proposed system, are of opinion, that it is not reasonable that ‘ the Com-
“ pany’s assets, commercial and territorial, with all their possessions and
“ ‘ rights, shall be assigned to the Crown on behalf of the Territorial Govern-
“ ‘ ment of India,’ in exchange, as proposed by His Majesty’s Ministers, for
“ an annuity of 10½ per cent. for forty years, payable in England out of the
“ Territorial Revenues, and redeemable at the end of that period at the rate of
“ £100 for every £5. 5s. of Annuity, except on the following conditions, viz.

“ First. That the sum to be set apart for a guarantee fund be extended
“ to such an amount as, upon reasonable calculation, will be sufficient,
“ with the accumulations during forty years, to redeem the Annuity at
“ the expiration of that term; and that in the event of India failing in
“ any one year to remit sufficient funds to pay the Dividend, the defi-
“ ciency shall be supplied out of the Guarantee Fund, any sums which
“ may be taken for that purpose being made good to the fund by sub-
“ sequent remittances from India.

“ Secondly. That the Company, exercising the same powers as they
“ now possess under their Charter, shall continue to administer the
“ Government of India for a defined period, not less than twenty years;
“ and if deprived of it at the expiration of that term, or at any time sub-
“ sequently thereto, they shall be allowed the option of demanding
“ payment of the principal at the rate of £100 for each £5. 5s. of annuity;
“ and whenever paid off they will be entitled, if they shall see fit, with
“ their capital, or any portion thereof, to resume their undoubted right to
“ trade, which it is now proposed by His Majesty’s Ministers should be in
“ abeyance.

“ Thirdly. That during the period of the Company’s administration

“ of

“of the Territorial Government, all measures involving direct or contin-
 “gent expenditure shall originate with the Court of Directors, and be
 “subject, as at present, to the control of the Board of Commissioners,
 “under the restrictions of the existing law; and further, that sufficient
 “powers be reserved to the Company to check, by a system of publicity
 “to both Houses of Parliament, or by some other means, any acts of the
 “Board which may appear to the Court of Directors to be unconstitu-
 “tional, to militate against the principles of good government, to interfere
 “with substantial justice to our allies, or to invalidate or impair the
 “security for the Dividend; and
 “Fourthly. That a sufficient power be retained over the Commercial
 “Assets to enable the Court of Directors to propose to the Company, and
 “ultimately to the Board for their confirmation, a plan for making
 “suitable provision for outstanding Commercial obligations, and for such
 “of the Commercial officers and servants of the Company as may be
 “affected by the proposed arrangements.
 “That the Court of Directors be requested to communicate this Resolution
 “to His Majesty’s Ministers.”

No.
 XXXIX.
 General
 Court.
 23 Apr. 1833.

It was moved, and on the question,

Resolved, That the Debate be adjourned until to-morrow the 23d instant.

Whereupon

The Court adjourned accordingly.

No. XL.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND, TRADING

TO THE EAST-INDIES,

Held on Tuesday, the 23d April 1833.

No.
 XL.

General
 Court.
 23 Apr. 1833.

The Chairman acquainted the Court that it was specially met by adjourn-
 ment for the purpose of continuing the consideration of the Papers respecting
 the

No.
XL.

General
Court,
28 Apr. 1833.

the Company's Charter, which were laid before the General Court on the 25th ultimo.

The following Resolution which, under the proceedings of the General Court held yesterday, had become the main question, was read, *viz.*

“ That having attentively considered the correspondence which was laid before the Proprietors on the 25th ultimo, this Court must, in the first place, express their cordial approbation of the conduct of the Court of Directors in maintaining, as they have done, with judgment, zeal, and ability, the rights and interests of the East-India Company.

“ That on reviewing the intimate connexion which has so long subsisted between India and the Company, this Court desire to record their conviction that the Company can have no other object in undertaking to administer the territorial Government for a further term than the advancement of the happiness and prosperity of our Native subjects; and that if Parliament in its wisdom should consider, as His Majesty's Ministers have declared, that that great object may be best promoted by continuing the administration in the hands of the Company, but divested of their Commercial character, the Company having, through the Court of Directors, suggested, as it was their duty to do, the difficulties and dangers, political as well as financial, which beset the dissolution of the connexion between the Territorial and the Commercial branches of their affairs, will not shrink from the undertaking, even at the sacrifices required, provided that powers be reserved to enable the Company efficiently to administer the Government, and that their pecuniary rights and claims be adjusted upon the principle of fair and liberal compromise.

“ That the Company, however, looking to the present and prospective state of the Indian finances, to the aid which the territory derives from the trade, and to the probable difficulty of effecting remittances from India under the proposed system, are of opinion that it is not reasonable that the Company's assets, commercial and territorial, with all their possessions and rights, shall be assigned to the Crown on behalf of the territorial government of India, in exchange, as proposed by His Majesty's Ministers, for an annuity of ten and a-half per cent. for forty years, payable in England out of the territorial revenues, and redeemable at the end of that period, at the rate of £100 for every £5. 5s. of annuity, except on the following conditions, *viz.*

“ First. That the sum to be set apart for a Guarantee Fund be extended to such an amount as, upon reasonable calculation, will be sufficient
“ with

“with the accumulations during forty years to redeem the annuity at the
“expiration of that term, and that in the event of India failing in any
“one year to remit sufficient funds to pay the dividend, the deficiency
“shall be supplied out of the Guarantee Fund, any sums which may be
“taken for that purpose being made good to the fund by subsequent
“remittances from India.

“Secondly. That the Company, exercising the same powers as they
“now possess under their Charter, shall continue to administer the Govern-
“ment of India for a defined period, not less than twenty years; and if
“deprived of it at the expiration of that term, or at any time subsequently
“thereto, they shall be allowed the option of demanding payment of the
“principal at the rate of £100 for each £5. 5s. of annuity, and whenever
“paid off, they will be entitled if they shall see fit, with their capital, or any
“portion thereof, to resume their undoubted right to trade, which it is
“now proposed by His Majesty’s Ministers should be in abeyance.

“Thirdly. That during the period of the Company’s administration of
“the Territorial Government, all measures involving direct or contingent
“expenditure shall originate with the Court of Directors, and be subject,
“as at present, to the control of the Board of Commissioners, under the
“restrictions of the existing law; and further, that sufficient powers be
“reserved to the Company to check, by a system of publicity to both
“Houses of Parliament, or by some other means, any acts of the Board
“which may appear to the Court of Directors to be unconstitutional, to
“militate against the principles of good government, to interfere with
“substantial justice to our allies, or to invalidate or impair the security for
“the dividend: and

“Fourthly. That a sufficient power be retained over the Commercial
“Assets to enable the Court of Directors to propose to the Company,
“and ultimately to the Board for their confirmation, a plan for making
“suitable provision for outstanding Commercial obligations, and for such
“of the Commercial officers and servants of the Company as may be
“affected by the proposed arrangements.

“That the Court of Directors be requested to communicate this Resolution
“to His Majesty’s Ministers.”

It was proposed to amend the said question by leaving out all the words
after the word “That,” for the purpose of inserting the following, viz.

“This Court, having attentively considered the Correspondence submitted
“to

No.
XL
General
Court,
23 Apr. 1833.

“ to the Proprietors on the 25th ultimo, are of opinion that the time has arrived
 “ when they must give up their claims to the exclusive trade with China, and
 “ yield to the public voice, and to the determination of His Majesty’s Ministers,
 “ to lay open the trade with that Empire to the community at large; and
 “ this Court will cheerfully concur in any arrangements that may be necessary
 “ to carry that important change into effect, trusting in the liberality of His
 “ Majesty’s Ministers and in the justice of Parliament to enable the Company
 “ to settle their outstanding assets, as advantageously and as securely as their
 “ past services and rights entitle them to expect.

“ That this Court, on reviewing the intimate connection, commercially and
 “ politically, which has so long subsisted between British India and the Com-
 “ pany, desire to record their anxious wish to concur with His Majesty’s
 “ Government and with Parliament in every way in their power to promote the
 “ welfare, prosperity, and happiness of the Natives in British India, alike
 “ important to the cause of humanity as to the power and to the commerce of
 “ Britain.

“ That if Parliament, in its wisdom, shall consider, as His Majesty’s
 “ Ministers have declared, that the Company can administer for a further
 “ term the Territorial Government of India, divested entirely of their Commer-
 “ cial character, as the best means of promoting the happiness and prosperity
 “ of our Native subjects in that extensive Empire, this Company will not shrink
 “ from the undertaking, provided that Parliament will grant power to enable
 “ the Company effectually to administer the Government of that country, and
 “ at the same time to secure the just pecuniary claims and interests of the
 “ Proprietors.

“ That this Court confidently rely, that whilst the Company are thus
 “ conceding to the wish of the British Nation, the pecuniary rights and
 “ claims of the Proprietors will be adjusted upon the principle of fair and
 “ liberal compromise, that will do honour to the Nation and justice to the
 “ Company, who have with great efforts, and at great risk, raised the Empire
 “ in India to its present magnitude.

“ That this Court is obliged, after the most deliberate consideration, to
 “ declare that the plan proposed by His Majesty’s Ministers for settling the
 “ pecuniary affairs of the Company, and for securing the regular payment of
 “ the dividends and principal of their stock, is neither satisfactory nor liberal,
 “ nor even a just equivalent for the immense amount of Commercial and
 “ Territorial Assets which the Company are called upon to surrender to the
 “ Crown

" Crown; and this Court therefore anxiously hope that His Majesty's
 " Ministers will review the whole circumstances of the Company's past and
 " present situation, and will agree to such arrangement as shall place the
 " dividends and principal of their stock beyond the risk of those political
 " changes and occurrences in India that might endanger either or both, and
 " which it may not be in the power of the Proprietors or of their Directors
 " to control or to prevent, until it shall be the pleasure of Parliament to place
 " the Government of India in other hands, and to direct the Proprietors to
 " be fully paid for their stock at the rate of £100 for every £5. 6s. of
 " Annuity."

" That the Court of Directors, in whom this Court place perfect confidence,
 " will be pleased to lay these the opinions of this Company before His
 " Majesty's Ministers with all due respect, and continue their negotiations, in
 " the hope that, under the extraordinary circumstances in which the Company
 " have been, and are placed, their just pretentions will meet a more favourable
 " consideration."

And a discussion ensuing in regard to the order of the Court's proceedings,

A memorandum drawn up by desire of the Chairman, detailing the course
 adopted by him at the meeting of yesterday, was read.

It was then moved, and on the question,

Resolved, That it is the pleasure of this Court to entertain the above
 Amendment. Whereupon

The said Amendment was received and read.

And after a discussion of some length,

It was

Resolved, That the Debate be adjourned until Thursday next the 25th
 instant. Whereupon

The Court adjourned accordingly.

GENERAL COURT.

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING TO THE EAST-INDIES.

Held on Thursday, the 25th April 1833.

No. XLI. General Court, 25 Apr. 1833.

The Chairman acquainted the Court that it was specially met by adjournment for the purpose of continuing the consideration of the papers respecting the Company's Charter, which were laid before the General Court on the 25th ultimo. The Resolution which was submitted on the 15th instant, and which, under the proceedings of the General Court of the 23d instant, had become the main question, and

The Amendment proposed on the 23d instant, were read, (Vide pages 168 and 169) as follows:—

The Debate was then resumed. The question, "That the words proposed to be left out stand part of the question," being put, it passed in the Affirmative.

It was then proposed to amend the main question, by leaving out all the words after the word "That," and inserting others in lieu thereof.

And a discussion again arising in regard to the order of the Court's proceedings.

The Company's Standing Counsel was called upon, and gave it as his opinion that the course adopted by the Chairman on the 23d instant, as detailed in the

Memorandum which was read to the General Court on the following day, was perfectly correct; and that the Court having resolved that certain words

should stand part of the question, it would be inconsistent with Parliamentary practice to admit an Amendment, the effect of which would be to remove those words, or any of them, from the question.

The Court then adverted to their Resolution of the 23d instant, by which they agreed to entertain a proposition, submitted by way of Amendment, to alter the main question;

It was, on a Motion,

No. XLII.
General Court,
25 Apr. 1833.

Resolved, That it is the pleasure of this Court to entertain the Amendment now submitted, and any other Amendments which may be proposed. Whereupon The Amendment in question was received and read, being as follows, viz.:

“ That the words after the word ‘That’ be omitted, for the purpose of inserting the following, viz.

“ This Court have well considered the Papers submitted to their inspection, containing proposals from His Majesty’s Ministers for the assigning over to the Crown all their rights and all their property, of whatever description, upon their receiving an annuity of £630,000 per annum, equal to their present Dividend of ten and a-half per cent., chargeable upon the Territorial Revenues of India;

“ That this Court strongly and gratefully feel the zeal and talent with which the Directors have sustained the cause of the Proprietors;

“ That this Court continue to hold the opinion which they have solemnly and so solemnly expressed, namely, that a too free and indiscriminate access of Europeans into British India cannot but prove dangerous to the Government in those parts.

“ That this Court regard the throwing open of the trade to China, in the manner proposed, as a perilous experiment, whether considered as relating to an unlimited access to Canton, to a defalcation in the duties on tea, which have hitherto been paid into the Exchequer to the extent of between three and four millions per annum, with no other expense to Government than that of receiving the same, or to the deterioration of the article, which will probably arise from general and emulative purchase, and lastly, to the keeping open a channel of remittance to meet the territorial expenses, yet, if such be the will of Parliament, this Court bows to its decision, trusting to an upright Legislature not to take from the Proprietors their Assets, Commercial and Territorial, with all their possessions and rights, without just and due compensation;

“ That the Proprietors hope they may be allowed to apply their own property to their security, by investing in the public Funds a sum sufficient to cover their Capital and defray their Dividend, or else that Government, in taking from them the whole of their means, will guarantee the payment of the same.

“ That this Court, looking to the contingencies and casualties strongly pointed out by the Directors, to which the Territorial Revenues of India must

No.
 XLI.
 General
 Court,
 25 Apr. 1699.

“ must ever be subject; do not regard the proposed security for their Dividend
 “ as good and sufficient, or as a just equivalent for the immensa amount of
 “ Assets which they are called upon to surrender to the Crown; and were it
 “ otherwise, they would beg leave to submit their doubts, how far it would be
 “ either just or wise to draw £680,000 per annum from the Natives of India,
 “ for the purpose of paying to the Proprietors their Dividend.
 “ Should Government object to the Company’s investing such an amount as
 “ will secure their Dividend, and ultimately their Capital, the Proprietors trust
 “ that some other mode, equally safe and satisfactory, will be suggested.
 “ That should the Proprietors, in consequence of a denial of such security,
 “ or other cause, be obliged to decline a scheme to which their Directors have
 “ said ‘ it will be impossible for them at any time to lend their sanction,’ this
 “ Court are aware that their future trade must be that of a Joint Stock Com-
 “ pany, carried on in common with their fellow subjects; but to that they look
 “ with sanguine expectations of success, considering the ample and almost
 “ perfect means which they possess of trading to an extent considerably
 “ beyond that to which they are confined by their present Charter; and that
 “ their Dividend being then unrestrained by law may be increased in pro-
 “ portion to their success. In this case, they flatter themselves with still
 “ retaining a very considerable proportion of the China trade, owing to their
 “ skill and experience, and to the character which they have uniformly main-
 “ tained, throughout transactions of such immense magnitude, and during so
 “ many years.
 “ That in case of the Company continuing to govern India, as proposed
 “ by His Majesty’s Ministers, this Court are of opinion, that upon the
 “ undiminished authority of the Directors, the publicity of their proceedings,
 “ and their right at all times to submit any difference of opinion between the
 “ Board of Control and themselves to the decision of Parliament, will depend
 “ the efficiency of the Company’s Government, and consequently its per-
 “ manence in India.
 “ That this Court cordially participate in the sentiments so earnestly
 “ expressed by their Directors and by the Right Honourable Charles Grant,
 “ on behalf of their Commercial Servants, whose fair prospects in life and
 “ whose domestic happiness must be deeply affected by dismission from
 “ employments to which they have long been exclusively devoted.
 “ That the Court of Directors will be pleased to lay these sentiments before
 “ His Majesty’s Ministers with all due respect; and to continue their negotia-
 “ tion,

tion; in the hope that the just pretensions of the Company will meet their favourable consideration."

And the Question, "That the words proposed to be left out stand part of the Question;" being put

The Chairman declared the same to have passed in the Affirmative. Whereupon

A Division was demanded; and Tellers were appointed, who reported that there were

100 votes for the Question, and 32 votes against the Question.

And the Question, "That the words proposed to be left out stand part of the Question;" being put

It passed in the Affirmative, with a majority of 68 in favour of the Question, which was accordingly declared to have passed in the Affirmative.

It was then proposed to amend the main Question, by leaving out the words "at the rate of £100 for every £5. 5s. of Annuity," after the words, "redeem-

able at the end of that period," and likewise the same words in the second condition; and by inserting in the former instance the words, "at such a rate

as will be equivalent to the value of the said Annuity," and in the latter the words, "at such rate as will redeem the Annuity of 10½ per cent."

And the Question, "That the words, "at the rate of £100 for every £5. 5s. of Annuity," stand part of the Question," being put

It passed in the Affirmative.

It was further proposed to amend the main Question, by leaving out the following words in the second condition, viz. "Exercising the same powers as they now possess under their Charter."

And the Question, "That the words proposed to be left out stand part of the question," being put

It passed in the Affirmative.

It was then proposed to amend the main Question, by leaving out all the words after the words "Rights and interests of the East-India Company," for the purpose of inserting the following, viz.

"That this Court approve of the abolition of the China monopoly, as calculated to promote the general interests of the Empire"

"That this Court consider that the Assets of the East-India Company are more than sufficient to secure the due payment of their Dividends, or, if

desirable, of their capital; that they are therefore in justice entitled to a compensation that will insure this end."

"That

No. XLII.
General Court.
25 Apr. 1833.

"That the Annuity offered by His Majesty's Government on the Territorial Revenues of British India is *insecure*, on account of wars and disturbances that may ensue, and the Dividends are consequently insufficient. That so far from this mode of payment uniting the interests of the governors and the governed, it has a tendency to render the money interest predominant, and to increase the burthens of taxation on the people of British India.

"That this Court, satisfied that the Court of Directors will not sanction the sacrifice of their property contrary to all principles of justice, leave the further negotiations and settlement of this great question in their hands and to their wisdom."

And the Question, "That the words proposed to be left out stand part of the Question," being put,

It passed in the Affirmative.

It was further proposed to amend the main Question by leaving out all the words after the word "That," for the purpose of inserting the following, *viz.*

"This General Court of East-India Proprietors, considering it an axiom in every science, policy, or art, that two instruments never should be substituted for one when this by itself is equally efficient, they hereby solemnly declare their firm and conscientious belief, that through the present reformed Parliament, any Ministry, and an East-India Secretary of State alone, all *bona fide* responsible to the representatives of the British nation; this Court can with safety to every person concerned both at home and abroad, and with credit and honour to the King's Government, efficaciously conduct their own civil, military, naval, commercial, or all other miscellaneous affairs in future, without the smallest interference or control of any superfluous Board whatever, which would now be at best a useless *imperium in imperio*, productive of needless expense, delay, and altercation, without the existence of one solitary advantage to the State in general, to the welfare of the East-India Company, to our fellow-citizens in British India, to those in the United Kingdom, or in any one of its Colonial dependencies in particular. That this General Court be previously invested with adequate powers to elect their own Directors, nominate their several Governors, whether general or subordinate, Commanders-in-chief; and to recal when deemed absolutely necessary such of them as they cannot trust after trial with the subsequent management of the Company's interests in Hindoostan.

"That a petition signed by the whole body of Proprietors be forthwith presented to the Imperial Parliament, respectfully soliciting the immediate preparation

"preparation of an Act, which shall, virtually comprise the foregoing Reso-
 "lution, and such other stipulations as they, in their deliberative capacity,
 "may from time to time see expedient, to the common weal of His
 "Majesty's territories, not only in India, but in every portion of the globe;
 "That as an act of justice to the owners of all the large ships hitherto
 "expressly built for carrying on the exclusive trade to China, and still in a
 "state of navigable existence; this General Court, as representing the whole
 "United Company of Merchants trading to India, shall enjoy for a limited
 "period the fair and free competition with every other private trader in the
 "China trade for tea and every lucrative commodity produced in that dis-
 "trict, but without the smallest vestige of privilege beyond what
 "all their contemporary competitors and rivals in the proposed commerce,
 "shall acquire in the legitimate prosecution of their several mercantile pur-
 "suits; and
 "And the Question, That the words proposed to be left out stand part of
 "the Question? being put, and the affirmative being carried, the Court
 "passed in the Affirmative, a Resolution, to wit, That
 "The main Question was then again read, being as follows, viz. That
 "That having attentively considered the correspondence which was laid
 "before the Proprietors on the 25th ultimo, this Court must, in the first place,
 "express their cordial approbation of the conduct of the Court of Directors,
 "in maintaining, as they have done, with judgment, zeal, and ability, the
 "rights and interests of the East India Company; and that, on reviewing the intimate connexion which has so long subsisted
 "between India and the Company, this Court desire to record their con-
 "viction, that the Company can have no other object in undertaking to ad-
 "minister the Territorial Government for a further term, than the advance-
 "ment of the happiness and prosperity of our native subjects; and that, if
 "Parliament in its wisdom should consider, as His Majesty's Ministers have
 "declared, that that great object may be best promoted by continuing the
 "administration in the hands of the Company, but, divested of their Com-
 "mercial character, the Company, having, through the Court of Directors,
 "suggested, as it was their duty to do, the difficulties and dangers, political,
 "as well as financial, which beset the dissolution of the connexion between
 "the Territorial and the Commercial branches of their affairs, will not shrink
 "from the undertaking, even at the sacrifice required, provided that
 "powers be reserved to enable the Company efficiently to administer the
 "Government

No. 1
 X 4 5
 General
 Court,
 25 Apr 1732.

No.
XL.

General
Court,
25 Apr. 1838.

Government, and that their pecuniary rights and claims be adjusted, upon the principle of fair and liberal compromise.

That the Company, however, looking to the present and prospective state of the Indian finances, to the aid, which the territory derives from the trade, and to the probable difficulty of effecting remittances from India, under the proposed system, are of opinion, that it is not reasonable that the Company's Assets, Commercial and Territorial, with all their possessions and rights, shall be assigned to the Crown on behalf of the Territorial Government of India, in exchange, as proposed by His Majesty's Ministers, for an Annuity of ten and a half per cent. for forty years, payable in England out of the Territorial Revenues, and redeemable at the end of that period at the rate of £100 for every £5. 5s. of Annuity, except on the following conditions, viz.

First, That the sum to be set apart for a Guarantee Fund be extended to such an amount, as upon reasonable calculation will be sufficient, with the accumulations, during forty years, to redeem the Annuity at the expiration of that term; and that, in the event of India failing, in any one year to remit sufficient funds, to pay the Dividend, the deficiency shall be supplied out of the Guarantee Fund, any sums which may be taken for that purpose being made good to the fund by subsequent remittances from India.

Secondly. That the Company, exercising the same powers as they now possess under their Charter, shall continue to administer the Government of India for a defined period, not less than twenty years; and if deprived of it at the expiration of that term, or at any time subsequently thereto, they shall be allowed the option of demanding payment of the principal, at the rate of £100 for each £5. 5s. of Annuity; and whenever paid off, they will be entitled, if they shall see fit, with their capital, or any portion thereof, to resume their undoubted right to trade, which it is now proposed by His Majesty's Ministers should be in abeyance.

Thirdly. That during the period of the Company's administration of the Territorial Government, all measures involving direct or contingent expenditure shall originate with the Court of Directors, and be subject, as at present, to the control of the Board of Commissioners, under the restrictions of the existing law; and further, that sufficient powers be reserved to the Company to check, by a system of publicity

to

No. XII.
General Court,
25 Apr. 1836.

to both Houses of Parliament, or by some other means, any acts of the Board which may appear to the Court of Directors to be unconstitutional, to militate against the principles of good government, to interfere with substantial justice to our allies, or to invalidate or impair the security for the Dividend; and,

Fourthly, That a sufficient power be retained over the Commercial Assets, to enable the Court of Directors to propose to the Company, and ultimately to the Board for their confirmation, a plan for making suitable provision for outstanding commercial obligations, and for such of the Commercial Officers and Servants of the Company as may be affected by the proposed arrangements.

That the Court of Directors be requested to communicate this Resolution to His Majesty's Ministers."

And the following Requisition for a Ballot thereon being delivered in,

We, the undersigned Proprietors of East India Stock, concurring generally in the terms of the Resolution which it has now been agreed shall form the main question, consider it to be of moment that an opportunity should be afforded to the Proprietors at large to pass their judgment upon it; and we therefore require that the same may be decided by Ballot."

- "25th April, 1836.
- | | |
|------------------------|------------------|
| "C. MARJORIBANKS, | "J. HICKS, |
| "W. WIGRAM, | "W. HOBSON, |
| "W. ASTELL, | "THOMAS VIGNE, |
| "W. S. CLARKE, | "JAMES BROGDEN, |
| "THOMAS POYNDER, JUNR, | "CHARLES MILLS, |
| "THOS. HALLIFAX, | "R. M. GRINDLAY, |
| "R. TWINING, | "D. CARRUTHERS, |
| "JOSEPH KAYE, | "HENRY HEATH, |
| "J. SHORE, | "F. M. OMMANNEY, |
| "ROBERT BROWN, | "H. SHANK, |
| "JOSEPH SELLON, | "WM. YOUNG, |
| "WILLIAM HULL, | "GEORGE LYALL, |
| "PATRICK HADDOY, | "J. R. CARNAC, |
| "JAMES RITCHIE, | "RICH. JENKINS." |

No.
XLK
 General
 Court,
 25 Apr. 1833.

On Friday, the 3d May next, was fixed for the decision of the said question by the Ballot accordingly. The Court then, on the question, Adjourned.

No. XLII.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
 TO THE EAST-INDIES,

Held on Friday, the 3d May 1833.

No.
XLII.
 General
 Court,
 3 May 1833.

The Court being met to receive the votes that may be brought in this day for the determination of the Question agreed on the 15th ultimo to be put this day by the Ballot,

The undermentioned Proprietors were appointed Scrutineers to examine the votes delivered in, and to report the determination of the said Question, viz.

- John Shore, Esq.
- William Burnie, Esq.
- William Hammond, Jun., Esq.
- John Shepherd, Esq.

At six o'clock the glasses being finally closed, were delivered to the Scrutineers; and

At about seven o'clock the same evening,

Richard Jenkins, Esq. in the Chair,

The Report of the Scrutineers was delivered in and read, being as follows, viz.

“ East-India House, the 3d May 1833.

“ We, whose names are hereunto subscribed, being appointed by the General Court of the United Company of Merchants of England trading to the East-Indies to examine the votes delivered in this day for the determination by Ballot of the following Question, viz.”

(Vide page 177.)

“ And

And being also appointed to report the number of votes for and against the said Question, have accordingly examined the same, and find that the Ballot was taken on the 24th day of May 1833, and the result thereof is as follows:

“ Votes for the Question 477

“ Votes against the Question 52

Majority 425

No. XLII.
General Court,
9 May 1833.

(Signed) “ J. SHORE.
“ WILLIAM BURNIE,
“ WM. HAMMOND, JUNR.
“ JOHN SHEPHERD.”

It was then declared from the Chair, that the Question this day put by the Ballot had passed in the Affirmative.

The Court then, on the Question, Adjourned.

The Court being met to receive the Report of the Secretaries, and to determine on the Report of the Court of Directors, the following Resolution was proposed and carried by the Ballot.

AT A

COURT OF DIRECTORS,

Held on Friday, the 24 May 1833.

Resolved, That the Chairman and Deputy Chairman be authorized to communicate, on the part of the Court of Directors, to the Right Honourable the President of the Board of Commissioners for the Affairs of India, the result of the Ballot taken this day on the proposed Resolution respecting the Company's Charter.

No. XLIII.
Court of Directors,
9 May 1833.

The Report of the Secretaries was delivered in and read, and the Court resolved to receive the Report of the Court of Directors, and to determine on the Report thereof.

“ J. SHORE,
“ WILLIAM BURNIE,
“ WM. HAMMOND, JUNR.
“ JOHN SHEPHERD.”

No. XLIV.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

East-India House, 3d May 1833.

No. XLIV.
Letter to the Rt. Hon. Chas. Grant, 3 May 1833.

Sir: We do ourselves the honour, at the instance of the Court of Directors of the East-India Company, to forward to you, for the purpose of being submitted to His Majesty's Ministers, the accompanying Resolution, which has this day been passed by the Ballot at a General Court of Proprietors, to whom the several papers respecting the Company's Charter were communicated, in conformity with the intimation conveyed to you in our predecessors' letter of the 22d March last.

We have, &c. (Signed) W. MARJIBANKS, Secy. to the Court of Directors. W. WIGRAM, Secy. to the Right. Hon. Charles Grant.

No. XLV.

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING

TO THE EAST-INDIES.

Held on Friday, the 3d May 1833.

No. XLV.
General Court, 3 May 1833.

Resolved by the Ballot, That having attentively considered the Correspondence which was laid before the Proprietors on the 25th ultimo, this Court must, in the first place, express their cordial approbation of the conduct of the Court of Directors, in maintaining, as they have done, with judgment, zeal, and ability, the rights and interests of the East-India Company.

That

That on reviewing the intimate connexion which has so long subsisted between India and the Company, this Court desire to record their conviction, that the Company can have no other object in undertaking to administer the Territorial Government for a further term, than the advancement of the happiness and prosperity of our Native subjects; and that if Parliament in its wisdom should consider, as His Majesty's Ministers have declared, that that great object may be best promoted by continuing the administration in the hands of the Company, but divested of their Commercial character, the Company having through the Court of Directors suggested, as it was their duty to do, the difficulties and dangers, political as well as financial, which beset the dissolution of the connexion between the Territorial and the Commercial branches of their affairs, will not shrink from the undertaking even at the sacrifices required, provided that powers be reserved to enable the Company efficiently to administer the Government, and that their pecuniary rights and claims be adjusted upon the principle of fair and liberal compromise.

No. XLV.
General Court,
3 May 1833.

That the Company, however, looking to the present and prospective state of the Indian finances to the aid which the Territory derives from the Trade, and to the probable difficulty of effecting remittances from India under the proposed system, are of opinion that it is not reasonable that the Company's Assets, Commercial and Territorial, with all their possessions and rights, shall be assigned to the Crown on behalf of the Territorial Government of India, in exchange, as proposed by His Majesty's Ministers, for an Annuity of ten and a-half per cent. for forty years, payable in England out of the Territorial Revenues, and redeemable at the end of that period at the rate of £100 for every £5. 5s. of Annuity, except on the following conditions, viz.

First. That the sum to be set apart for a Guarantee Fund be extended to such an amount as upon reasonable calculation will be sufficient, with the accumulations during forty years, to redeem the Annuity at the expiration of that term; and that in the event of India failing in any one year to remit sufficient funds to pay the Dividend, the deficiency shall be supplied out of the Guarantee fund, any sums which may be taken for that purpose being made good to the fund by subsequent remittances from India.

Secondly. That the Company, exercising the same powers as they now possess under their Charter, shall continue to administer the Government of India for a defined period, not less than twenty years; and if deprived of

No. XLV.
General Court,
3 May 1833.

No. XLV.
General Court,
3 May 1833.

of it at the expiration of that term, or at any time, subsequently thereto, they shall be allowed the option of demanding payment of the principal at the rate of £100 for each £5, 5s. of Annuity; and whenever paid off they will be entitled, if they shall see fit, with their capital, or any portion thereof to resume their undoubted right to trade, which it is now proposed by His Majesty's Ministers should be in abeyance.

Thirdly. That during the period of the Company's administration of the Territorial Government, all measures involving direct or contingent expenditure shall originate with the Court of Directors, and be subject, as at present, to the control of the Board of Commissioners, under the restrictions of the existing law; and further, that sufficient powers be reserved to the Company to check, by a system of publicity to both Houses of Parliament, or by some other means, any acts of the Board which may appear to the Court of Directors to be unconstitutional, to militate against the principles of good government, to interfere with substantial justice to our allies, or to invalidate or impair the security for the the dividend; and

Fourthly. That a sufficient power be retained over the Commercial Assets to enable the Court of Directors to propose to the Company, and ultimately to the Board for their confirmation, a plan for making suitable provision for outstanding Commercial obligations, and for such of the Commercial Officers and Servants of the Company as may be affected by the proposed arrangements.

That the Court of Directors be requested to communicate this Resolution to His Majesty's Ministers.

SECRET COURT OF DIRECTORS
Held on Tuesday, the 28th May 1833.
The Chairman acquainted the Court that he had caused it to be specially summoned in consequence of a letter received at this House in the afternoon

No. XLVI.
Secret Court,
28 May 1833.

SECRET COURT OF DIRECTORS
Held on Tuesday, the 28th May 1833.
The Chairman acquainted the Court that he had caused it to be specially summoned in consequence of a letter received at this House in the afternoon

of yesterday from the Right Honourable Charles Grant, replying, on the part of His Majesty's Ministers, to the Resolution passed by the General Court of Proprietors on the 3d instant, in reference to the pending discussions respecting the Company's Charter.

The said letter from Mr. Grant, dated at the India Board, the 27th instant, and addressed to the Chairman and Deputy Chairman, having been read,

It was

Ordered, That the same be referred to the consideration of a Committee of the Whole Court. Whereupon

The Court resolved itself into a Committee of the Whole Court.

No. XLVII.

LETTER from the Right Honourable CHARLES GRANT to the
CHAIRMAN and DEPUTY CHAIRMAN.

East-India House, 27th May 1833.

GENTLEMEN:

I have the honour to acknowledge the receipt of your letter of the 3d of this month, transmitting the Resolution which was passed by the Ballot on that day at a General Court of Proprietors, in reference to the pending discussions on the Charter of the East-India Company.

Having laid that Resolution before Lord Grey and the other Members of Administration, it is now my duty to convey to you the sentiments of His Majesty's Government on the subject.

His Majesty's Ministers learn with satisfaction the result of the appeal to the Ballot; and are happy to understand from it that the Proprietors, though not regarding with unqualified approbation the plan laid before them, are, on the whole, prepared to assent to its adoption, if it should receive the sanction of Parliament.

The Proprietors, however, are of opinion, that it is not reasonable that the arrangement should be entered into on the part of the Company, except on certain conditions; and to the suggestions thus offered, it seems to be expected that at least an approximation should be made.

It is the anxious wish of His Majesty's Ministers to accommodate themselves,

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28 May 1833.

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XLVII.

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the Rt. Hon.
Chas. Grant.
27 May 1833.

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the Rt. Hon.
Chas. Grant,
27 May 1833.

as far as is practicable, to the views and feelings of the Company. In this disposition, they have carefully considered the Resolution of the 3d of this month; and although not able implicitly to adopt all the suggestions contained in it, yet to some of them, and those the most important, they are ready to accede. They do so with the more pleasure, as they are glad to mark their sense of the temper and candour which have been evinced by the Court of Directors in their correspondence on the subject, and by the Court of Proprietors in the issue of the Ballot.

The Government do not think that a modification, to the extent which they now propose, of the plan as it stood when submitted to the Proprietors, will involve any sensible deviation from its essential principles. If, in a slight degree its completeness should appear to be impaired, or the efficacy of some of its provisions to be diminished by the change, they are of opinion that such partial and minute injury will be fully compensated by the advantage of rendering the entire arrangement more agreeable to the Company, and of securing their cordial co-operation in carrying it into effect.

I now proceed to notice in order the several points suggested by the terms of the Resolution.

With respect to the amount of the Guarantee Fund, the Court of Directors, in their letter of the 18th of March 1833, recommended two millions. The Resolution seems to contemplate a larger sum.

His Majesty's Ministers, however, on the whole, prefer the former scale, and accordingly propose to fix it at two millions.

With regard to the application of the Guarantee Fund as a security for the Dividend, as well as the Capital of the East-India Stock, His Majesty's Ministers are disposed to agree to the principle of the proposition. They do not, indeed, enter into the apprehensions which have led to that suggestion, believing the occurrence of the contemplated emergency to be very improbable; but, in order to meet the views of the Proprietors, they propose that the Dividend should by law have a preference to all other territorial payments in this country.

In the event, therefore, of such an emergency as the Resolution contemplates, the necessity of raising money in this country to supply a temporary deficiency of remittance, will consist in the want of funds, not for the specific purpose of the Dividend, but for other payments, in aid of which the Guarantee Fund would not properly be applicable.

But if the extreme case of such an emergency should occur, advantage may be

be taken of the Guarantee Fund without a recourse to an absolute sale of stock. In such case, let the Home Government be empowered to take, means, either by the issue of bonds, by giving bills in the nature of Exchequer bills, or by pledge or deposit of stock, in short, by some mode of engaging the credit of the fund, to borrow from time to time, as often and as much as may be necessary to provide for the payment of each half-year's dividend, instructions being at the same time issued to the Indian Government, to emit sufficient to discharge the sum which may be so raised, with its accruing interest.

With respect to the various points included in the second suggestion, His Majesty's Ministers agree,

First, "That the Company shall continue to administer the government of India for a defined period."

My opinion as to the expediency of such a limitation I have before stated to you. It is indeed still my belief, that the best security for the duration of the proposed arrangements will be found in the sanction which, as His Majesty's Ministers are persuaded, experience will give to the practical benefits of its operation. But, having communicated my impressions on this point, I have no indisposition to yield to those of the Company; and His Majesty's Ministers are prepared to recommend that the term of Government should be fixed for twenty years.

I do not know if the words "exercising the same powers as the Company now possess under their Charter," are here introduced with any specific reference. To the general propositions which they express, His Majesty's Ministers have, through me, repeatedly declared their adherence; and they are not aware that it is, in the slightest degree, impaired by any modification they contemplate in the existing system. Whatever changes Parliament may in its wisdom see fit to adopt, will, I doubt not, be made without detriment to the substantial authority of the Company.

It is possible that the words in question have been inserted in consequence of the hint thrown out in the Memorandum, that the Board should have a veto on the recall of Governors and Military Commanders in India. In order to obviate misconstruction, I avail myself of this opportunity to inform you, that it is not the intention of His Majesty's Ministers to insist on the suggestion just mentioned.

His Majesty's Ministers agree,
Secondly, "That if at the expiration of the terms, or at any subsequent period,

No.
XLVII.

Letter from
the Rt. Hon.
Chas. Grant,
27 May 1839.

No. XLVII. period, the Company are deprived of the political government, the Proprietors shall have the option (at three years' notice) of being paid off at the rate of £100 for every £5. 5s. of Annuity.

Letter from
the Rt. Hon.
Chas. Grant,
27 May 1833.

His Majesty's Ministers agree, Thirdly, That the Proprietors, whenever paid off, shall be entitled, if they see fit, with their capital, or any portion of it, to resume their undoubted right to trade, which it is now proposed should be in abeyance.

I now arrive at the third of the suggestions contained in the Resolution. To the first part of it, which, if I rightly apprehend its purport, is simply a provision for the maintenance of the principle of the existing law, there can be no objection, it being clearly understood, that in future no expence of any kind, excepting only the details of the Home Establishment expenditure, as explained in my letter of 14th March 1833, shall be incurred without the previous sanction of the Board.

The second part of this suggestion is couched in the following words: "That sufficient powers be reserved to the Company to check, by a system of publicity to both Houses of Parliament, or by some other means, any acts of the Board which may appear to the Court to be unconstitutional, to militate against the principles of good government, to interfere with substantial justice to our allies, or to invalidate or impair the security for the dividend."

I beg to assure you, that His Majesty's Ministers have taken this suggestion into their consideration, with a sincere desire to discover some safe and unexceptionable mode of satisfying apprehensions, of which they confess themselves, at the same time, unable to perceive the justice. I must fairly state, that hitherto no plan has either occurred to themselves, or been suggested by the Court, which does not seem liable, on public grounds, to grave objection. If any practicable expedient can be devised for the purpose, they will be prepared to entertain it; but I must say that they have too carefully considered the subject to have much expectation of such a result.

To the proposition contained in the fourth suggestion, "That a sufficient power be retained over the Commercial Assets, to enable the Court of Directors to propose to the Company, and ultimately to the Board for their confirmation, a plan for making suitable provision for outstanding commercial obligations, and for such of the Commercial Officers and Servants of the Company as may be affected by the proposed arrangements." His Majesty's Ministers, although not aware of any peculiar occasion for its adoption,

tion, see no reason to object, reserving always (which of course is understood) the full power of the Board to act in the matter as their duty and responsibility may in their judgment require.

No. XLVIII

I have now laid before you the modifications which it is intended to admit into the proposed plan, and I have no doubt that the Proprietors will justly appreciate the spirit in which they are conceded.

Letter from the Rt. Hon. Charles Grant, 27 May 1833.

The main principles being thus adjusted, we are, I conceive, arrived at the stage of our negotiations, at which the subject may be submitted to a more general discussion, and I think that I shall best consult the wishes and interests of all the parties concerned, if I take the earliest opportunity to bring the subject under the consideration of Parliament.

By the Legislature the various parts of the measure will be fully canvassed and finally arranged, and the result will, I trust, be no less satisfactory than advantageous to India and to the empire at large.

I have the honour to be,

GENTLEMEN,

Your most obedient Servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman of the East-India Company.

No. XLVIII

SECRET COMMITTEE OF THE WHOLE COURT.

Held on Tuesday, the 28th May 1833.

No. XLVIII.

Secret Committee of the whole Court, 28 May 1833.

The Committee, pursuant to the Court's reference of this day's proceeding to take into consideration a letter from the Right Honourable Charles Grant, dated at the India Board the 27th instant, replying, on the part of His Majesty's Ministers, to the Resolution passed by the General Court of Proprietors on the 3d instant, in reference to the pending discussions on the subject of the Company's Charter.

The

No. XLVIII. The Chairman submitted the draft of a proposed letter to Mr. Grant, expressing the Court's satisfaction at the modifications which His Majesty's Ministers have consented to introduce into the Government plan; but urging, for the reconsideration of His Majesty's Ministers, the amount of the proposed Guarantee Fund, and the adoption of some arrangement for giving publicity, in certain cases, to the proceedings of the Board and the Court.

Secret
Committee
of the Whole
Court,
28 May 1833.

And the said draft of a letter having been read,
The further consideration thereof was adjourned until to-morrow, the 29th instant.

No. XLIX.

AT A

SECRET COMMITTEE OF THE WHOLE COURT,

Held on Wednesday, the 29th May 1833.

No. XLIX. The Committee resumed the consideration of the draft of a proposed letter to the Right Honourable Charles Grant, which was laid before the Committee yesterday, expressing, in reference to his letter of the 27th instant, the Court's satisfaction at the modifications which His Majesty's Ministers have consented to introduce into the Government plan for the renewal of the Company's Charter; but urging for the further consideration of His Majesty's Ministers the amount of the proposed Guarantee Fund, and the adoption of some arrangement for giving publicity, in certain cases, to the proceedings of the Board and the Court.

Secret
Committee
of the Whole
Court,
29 May 1833.

And the Committee having agreed to certain alterations therein,
The draft of a letter was approved, and ordered to be submitted to the Court.

No. L.

At 10

SECRET COURT OF DIRECTORS.

Held on Wednesday, the 29th May 1833.

The Chairman laid before the Court the draft of a letter, which had been approved by a Committee of the whole Court, to the Right Honourable Charles Grant, in reply to his letter of the 27th instant, which communicated the sentiments of His Majesty's Government on the points embraced in the Resolution passed by the General Court of Proprietors on the 3d instant, in reference to the pending discussions respecting the Company's Charter.

The said draft of a letter was read and approved.

No. L.

Secret
Court.
29 May 1833.

No. LI.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

East-India House, 29 May 1833.

SIR: We have had the honour to receive, and to lay before the Court of Directors of the East-India Company, your letter dated the 27th instant, communicating the sentiments of His Majesty's Ministers upon the points embraced in the Resolution regarding the Company's Charter, which was passed by the General Court of Proprietors on the 3d of this month.

No. LI.

Letter to
the Rt. Hon.
Chas. Grant,
29 May 1833.

The Court of Directors acknowledge with much satisfaction the several modifications of the plan of Government which your letter announces, and they are persuaded that their Constituents, equally with themselves, will appreciate the spirit of frankness and conciliation in which those modifications have been conceded.

There now remain two points upon which the view taken by the General Court differs from that of Ministers: the amount of the Guarantee Fund,

No. LI.
 Letter to
 the Rt. Hon.
 Chas. Grant,
 29 May 1833.

Fund, and the expediency of authorizing publicity being given, in certain cases, to the proceedings of the Board and the Court. We must candidly state to you, that both of these points were deemed by the General Court to be of vital consequence, and that the concurrence in the basis of the scheme which is implied in their late Resolution, appeared to be mainly dependent on the Guarantee Fund being extended as far as that Resolution contemplates, and on such a measure of publicity being sanctioned as is necessary to insure good government.

We are, of course, aware that the late Court of Directors proposed that the sum to be set apart as a Guarantee Fund should be increased from £1,200,000, to about £2,000,000, the amount at which His Majesty's Ministers have consented that it should be fixed: but when that proposal was made, nothing definite had been arranged regarding the term of the annuity, and the view taken by the Proprietors is, that at the expiration of the term (since limited to forty years) the Guarantee Fund with its accumulations should be equal to the capital then to be discharged.

By adopting this suggestion, the sum to be set apart, instead of two millions, would not fall far short of three millions; but the financial difference to India, between applying one million in the liquidation of territorial debt, and investing it in England, would be comparatively trifling. In the one case, indeed, there would be an immediate reduction of charge in India to the extent of the saving of interest from the discharge of debt; whilst, in the other case, the interest on the sum invested would accumulate at home: but the accumulation would be expressly for the purpose of enabling India to pay off a debt; and you will no doubt concur with us in thinking, that it consists with sound financial policy that India, being required at a fixed period to discharge an obligation, should provide for it, so as to obviate "the necessity of any particular effort for that purpose," as was observed in your letter dated the 14th March last.

We submit then, that the principle which the Proprietors have recognised is just, and expedient, both as affording to them a security that there will be the means to redeem their capital at the time appointed, and as assuring to India the possession of those means without having recourse to fresh loans. The same principle might perhaps be maintained, consistently with a limitation of the fund to two millions, by determining that the Annuity should be irredeemable (unless at the option of the Proprietors in the contingency separately provided for) until the Guarantee Fund shall have accumulated to
 twelve

twelve millions; but this arrangement would not be so satisfactory to the Proprietors as an extension of the fund; and the Court must earnestly press upon His Majesty's Ministers their decided opinion, that the Company are, upon every principle of justice, entitled to retain out of the Commercial Assets, the very moderate sum of three millions.

The manner in which it is proposed to meet the views of the Company with respect to a security for the regular payment of the Dividend is satisfactory to the Court, provided that it form part of the enactment; that the Guarantee Fund shall in no case be used for, or considered applicable to any other object than to secure to the Proprietors their Capital Stock and their Dividend.

The suggestion of the General Court, that publicity should, in certain cases, be given to the proceedings of the Board and the Court of Directors, arises from a feeling that, in the important duty of administering the Government of India, those Authorities should constantly act under the strongest sense of responsibility to the Legislature. The mode in which the General Court have sought the attainment of this desirable object is not, we think, correctly understood by His Majesty's Ministers.

We admit that the terms in which this part of the General Court's Resolution is couched may appear to imply a desire that Parliament should constitute either itself or some separate tribunal as a Court of Appeal, to which the Directors might resort upon occasions of differences with the Board; but we have no hesitation in declaring that, in our judgment, such a measure was not within the contemplation of the General Court.

Although the Court of Directors did propose that there should be some appeal upon the merits of cases of a very peculiar kind, yet they cannot but perceive that any appeal, if resorted to generally, would produce delay and expense, which it was one object of the General Court to avoid; and we are persuaded that the many evils which experience has shown to result from the difficulty of giving prompt effect to the final orders of the Board, might be fully obviated by a simple enactment, requiring that whenever the Court shall pass a Resolution of Protest against orders or instructions given by the Board, after remonstrance on the part of the Court, such Resolution of protest shall be laid before both Houses of Parliament.

Being then, that the object is not the creation of a Court of Appeal, but only the communication of a fact to Parliament; and which, as it will be made after the orders are dispatched, will not have the prejudicial effect in India which, when collision between the Home Authorities now takes place, must

No. LI.

Letter to
the Rt. Hon.
Chas. Grant,
29 May 1833.

result from that fact becoming known to the local Governments, simultaneously with, if not *before* the orders, we cannot but hope that His Majesty's Ministers will concur in a proposal which is calculated, in the opinion of the Court, to secure the independence of the Company under the new system, to check unnecessary controversy, to prevent expense in legal proceedings, and to accelerate the progress of the public business.

If the King's Ministers shall be pleased, under the explanations which we have offered, to acquiesce in the wishes of the Proprietors, regarding an extension of the Guarantee Fund and the question of publicity, it will be unnecessary, in the present stage of the negotiation, for the Court to do more than to communicate to the General Court the further Correspondence which has passed upon the subject; but if, contrary to the anxious hope of the Court, Ministers should decline their concurrence upon these points, it will obviously be necessary to consult the Proprietors whether or not they will consent to the basis of the proposed compromise, upon terms falling short of those specified in their late Resolution.

We have the honour to be, Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,
&c. &c. &c.

No. LII.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 5th June 1833.

No. LII.

Secret
Court,
5 June 1833.

A letter from the Right Honourable Charles Grant, dated at the India Board the 4th instant, being read, acknowledging the receipt of the letter from the Chairman and Deputy Chairman of the 29th ultimo, expressing his regret that his communications on the subject of the Company's Charter have not proved altogether so satisfactory to the Court as he could have wished, and

and indeed as he ventured to anticipate; declining, on the part of His Majesty's Ministers, to acquiesce in the Court's suggestions regarding a further increase of the amount of the proposed Guarantee Fund, or to accede to their proposition for a communication to Parliament, in certain cases, of the proceedings of the Court and the Board; explaining the grounds upon which His Majesty's Ministers have arrived at such a determination; and requesting that the present communication may be considered as final, and that on the essential principles which form the basis of the Government plan as it now stands, the Company will pronounce an opinion unconditionally and conclusively.

It was

Resolved, That the said letter be referred to the consideration of a Committee of the Whole Court, to be specially summoned for to-morrow.

No. LIII.

LETTER from the Right Honourable CHARLES GRANT to the
CHAIRMAN and DEPUTY CHAIRMAN.

India Board, June 4th 1833.

GENTLEMEN:

I have had the honour to receive the letter dated the 29th of May, and marked *secret*, in which you state the sentiments of the Court of Directors in reply to that which I transmitted to you on the 27th of May.

While I acknowledge the spirit of courtesy which has induced the Court of Directors to address me in a confidential manner, I cannot but express my regret that my communications have not proved altogether so satisfactory to them as I could have wished, and, indeed, as I ventured to anticipate.

Impressed with the importance of settling the East-India question, and anxious at the same time to testify a just deference for the Court of Proprietors, by yielding to their suggestions, whenever such concession was not incompatible with the principle of the Government plan, His Majesty's Ministers willingly acceded to nearly every modification contemplated by the Resolution of the 3d of May.

It seems, however, to be impressed on the minds of the Court of Directors,

No. LII.
Secret
6 June 1833.

No. LIII.
Letter from
the Rt. Hon.
Chas. Grant,
4 June 1833.

No. LIII. that the plan, even thus modified, fails in affording to the Company that full security for their future welfare and efficiency which, both in their Proprietary character and as the intended organ of Indian Administration, they are entitled to require; and, with a view to the providing of such security, the Court conceive that, in two respects, further concession should be granted. The one of these two points relates to the Guarantee Fund, and the other to the communication proposed to be made, in certain cases, of matters which shall have divided the Court and the Board, to both Houses of Parliament.

Letter from
the Rt. Hon.
Chas. Grant,
4 June 1833.

It is my present object to offer some explanatory observations, which will, I trust, prove that on both points the Court are under some degree of misapprehension; that there is no necessity for any farther modification of the Government propositions, inasmuch as, in virtue of the plan, or under its operation, the Company will, for every practical purpose, possess all the security which can be desired; and consequently, that no reason exists, why they should feel any hesitation in closing with the overture of His Majesty's Ministers.

In respect of the first of the two subjects alluded to, namely, that of the Guarantee Fund, you appear desirous of maintaining the following principle: that the sum to be set aside shall be sufficient, with its accumulations, to redeem the annuity of £630,000 at the expiration of the period during which it is to remain irredeemable; and you suggest that, in the event of Ministers not consenting to such an increase of the Guarantee Fund as shall, on reasonable calculation, insure an amount of twelve millions at the end of forty years, then the period of redemption shall be prolonged, until the fund limited to two millions shall, by dint of accumulation, attain to that amount.

I hope, on this point, to satisfy you, that no provision of the nature alluded to is requisite.

I will not now enter into the question, how far it may be proper or expedient to provide a fund, in order to meet the payment of the capital at the period prescribed. The convenience of such a provision, to a certain extent, I have admitted in my letter to which you refer of the 14th of March. Its effect must be, as I have there stated, to spare *pro tanto* the necessity of a particular effort to raise the sum required for the redemption of the annuity. But, though admitting the principle, thus far, I do not think it of unlimited application, nor can I concur in carrying it to the extent now proposed. On the contrary, His Majesty's Ministers entertain a confident persuasion, that an accumulated fund of eight, or even of six millions, would be amply sufficient

to obviate any financial difficulty in effecting any arrangement that may be suggested by the condition of paying the full amount of twelve millions. No. LIII.

With respect to the extension of the period for redeeming the annuity; it cannot have escaped the observation of the Court, that whenever Parliament shall avail itself of the option of redemption, that redemption must be effected at the rate of £100 for every £5. 5s.; as expressly provided for in the Paper of Hints. Should it be resolved, therefore, by the Government and Parliament of the time, to redeem the Annuity of £630,000 before the Guarantee Fund shall have swelled to the amount of twelve millions, they can carry this resolution into effect only by raising the additional sum necessary for that purpose, and thus placing the Proprietors precisely in as good a condition as that in which they would have stood, if the fund itself, with its accumulations, had attained the required amount.

Letter from
the Rt. Hon.
Chas. Grant,
4 June 1833.

On the other hand, should the Government and the Parliament not see fit to exercise their optional power of redeeming the annuity before the Guarantee Fund shall have risen to twelve millions, then the consequence *ipso facto* must be, that the Proprietors will continue in the receipt of the Annuity of £630,000 until the time arrives at which the accumulated fund shall reach the proper amount.

It is therefore obvious, that under the proposed arrangement the Proprietors are secure of one or other of those alternative advantages which the Court are so desirous of obtaining for them. If paid off *before* the period at which the Guarantee Fund shall have become twelve millions, they will have the same advantage as if the fund provided had been larger; if not paid off *before* that period, they will have the same advantage as if the term of redemption were extended.

I now proceed to the second of the two points on which the Court are solicitous for farther concession. I allude to the proposition that, in any case in which orders dispatched to India by the over-ruling authority of the Board, shall have been protested against by the Directors; it shall be competent to the Directors, after the transmission of such orders, to lay their resolution of Protest before both Houses of Parliament. This proposition has engaged the renewed attention of His Majesty's Ministers; and, notwithstanding the explanations of the Court, the Ministers cannot precisely comprehend the grounds on which the proposition is so strongly prest. If the Court mean only that they ought to have the power of inviting the attention of Parliament to any matter of public policy which has placed them in collision with the

No. LIII. the Board, and which is, in their opinion, of a nature to call for such a proceeding; it is plain that this power already belongs to the Court, in the constitutional privilege which, in common with all other subjects of the realm, they undoubtedly enjoy, of approaching either House of Parliament by petition. Of this privilege, and of all that right of appeal which it necessarily involves, to the judgment of the Legislature and to the arbitration of public opinion, and of the means with which they are thus provided of checking any illegal or unconstitutional proceedings on the part of the other branch of the Home Government, they are already in secure possession. No new recognition of the existence of such a power can be necessary; and probably the exercise of it would be rather embarrassed than assisted, by any attempt to prescribe the mode, or to define the occasions of putting it in action. But if any power materially different from this be contemplated, His Majesty's Ministers must declare themselves unable to accede to the suggestion. It might, indeed, be enough for them to observe, that the proposition is too indistinct to be accepted in its present form; but they object to it on independent grounds. They are satisfied that, for all practical purposes, the Court are already invested with sufficient powers; and they cannot but object to the introduction into the system of the Home Government of any principle of which they cannot admit the necessity, and which, whatever be the precise shape that it may assume, cannot fail to operate, as they apprehend, very prejudicially to the purposes of good government.

The observations into which I have thus entered, will, I hope, be thought sufficient to establish the position with which I set out; namely, that all the security which the Company, either as Proprietors of Stock or as Governors of India, can reasonably desire, they already possess.

In now coming to a close, I feel it my duty, on the part of His Majesty's Ministers, to request that the present communication may be considered as final.

It will not, I am persuaded, be ascribed to any want of respect, or to a wish for premature or precipitate judgment, if I further feel it my duty, on the part also of His Majesty's Ministers, to ask, that on the essential principles which form the basis of the Government plan as it here stands, the Company will be pleased to pronounce an opinion unconditionally and conclusively.

It is not for me to anticipate their decision, further than by saying that I look forward to it, not indeed without a degree of solicitude, but on the whole with sanguine hope. Discussion has smoothed down the discrepancies between the views and sentiments of the Company and those of the Government, or

has

Letter from
the Rt. Hon.
Chas. Grant,
4 June 1833.

has shown that those discrepancies were more apparent than real, and though to some extent a diversity of opinion may still be expected to subsist, yet I cannot but persuade myself that the definitive determination of the Directors will be to recommend the plan to the adoption of their Constituents, and that their advice will be followed.

I have, &c.
(Signed) CHARLES GRANT,
The Chairman and Deputy Chairman
of the East-India Company.

No. LIII.

Letter from
the Rt. Hon.
Chas. Grant,
4 June 1833.

No. LIV.

AT A

SECRET COMMITTEE OF THE WHOLE COURT,

Held on Thursday, the 6th June 1833.

The Committee met specially, in consequence of the Court's reference of the 5th instant, for the purpose of taking into consideration a letter from the Right Honourable Charles Grant, dated at the India Board the 4th instant, in reply to the letter from the Chairman and Deputy Chairman of the 29th ultimo; The said letter from Mr. Grant was read;

And the Committee having deliberated thereon, adjourned until to-morrow;

No. LIV.

Secret
Committee
of the Whole
Court,
6 June 1833.

No. LV.

AT A

SECRET COMMITTEE OF THE WHOLE COURT,

Held on Friday, the 7th June 1833.

The Committee resuming the consideration of the letter from the Right Honourable Charles Grant, dated at the India Board the 4th instant, in reply to the letter from the Chairman and Deputy Chairman of the 29th ultimo;

No. LV.

Secret
Committee
of the Whole
Court,
7 June 1833.

No. LV.

Secret
Committee
of the Whole
Court,
7 June 1833.

The Chairman submitted the following motion, *viz.*

“ That this Court continuing of opinion, that the mode in which it is suggested, in the General Court’s Resolution of the 3d ultimo, that the Guarantee Fund should be extended, is consistent with sound principle and with justice to the reasonable expectations of the Proprietors, and continuing also to think that some rule of publicity would be necessary, under the new system, to preserve the independence of the Company and to secure the good government of India, regret that they are compelled by a sense of duty to decline to recommend to the Proprietors to depart from their Resolution in either of these respects.”

And the Question thereon being put,

It passed in the Negative.

It was then moved, and on the Question,

Resolved, That the following Minute and Resolution be submitted for the adoption of the Court, *viz.*

“ The Court proceeding to take into consideration the letter from the Right Honourable Charles Grant, dated the 4th instant, and observing that the several suggestions contained in the General Court’s Resolution of the 3d ultimo have been adopted by His Majesty’s Ministers, with the exception of the amount of the Guarantee Fund, which, however, Ministers have agreed shall be extended to two millions; and with the exception also of what relates to the giving publicity, in certain cases, to the proceedings of the Board and the Court;

“ *Resolved*, That although the Court must be permitted still to think that the mode in which it has been suggested by the General Court, in their Resolution of the 3d ultimo, that the Guarantee Fund should be extended, is only consistent with what is justly due to the reasonable expectations of the Proprietors, yet perceiving, as the Court do, with satisfaction, an admission by Mr. Grant of the principle contended for by the Company, to the extent that, if paid off before the period at which the Guarantee Fund shall have become twelve millions, they will have the same advantage as if the Fund provided had been larger; if not paid off before that period they will have the same advantage as if the term of redemption were extended;”

“ and considering also that, by the modifications which Ministers have allowed, the Company will obtain a material addition to the amount first proposed, and the Fund will be available to secure the Dividend as well as the Capital Stock; this Court are prepared to recommend, that if it should be

be

“ be the pleasure of Parliament to limit the sum to be set apart to two mil- Nq. LV.
 “ lions, the Proprietors should defer thereto.”

“ That this Court adhere to the opinion which they have repeatedly
 “ expressed, that some measure of publicity to be exercised as a rule, not as
 “ a privilege, will be necessary to preserve to the Company, under the altered
 “ circumstances in which the plan of Government will place them, that
 “ degree of independence which is required to enable them, efficiently to
 “ perform their part in the government of India; and the Court entertain a
 “ confident expectation that Parliament, taking the same view of the subject,
 “ will make suitable provision accordingly.”

“ That as, notwithstanding this exception, supposing the Proprietors to
 “ concur in the recommendation respecting the amount of the Guarantee
 “ Fund, the Company’s acquiescence in ‘the essential principles which form
 “ ‘the basis of the Government plan,’ as modified in consequence of the
 “ General Court’s late Resolution, will have been expressed so as to allow of
 “ its being brought before Parliament, it will be unnecessary to adopt any
 “ further proceeding at present, as the question of placing the Company’s
 “ permanent Commercial rights under their Charter in abeyance cannot be
 “ conclusively decided by the Proprietors, until they have before them the
 “ Bill by which Parliament may propose to give effect to the plan, the basis
 “ only of which has yet been agreed upon.”

“ That a Special General Court be summoned to meet on Monday next,
 “ the 10th instant, for the purpose of laying before the Proprietors the
 “ further correspondence, together with this Resolution.”

A report to the Court, submitting the foregoing Minute and Resolution,
 was approved and signed.

Secret
 Committee
 of the Whole
 Court,
 7 June 1839.

No. LVI.

REPORT

BY THE COMMITTEE OF THE WHOLE COURT,

the 7th June 1833.

No. LVI. Your Committee herewith submit for the Court's adoption the accompanying Minute and Resolution upon the letter of Mr. Grant dated the 4th instant.

Report
Committee
of the Whole
Court,
7 June 1833.

J. P. MUSPRATT,

HENRY SHANK,

J. L. LUSHINGTON,

R. C. FERGUSSON,

H. ALEXANDER,

GEORGE RAIKES,

JOHN THORNHILL,

RD. JENKINS,

JOHN COTTON.

WILLIAM ASTELL,

W. S. CLARKE,

JOHN LOCH,

CHARLES MILLS,

GEORGE LYALL,

WILLIAM YOUNG,

PATRICK VANS AGNEW,

JAMES R. CARNAC,

JOHN FORBES,

RUSSEL ELLICE,

No. LVII.

AT A

SECRET COURT OF DIRECTORS,

Held on Friday, the 7th June 1833.

No. LVII. A Report from the Committee of the Whole Court, dated this day, being read, submitting for the Court's adoption a Minute and Resolution upon the letter from the Right Honourable Charles Grant, dated the 4th instant, which was read in Court on the following day, and referred to the Committee's consideration;

Secret
Court of
Directors,
7 June 1833.

And the said Minute and Resolution having been read ;

The

The same was approved, being as follows, *viz.*

The Court proceeding to take into consideration the letter from the Right Honourable Charles Grant, dated the 4th instant, and observing that the several suggestions contained in the General Court's Resolution of the 3d ultimo have been adopted by His Majesty's Ministers, with the exception of the amount of the Guarantee Fund, which, however, Ministers have agreed shall be extended to two millions; and with the exception, also, of what relates to the giving publicity, in certain cases, to the proceedings of the Board and the Court;

Resolved, That although the Court must be permitted still to think that the mode in which it has been suggested by the General Court, in their resolution of the 3d ultimo, that the Guarantee Fund should be extended, is only consistent with what is justly due to the reasonable expectations of the Proprietors, yet perceiving, as the Court do, with satisfaction, an admission by Mr. Grant of the principle contended for by the Company, to the extent that, "if paid off before the period at which the Guarantee Fund shall have become twelve millions, they will have the same advantage as if the fund provided had been larger; if not paid off before that period, they will have the same advantage as if the term of redemption were extended;" and considering also that, by the modifications which Ministers have allowed, the Company will obtain a material addition to the amount first proposed, and the fund will be available to secure the Dividend as well as the Capital Stock; this Court are prepared to recommend that, if it should be the pleasure of Parliament to limit the sum to be set apart to two millions, the Proprietors should defer thereto.

That this Court adhere to the opinion which they have repeatedly expressed, that some measure of publicity, to be exercised as a rule not as a privilege, will be necessary to preserve to the Company, under the altered circumstances in which the plan of Government will place them, that degree of independence which is required to enable them efficiently to perform their part in the government of India; and the Court entertain a confident expectation that Parliament, taking the same view of the subject, will make suitable provision accordingly.

That as, notwithstanding this exception, supposing the Proprietors to concur in the recommendation respecting the amount of the Guarantee Fund, the Company's acquiescence in "the essential principles which form the basis of the Government plan," as modified in consequence of the General Court's

No. LVII.

Secret
Court of
Directors,
7 June 1833.

No LVII. late Resolution, will have been expressed; so as to allow of its being brought before Parliament, it will be unnecessary to adopt any further proceeding at present, as the question of placing the Company's permanent Commercial rights under their Charter in abeyance cannot be conclusively decided by the Proprietors, until they have before them the Bill by which Parliament may propose to give effect to the plan, the basis only of which has yet been agreed upon.

Secret
Court of
Directors,
7 June 1833.

That a Special General Court be summoned to meet on Monday next, the 10th instant, for the purpose of laying before the Proprietors the further Correspondence, together with this Resolution.

Draft of a Letter to the Right Honourable Charles Grant, transmitting a copy of the foregoing Resolution, was read and approved.

On a motion,

Ordered, That the whole of the Proceedings of this Court, with those of any Committee of the Whole Court, together with the Correspondence which has passed between His Majesty's Ministers and the Court of Directors since the last communication to the Proprietors, be printed and laid before the General Court.

Draft of an Advertisement, summoning a Special General Court of Proprietors for Monday next the 10th instant, and giving notice that the further Papers respecting the Company's Charter, to be then laid before them, are now printing, and will be ready for delivery to the Proprietors at this House on Monday next at ten o'clock, was read and approved.

No. LVIII.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the*
Right Honourable CHARLES GRANT.

East-India House, 7th June 1833.

No.
LVIII.

Letter to
the Rt. Hon.
Chas. Grant,
7 June 1833.

SIR:

WE have had the honour to receive your letter dated the 4th instant; explaining the opinions of His Majesty's Ministers upon the two points arising out of the General Court's Resolution of the 3d ultimo, which formed the subject of our communication to you of the 29th of that month.

Having

Having laid your letter before the Court of Directors, they in consequence of it, have adopted a Resolution, copy of which we beg leave to enclose.

We have the honour to be, Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS.

W. WIGRAM

The Right Honourable Charles Grant,

&c. &c. &c.

No.
LVIII.

Letter to
the Rt. Hon.
Chas. Grant.
7 June 1833.

No. LIX.

AT A

COURT OF DIRECTORS,

Held on Monday, the 10th June 1833.

No. LIX.

A letter from the Right Honourable Charles Grant, dated at the India Board the 8th instant, acknowledging the receipt of the letter from the Chairman and Deputy Chairman, which forwarded a copy of the Resolution passed by the Court of Directors on the 7th instant, upon the two points which formed the subject of his letter of the 4th of this month, and expressing his satisfaction at the Court's acquiescence in the propositions that were thus laid before them, was read.

Court of
Directors,
10 June 1833.

A Dissent, delivered in by the Chairman and Deputy Chairman, from the Resolution passed by a Secret Court of Directors on the 7th instant, relating to the present negotiation with His Majesty's Ministers on the subject of the Company's Charter, was likewise read.

It was then, on a motion,

Resolved, That with reference to the Resolution of this Court of the 7th instant, under which the several proceedings relating to the Company's Charter since the last communication to the General Court upon that subject have been printed, and will this day be laid before the Proprietors; the letter from the Right Honourable Charles Grant, dated the 8th instant, and the Dissent now delivered in by the Chairman and Deputy Chairman, be likewise laid before the Proprietors, and printed for their information.

No. LX.

LETTER from the Right Honourable CHARLES GRANT to the CHAIRMAN
and DEPUTY CHAIRMAN.

India Board, 8th June 1833.

No. LX.

GENTLEMEN :

Letter from
the Rt. Hon.
Chas. Grant,
8 June 1833.

I have the honour to acknowledge the receipt of your letter of yesterday's date, transmitting copy of the Resolution passed by the Secret Court of Directors held on that day, upon the two points which formed the subject of my letter to you of the 4th instant.

I beg to return you my thanks for the communication now made, and to request you to express to the Court the satisfaction with which I have observed their acquiescence in the propositions that were thus laid before them.

I have the honour to be, Gentlemen,

Your most obedient humble Servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. LXI.

DISSENT by the CHAIRMAN (C. Marjoribanks, Esq.) and DEPUTY
CHAIRMAN (W. Wigram, Esq.).

No. LXI.

Dissent by
the Chairman
and Deputy
Chairman,
10 June 1833.

We considered it to be our duty to submit the motion which was negatived in a Committee of the Whole Court on Friday last, the 7th instant, because we desired to maintain to the full extent what we conceive to be the views of the General Court by their Resolution of the 3d May, in which Resolution we entirely concurred.

We consequently withheld our signatures from the Report which submitted the Resolution passed in the Committee for adoption by the Court.

The Court having adopted it, we feel compelled to place upon the Records of the Company our Dissent, for the following reasons, viz.

First,

First, Because, although we are prepared to admit that considerable modifications have been made by His Majesty's Ministers in the plan, as originally proposed, we still think, with reference to the General Court's proceedings, that the Proprietors, both in justice and equity, are entitled to have the sum of Three instead of Two millions set apart as a Guarantee Fund for their Capital Stock, particularly when we consider the readiness with which the propositions of His Majesty's Ministers have been met by the Company consenting to place in abeyance their valuable rights as a Corporation, thereby withdrawing from competition with the British Merchant the large capital and established influence which they possess in their commercial character, both in England and in India, but more particularly as regards the trade with China.

2ndly. Because we are of opinion that some legislative provision for giving publicity in certain cases of difference between the Board of Commissioners and the Court of Directors, is indispensable for maintaining the independence of the Court, and consequently for the good government of India. For unless it is known that the two co-ordinate authorities act under a positive responsibility to Parliament, the paramount authority may enforce their views and opinions, however contrary to good government or wholesome rule, without the possibility of the Legislature becoming acquainted with the facts, by the Ministers refusing the production of the papers connected therewith to Parliament. Nothing can more clearly substantiate the truth of this position than what has already taken place with reference to the Papers now before the General Court, and which have been printed at the instance of the Proprietors.

We allude to those relating to the Pecuniary Claims of British Subjects on the Native Princes of India, and to the Writ of Mandamus on the Affairs of Messrs. William Palmer and Co. of Hyderabad. In the former is the case of the Lucknow Bankers, which originated so far back as the year 1797. The claims of these parties have been pressed upon the Court of Directors on various occasions during the last twenty-two years. The Court have invariably declined giving any countenance or support whatever to these claims, and the Board of Commissioners have confirmed the views of the Court.

In April 1832, after a lapse of ten years, the Court were called upon by the Indian Minister to depart from that course, and to frame a dispatch according to the tenour prescribed by the Board, which was "to instruct the Supreme Government to press upon the serious attention of the King of Oude a claim which ought to have been discharged thirty years ago."

At the date of this communication from the Board there were two cases

No. LXI.

Dissent by
the Chairman
and Deputy
Chairman.
10 June 1833.

No. LXI. before Parliament involving claims of British Subjects against Native Princes ;
 the one on the Zemindar of Noozed, and the other upon the Rajah of
 Travancore.

Dissent by
 the Chairman
 and Deputy
 Chairman,
 10 June 1833.

The Court endeavoured to convey to the President of the Board of Commissioners, and through that Right Honourable Gentleman to the rest of His Majesty's Ministers, in a letter of the 9th May 1832,* the conviction which they entertain of the pernicious tendency of the principle involved in all those proceedings. It would only weaken the force of that remonstrance to quote merely a part, and we therefore rest upon the whole as presenting irrefragable arguments in support of the Court's opinion. The President waived all discussion as to the merits of the claims of the Lucknow Bankers,† but expressed dissent in every respect from the view taken by the Court, and the requisition that the Court would prepare a dispatch was repeated. The Court not having prepared instructions to the Bengal Government, the Board, on the 15th December (seven months afterwards) sent down a dispatch with directions that the Court should forward the same.

The Court still felt that the question as to the policy, as well as the right of the British Government to exert its authority with the Sovereign of Oude for the satisfaction of the claims in question, was long ago "accurately considered, "deliberately decided, and solemnly and finally closed ;"‡ and they represented to the Board the strong apprehension which they entertained from establishing such a precedent, and concluded by expressing their full assurance, that the considerations urged by the Court against the Dispatch sent down by the Board would receive careful and deliberate attention, and "judging by the conviction "they have produced in themselves, they cannot but entertain the strong hope "and expectation that they will make a similar impression on the minds of the "Commissioners."§

We trust that the arguments of the Court have not been urged without effect, as the Board have paused in enforcing their order of December ; but what, we may ask, would have been the case, had there been a President of the Board of Commissioners determined, without awaiting such representation, or giving attention to it when made, to enforce the transmission of the Dispatch ?

It is against such a possible exercise of power, and in the event of such
 power

* Page 1 of the Printed Papers respecting Pecuniary Claims of British Subjects on Native Princes of India, &c.

† Page 45, Letter from the President, dated the 14th May.

‡ Page 53 of the Printed Papers. § Page 71 of Ditto.

power being exercised, that the facts shall reach Parliament, that we contend for a rule of publicity. No. LXL.

The case also of Messrs. William Palmer and Co. forms another instance in which the exercise of absolute power may compel the Court, under the proposed scheme, to send out a Dispatch, although contrary in their opinion to every principle of justice, and which may be calculated to lower the character of the British Government throughout India, without the same coming before Parliament.

Dissent by
the Chairman
and Deputy
Chairman,
10 June 1833.

The right of appeal which the Court at present possess, affords the means, though not in our judgment sufficiently ample, to get the matter of a Dispatch, on which an extreme difference of opinion shall exist, before the Public; but this will cease under the new order of things.

Objections on the score of political expediency may be urged against the proposition; but we think the provisions might be sufficiently guarded to prevent any ill effects, whilst its very existence would, in our judgment, tend more to insure an abstinence from acts which would bring the authorities within its operation, than any other measure which can be devised as a substitute; whilst promptness in decision would be promoted, justice would be readily afforded, and heavy law charges avoided.

It is not without feelings of sincere regret that we find ourselves placed in opposition to the opinion of so large a majority of our colleagues; but we think that we should not discharge our duty to the Company, to India, or to the British public, were we not thus to express our conviction as to the necessity of instituting means, whereby Parliament shall, in certain cases, acquire a direct knowledge of the measures of that branch of the Executive Government of this Country, under whose control the Affairs of India are administered.

(Signed) C. MAJORIBANKS,
W. WIGRAM.

East-India House, the 10th June 1833.

No. LXII.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES.

Held on Monday the 10th June 1833.

No.
LXII.
General
Court,
10 June 1833.

The Chairman acquainted the Court, that it had been specially summoned for the purpose of laying before the Proprietors further papers respecting the present negotiation with His Majesty's Ministers on the subject of the Company's Charter.

The undermentioned papers were then laid before the Court, and read, *viz.*
Minute of a Court of Directors held on Friday the 3d May 1833.

Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated 3d May 1833.

Minute of a General Court, held on Friday the 3d May 1833.

Minute of a Secret Court of Directors, held on Tuesday the 28th May 1833.

Letter from the Right Honourable Charles Grant to the Chairman and Deputy Chairman, dated the 27th May 1833.

Minute of a Secret Committee of the whole Court, held on Tuesday the 28th May 1833.

Minute of a Secret Committee of the whole Court, held on Wednesday the 29th May 1833.

Minute of a Secret Court of Directors, held on Wednesday the 29th May 1833.

Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated the 29th May 1833.

Minute of a Secret Court of Directors, held on Wednesday the 5th June 1833.

Letter from the Right Honourable Charles Grant to the Chairman and Deputy Chairman, dated the 4th June 1833.

Minute of a Secret Committee of the whole Court, held on Thursday the 6th June 1833.

Minute

Minute of a Secret Committee of the whole Court, held on Friday the 7th June 1833.

Report by the Committee of the whole Court, the 7th June 1833.

Minute of a Secret Court of Directors, held on Friday the 7th June 1833.

Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated the 7th June 1833.

Minute of a Court of Directors held this day.

Letter from the Right Honourable Charles Grant to the Chairman and Deputy Chairman, dated the 8th June 1833.

Dissent by the Chairman (C. Marjoribanks, Esq.) and the Deputy Chairman (W. Wigram, Esq.), 10th June 1833.

It was moved, and after a discussion of some length,

Resolved, That this Court having deliberately considered the correspondence which has taken place between the Court of Directors and His Majesty's Ministers since the last General Court, and the modifications agreed to by them in consequence of its Resolution of the 3d May, while it sensibly and gratefully appreciates the motives which have actuated the Honourable the Chairman and Deputy Chairman in the course which they have thought it their duty to take, concurs in the opinions, and adopts the recommendation of the Court of Directors in their Minute and Resolution of the 7th June, now read, and requests that they will be pleased to lay before the Proprietors a Copy of the Bill about to be introduced into Parliament respecting the future Government of India and the Company's Charter, so soon as the same shall be printed, in order that they may be enabled to judge of the clauses of the said Bill.

No.
LXII.

General
Court,
10 June 1833.

No. LXIII.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the Right*
Honourable CHARLES GRANT.

East-India House, 10th June 1833.

SIR :

No.
LXIII.
Letter to
the Rt. Hon.
Chas. Grant,
10 June 1833.

In reference to our letter of the 7th instant, transmitting copy of a Resolution of the Court of Directors upon the further Correspondence regarding the Company's Charter, we have the honour to transmit to you copy of a Resolution which has this day been passed by the General Court of Proprietors, concurring in the opinions, and adopting the recommendation of the Court of Directors.

We have the honour to be, Sir,

Your most obedient humble Servants,

(Signed) C. MAJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,
&c. &c. &c.

No. LXIV.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 12th June 1833.

A Letter signed by George Smith, Esq., a Member of this Court, dated this day, was read, stating his concurrence in the view taken by the Chairman and Deputy Chairman of the Resolution passed by a Secret Court on the 7th instant upon the subject of the Company's Charter, and requesting that he may be considered as a subscribing party to the opinions expressed in their Dissent of the 10th instant.

A Paper signed by John Masterman, Esq., a Member of this Court, dated this day, was likewise read; stating that had he been present when the Court passed their Resolution of the 7th instant, above referred to, he should, under the circumstances in which the Company is placed, have joined in the recommendation to the Court of Proprietors conveyed in that Resolution.

Henry St. George Tucker, Esq., a Member of this Court, delivered in his Dissent from the said Resolution of the 7th instant, which Dissent was likewise read.

It was then, on a motion,

Resolved, That the Letter, Paper, and Dissent, now read, be printed for the information of the Proprietors.

No.
LXIV.
Minute of
Court,
12 June 1833.

No. LXV.

LETTER from GEORGE SMITH, Esq. to the COURT OF DIRECTORS.

East-India House, 12th June 1833.

GENTLEMEN:

No.
LXV.
Letter from
G. Smith,
Esq.
12 June 1833.

Having been unavoidably absent from the Court on Monday last, I was prevented signing the Dissent delivered in by the Chairman and Deputy Chairman from the Resolution passed by a Secret Court on the 7th instant on the subject of the Company's Charter. Entirely concurring in the view taken by the Chairs of that question, I beg to be considered as a subscribing party to the opinions so forcibly expressed in their Dissent.

I have the honour to be, Gentlemen,

Your obedient servant,

(Signed) GEORGE SMITH.

The Honourable Court of Directors,

&c. &c. &c.

No. LXVI.

PAPER signed by JOHN MASTERMAN, Esq.

No.
LXVI.
Paper by J.
Masterman,
Esq.
12 June 1833.

Having been unavoidably absent from the General Court held on Monday last, I was prevented from joining in the recommendation signed by the majority of my colleagues regarding the last proposals relating to the renewal of the Charter by His Majesty's Government; and although it would have been much more satisfactory to me to have obtained a larger Guarantee Fund, as also the required publicity, I should, under all the circumstances in which the Company is placed, have joined in the said recommendation, and therefore beg to take this opportunity of recording my opinion accordingly.

(Signed) JOHN MASTERMAN.

East-India House, 12th June 1833.

No. LXVII.

DISSENT by HENRY ST. GEORGE TUCKER, Esq.

The respect which I feel for the judgment of my Colleagues, impels me to explain the grounds on which I declined to concur in the resolution of a great majority of the Court, passed on the 7th instant, and having for its object to recommend the propositions of His Majesty's Ministers to the favourable attention of the Court of Proprietors. No resolution could well have been more cautiously worded, and no recommendation could well have been conveyed in terms better calculated to place the whole question before the Proprietors, in a way to leave them at liberty to deal with it at their own good pleasure in its progress to Parliament, by whom the final decision must be pronounced.

But I had been previously called upon to vote on a proposition of the Chairs for declining to recommend the plan of His Majesty's Government to the acceptance of the Proprietors, on two grounds:

First, That the proposed Guarantee Fund of two millions was insufficient; and

Secondly, That we should have no satisfactory assurance of good government without *publicity*; and as I concurred in this opinion, I voted accordingly, although highly appreciating the praiseworthy endeavours of my colleagues to bring this great question to an early and amicable settlement with His Majesty's Government.

I will state concisely the grounds of the vote which I gave, and which, I thought, precluded me from concurring in the Resolution subsequently proposed and adopted by a great majority of the Court.

We have, I admit, obtained some very important concessions from His Majesty's Ministers, for which we owe them our cordial acknowledgments. The Guarantee Fund has been extended from £1,200,000 to £2,000,000;—it has been made applicable to the payment of the Annuity of £680,000 under certain circumstances;—we are allowed to raise money by the issue of Bonds, or other securities, to supply any temporary deficiency in our remittances from India;—the Dividends are to take precedence of all other territorial demands on the Home Treasury; and the Proprietors are to be at liberty, at the expiration of twenty years to demand payment of the principal of twelve millions on giving three years' notice. These are valuable concessions certainly; and His

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H. St. Geo.
Tucker, Esq.
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Dissent by
H. St. Geo.
Tucker, Esq.
11 June 1833.

Majesty's Ministers, in continuing to us the power of recalling the public Functionaries from India, have given another proof of their readiness to acquiesce in our just pretensions.

But I attach very great importance to the object of obtaining English Security for our Indian Annuity; and it appears to me not only that three millions must be regarded as *the very smallest sum* which ought to be taken from our Commercial Assets for that purpose, but I am prepared to maintain that a much larger sum might be set apart without public inconvenience.

I will not insist on the possibility of insurrections and internal convulsion, which might, for a time at least, destroy the very sources of our Indian revenue. The occurrence of war (no very uncommon event) must absorb the local revenue, and perhaps exhaust even our credit. This has actually happened in repeated instances, and it may happen again, notwithstanding all our prudence and all our care. A state of war must not, then, be put out of sight in looking forward to the future; and if war supervene, it would be impossible to avail ourselves of our right to priority of payment when demands of a more urgent nature should come upon the Home Treasury. Nor, indeed, would it be just to the present Territorial Creditors, while any of them may be entitled to receive their interest in this country, to set them aside, and to claim a preference of payment on occasions when the public Treasury may not be in a condition to satisfy all the various demands upon it.

To the English capitalist *security* and *punctuality* of payment are, or ought I think to be, the main object; and it has always appeared to me that the term of the Annuity, the period for continuing to us the Territorial Administration, and the period at which the Guarantee Fund might be expected to reach its maximum of twelve millions; ought all to have been regulated with reference to each other.

Admitting, however, that the Territory furnishes sufficient security for the Annuity; I cannot yet satisfy myself that the means of a safe remittance to this country will be provided by the plan of His Majesty's Ministers. Not a word has yet been said with respect to the question of our being continued as the organ of remittance by means of the Tea trade, and we are left to conclude that our commercial functions will cease altogether in April next, when we must depend upon the private trade as the channel for realizing the Territorial Surplus in this country. Now we have actually made the experiment which Mr. Grant points at in the course of his correspondence, and which is much insisted upon by some gentlemen who have given their evidence before the two

Houses

Houses of Parliament. We have advanced money in India for Bills upon the security of goods, but this expedient has already exposed us to much embarrassment. Impressed, then, with the conviction that no means of effecting with safety the political remittance from India to this country to the extent of three millions annually have yet been devised, or are likely to be within our reach, I could not, in a state of ignorance on this and other points, venture to recommend unpreservedly to the Proprietors an unqualified acquiescence in the proposals of His Majesty's Government, although fully admitting, at the same time, that their plan has been greatly improved.

I do not ask His Majesty's Ministers to abandon the doctrine of free trade as an abstract proposition; but I submit, that it cannot be received for practical purposes as a rule of commercial policy without certain conditions and limitations.

First, The parties dealing together must act upon the principle of perfect reciprocity. This is not likely to be the case in China.

Second, There must be, on both sides, security for person and property. This is not the case in Japan, nor indeed in China, at all times.

Third, There must not be a great inequality between the quantity of labour brought into action in the course of producing the commodities interchanged, or the benefit will not be equal. Fifty years ago labour was held to be the source of national wealth; but we have now a redundancy of manual labour, creating individual poverty and distress; and it is one great and most difficult part of the business of legislation and government, to find the means of employing labour innocently if not usefully, and to make it applicable to the purpose of distributing the general produce. If this distribution cannot be effected in such manner as to admit that labour can command food, the people will take by violence that which is necessary to their subsistence.

Fourth, There is something, in distance, or the remoteness of countries trading together, which may produce some disturbance in applying the doctrine of Free Trade.

In a very few days we learn the variations in the principal commercial markets of the Continent, and the supply may be adjusted to the demand with a great degree of accuracy, so as to prevent any material loss from the violent fluctuation of prices; but six months, or twelve months, may elapse before we obtain certain information of what is passing in China, and different merchants, proceeding in ignorance and without concert, may engage in the most hazardous speculations.

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This

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This happened to the inconsiderate adventurers who first embarked in the trade to Buenos Ayres, although the distance was comparatively small.

This happened to the Free-Traders who have prosecuted the commerce with India, since 1813, and to an extent which has spread ruin throughout the Indian community, as well as in some of the manufacturing districts of this country!

An attempt was made by us to open a trade with Japan while we held possession of Java, and it ended in total disappointment, entailing upon the Government a heavy loss. This was not to be referred to distance alone, but to the jealous feeling of an arbitrary Government. And does not the Government of China act in that arbitrary, capricious, and unsteady manner, which is calculated to create uncertainty in the management of commercial operations? The trade in that country exists only by sufferance from day to day.

I contend, that sufficient allowance is not made for the disadvantage of distance and uncertainty in applying the doctrine of free trade to China. It was the risk and uncertainty attending long voyages, and the necessity for a large capital, which first led to the incorporation of our own and other Public companies. Exclusive privileges were necessary for their encouragement; but with these privileges they were enabled to supply remote markets, whose wants they could generally estimate with a great degree of certainty, and supply with regularity and without extraordinary risk; but individuals, who run a race of competition, cannot guard themselves against the imprudence of each other.

On the second point of difference with His Majesty's Ministers, I shall confine myself to a very few remarks. We do not yet know the exact plan which is to be submitted to Parliament. A change in the constitution of the Court has been proposed, and that change may materially affect its power and efficiency. I am willing to hope that His Majesty's Ministers intend to render the Court a useful and efficient organ of administration; but, at present, I cannot perceive how that object is to be accomplished while all real power is reserved to the Board. We shall only, I fear, become a screen interposed between the Government and the British people. The Government will not have the direct responsibility which ought to attach to the exercise of power, and we shall have the discredit of measures which we may have disapproved and opposed.

It is not easy, I admit, to point out a safe and unobjectionable course, for there are difficulties inherent in the nature of the thing to be obtained;—good government,

government, by a mixed agency and a judicious distribution of powers.—The Court were of opinion, that *publicity* would afford the best security against maladministration, since men acting under the public eye may be expected generally to act with caution and correctness. The *right* to appeal to another tribunal may be expected to produce good, although rarely exercised. All we have contended for is the privilege of laying our Protests before Parliament in particular cases. This could only be done on great and important occasions; and if the privilege should ever be abused by factious men, the remedy would rest with Parliament itself. A vote of censure would strip them of all credit, and render it impossible for them to retain their places. An appeal to the Court of Proprietors could scarcely produce the same effect, although I am sensible that an appeal to the public through this channel would not be without its use.

I repeat, that we have gained much in the course of our negotiation with His Majesty's Ministers; but more might have been conceded to us without public inconvenience, and not only with advantage to the Proprietors, but with benefit to the national interests, which, I am persuaded, would have been best consulted by continuing the East-India Company as the organ of the Territorial remittance, and as the instrument of supplying the British consumer with the article of Tea. But we are now in the hands of Parliament, and must submit to the wisdom of the Legislature, the guardian of the national welfare. I still hope that the two points at issue may be conceded to us. The extension of the Guarantee Fund, although of importance to us, cannot be matter of importance to His Majesty's Government. The privilege of resorting to Parliament where two authorities are supposed to exercise a concurrent jurisdiction, might no doubt produce inconvenience if abused, but there is no reason to apprehend abuse; and as the Court of Directors will be stripped of all that influence which their commercial character gave them, as they have now little connection with Parliament, and as their Patronage, which also conferred influence, will probably be placed on a different footing, it appears to me that the independence of the Court ought to be better secured, and its power to be strengthened rather than curtailed, if it is to perform any useful office in the administration of India. I cannot lift up the veil which hangs over the future; it may conceal from us sunshine or storms. The plan of His Majesty's Ministers has not been fully disclosed to us, and it may not yet have received its last finish; but viewing it, as I must do, in the form in which it has been presented to us, my impression is, that it must fail, and that its failure will produce financial, commercial,

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No. LXVII. commercial, and perhaps political derangement. His Majesty's Government have been urged forward by the popular voice to take from the East-India Company every part of the China trade ; but public opinion on this subject appears to me already to have undergone a change. The merchant is already calling for our protecting shield, and the manufacturer for our fostering care. Let not truth and reason come too late. I do feel a most anxious solicitude on this subject, and it is that strong feeling, which has impelled me to place my opinions upon record.

Dissent by
H. St. Geo.
Tucker, Esq.
11 June 1833.

(Signed) H. ST. GEO TUCKER.

East-India House, 11th June 1833.

No. LXVIII.

LETTER *from the Right Honourable CHARLES GRANT to the
CHAIRMAN and DEPUTY CHAIRMAN.*

India Board, June 11, 1833.

GENTLEMEN :

I have the honour to acknowledge the receipt of your letter of yesterday's date, inclosing a copy of the Resolution of the Court of Proprietors, concurring in the opinions, and adopting the recommendation of the Court of Directors, on the subject of the East-India Company's Charter.

I have the honour to be, Gentlemen,
Your most obedient and humble servant,

(Signed) C. GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. LXVIII.

Letter from
the Right Hon.
Charles Grant,
11 June 1833.

No. LXIX.

AT A

SECRET COURT OF DIRECTORS,

Held on Tuesday, the 25th June 1833.

No. LXIX.

The Chairman acquainted the Court, that he had caused it to be specially summoned, for the purpose of laying before the Court certain Minutes recorded by Members of the Bengal Government, in the Secret Department, relating to the constitution of the Indian Governments, and to some other points adverted

Court of Directors,
25 June 1833.

No. LXIX. to in the proceedings of the Finance Committee which assembled at Calcutta in the year 1830.
 Court of Directors,
 25 June 1833.

The undermentioned Letters and Minutes were then laid before the Court, and read, *viz.*

Letter from the Chief Secretary to Government, dated Fort William, the 9th November 1830.

Extract Letter from Mr. Prinsep, Secretary to the Governor General of India, dated Simlah, the 14th September 1831.

Letter from the Chief Secretary to Government, dated Fort William, the 28th October 1831.

Letter from Mr. Prinsep, Secretary to the Governor General of India, to the Chief Secretary to the Bengal Government, dated Simlah, the 10th October 1831.

Minute by Sir Charles T. Metcalfe, dated the 18th October 1830.

Minute by W. B. Bayley, Esq., dated the 9th November 1830.

Minute by the Governor General, dated Simlah, the 14th September 1831, and

Letter from the Commander-in-Chief to the Governor General, dated Simlah, the 27th September 1831.

The Chairman acquainted the Court that he had likewise caused it to be specially summoned, for the purpose of laying before the Court a paper forwarded to the Chairman and Deputy Chairman by the President of the Board of Commissioners, containing a Summary of such of the principal provisions of the proposed Bill respecting the East-Indies, as relate to the constitution of the Indian Governments, the admission of Europeans into India, and the condition of the Natives.

The said Paper was read:—

A letter from the Right Honourable Charles Grant to the Chairman and Deputy Chairman, dated the 24th instant, forwarding the Summary above-mentioned, with a request that it may be submitted to the Court, and stating that there are other provisions of moment which are not included in the Summary, and upon which he proposes to transmit another paper, was likewise read.

It was then

Resolved, That the letter from Mr. Grant to the Chairman and Deputy Chairman, and the Summary therewith transmitted, be referred to the consideration of a Committee of the Whole Court.

No. LXX.

CORRESPONDENCE relating to the CONSTITUTION of the INDIAN
GOVERNMENTS.

- 1.—COPY of a Letter from GEO. SWINTON, Esq. Chief Secretary to the Governor-General in Council at Bengal, to PETER AUBER, Esq. Secretary to the Secret Committee of the Court of Directors of the East-India Company; dated Fort William, Nov. 9, 1830.

SIR :

With reference to the letter from the Territorial Department, No. 2 of 1830, under date the 7th September last, I am directed by the Honourable the Vice-President in Council to transmit to you, for the purpose of being laid before the Honourable the Secret Committee, copies of Minutes recorded by Sir Charles Metcalfe and Mr. Bayley, the former dated 18th ultimo, and the latter of this date.

2. Transcripts of these Minutes have also been transmitted to the Right Honourable the Governor-General.

I have the honour to be, Sir, your most obedient humble servant,

(Signed)

GEORGE SWINTON,

Chief Secretary to the Government.

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

- 2.—COPY of a MINUTE by Sir C. T. METCALFE.

THE Finance Committee having been invited to submit their sentiments on the subject of the constitution of the Indian Governments, have suggested such reforms as occur to them severally, each member having stated his own opinions in a separate Minute.

We have forwarded these communications to the Court of Directors, with intimation that any remarks which the Governor-General in Council may deem it proper to make will be submitted in a separate despatch.

I now, therefore, proceed to offer such as occur to me on the important subject discussed in those documents.

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Governments.

The members of the Finance Committee unite in opinion as to the exigency of a Supreme Government for India, divested of the details of the local administration of any separate Presidency.

In that opinion I entirely concur.¹¹ Every one who has attended to the subject must, I conceive, admit that the Supreme Government, as at present constituted, is too much occupied with the details of its own Presidency to exercise any very effective control over the other Governments. If, therefore, it is intended by the home authorities that the Supreme Government should be efficient as a government of control over subordinate Presidencies, it seems indispensable that it should be relieved from the laborious occupation of local administration.

The Finance Committee further recommend, that the armies of the three Presidencies be united into one, or at least be placed under the immediate orders of the Supreme Government, and under one Commander-in-chief. In that recommendation also I concur.¹² There may be difficulty in amalgamating the native troops of the several parts of India together, and it may be expedient to retain with each description the officers to whom they are most accustomed. It may therefore, perhaps, be desirable to adhere generally to the same local distribution that at present prevails. But there does not appear to be any difficulty in considering all as belonging to one army, or in placing the whole under the Supreme Government and one Commander-in-chief.

Mr. Hill's observations on the tendency of the present separation of the three armies to cause an unnecessary increase of force, solely with a view to equalize the promotion of the officers, appear to me to be perfectly just; and the same will, no doubt, have occurred to every one who has marked the progress of the increase of our army. This undeniable tendency seems to furnish strong ground for an union, as far as may be practicable without serious inconvenience.

There is a similar suggestion for the union of the civil establishments of the three Presidencies, to which, as an arrangement to be gradually effected by the future nomination of all civil servants to the establishment of India, I do not see any objection.

It is proposed that there shall be three or four Governments subordinate to the Supreme Government. Four would, undoubtedly, be more efficient than three. The territories under the present Bengal Presidency might then form two Governments, having a separate one for the Western Provinces. But as this would be the substitution of five Governments, including the Supreme one, in lieu

lieu of the present number, three, it may be doubted whether the expense of such an arrangement would not be intolerable.

In this respect the calculations of the Committee appear to me to be too sanguine. They say very justly that reduction ought to be a paramount object of any changes in the constitution of the Indian Governments. But it is hardly to be expected that the expenses of a Supreme Government and four subordinate Governments will be limited in the result to the amount which they anticipate.

For instance, they take credit for the reduction of the Body Guard in Bengal and at Madras as a part of their proposed arrangement, which is to furnish a saving to cover a portion of other expenditure. But if the Body Guard at each Presidency were reduced, other cavalry must be substituted, the expense of which would be chargeable to the same purpose. It is not, I presume, supposed that the Governor-General is to go about India without a single trooper to attend him. It is perhaps a matter of indifference whether the Body Guard, as a separate corps, be continued or abolished, except that the men belonging to it have strong claims on the Government for their services in Ava, which have already, with regard to many of their comrades, been ill requited. But its abolition would effect only a nominal saving, for its place must be supplied by other cavalry, and, if it is in excess to a proper establishment of that arm, the same reduction might as well be effected in any other corps, or in the cavalry generally. At Madras, I believe, the Body Guard is borne on the strength of all the cavalry regiments, and does not form a separate establishment. The same might be done in Bengal. The Body Guard does not seem a large body for the due state of the Governor-General, and its being a distinct corps has its convenience, since there is no cavalry regiment stationed within 600 miles of the Presidency. But whatever may eventually become of the Body Guard, its abolition would only produce a seeming saving, as its place must be supplied by other cavalry.

Mr. Hill argues that the Governor-General's residence, under the proposed arrangement for a Supreme Government, not being fixed, there might be a great abridgment of parade and ceremony; that he would cease to hold a sort of court, would fall into a moderate style of living, and have a much more limited establishment; that the Body Guard might accordingly be dispensed with; that it is unnecessary for the protection of the Governor's person, and adds nothing to his dignity; and that simplicity of manners excites the esteem of the natives.

I cannot

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I cannot perceive the grounds for these anticipations. The Supreme Government, although moveable, would not necessarily be always in motion. Its residence would naturally be at the capital of British India. There would be the same necessity there for parade, ceremony, or expense, that can be supposed to exist at present, and the necessity would be rather increased than diminished by the Governor-General's going to a distance from the Presidency. A Body Guard then, or some Guard, would be necessary for the protection of his person; and more than the Body Guard would be necessary in many places to prevent his retinue's appearing insignificant, compared with that of any tributary Prince attending his court.

I cannot conceive on what reasoning the supposition is founded, that the Governor-General, on ceasing to be the Governor of a subordinate Presidency, will be able to fall into the quiet unimposing condition of a private gentleman. Philosophy may say, that state adds nothing to dignity; but how far is this idea to be carried? Where is the precise limit at which appearances, up to that point deemed necessary, are to cease to be of any value. It is neither in Europe, nor in Asia, nor in any part of the known world, civilized or barbarous, that state is held to be unnecessary as an accompaniment of station. The natives of India, I have no doubt, like the natives of other parts of the world, esteem simplicity of character, and ridicule whatever is grossly the reverse; but in equipage, in retinue, in state and parade, they are fond of making the greatest display possible, and would not, I conceive, think the better of any one for being without the appendages due to his station.

I cannot, therefore, from this source, anticipate the means of really meeting the expenses of new Governments; but there is a suggestion by Mr. Bax which does appear to offer effective aid towards that purpose.

He proposes the abolition of all Boards, Revenue, Military, Medical, Marine, Customs, &c. &c. at all the Presidencies, and I entirely agree with him in the proposition. I have no doubt that the business now done by Boards might be more economically and as efficiently performed by single Comptrollers or Superintendents in each Department, where such may be necessary, or by transferring the business, where that is practicable, to the Secretaries to the Government, and making the latter more responsible in the management of their departments than they are at present. The division of the territories of the Bengal Presidency into two Governments would lessen the necessity which may now be supposed to exist for Boards, by facilitating the direct superintendence of the ruling authority.

It

It is of essential importance that, as suggested by Mr. Mackenzie, the subordinate Governments should be deprived of the power which they now possess of increasing their establishments and expenditure. There can be no doubt that the expenses of our Indian Empire have been greatly increased by the existence of this power in the hands of the subordinate Governments. The territory of Bombay could never have been suffered to become such a burthen as it now is on our general finances, had the command over the public purse rested solely with the Supreme Government; but with the power of spending vested in the Bombay Government, and the unresisted facility of providing for deficits by drawing on the surplus of Bengal, the temptation has been too strong, and the acquisition of extensive territories and large revenues has been rendered fruitless, as to our finances, by the counteraction of still greater increase of expenditure. Mr. Bax objects to a subordinate Presidency's being required to limit its disbursements by the amount of its income; but this is a very necessary rule towards due economy, for there is no sufficient check where there is an unlimited power of supplying deficiencies. He argues that if this be required, additional territory ought to be annexed to the subordinate Presidency, equivalent to the excess of its expenditure, and so the account to be balanced; which would be to regulate income by expenditure, impossible in the aggregate, unless the resources of a country can expand to meet any demand, and ruinous as a principle. If any subordinate Government be really compelled by the grand exigencies of the State to incur a fixed expenditure beyond its fixed income, it would be better that the general Government should relieve it from a portion of its expenditure, by taking a sufficient quantity of its establishments under its own orders and management, and thus equalise local income and expenditure, restricting the latter, as to the future, by the former, than that it should endeavour to provide for the unlimited expenditure of the subordinate Government by annexations of increased income, and thus foster and encourage expenditure, leaving it without the restraint of fixed limits. As a sample of the manner in which the method advocated would operate, the following case may be supposed: The expenditure of the Bombay Government exceeds its income. The Indian Navy, forming a part of its establishment, is professedly maintained more for the general purposes of the State than for the local exigencies of the Bombay Presidency. Let the Supreme Government relieve the Bombay Government from the charge of the Indian Navy, transfer the head-quarters of that establishment to Calcutta, and take it entirely under its own orders. The income of Bombay would so much the nearer cover its expenses. The expense of the Indian Navy would come

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come immediately under the cognizance of the Government responsible for the management of our Indian finances. The necessity for the continuance of that establishment, either wholly or in part, as well as the propriety of the outlay on it, would be more closely questioned and examined, and reduction more or less would probably follow. But as long as it remains a pet establishment at Bombay, with the surplus of Bengal to draw on, its expences are more likely to increase than diminish.

All the members of the Finance Committee seem to be of one opinion in proposing the division of the management of our political relations among the subordinate Governments. Those of Hyderabad and Nagpore, for instance, they would assign to Madras; those of Malwa and Western India to Bombay; those of Gwalior, Delhi, Lucknow, and Rajpootana, to the proposed Government in Upper Hindostan. In that opinion I cannot concur. It appears to me, that our political relations ought to be retained exclusively under the direction of the Supreme Government, on account of the paramount importance of those affairs, on which peace and war, and consequently the safety and stability of our Indian Empire, depend; and also on account of the expediency of having all our political relations managed and controlled by one presiding spirit, under one uniform system of policy. I see no advantage in interposing subordinate Governments between the Supreme Government and the Native States with whom we have political relations. With any pretensions to independence, the latter would have a right to claim direct communication with the head of our Government. There is nothing in our political relations with Hyderabad and Nagpore that requires their transfer to Madras. Even in a division among subordinate Presidencies, Nagpore would, with more convenience, be annexed to that of Bengal. There is nothing in our political relations in Malwa and Rajpootana that requires that they should be handed over to the Territorial Governments of Bombay and Upper Hindostan respectively; but there is much which renders it desirable that they should be placed under one directing authority. I should, therefore, recommend that all our political relations should be retained under the immediate management of the Supreme Government, excepting such as, from past habit, or some decided benefit, may more expediently be assigned to the intermediate direction of subordinate Governments. Mysore and Travancore, for instance, might be placed in connexion with Madras; they are so now, and being either insulated or cut off from the rest of India by the territories of that Presidency, there is an obvious propriety in that connexion. Sattara is in the same circumstances with regard to Bombay,
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and may be said to be the offspring of that Presidency. The Guikwar State is also connected with Bombay by long habit, and there is no urgent necessity for severing the tie. Should there be a new Presidency in the Western Provinces, its territories would nearly surround those of Oude. Our relations with the Court of Lucknow in that case, might unobjectionably be placed under that Government; for Oude has long ceased to have any part in the general politics of India: but Hyderabad, Nagpore, the Mahratta States of Sindia and Holkar, together with the other States of Malwa, and those of Rajpootana and Bundelcund, altogether forming the chain of our political relations in Central and Interior India, ought to be exclusively under the Supreme Government; as well as our external relations with Lahore and the Sikh States, Cabul, and North-western Asia, Nepaul, Ava, and all other countries beyond our external frontier, allowing, as convenience might require, between those States and the Local Governments on whose territories they may border, such intercommunication as might be useful for border purposes.

There are some remarks by Mr. Bax regarding the army, which I cannot pass without notice. One might suppose, from the manner in which he speaks of it, that we had uselessly an immense army, the greater part of which might be dispensed with, without affecting our safety in any degree. He seems to me to have put out of sight the nature of our situation in India. We are here by conquest, not by the affection of our subjects; and that universality of tranquillity to which he appeals is an effect of that extent of force and that perfection of equipment to which he objects. That tranquillity did not exist when our force was smaller, and would not continue long if our army were much reduced. He speaks of our force as indicating that we are in a hostile country. And so we are, as we should soon find it to our cost, if we were ever supposed to be weak. The figure of an enemy's starting from the earth, which he mentions in ridicule, as if we had none otherwise, would to appearance be almost realized in the swarms of enemies which would show themselves, if they thought that they could assail our power with any hope of success. Mr. Bax's observations apply chiefly to Southern India, and might have been made with equal correctness a few months before the Burman war; but on the breaking out of that war, all the available force of the Madras Presidency, European and Native, was required for foreign service. That war must have been still more injurious to our finances than it actually was, and might have terminated altogether in failure, with ruinous consequences to our Indian Empire, if that force had not

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been in existence, which Mr. Bax seems to consider superfluous. He has noticed our artillery as particularly excessive. As we have in this part of the world to make amends by discipline and science for want of numbers, it would not be unnatural if we had an undue proportion of that description of force in which science is most concerned; but it is remarkable, that, compared with the enemies with whom we have had to contend in India, we have often been outnumbered in that arm. In almost every general action that has been fought within the last thirty years, our enemy has been superior in artillery. Take the battle of Delhi, or of Laswaree, or of Deig, or of Assye, or of Mehidpoor, the only doubt of success in each case was from the superiority and efficiency of the enemy's artillery. At our last great siege, that of Bhurtpoor, I had an opportunity of witnessing the insufficiency of the strength of our artillery for the service required of them. I cannot concur in Mr. Bax's sentiments, either in this particular or in his general view, but am persuaded that if such opinions were acted upon to any great extent, (and they are likely to be palatable at a time when reduction is so much our object), they would prove the prelude to our downfall. Mr. Bax, however, when he comes to point out the remedy for our supposed superfluity of force, is not sufficiently explicit. After remarks which would lead any one to imagine that the State might safely be relieved from an immense portion of its present army, he observes, that all that he aims at is that we should discontinue to send European officers and troops to India, and discontinue the recruiting of Native troops. He does not seem to be aware that the recruiting of Native troops has been discontinued for several years, until each regiment of Native infantry in Bengal has been or is nearly reduced from 1,000 to 640 firelocks, and every regiment of Native cavalry from four squadrons to three. I do not know what progress has been made in this reduction in the Madras and Bombay establishments, but the orders to all the Presidencies were the same. Further reduction in the strength of regiments is impossible, consistently with their efficiency. The only remaining measure, if Mr. Bax's notions were correct, would be a reduction of the number of Native regiments, an experiment which I trust it will not be necessary to try.

As to European troops, the regiments actually in India must be maintained complete to their establishment, otherwise they would soon dwindle away into an inefficient state of weakness. But the extent of our European force is a question so distinct from that of the extent of our Native force, that I wonder to see the two put indifferently together, as if they were the same. Our European

pean force is real strength under any circumstances; and any one anxious for the security of our Indian Empire would wish that force increased, if increase were compatible with the state of our finances. Our Native force is strength under some circumstances, but under others might be weakness, and in that case the greater the extent of the force the greater would our weakness be. With respect to European officers, if Mr. Bax alludes to officers belonging to His Majesty's regiments, the fixed establishment must be kept up: if he means to object to the sending out of more cadets than are required to complete the Honourable Company's army, his remark is obviously correct, and the Court of Directors will no doubt have come to the same conclusion. I have commented at so much length on Mr. Bax's remarks on the subject of our army, because I cannot conceive any danger to our Indian Empire so great as the notion, if it were entertained and acted on, that our army is superfluous, and that we hold India by any other tenure than the strength of our military force. What the amount of our force ought precisely to be, I do not believe any one competent to determine. Who can say that our army ought to contain exactly such a number of troops, and that more would be superfluous, and less dangerous?

My own opinion is, as I have elsewhere before stated, without adverting to a state of war, in which of course our force must be suited to the exigencies of the occasion, that we ought during peace to maintain the largest army that we can afford to pay; and, with reference to the same consideration, that it ought as much as possible to consist of European troops.

There are points on which the Members of the Finance Committee have severally offered plans, partly differing and partly agreeing. To examine each particular, and comment on the differences between them, would make these remarks, already I fear tedious, still more so. In stating my own sentiments on the same points, I shall indicate generally with what opinions they agree, and from what they differ.

Provided then that the arrangement could be effected at the same expense as the present, or rather without any increase, which I regard as an indispensable condition, I should advocate the following Establishment for the government of India:

- A Governor-General for all India;
- A Supreme Executive Council for all India;
- A Legislative Council for all India;
- A Commander-in-Chief for all the Armies of India;

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Four Subordinate Governments;

A Lieutenant-Governor for each, or four Lieutenant-Governors;

A Lieutenant-General for each, or four Lieutenant-Generals;

A Council or Board at each subordinate Presidency.

The capital of British India and the seat of the Supreme Government to be in Calcutta, until experience shall prove any other place to be fitter, and until the transfer can be made without heavy expense.

The seats of the subordinate Governments to be Madras, Bombay, Calcutta, and some place to be selected in the Western Provinces of the present Bengal Presidency.

The Supreme Government not to be fixed at the capital, but to be moveable to any part of the empire under its control.

The Legislative Council to be fixed at the capital.

The subordinate Governments to be entirely subordinate to the Supreme Government, and to have no power in finance, expenditure, or establishments, without the express sanction of the Supreme Government.

The Supreme Government to manage directly all political relations, without the intervention of the subordinate Governments, excepting only such as may be peculiarly local.

Patronage to be extensively possessed by the Governor-General throughout the subordinate Governments. This is necessary for the respect due to his office, which otherwise would hardly be felt. Influence over the public establishments would wait chiefly on patronage; it is therefore essential for the public interests that it should be vested in the head of the Government.

In judicial establishments, I should desire to see an amalgamation of all Courts, so that there should be no collision of jurisdiction, and no misunderstanding of powers; and that no Judge should hereafter shake the allegiance of the people of India to the Government, by announcing from the bench that he is the only representative of the King, and that the Government cannot communicate with him except by humble petition.

A Supreme Court of Appeal for all India seems advisable: the appeal to the King in Council to be abolished, with a reservation of the right to the Government in cases affecting the public revenue.

I do not think it necessary to enter into further details respecting plans to which I have not the presumption to suppose that any attention will be paid.

I ought perhaps to apologize for having expressed my sentiments on such subjects, but the opinions of the Finance Committee having been invited on the

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the same, I have thought it not inconsistent with the duty of a Member of the Government to record mine also:

I purpose to do this in the Secret Department, both because some of the sentiments contained in this Minute require it, and because it is the only department where that degree of secrecy can be expected which ought to attend the deliberations of Government on most subjects. I have observed with great regret the unnecessary publicity too frequently given to matters which, while under the deliberation of Government, ought, at least during that period, to be held secret. The opinions of the Finance Committee, of the important subjects noticed in this Minute, were hardly submitted to Government, when they found their way into all the newspapers, and were announced as if the schemes which they contained had been seriously contemplated by the authorities at home.

Fort William, 18th Oct. 1830.

(Signed) C. T. METCALFE.

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3.—COPY of a MINUTE by Mr. BAYLEY.

It had not been originally my intention to have placed on record any detailed explanation of my sentiments in regard to the several suggestions submitted in the communication from the Finance Committee, which was forwarded to the Court of Directors with our Secretary's dispatch of the 17th September last. Considering many of the alterations recommended in that communication to be highly desirable, and seeing reason at the same time to doubt the propriety or feasibility of others, it did not appear to me that much practical good could result from our commenting upon schemes which, in their leading provisions at least, have not now to be stated for the first time, while the ultimate decision as to their adoption can be but little influenced by our individual views of their exigency or comparative advantages. As, however, the subject of the address from the Committee relates peculiarly to points of which the opinions, or more correctly perhaps, the testimony of a Member of the General Government of India may be held to be of some value; and Sir Charles Metcalfe has, with that impression, recorded the observations contained in his Minute of the 18th ultimo, I might possibly be thought wanting to my duty if I remained altogether silent. I proceed accordingly to afford such aid as is in my power in the discussion of this question. I should have done so a few days earlier had I been able to find sufficient leisure from the pressure of current business; and the same want of leisure, combined with

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with the proximity of the period at which my connexion with the Government will cease, precludes me now from dwelling at so much length on some parts of the subject as, having undertaken it at all, I should have wished to do.

Before adverting in detail to the various propositions of the Finance Committee, it is necessary that I should notice the principle on which they are framed, and the observance of which seems to be considered, as well by the Committee itself as by Sir Charles Metcalfe, to be indispensable. That principle is, that no changes should be introduced into the constitution of the Indian Governments which may involve any immediate augmentation of expense.

In the necessity of adhering to such a condition of change, I for one do not concur. Fully recognizing the propriety of avoiding every increase of expenditure which may be recommended on a prospect of only remote and uncertain benefit, or for purposes of questionable utility, I am as strongly of opinion that it would be a losing, as well as otherwise a bad policy, to abstain from adopting improvements which may be urgently called for, merely because it may be impossible to carry them into effect without such an increase. There may perhaps be extreme circumstances of embarrassment when even efficiency of administration must be sacrificed to an immediate pecuniary saving. But such I by no means consider to be the present condition of our Indian Finances, depressed as they undoubtedly are. In the present instance, the object of the alterations suggested is to secure a superior efficacy of control over the general Government of the whole of India, as well as a more vigilant and a better-informed system of management for its several parts, and to combine with these advantages the establishment of a scheme of economical check and direction throughout all departments. If the means proposed be calculated to answer their end, the profits, in a pecuniary point of view alone, will repay in a tenfold degree any amount of additional expense which it is at all probable can be required for the first outlay; and it would be no economy, therefore, to forego the reasonable expectation of those profits from a reluctance to part with the comparatively small portion of funds, the disbursement of which may be necessary to their acquisition.

I have made these remarks in the outset, because I believe that the calculation made by the Members of the Finance Committee, in the Schedules appended to their several Minutes, will, upon close investigation, be found, as Sir Charles Metcalfe has already observed, to be too sanguine: and because I do not agree with him in regarding Mr. Bax's proposition for the abolition of the Boards at

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all the Presidencies as one which ought to be adopted generally, or to such an extent as could enable us to hope for the introduction of the suggested changes without an immediate increase of expenditure. If I considered that that increase ought on no account to be allowed, it would be of course useless to dwell further on the subject. Entertaining opposite sentiments, I go on to examine the various schemes suggested, remaining at the same time anxious that no addition to the existing amount of expense should be sanctioned except for a benefit, the chance of securing which are distinctly seen, and that the arrangements which may be considered expedient should be framed with a duly careful attention to economy.

I have, then, in the first instance, to express my entire assent to the opinion of the Committee, that the Supreme Government of India should no longer remain charged with the local administration of any one of its Presidencies. Its different and inconsistent duties have doubtless, as they represent, interfered with one another in a manner injurious to the public interests. Every Member of this Government will admit, because he must daily feel, that the mass of business, detailed and general, which it has in some manner or other to dispose of, is so great as to render our deliberations on most subjects, of whatever importance, necessarily hurried and imperfect. The exercise of control over the affairs of the other Presidencies has been in many cases abstained from, merely from the conviction that under the existing system it could not be maintained with any permanent efficacy. The only question, it appears to me, which can be agitated in regard to this part of the scheme, is whether it be necessary only to frame an arrangement for relieving the Supreme Government from some of its more detailed duties, and the immediate charge of a portion of the territories at present under its management, not at the same time rendering it obligatory upon it to interfere in the ordinary administration of the affairs of the other Presidencies, except under circumstances of peculiar exigency; or whether it be desirable to constitute it as a separate Government, the primary duty of which should be, to interfere actively and extensively in regulating the conduct of all branches of administration throughout all parts of India. The former arrangement is that which might be adopted at the least immediate expense; but the latter has my decided preference.

It is needless, on the subject of economy, to say more than that I agree generally with Mr. Mackenzie and Sir Charles Metcalfe in regarding it as essential, that, under any circumstances, the subordinate Governments should be subjected to strict restraints in all matters of expenditure, if we desire to introduce

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roduce any efficient or lasting reform into the state of the Indian finances. But it will apparently be difficult to maintain any thoroughly useful or well-informed control over expenditure, interposing only an occasional and partial direction in matters of general management. And, on other considerations, the same conclusion as to the expediency of creating a distinct Supreme Government seems equally to be that which is most consistent with good general policy. The benefits of an active control over the ordinary proceedings of the subordinate Governors may not be without their attendant drawbacks and inconveniences; but these are principally of a temporary character, and cannot, in my judgment, be placed in competition with the advantages to be derived to the permanent interests of the Empire from the establishment of one great superintending authority, which, representing the Home Government, really and effectively, over the whole of India, will preserve a careful attention to its injunctions in every department; which will have its especial object to secure the observance of just and enlightened principles of procedure in all cases of importance, whatever their class or description; and which, either composed of or assisted by able public servants, trained in any of the Presidencies indiscriminately, may be expected to act upon sound and enlarged views, to promote emulation, to remove jealousies, and to infuse a wholesome spirit of unity and vigour through the entire frame of our internal administration. It must be almost superfluous to remark, that a general and operative control over the affairs of subordinate Presidencies, such as is contemplated in the above observations, could not be vested in a Supreme Government burthened with any immediate and considerable local charge.

I would have, therefore, one superintending authority for India, using its powers of control, not optionally, but of necessity, and as its indispensable and most important duty, throughout the whole range of civil government. The adequate performance of such a duty requires that the Government should be moveable; and to ensure adequacy it should, in my opinion, be an understood or a positive rule of its constitution, that, under ordinary circumstances, it should make yearly periodical visits to one or other of the portions of its general dominion. The full benefit of its interposition and direction will not be obtained, unless its supreme head, the Governor-General, be encouraged to continue longer in the discharge of the high functions than is at present usually the case; unless the policy of affording him that encouragement, (without, however, making it a distinct condition of the original appointment,) be steadily laid down and acted upon.

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The relations between the Supreme and Subordinate Governments should be defined, in establishing them, with as much precision as it may be possible to frame such a definition before the parts of the new system had begun practically to work. Reserving to the Government General its right of optional interference in all matters, I think the points on which it would be incumbent upon it to interfere, and regarding which the subordinate Governments could not act without its previous sanction, should be determined by instructions from the home authorities with as much clearness as possible, and any subsequent permanent modification of those instructions should also proceed from home. Agreeing with Mr. Mackenzie in the expediency of reducing the position and powers at present held by the subordinate Governments, and depriving them of any authority in legislation, or in issuing instructions and framing arrangements of general interest and application, or involving important principles, as well as of any discretion in increasing establishments and expenditure beyond certain prescribed limits, without the express sanction of the general Government, I am of opinion that it would conduce to the efficiency of the whole scheme, and to the respectability which, although in a comparative degree, it is so desirable to maintain in the subordinate Executives, that the suggestion above stated should be adopted. Any modification which the general Government might consider it proper to introduce in the home instructions, the inferior Governments should, of course, implicitly obey, till final orders should be received from home in regard to it.

What I have said in the preceding paragraphs will sufficiently indicate my sentiments with respect to the character of the interference which it should be obligatory on the Supreme Government to exercise in matters of internal civil administration. To Sir Charles Metcalfe's remarks on the propriety of vesting it with the immediate management of the more important of our political relations, I may refer for what are also my opinions on that head. Its powers in the control of military administration I shall notice separately. On the difficult question of patronage, the principle of adjustment should be, to give such a portion to the Governor-General as should extend his influence over all the public officers of every Presidency, and at the same time to leave in the hands of the Governors of Presidencies that degree of power which, remotely removed as the seat of the Supreme Government may often be from their vicinity, it is requisite they should possess to secure obedience and respect from those employed under their orders. From the loss and inconvenience which might result from a long delay in permanently filling up vacancies to the executive

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executive offices, such as those of judges, magistrates, and collectors, the nomination to these should rest with the local Government, except when the Governor-General might happen to be at the Presidency where the vacancy had occurred. In the latter case I think that he should have a controlling voice in the selection even of such appointments, since, were they entirely taken from him, the amount of his patronage would be left practically very small.

Regarding the form of the governments, I concur with Mr. Mackenzie in assigning to the Supreme Government an independent Council, and an efficient Secretariat, selected, of course, from the general service of India. So high an authority will require all the talent that can be assembled in its support. The proposition of the same gentleman also for dispensing with separate councillors at the Subordinate Presidencies, recommended by economy, would not, in my opinion, occasion any sacrifice of necessary efficiency. I would not, however, leave it at the option of the local Governor to reserve only such matters as might seem to him proper for deliberation among the body of Secretaries. I consider, on the contrary, that he and the Secretary in each department should be jointly responsible for bringing every transaction of importance, and not provided for by fixed rules, before that body acting as a Council Board, and having its proceedings regulated as those of our several similar Boards now are. The Governor-General should retain the same powers of independent action which the Legislature at present vests in him; and I would continue them also to the subordinate Governors, who might be authorized, either with or without the concurrence of their Boards of Secretaries, to carry into effect a measure, which, under ordinary circumstances, would require a reference to the Governor-General, without that reference, (though subject always to subsequent reversal or modification,) if in any case, they should consider that delay would immediately endanger the interests of the State.

As to the number and extent of the Governments, there must be three for the existing divisions of the country, none of which could be entirely abolished; though, as regards Madras and Bombay, a transfer of territory might apparently be made with advantage from the former to the latter; and, under any arrangements in respect to the Supreme Government, it is my decided opinion that we are bound to make some further provision than has hitherto been allowed for the establishment of a proper local administration in Upper Hindostan. The deficiency of the control as yet exercised in those distant provinces, and the mistakes and mismanagement which have marked our government of them, are

are points on which, I regret to say, that I entertain no doubt whatever. I regard it, therefore, as an indispensable duty, that the cause to which these evils may be directly traced should no longer be permitted to exist. What appears to me requisite is, that there should be an authority residing on the spot, charged with the duties of civil government, in the same manner and with the same powers as the proposed Governments of the Subordinate Presidencies; that the means of ultimate redress in all revenue and judicial matters should be afforded to the people, with the effect which can only be secured by the location of the highest courts, whether of revenue or justice, within the Provinces themselves; and that the acts and measures of the local administration should be subject to no control or interference on the part of the Local Government of Bengal. These objects cannot well be attained without conferring upon Upper Hindostan the rank and character of a separate Presidency; and I would therefore recommend that such be given to it; the scale of its several offices being at the same time constituted with a strict attention to economy. Mr. Hill's observations on the tendency of such an arrangement to entail great expense are, I admit, of weight; but as I am of opinion that the cost of the Government of the Subordinate Presidencies should be reduced considerably below that which is now incurred for them, and as, in calculating the charges of any change, I would provide for all those which may be reasonably expected to arise out of it, the force of the objections urged by him seems to be nearly removed; and as the arrangement would lead to an improved system of management in the Provinces in question, a corresponding improvement of their revenue and resources would, as Mr. Mackenzie argues, naturally follow, and the scheme would consequently, in some degree, pay itself.

I proceed to consider the subject of expense. I have already expressed my belief, that, in respect to it, the calculations of the Finance Committee are too sanguine. We cannot certainly look for any diminution of the personal expenses of the Governor-General; and with regard to the aid which Mr. Bax and Sir C. Metcalfe think may properly be obtained by the general abolition of Boards, that measure, as I have before said, is one to which, in so sweeping a shape, I am greatly opposed. Some Boards might, I conceive, be discontinued without public detriment, and their duties entrusted to single officers. The Marine Board at Calcutta and Madras, and the Medical Boards at all the Presidencies, are of that class; though, in reducing the latter,

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I should regret the injury it would occasion to a service which has but few prizes to reward the valuable exertions of its members. I cannot, however, perceive the expediency of abolishing either the Revenue or Military Boards. The functions of these Boards are those principally of check, direction, and deliberation; and if their constitution is arranged upon a proper footing, and the officers serving in them are chosen for their experience and fitness, they afford an essential aid to the Government, such as is not to be expected ordinarily either from single Superintendents or single Secretaries.

It is argued that, by distributing the present territory of Bengal between two Presidencies, the Governments established at them will be enabled to undertake, without serious difficulty, much of the duty which the Boards have now to execute. If, however, these Governments be composed, as I think it desirable they should be, of a Governor, with a Council only of Secretaries, their various duties would in that case overwhelm them; while, if both a Council and Secretaries were allowed to them, little advantage would be gained on the score of expense; and mixed as the composition of a Council must necessarily be, their management would probably be very defective, compared with that of a Governor assisted by the co-operation of bodies of intelligent men, trained severally in the departments in which I would advocate the retention of Boards.

The sources to which I conceive that, without sacrificing efficiency, we may fairly look for the means of meeting additional expenditure, are a reduction in the rank and scale of the existing Subordinate Governments, the discontinuance of the separate bodies of councillors now forming a part of those governments, the limitation of the amount to be disbursed by their respective heads on account of travelling and contingent charges; reductions in the expenses of the Secretariat establishments for the intended, as compared with those of the existing Supreme Government; the abolition of Medical Boards, after deducting the charge which will be incurred in appointing single comptrollers; the consolidation of the head Revenue and Salt Boards for the Presidency of Bengal Proper, by which the sum at present disbursed for one of these Boards would be available towards constituting the Revenue Board in Upper Hindostan; the transfer, with a similar object, of Judges from the Sudder Dewanny Adawlut at Calcutta; and generally the transfer of such parts of the Presidency establishments as may be entertained for the duties of the Hindostan Provinces; the saving of a considerable portion of the expense of the Delhi Residency and
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Chief Commissionership, and the abolition of the Bareilly Provincial Court, which, with a Sudder Adawlut in the Upper Provinces, would, in my view, be unnecessary.

After attentively examining the estimates and calculations of the several Members of the Finance Committee, and making what appears to me a liberal and proper allowance for the different charges for which I conceive that they have not adequately provided, I am of opinion that a Supreme Government and four subordinate ones, constituted as I have supposed, with one Commander-in-Chief for all India, receiving the same salary as is now assigned to him, and Commanders of the Forces at the Subordinate Presidencies, with their personal Staffs might all be obtained at an expense not exceeding seven or eight lacs of rupees above that at present incurred in maintaining the Indian Governments. In the above mentioned sum also are included estimates for the civil and military offices, which, in creating a new Presidency for the North-west, it may be necessary to attach to it. I should mention, however, that I have not considered it requisite to admit the probability of there being any augmentation of the actual charges of the King's Courts in India, though a new Presidency should be formed, and there be consequently an increased resort of European residents to the seat of its Government. Without entering further into the important questions connected with the cost and value of these courts, we may safely, I think, assume, that if a similar one be required in Hindostan, the funds already appropriated to the establishment generally are sufficiently ample to meet the exigency.

(I have, as above said, allowed for the nomination of a Commander-in-Chief for the general army in India, and of four Subordinate Commanders of the Forces at the four Presidencies.) I do not know that such an arrangement will be absolutely necessary to secure the main object proposed in regard to the army, which is, that its regulation and distribution, whether its existing divisions be or be not maintained, be committed to the sole charge of the general Supreme Government. If it be essential to the attainment of that object, I would have it carried into effect. It would be of course proper that, as the army would be under one Supreme Government, so it should have only one Commander-in-Chief, who might possibly at the same time still retain his immediate local charge in Bengal. A certain amount of increased duty would, however, under such an arrangement, devolve upon that officer, and accordingly as that is determined, it will be necessary to afford him relief in the discharge of the functions which he has now to execute. Having allowed for reliefs on the

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the most expensive scale, I have erred, at least on the safe side. On the expediency of reserving the regulation and distribution of all the services to the Supreme Government, there cannot, I imagine, be a difference of opinion.

When I consider the important advantages of consistency, efficiency, and, what appears to me to be certain, the great ultimate economy of management, which the plan I would advocate for a change in the members and powers of our Indian Governments, or a similar one founded on like principles, would secure, I readily avow that I should consider them to be cheaply purchased by an immediate outlay, to the extent which, as above stated, we may, in my opinion, expect to find requisite.

If, however, from a reluctance to authorize that outlay, or other objections which have not immediately occurred to me, the home authorities should deem it unadvisable to adopt such a plan in all its parts and provisions, I hope that they will not hesitate to acquiesce in some arrangement for relieving the Supreme Government of a portion of its present heavy mass of duties, and for establishing a local civil administration, acting, of course, in dependence upon the Supreme Government, for Upper Hindostan. These are measures urgently called for, and which can be effected with inconsiderable increase of expense, after allowing for consequent and concomitant reductions in existing establishments. By combining with them a limitation of the powers of the Madras and Bombay Governments in regard to finance and expenditure, and the institution of equitable rules for preserving an uniform scale of augmentation and promotion among the several armies, much directly practical benefit will undoubtedly be derived, though still, I must add, falling far short of that which I anticipate as the result of more extended alterations.

It is not very essential to notice, yet I cannot altogether omit adverting to a proposition of Mr. Mackenzie's, for vesting the Local Governments under the direction of the Supreme Government, with a power of interfering with the decisions of the Sudder Courts of Justice. Under no circumstances can I consider that such a project should be entertained. It violates a principle, the observance of which is quite as requisite in this as in any other country. Admitting that there is considerable room for uncertainty and misapprehension in the administration of justice in our tribunals, the remedy should not be sought by the interference of Government with individual decisions, but in the enactment, when necessary, of declaratory or new laws, or the preparation of a more clear and explicit code, for the guidance of the judicial officers.

There remains further to remark on the suggestion for uniting the Civil
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Service of India into one general establishment. As far as this arrangement may be practicable without public inconvenience, it would, I conceive, be desirable to adopt it. The original distribution of its younger members among the different Presidencies should be left to the home authorities, and, ordinarily, the necessity of acquiring dissimilar languages, and the expediency of retaining under such government the officers trained in its own provinces, would lead to the continuance of civilians in the quarter to which they might be first attached. But I should be glad to see every bar removed which would preclude the Governor-General from nominating able men from any Presidency to situations where their services might be urgently required, and there would, as the Committee have stated, be an obvious benefit in affording him the means of meeting the wants of the public service by transfers from one Presidency to another, so as not to cause an unnecessary augmentation of the number of officers.

I do not propose to state my sentiments in detail on the various other points adverted to in the Committee's Report. Where I have not, in the foregoing observations, expressed opinions in favour of arrangements differing from those enumerated at the conclusion of Sir Charles Metcalfe's Minute, I desire to be considered as concurring in what he there proposes. In the comments which he has made, with the view to combat the notion, that we might safely dispense with a considerable portion of our military force, I only agree partially. Looking to the vast extent and populousness of the territories we have to govern, and to the anomalous nature of our position; I should earnestly deprecate any great diminution of that force beyond its present reduced standard. I by no means, however, entertain the persuasion, that there exists, among our own subjects any active spirit of hostility towards our government. On the contrary, I am satisfied that, at least in our more settled provinces on this side of India, the most respectable, wealthy, and influential classes are, to a certain extent, attached to us, and would be undesirous of any change of masters. In countries which have been more recently acquired, and where the habits of the population are more turbulent, there may, doubtless, be greater danger of discontent. Yet even there, I cannot believe that discontent amounts to enmity and aversion. In any country a weak government will not command respect. Men trained in license and disorder must be unfriendly to a system which compels tranquillity and subordination to the restraint of laws. Nor, I fully admit, are many just and serious causes of dissatisfaction wanting to the natives of India in the maxims of rule which the necessity of our situation imposes upon

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us. But in return for the deprivations to which we require them to submit, we confer many substantial advantages to which they cannot be insensible. The more steadily that we labour to improve our internal administration, and suit it to the varying wants and circumstances of the people of our different provinces, the more will the full enjoyment of these advantages be secured. I believe that their effect must be to render our subjects in all parts of our empire, if not our zealous supporters, certainly not our bitter enemies, passive only because subdued, and withheld by no motive but the terror of our power from rising in a general movement to subvert our dominion.

9th November 1830.

(Signed)

W. B. BAYLEY.

4.—EXTRACT of a Letter from the SECRETARY to the Governor-General of India to PETER AUBER, Esq., Secretary to the Secret Committee of the Court of Directors; dated Simlah, 14th September 1831.

I AM directed by the Right Honourable the Governor-General to transmit the enclosed copy of a Minute by his Lordship on the Report and Minutes of the Civil Finance Committee regarding the constitution of the Indian Governments.

5.—COPY of a MINUTE by the GOVERNOR-GENERAL

Simlah, 14th Sept. 1831.

I SHALL now offer my opinion upon the Report of the Civil Finance Committee regarding the Constitution of the Indian Governments.

The members of the Committee, as well as my two colleagues, Mr. Bayley and Sir C. Metcalf, concur in opinion that the local details pressing upon the time of the Supreme Government utterly preclude the performance of the higher and more important functions of its office. To this opinion I entirely assent.

The same concurrence of opinion exists as to the necessity of the Supreme Government being divested of all local charge, and that its duties should be confined to a general control of the Subordinate Presidencies, and that a distinct and fourth Government should be formed for the Upper Provinces.

Of the total inadequacy of a Government stationed at Calcutta, to control and superintend the administration in the Western Provinces, I have frequently

had

had occasion to remark, and actual investigation has amply confirmed the justness of the opinion.

Upon the degree of control which it would be most salutary for the Supreme Government to exercise over the other Presidencies, there appears to be no great difference of opinion. Hitherto, this control has been rather nominal than real. It has been confined, to general measures of government, to political negotiations, to the making of treaties, to the declaration of war, to great financial arrangements, and latterly, to the confirmation of all Regulations.

In the details of the administration of the Subordinate Presidencies, the Supreme Government have no interference. The only knowledge they have of their proceedings is from the copies of their dispatches to the Court, and by the published orders of the Government and of the Commander-in-chief. The Supreme Government have, indeed, the power of issuing orders, if they observe in these communications anything deserving of strong disapprobation. But it would be highly inexpedient to use the power except in extreme cases, because the act being done, a public revocation of it places the Subordinate Government in some degree of embarrassment and humiliation; and the measure being under reference to the Court, the Supreme Government may be found in the same objectionable position with respect to its own superiors; and from the public proclamation of conflicting orders and sentiments much incogynience must unavoidably arise.

The Subordinate Governments naturally enough stickle for their own independence. They objected strongly to their Regulations being made subject to the sanction of the Supreme Government, though it would seem difficult to understand how legislation, except upon occasions of public danger, or some great pressing emergency, can be otherwise than benefited by additional discussion and deliberation, by more enlarged experience, and by a comparison with the success of remedies applied to the same evils; and so the Honourable Court, in their wisdom have ruled. But in all other proceedings of the administration, what disadvantage could arise from a prompt and immediate check upon any departure from uniformity of system, upon a non-compliance with the orders of the home authorities, an evasion of which is so encouraged and facilitated by the endless delays of repeated references to so distant an authority, and above all, upon lavish expenditure? In the Military Department instances daily occur of indulgences granted in one army, to which the officers and soldiers of the others, whether European or Native, may have an equal right.

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At this very moment, the copy of a despatch to the Honourable Court, from the Government of Bombay, announces the grant of a particular gratuity to a regiment in consequence of its being ordered from a particular cantonment before the ordinary relief. But much stronger claims for compensation have lately occurred in Bengal, in the total abandonment of a cantonment, and consequently of the total loss of property to the officers happening to occupy it; but the Court's orders positively prohibit the grant of any satisfaction, and have been rigidly enforced. Had this, as a new case, and as an outlay of money, been referred to the Supreme Government before being executed, we should have answered, "all must have it or none; let it be submitted as a general regulation for the Court's orders." As it is, we can now only point out the irregularity, and request that it may not be repeated. It is not only the immediate suspension of irregularities, or of unnecessary expenses, that would be thus effected, but to the supreme authority at home, that has ultimately to pass its decision, the advantage of this local discussion in eliciting truth, and in placing every question upon its real merits, would be most useful. Let me take as examples the expenses of the two Presidencies of Bombay and the incorporated settlements to the eastward. Could the excessive extravagance of the former have been passed upon the Court, if it had been open to the scrutiny and objections of a local authority? Could the useless establishments of the latter, and the plurality of almost sinecure offices, accumulated upon individuals, have successfully withstood the proof that a more active local control would have required of their necessity? I will mention another case of recent occurrence, that was productive of great scandal to the British Administration, and of most serious inconvenience to the interests of the individuals and of the public; I allude to the long and indecorous differences between the Government and Supreme Court at Bombay. If the advice of the Supreme Government, with that of the Judges of the Supreme Court at Calcutta, could have been interposed in the first instance, I feel a perfect confidence that the evil would have been stayed at any rate, if not totally prevented. It is humbly suggested, whether, if it be resolved still to preserve the present inconvenient scheme of King's Courts administering English law, in which the intentions of the Legislature are so vague and ill defined, where so much is left to and embraced in the large term of construction, and where the exercise of specified power is declared to be, in many instances, discretionary, it might not be expedient, in the event of collision, to allow an appeal from the Subordinate Presidency, through the Governor-General in Council, to the Supreme Court at Calcutta.

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It might be assumed from the preceding remarks that I am in favour of a Supreme Government, as recommended by the Committee and my colleagues, whose duties should be exclusively those of general control and superintendance. But my concurrence only goes to the expediency of a more effective control in the Supreme Government over the other Presidencies, and I consider this to be practicable, without the great change proposed of forming Bengal into two Presidencies, to which there are great local and practical objections, and without incurring the great expense that this larger scheme would entail; although I entirely adopt the sentiments of Mr. Bayley, that for so great an object as a much improved government of this immense empire, the additional charge, even at the highest scale, is not worth a moment's consideration.

My first objection is to the separation of the Presidency of Bengal into two separate governments. It is true that there is a broad line distinguishing the Upper from the Lower Provinces; they are different in climate, in character, and in their political circumstances. They each ought to have within their reach those authorities, revenue and judicial, upon whom their rights and interests so materially depend. But in other respects there is a great mutual connexion between their general interests; one river pervades the whole territory from west to east; one port receives all its produce; Calcutta is the great exchange upon which the commercial and pecuniary transactions of the whole are carried on. For these, and for many other reasons, it would be very inconvenient to divide the control.

A separation into two Presidencies supposes also a complete system of separate establishments. Such an arrangement would be inconvenient, quite unnecessary, and very expensive. Some of the departments ought to have their head-quarters at Calcutta, and others *vice versa*. The Accountant-Generals must remain in Calcutta; so must the Boards of Trade, Marine, and Salt and Opium. The Upper Provinces ought to be the principal station of the Revenue, and Military Boards, and of all the Military Departments, where are placed the greater part of the army, our principal magazines, the studs, our chief public works, bounded by the frontier, with all the offensive and defensive arrangements connected with it. But a branch of all these departments, whether above or below, must be stationed where the principal office is not in direct correspondence and dependence upon it. The establishment of civil contracted servants also could not be divided into two distinct bodies for the service of the Upper and Lower Provinces without great injury to the public interests, and

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without much individual inconvenience. The appointments in the Upper Provinces, in consequence of the unfinished state of the revenue settlements, and of the difficulty of the process, require to be filled by very competent officers, which a selection from the whole service cannot easily supply. In Bengal, where the demand of Government is fixed in perpetuity, the office of Collector is comparatively easy. Again, with respect to the individuals themselves, there are many to whom the climate of Western India is fatal, while in the milder, but damper climate of Bengal, health is preserved, and good service can be done to the State. An interchange seems indispensable; and this could with difficulty be arranged if the service was divided and allotted between two separate Presidencies. The same observations apply still more strongly to the Military force.

With respect then to the Bengal Presidency, all the territories at present constituting it should, in my opinion, be subject, as now, to a Governor-General in Council; but the seat of Government should be placed in the Upper Provinces, the scene of all its most important transactions, Revenue, Military, and Political. No spot presents so many advantages for direct control, and for ready intercourse with the most distant Provinces, and for the despatch of all business, as Allahabad. I annex to this Minute a Map showing its contiguity to our most important affairs. It is immediately adjacent to Oude, to the Saugur and Nerbudda territories, to Bundelcund; it has under its eye the revenue settlements of the Upper Provinces, of such vast importance to the Government and to the people, and which could no longer so shamefully stagnate. Gwalior, Malwa, and Rajpootana are all brought within easy means of immediate superintendence, and of personal communication if necessary. A steamer from Allahabad would reach Agra or Delhi on the Jumna, and any place equally distant on the Ganges, in four or five days. At Allahabad, also, the Government may have the advantage of the advice of the Commander-in-Chief in Council, as contemplated by the Legislature, whose head-quarters for the future always ought to be, and I may venture to predict always will be, in the Upper Provinces. I shall beg Lord Dalhousie's opinion upon the proper position for the Commander-in-Chief, with reference to the well-being of the department confided to his charge, as also upon all the other points embraced by the Finance Committee's Report.

But to relieve the Supreme Government of the load of details which has hitherto so unworthily occupied its time, it is necessary that a subordinate authority, similar to that of Vice-President in Council, should under the orders

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of the Governor-General in Council, reside at the Presidency, superintending the revenue and judicial administration of the Lower Provinces, and of all our territories to the eastward, and conducting all the business at Calcutta. Having now been absent from Calcutta since October, and having reserved to myself a complete cognizance and control over the whole affairs of the Presidency, very much similar to what should be executed by the Governor-General in Council if placed at Allahabad, I am, from this actual experiment, inclined to think that the Supreme Government would be enabled to devote sufficient attention to the general affairs of the Empire without renouncing the direct management of the Bengal Presidency.

The continuance of the present system would obviate one of the greatest difficulties that I suspect would be found in divesting the Supreme Government of all local management, namely, the allotment of the whole patronage of the four proposed Presidencies, so as to give to the Governor-General his proper importance and consideration, without taking away from the subordinate Governors that proportion which is necessary to the efficiency of the administration for which they are responsible. Where the responsibility is, there must be the selection of officers.

Nor would it seem desirable that a minute interference with the administration of the subordinate Governments should take place; the interference should be rather of check, of a preventive and restraining, than of an active and meddling character. The Supreme Government should come in aid, and not in supersession of the home authority. It should supply that defect and weakness in the home direction arising from distance, from the delay in the issue of its orders, and from the imperfect knowledge it must possess of the circumstances and true bearings of very many questions. Its business would be, to preserve the system as already approved from innovation, to prevent all new expenditure, to prohibit all changes in the various details connected with the Military establishment, which are for ever occurring in spite of the Court's orders, and especially so to superintend the general distribution of the troops of all the Presidencies, as to make the whole act in unison for the general defence. But it is impossible for the Supreme Government to perform even the least part of these duties without knowing beforehand the intentions of the other Governments; and for its accomplishment, it would be necessary to require that all reports of their proceedings, as is the case with all subordinate authorities, should be made direct, and in the first instance, to the Supreme Government, copies being sent for the information of the Honourable Court.

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With respect to the constitution of the Supreme Government, it might be either left as it is, or, with reference to the whole of India being now subject to British rule, and to the expediency therefore of its being regulated by one uniform system of policy, it might be thought preferable to compose it of a Governor-General and one Councillor from each of the three Presidencies. The knowledge and experience of the whole would thus be combined for the general improvement. How much would the revenue settlements of Bengal have been promoted, if by such means the spirit of Sir Thomas Munro's superior management could have been infused, and practically brought to bear upon this branch of our administration!

In the first case, of leaving the Supreme Council as it is, there would be only the increased charge of two new Councillors at Calcutta. In the second, there would, in addition to the two Councillors at Calcutta, be required a third Civil Member for the Supreme Council. But this charge in both cases might be met in great part by reducing one of the Civil Councillors at Madras and Bombay, and transferring them to the Supreme Council. The constitution here proposed for the Governments of India accords precisely with the model of that established by the Honourable Court in the incorporated settlements to the eastward; when the Governor who was supposed to move from one settlement to the other, was absent, one resident Councillor conducted the local details. Here would be two, besides the military officer in command of the troops. Care would be taken that in no case, not even of a temporary nature, the Council should be reduced to one Member.

It is recommended that the Supreme Government should be moveable. This would be necessary if Calcutta be retained as the Seat of Empire; but it is confidently anticipated that this deference to ancient recollections, and, may I be excused for saying prejudices, will give way to the manifest and numerous objections to a position, the excessive distance of which from its most important concerns and interests, precludes the efficient performance of any one of the functions of a supreme controlling authority.

I have already dwelt so much upon this subject in my Minutes of the 10th February 1829 and 22d February 1830, that I need not again repeat arguments, which have in a great measure been supported by the unanimous opinion of the Committee and of the Members of Government. If the Supreme Government is to be moveable, the distance to be travelled, and the delay, to say nothing of the expense, of such journies, would render the residence of the Seat of Government at Calcutta more nominal than real. But under all circumstances,

circumstances, as there apparently must be a separate Administration for the Upper Provinces, it might be more convenient and more conducive to prompt decision and energy of action, that the Governor-General should alone visit the different parts of the Empire, possessing the powers now belonging to him.

With respect to the distribution of our political relations between the subordinate Governments, according to their contiguity, as recommended by the Committee, I am now, as I ever have been, entirely opposed to it. Those chiefs and rulers who are only so in name, and have no political power, may unobjectionably be so placed. But all those, on the other hand, who possess extensive territories yielding a considerable revenue, and maintaining a military force, and who come within that most anomalous state of relationship to our power of recognized independence, but of real and virtual dependence, even to protection against their own oppressed subjects, all these should be subject alone to the Supreme Government. Experience has shown the excessive delicacy, difficulty, and impossibility almost of managing these relations with success, and it is only by the steady adoption of one and the same principle towards all in the regulation of our interference, which will be the more effectual, the less involved in intrigue, the less offensive to their dignity, and the more conducive to confidence, if proceeding direct from the paramount power, that we can hope to establish such an improved order of things that shall eventually make better rulers, happier subjects, and more useful allies.

I agree entirely with the Committee and my colleagues in the following points :

That there should be one Legislative Council for all India ; one army and one Commander-in-Chief for all India. I agree entirely in the concurrence expressed by Mr. Bayley in Mr. Hill's observations, "on the tendency of the present separation of the three armies to cause an unnecessary increase of force, solely with a view to equalize the promotion of the officers." To this might be added, the unnecessary charge of a separate Staff for each Presidency, and moreover of a double Staff in each, for the King's and Company's armies.

Although I think the Civil Service must be kept in a great degree separate, yet great good would occasionally arise by the possibility of a transfer of some officers from one to the other ; but the more the practice was circumscribed the better. It should be confined to particular and specified objects.

(Signed) W. C. BENTINCK.

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6.—COPY of a Letter from the CHIEF SECRETARY to the Governor-General in Council at Bengal to P. AUBER, Esq., Secretary to the Secret Committee of the Court of Directors; dated Fort William, 28th Oct. 1831.

SIR :

With reference to Mr. Secretary Prinsep's letter to your address of the 14th ultimo, I am directed to transmit to you, for the purpose of being submitted to the Honourable the Secret Committee, the accompanying copies, in duplicate, of Mr. Prinsep's letter to me of the 10th instant, and of the letter from His Excellency the Commander-in-Chief to the Right Honourable the Governor-General, containing His Excellency's sentiments on the subject of the constitution of the Indian Governments.

I have, &c.

(Signed) GEORGE SWINTON,
Chief Secretary to Government.

7.—COPY of a Letter from the SECRETARY to the Governor-General of India to GEO. SWINTON, Esq., Chief Secretary to Government, Fort William; dated Simlah, 10 Oct. 1831.

SIR :

In continuation of my letter to your address, dated the 20th ultimo, I am directed to transmit to you, for the information of the Honourable the Vice-President in Council, the accompanying copy of a Minute by the Commander-in-Chief, containing His Excellency's sentiments on the subject of the constitution of the Indian Governments, and to request that transcripts of this document may also be forwarded to the Secretary to the Honourable the Secret Committee with the least practicable delay.

I have, &c.

(Signed) H. T. PRINSEP,
Secretary to the Governor-General.

8.—COPY of a Letter from the EARL OF DALHOUSIE, Commander-in-Chief in India, to LORD WILLIAM BENTINCK; dated Simlah, Sept. 27, 1831.

MY LORD :

After having attentively perused the various documents by the Members of the Committee of Finance at Calcutta, and by the Members of Council, I can feel

feel no difficulty in complying with the desire expressed in your Lordship's Minute, that I should give my opinion "as to the proper position of the Commander-in-Chief, with reference to the well-being of the departments confided to his charge."

There can be no doubt of the necessity, that the Commander-in-Chief in India should at all times be placed in the most confidential communication with the Governor and Government; but a residence of three months in Calcutta, in which I attended regularly the meetings of the Council, satisfied me that the constant attendance of the Commander-in-Chief in Council could not be useful to the public service, and therefore could not be desirable.

The attention of the Commander-in-Chief must be chiefly called to the discipline, equipment, and ready state for service, in which the army is expected to be kept. His personal presence and inspection are absolutely necessary, not for his own satisfaction only, but for that also of the Government, to which he is responsible for any irregularities or deficiencies. It is not an option with the Commander-in-Chief to remain near the seat of Government; it is his duty to place himself in the midst of his troops, that he may know their state, the country in which he is to act, and every matter connected with their well-being. It is certain, that the first wish and desire of every succeeding Commander-in-Chief in India will be, to proceed with the least possible delay to the point where he may best see and know his command. A glance on the map of Bengal will show that Calcutta is an extreme point, withdrawn from convenient intercourse with the great body of the army; that all correspondence, all orders, all inspection, are rendered difficult by the distance in this Presidency, but infinitely more so when the Commander-in-Chief reflects, that his commission has placed him in chief command of the armies in all the Presidencies, and at the same time lays upon him the responsibility attached to such commission.

Under that view of the "department confided to my charge," I need no further argument to show that my post and head-quarters ought to be central, having ready and quick communication, not only throughout Bengal, but also with Madras and Bombay.

I beg, however, to draw your Lordship's attention to the manner in which I have been attended by the chief head-quarter staff of the army, for the purposes of this my first inspection. I left Calcutta in October last, having directed in orders, that the chief officers of departments should leave behind every thing not absolutely necessary for public service, and most especially to bring only such proportion of inferior officers as were indispensable for the

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affairs in each. I have every reason to believe that these orders have been obeyed; nevertheless I find myself marching at the head of a little army of every rank and gradation. The chief depôt of this great staff is still at Calcutta, but so far distant, that my inspection, which I could not accomplish in a less time than two or three seasons, required all this proportion which now accompanies me.

Were the permanent head-quarters of the Commander-in-Chief placed in a centre point of the country, I might have accomplished my inspection with little more attendance than my Aides-de-Camp, and a very few assistants of the Adjutant and Quartermaster-Generals' departments; and, as the season required, the Commander-in-Chief might retire upon that head-quarter, where all his principal departments and officers were occupied in his absence; but to Calcutta he could not possibly retire in each season.

The enormous expenses attending this moveable camp afford matter of serious consideration to the Government, in addition to that of the facility and convenience of command to that officer, in whom the confidence of the Chief Governor must be placed.

Your Lordship's Minute has so fully expressed your conviction on this point (predicting even that in future the Commander-in-Chief will always place himself in Upper Bengal), that I need not say more upon it. The next question is, Which is the best and most central point for the purpose?

I think that Agra and Allahabad are nearly equal in the advantages they possess.

If the movements and correspondence of the Commander-in-Chief were alone considered, I would give the preference to Agra; but if the Artillery branch of the service, and that of the Engineers, could be brought to Allahabad, and placed under the more immediate cognizance and control of the Commander-in-Chief, which I do most strenuously and urgently advise, then indeed Allahabad has immense advantages over Agra. Should it be hereafter decided that Allahabad should be the head-quarters of the Governor General, as Supreme Government, then there can be no doubt that there also should be placed the Commander-in-Chief.

Your Lordship's Minute expresses a desire that I should also give my opinion upon all the other points touched upon in the Minutes of the Members of the Finance Committee and of Council; but in maturely considering these papers, I see only one great and important proposition to be considered. All other points appear to me as matters of detail belonging to that one.

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It seems also, that there is perfect unanimity on that great question, with the exception of forming a fourth Presidency in the Upper Provinces, called usually "the Central India."

I entirely concur in the general opinion, that one Supreme Government, in "the Governor-General in Council," is required, and most essentially necessary to govern with energy this great Empire.

I concur with your Lordship, that in such change there is no necessity whatever, nor advantage even, to be gained in altering the existing Presidencies, or the limits of them; that Lieutenant-Governors should be appointed in charge of the local administration in Bengal, Madras, and Bombay, having as now a Council for each; and that the Governor-General, as Supreme Government, residing at Allahabad, should have the full power of proceeding, when to him it shall seem fit, to any part or residence of the subordinate Presidencies, there to assume his place as Chief Governor in Council.

I think with your Lordship, that the ablest Council that could be found to assist the Supreme Government should be a Member of Council from each of the Presidencies, and chosen by the Governor-General.

That during the required absence of these Councillors from their Presidencies, the vacant place might be filled, according to the present system, by a temporary appointment.

With regard to the consideration of the economy of this new system, I think that such details can only be well arranged by the Supreme Government when formed; and from what I have seen in this country, I should think that such a subject, proceeding from the Governor-General and his three Councillors, would be viewed with equal liberality and justice to the parties concerned, both public and private.

I concur in the general opinion, that there should be but one Commander-in-Chief, having power to visit every part of the three armies; and I have no hesitation in saying, that having himself seen the three armies, the Commander-in-Chief cannot find any difficulty in removing all the obstacles, and all the objections now imagined, why one uniform system should not constitute one active and united army.

My opinion is very decided, that the existing disjointed system renders a much more numerous force necessary, than would be the case were those forces distributed by one head where most wanted, mutually connected and mutually co-operating.

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The Commander-in-Chief in Bengal; one Major-General, Inspector of Cavalry; two Major-Generals, Inspectors of Infantry.

One Lieutenant-General in Madras; one Major-General, Inspector of Cavalry; one Major-General, Inspector of Infantry.

One Lieutenant-General in Bombay, and two Major-Generals, as in Madras.

The further distribution of divisions and brigades cannot now be stated; but I do not hesitate to recommend, that when such distribution shall be made, that considerations of seniority of rank shall not prevail so much as is the practice now, over considerations of talent and military conduct.

I agree with your Lordship, that a great proportion of the numerous Presidency Staff, and certainly that double Staff of the King's and Company's army, might be dispensed with.

My opinion is also very decided in regard to the Medical and Military Boards. I consider them both not only as not useful, but as heavy and most expensive incumbrances upon the effective command of the army.

I regret to find one point upon which I must differ from all the able individuals who have stated their sentiments in these Papers, and that is, as to a Legislative Council in India.

A facility to enact laws appears to me to be one of the most dangerous powers that can be given to a Subordinate Government, for such I must consider even the Supreme Government of India, as compared with the Crown and Parliament of Great Britain.

I think it might be quite sufficient to vest in the Supreme Government the power to recommend laws to be hereafter enacted for the general good of India, that recommendation to be founded on opinions given by the Judges in the several Presidencies, in manner similar to the opinion of the Twelve Judges in England, occasionally called for by the Crown or by Parliament.

The Supreme Government having ample powers to provide for all emergencies, I could fear no inconvenience, no injury, to the great interests of India, in waiting for a mature consideration of the subject before the actual enactment of law, and that such law should pass in the Parliament only.

Submitted with great respect and deference,

(Signed) DALHOUSIE,

Simlah, 27th September 1831.

Commander-in-Chief.

No. LXXI.

*LETTER from the Right Honourable CHARLES GRANT to the CHAIRMAN
and DEPUTY CHAIRMAN.*

India Board, June 24th, 1833.

GENTLEMEN:

I beg to submit to you a Summary of such of the principal provisions of the proposed Bill respecting the East-Indies as relate to the construction of the Indian Government, the admission of Europeans, and the condition of the Natives.

This Summary is the same as that which I placed in your hands on Saturday last, with the exception only of some verbal alterations, and the addition of a few sentences, occasionally.

I have to beg that the copy which I now send may be considered as the official copy.

There are other provisions of moment which are not included in this Summary: such, for instance, as relate to the Court of Directors, the College at Haileybury, the Ecclesiastical Establishment of India, and some others of minor importance. On these I propose to transmit to you another paper.

But in the mean time I am unwilling to delay the Memorandum which I enclose, and which I request you to have the goodness to lay before the Court of Directors.

I have the honour to be, Gentlemen,

Your most obedient servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. LXXII.

*SUMMARY enclosed with Letter from the Right Honourable CHARLES
GRANT, dated the 24th June 1833.*

THE main provisions of the Bill, exclusive of those which relate to the Trade, the Political Administration of India, and the terms of the Compromise, are the following:—

The

No. LXXI.

Letter from
the Rt. Hon.
Charles Grant,
24 June 1833.

No. LXXII.

Summary of
Provisions of
proposed Bill.

No. LXXII.

Summary of
Provisions of
proposed Bill.

The number of Presidencies to be four; the upper provinces of Bengal being formed into the fourth, under the title of the Presidency of Agra.

The Civil Service of the two Presidencies of Bengal and Agra continuing undivided; that is, to remain as it is.

The Army of the two Presidencies to remain as it is; that is, one and the same.

The Armies of Madras, Bombay, and Bengal (including the two Presidencies of Bengal and Agra), will consequently remain as they are, three separate armies.

It shall be left to the Court of Directors and the Board to consider whether there shall be one Commander-in-Chief for the whole Indian Army, and to take measures accordingly.

It should be borne in mind, that the Bill does not contemplate the consolidation of the three Armies, but only their being placed under one Commander-in-Chief, each separate Army being commanded by a Commander of the Forces.

There shall be a more defined and efficient control in the Supreme Government over the others; and, for this purpose, it shall have a precedent and preventive, in place of a subsequent and corrective control.

No laws to be passed, and no expense incurred by the other Presidencies, except by the previous sanction of the Supreme Government.

The Governors of the separate Presidencies not to have a Council. A Council will be less necessary in these Governments, as the Supreme Government will be strengthened.

The Governor-General to be the Governor of the Presidency of Bengal.

The whole Civil and Military Government of India to be vested in a Governor-General in Council. The Council to consist of five, besides the Governor-General and Commander-in-Chief. The Council to be appointed by the Court, with the approbation of the King.

The Governor-General in Council to have the power of making laws relating to all persons, British or Native, Foreigners or others, and all Courts of Justice. The Governor-General will thus be empowered to issue laws binding, to a certain extent, on the Supreme Courts, especially as to jurisdiction.

The laws of the Governor-General in Council, subject to the King's approbation, to be signified in two years, but to be in force till disallowed.

The Court of Directors and the Board to consider in what manner the Civil and Military Patronage in India should be apportioned between the Governor-General

General in Council and the Governors of the Presidencies, and to ordain accordingly.

The Governor General in Council to appoint a Commission of Inquiry into the nature, administration, &c. of the existing laws, into the courts of justice, modes of judicature, and police, throughout British India. The Commission to submit alterations and propositions tending to establish a legislation, approximating to as much uniformity as may be, consistent with the differences of castes, manners, usages, and feelings of the people in different parts of the country.

The Commission, though directed by Parliament, is to emanate from the Governor General in Council.

The Commission is to make reports from time to time to the Governor General, but is not to have any legislative power.

A considerably increased, though strictly guarded, facility of access to the interior of India to be given to British subjects.

All British subjects may go to the ports of entry in India without license, but must report themselves on arrival to the nearest authority.

A facility is thus given, but a condition is annexed. They are to be generally admissible, with no other limitation of space than the being confined to the well settled provinces; and no other *precedent* restraint than the reporting themselves on their arrival (at such ports as Parliament shall fix) to the proper municipal authorities.

But the condition is, that, with certain temporary exceptions, they shall be subject to the same laws and the same jurisdiction with the natives; allowing, of course, for inevitable differences: and they are to be subject to the same criminal laws and criminal courts; but cannot, for the present, be punished with death except by the Supreme Courts.

Any other minor exceptions are to be left to the Governor General in Council, to deal with by Regulation; so as, with all practicable dispatch, to have the principle established.

As to the permission to British subjects to hold land, the restriction on this point has already been greatly broken down.

Until, however, a more efficient system of judicial administration can be established, the property in land to be acquired by British subjects should be limited by *chattel interests*; that is, to leases for terms of years, which should descend, and to be disposable as personalty.

No. LXXII,

Summary of
Provisions of
proposed Bill.

With

No. LXXII. With regard to deportation, it is to take place only by sentence of a court of law.

Summary of
Provisions of
proposed Bill.

It will be recollected that the Governor-General in Council is to make laws for the punishment of offences of all kinds.

Lastly, the English must be warned not to expect a liberty of access unregulated and unguarded by laws.

So much for the British Residents.

As to the Natives, besides placing them on a level with the British in point of laws, there are two enactments :

1. No person, native or natural-born in India, is to be excluded from any office, merely by reason of his religion, birth-place, descent, or colour.
2. Slavery, after a specified period, is to be abolished.

No. LXXIII.

AT A

SECRET COURT OF DIRECTORS.

Held on Wednesday the 26th June 1833.

No. LXXIII.

Secret Court,
26 June 1833.

The Chairman submitted the draft of a letter to the Right Honourable Charles Grant, assuring him that the Court will consider the proposals contained in the Summary which was forwarded with his letter of the 24th instant, with all the expedition that is consistent with the deliberation due to their great importance; and expressing the Court's anxiety, that at as early a period as possible they may be put in possession of *all* the measures which His Majesty's Ministers may have it in contemplation to propose for the administration of the Territorial Government by the Company for the further term of twenty years.

The said draft of a letter was read and approved.

No. LXXIV.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the Right
Honourable CHARLES GRANT.

India House, 26th June, 1833.

No. LXXIV.

SIR:

We have the honour to acknowledge the receipt of your letter dated the 24th instant, transmitting a Summary of such of the principal provisions of the proposed Bill respecting the Company, as relate to the construction of the Indian Governments, the admission of Europeans, and the condition of the Natives.

Having communicated that letter and Summary to the Court of Directors, they request us to assure you, that they will consider the proposals thus for the first time brought before them, with all the expedition that is consistent with the deliberation due to their great importance.

In the mean time, as you have intimated an intention to transmit to us a further paper explanatory of other provisions of moment, which are to form part of the Bill, the Court trust that they may be permitted to express to you the anxiety which they feel, that at as early a period as possible they may be put in possession of *all* the measures which His Majesty's Ministers may have in contemplation to propose for the administration of the Territorial Government by the Company for the further term of twenty years, in order that the Court may be prepared, when the Bill or Bills shall have come before Parliament, to submit to their Constituents an opinion, whether the *whole* arrangement be such as to justify the Company in giving effect to the plan, the basis only of which has yet been agreed upon.

We have, &c.

The Right Honourable Charles Grant,
&c. &c. &c.

(Signed) C. MARJORIBANKS,
W. WIGRAM.

Letter to
the Rt. Hon.
Charles Grant,
26 June 1833.

No. LXXV.

AT A

SECRET COURT OF DIRECTORS,

Held on Friday, the 28th June 1833.

No. LXXV.

Secret Court,
28 June 1833.

The Chairman acquainted the Court, that he had this morning received a further letter from the Right Honourable Charles Grant, dated yesterday, on the subject of the proposed Bill relating to the Government of India.

The said letter from Mr. Grant was read, stating his intention to modify those parts of the Summary forwarded with his letter of the 24th instant, which relate to the constitution of the Supreme Government and of the subordinate Governments, and that no material change will be recommended to Parliament in the laws which regulate the constitution of the Court of Directors; explaining the plan proposed for the admission of Students into Haileybury College, with a view to their appointment as Writers; and stating that it is proposed to give to His Majesty the power of appointing a Suffragan Bishop for each of the Presidencies of Madras and Bombay.

It was then

Resolved, That the letter now read be referred to the consideration of a Committee of the Whole Court; whereupon

The Court resolved itself into a Committee of the Whole Court.

 No. LXXVI.

LETTER from the Right Honourable CHARLES GRANT to the
CHAIRMAN and DEPUTY CHAIRMAN.

India Board, 27th June 1833.

No. LXXVI.

Letter from
the Rt. Hon.
Charles Grant,
27 June 1833.

GENTLEMEN:

I have now the honour of addressing you, agreeably to my promise, in order to communicate those other provisions of moment, to which in my letter I referred

referred as forming part of the proposed Bill relating to the Government of India. No. LXXXVI.

I intend to introduce that Bill without delay; and as soon as I am able, I shall submit a copy of it to you and the Court of Directors.

Letter from
the Rt. Hon.
Charles Grant,
27 June 1833.

In providing for the future administration of India, it has been the earnest wish of His Majesty's Ministers to frame a measure which, in the accomplishment of its paramount object, might at the same time prove acceptable to the East-India Company. With this view they have made every concession which did not appear to them calculated to be positively injurious to the Indian people; and in the same disposition they have considered two provisions certainly of moment, yet without any detriment to the general operation of the plan, admitting, in their judgment, of the modifications which are understood to be desired by the Directors.

Strong objections have been made to the proposed reduction of the number of Directors. It has been represented to me that such a change would diminish the efficiency and independence of that body, and convert it into a Government Board.

Any intention of so varying the character of the Court I have, in the course of our correspondence, repeatedly disclaimed; and with what sincerity, I may confidently appeal to the history of the recent negotiations respecting the Charter. A further proof of that sincerity I am now about to supply.

My opinion on the point in question remains unaltered; I still think that the reduction which I lately contemplated would facilitate and expedite the transaction of public business, without in the slightest degree weakening the authority, impairing the dignity, or endangering the independence of the Court.

Although, however, the proposed change would, in my judgment, be an improvement, I do not think that an improvement to be purchased by a sacrifice of the smallest portion of that cordial co-operation on the part of the Court, which I regard as a main condition of the future good government of India. If by giving up this part of my plan, I can put an end to the suspicion that the object of the Government is to extend its own powers, and to depress and degrade those of the co-ordinate authority, I feel that a perseverance in it would not be justifiable. Trusting then that this concession will be accepted in the spirit in which it is made, I beg to inform you that it is not my intention to recommend to Parliament any material change in the laws which regulate the constitution of the Court of Directors.

No. LXXXVI.

Letter from
the Rt. Hon.
Charles Grant,
27 June 1833.

Objections have also been urged against the alteration which I designed in the constitution of the subordinate Presidencies. It is said that the abolition of the Council now attached to the local Governor will lower the dignity of the British Government in the eyes of the natives. It is said also that the servants of the Company having always considered a seat in Council as the highest reward of faithful and diligent service, would, if the number of these honourable situations were diminished, feel themselves ungraciously treated.

To me it appears absolutely necessary that the Supreme Government shall legislate for the whole Indian empire. When the arrangement for that purpose shall have been carried into effect, the functions of the subordinate Governments will be only executive, and may be performed, I think, not less satisfactorily,—I am sure more economically,—by a Governor acting singly, than by a Governor in Council. I will, however, so far yield to what I understand to be the wishes of the Court, as to consent that the question, whether the subordinate Governments shall or shall not have Councils, shall by the Bill be reserved for the future and deliberate decision of the Court and the Board. Into a full discussion of that question I shall be prepared to enter, so soon as the new system shall be complete and in action.

The Court will, I am sure, consider the concessions which I have now announced, as indications of a sincere deference for their sentiments, and of my earnest desire to ensure from them, for those provisions of the Bill which I deem essential to the good government of the Indian people, a cheerful and liberal support.

Knowing that my sole object is the welfare of that people, and firmly believing this object to be equally dear to the Company, I should feel no small measure of regret if, by my pertinacity in matters of subordinate importance I should induce those who have in view the same end with myself, to regard the measures which I propose for the accomplishment of our common purpose, with coldness, jealousy, or aversion.

In the Summary transmitted to you, after the words, “The Council to consist of five besides the Governor-General and Commander-in-Chief,” follow these words: “The Council to be appointed by the Court with the approbation of the King.”

I wish to observe, that the last proviso relating to the King’s approbation is meant to be confined to the appointment of the Fifth Member, who is not to be a Servant of the Company. The provision ought therefore to run thus:

“The Council to consist (besides the Governor-General and Commander-in-Chief)

“Chief) of five Councillors, of whom four shall be Company’s Servants, to be appointed as Councillors are at present, by the Court of Directors exclusively; and the fifth, who shall not be a Company’s Servant, shall also be appointed by the Court of Directors, but subject to His Majesty’s approbation.”

No. LXXXVI.

Letter from
the Rt. Hon.
Charles Grant,
27 June 1833.

It is intended to propose that the Directors shall nominate four times as many Candidates for admission into Haileybury College as there may be vacancies to be supplied in the Civil Service of India. From the whole number of Candidates so nominated, a selection shall on examination be made of one-fourth, who will be admitted into Haileybury; and in consequence of such admission become entitled, as much as they are at present, to Writerships in India.

The relative situations of those who go out, as now, being determined by the final examination, however, will not involve a competition for the actual appointment to India, which will be endangered to each student, not by the greater merits of another, but solely by idleness or irregularity on his own part.

It is proposed to give His Majesty the power of appointing a Suffragan Bishop for each of the Presidencies of Madras and Bombay.

I have the honour to be, Gentlemen,

Your most obedient humble servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy-Chairman
of the East-India Company.

No. LXXXVII.

AT A

SECRET COMMITTEE OF THE WHOLE COURT.

Held on Friday, the 28th June 1833.

No. LXXXVII.

The Committee met for the purpose of considering the Summary forwarded with a letter from the Right Honourable Charles Grant, dated the 24th instant, of such of the principal provisions of the proposed Bill respecting the East-Indies,

Secret Committee
of the whole Court,
28 June 1833.

No. LXXVII. **Indies, as relate to the construction of the Indian Governments, to the state of the law in India, to the admission of Europeans, and to the condition of the Natives.**
 Secret Committee
 of the whole Court,
 28 June 1833.

The letter from the Right Honourable Charles Grant, dated yesterday, stating his intention to modify those parts of the Summary forwarded with his letter of the 24th instant, which relate to the constitution of the Governments of India; representing that no material change will be recommended to Parliament in the laws which regulate the constitution of the Court of Directors; and communicating the provisions which it is intended to introduce with respect to Haileybury College, and the Ecclesiastical Establishment of India; was read.

The Chairman submitted the draft of a proposed letter to Mr. Grant, containing an explanation of the views which the Court had formed upon his proposals as first submitted to them, and adverting to the points embraced in his last communication, and which were not included in the Summary.

The said draft of a letter was read, and the further consideration thereof adjourned until Monday, the 1st July next.

No. LXXVIII.

AT A

SECRET COURT OF DIRECTORS,

Held on Monday, the 1st July 1833.

No. LXXVIII.

Secret Court,
 1 July 1833.

A letter from the Right Honourable Charles Grant, dated at the India Board the 29th ultimo, forwarding a copy of the Bill introduced by him into the House of Commons on the 28th of that month, and entitled, "A Bill for Effecting an Arrangement with the India Company, and for the better Government of His Majesty's Indian Territories," being read;

It was

Resolved, That the said letter and Bill be referred to the consideration of a Committee of the Whole Court.

The Court resolved itself into a Committee of the Whole Court;

And being resumed,

A Report from the Committee of the Whole Court, dated this day, was read,

read, submitting for the Court's approval Draft of a letter to the Right Honourable Charles Grant, in reply to his letters of the 24th and 27th ultimo, and to the Summary which accompanied his letter of the former date.

Secret Court,
1 July 1833.

And the said draft of a letter having been likewise read,
The same was approved.

It was then

Resolved, That a General Court be summoned for Friday next, the 5th instant, for the purpose of laying before the Proprietors the Bill which has been introduced into the House of Commons relating to the Company and the Government of India; and that the said Bill, together with the proceedings relating to the present negotiation respecting the Company's Charter, which have taken place since the last communication to the General Court upon that subject, be printed for the information of the Proprietors.

Draft of an Advertisement summoning a General Court for Friday next, was read and approved.

No. LXXIX.

LETTER from the Right Honourable CHARLES GRANT to the
CHAIRMAN and DEPUTY CHAIRMAN.

India Board, June 29th 1833.

GENTLEMEN:

In fulfilment of the promise contained in my letter of the 27th instant, I have the honour to enclose a copy of the Bill which I introduced last night to the House of Commons. Having received a proof copy from Messrs. Hansard this morning, I have the pleasure of being able to submit the Bill to you in print instead of manuscript.

I have the honour to be, Gentlemen,

Your most obedient and humble servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. LXXIX.

Letter from
the Rt. Hon.
Charles Grant,
29 June 1833.

No. LXXX.

A BILL for effecting an Arrangement with the India Company, and for the better Government of His Majesty's Indian Territories.

No. LXXX.

Preamble.

Recital of 53 Geo. 3, c. 155.

Whereby the possession and government of India were continued to the Company for a Term.

Recital that the Company claim St. Helena and Bombay, and other property, and rights not affected by determination of Term.

Recital that the Company have consented that their rights in the Indian Territories and all their property (subject to their liabilities) shall be at the disposal of Parliament; in consideration of the provisions of this Act; and that their right to trade shall be suspended.

Recital that it is expedient that India be continued under the government of the Company in trust for the Crown; and that their Property be continued in trust for the service of Government; and other purposes.

WHEREAS by an Act passed in the fifty-third year of the reign of His Majesty King GEORGE the Third, intituled "An Act for continuing in the East-India Company for a further term the possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same, and for regulating the Trade to and from the places within the limits of the said Company's Charter"; the possession and government of the British Territories in India were continued in the United Company of Merchants of England trading to the East-Indies for a term therein mentioned.

And whereas the said Company are intitled to or claim the Lordships and Islands of St. Helena and Bombay, under Grants from the Crown, and other property to a large amount in value, and also certain rights and privileges, not affected by the determination of the term granted by the said recited Act :

And whereas the said Company have consented that all their rights and interests to or in the said territories, and all their territorial and commercial, real and personal Assets and Property whatsoever, shall, subject to the debts and liabilities now affecting the same, be placed at the disposal of Parliament, in consideration of certain provisions hereinafter mentioned, and have also consented that their right to trade for their own profit in common with other His Majesty's Subjects be suspended during such time as the Government of the said territories shall be confided to them :

And whereas it is expedient that the said Territories, now under the Government of the said Company, be continued under such Government, but in trust for the Crown of the United Kingdom of Great Britain and Ireland, and discharged of all claims of the said Company to any profit therefrom to their own use, except the Dividend hereinafter secured to them, and that the Property of the said Company be continued in their possession and at their disposal, in trust for the Crown, for the service of the said Government, and other purposes in this 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

That from and after the *Twelfth* day of *April* *One thousand eight hundred and thirty-four* the Territorial Acquisitions and Revenues mentioned or referred to in the said Act of the fifty-third year of His late Majesty King GEORGE the Third, together with the Port and Island of Bombay, and all other Territories now in the Possession and under the Government of the said Company, except the Island of St. Helena, shall remain and continue under such Government until the *Twelfth* day of *April* *One thousand eight hundred and fifty-four*; And that all the lands and hereditaments, revenues, rents, and profits of the said Company, and all the stores, merchandize, chattels, monies, debts, and real and personal estate whatsoever, except the said Island of St. Helena, and the stores and property thereon hereinafter mentioned, subject to the debts and liabilities now affecting the same, respectively, and the benefit of all contracts, covenants, and engagements, and all rights, to fines, penalties, and forfeitures, and other emoluments whatsoever, which the said Company shall be seized or possessed of, or entitled unto, on the said *Twelfth* day of *April*, *One thousand eight hundred and thirty-four*, shall remain and be vested in, and be held, received, and exercised, respectively, according to the nature and quality, estate and interest of and in the same, respectively, by the said Company in trust for his Majesty, his Heirs and Successors, for the service of the Government of India, discharged of all claims of the said Company to any profit or advantage therefrom to their own use, except the Dividend on their Capital Stock, secured to them as hereinafter is mentioned, subject to such powers and authorities for the superintendance, direction, and control over the acts, operations, and concern of the said Company, as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made or provided by this Act.

And be it Enacted, That all and singular the privileges, franchises, abilities, capacities, powers, authorities (whether military or civil), rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters, and things whatsoever, granted to or continued in the said United Company, by the said Act of the fifty-third year of King George the Third, for and during the term limited by the said Act, and all other the enactments, provisions, matters, and things contained in the said Act, or in any other Act or Acts whatsoever, which are limited, or may be construed to be limited to continue for and during the term granted to the said Company by the said Act of the fifty-third year of King George the Third, so far as the same, or any of them, are in force, and not repealed by, or repugnant to the enactments hereinafter contained, and all powers of alienation and disposition, rights, franchises, and immunities, which

The British Territories in India to remain under the Government of the Company till 12th April 1854.

The real and personal property of the Company to be held in trust for the Crown for the service of India.

All privileges, powers, &c. granted by 53 Geo. 3, c. 155, for the term thereby granted.

and all enactments of that and other Acts which are limited to continue during that term, and not repugnant to this Act, to be in force during further term; and all powers of alienation, rights, and immunities of

the Company to be in force, subject to control.

the said United Company now have, shall continue and be in force, and may be exercised and enjoyed as against all persons whomsoever, subject to the superintendence, direction, and control hereinbefore mentioned, until the *Twelfth* day of *April, One thousand eight hundred and fifty-four*, unless Parliament shall otherwise direct.

From 12th April 1834, China and Tea Trade of Company to cease.

Provided always and be it Enacted, That from and after the said *Twelfth* day of *April, One thousand eight hundred and thirty-four*, the exclusive right of trading with the dominions of the Emperor of China, and of trading in Tea, continued to the said Company by the said Act of the fifty-third year of King George the Third, shall cease.

The Company to close their Commercial Business, and to sell their property not retained for Government.

And be it Enacted, That the said Company shall, with all convenient speed after the said *Twelfth* day of *April, One thousand eight hundred and thirty-four*, close their Commercial Business, and make sale of all their merchandize, stores, and effects, at home and abroad, distinguished in their account books as Commercial Assets, and all their warehouses, lands, tenements, hereditaments, and property whatsoever, which may not be retained for the purposes of the Government of the said Territories, and get in all debts due to them on account of the Commercial Branch of their affairs, and reduce their Commercial Establishments as the same shall become unnecessary, and discontinue and abstain from all Commercial Business which shall not be incident to the closing of their actual concerns, and to the conversion into money of the property hereinbefore directed to be sold, or which shall not be carried on for the purposes of the said Government.

The Board of Control to superintend sale of the property, and the reduction of the Commercial Establishments and payment of Commercial Claims, and generally to control all acts affecting the property,

And be it Enacted, That the Board of Commissioners for the Affairs of *India* shall have full power to superintend, direct, and control the sale of the said Merchandize, Stores, and Effects, and other property hereinbefore directed to be sold, and to determine from time to time, until the said property shall be converted into money, what parts of the said Commercial Establishments shall be continued and reduced, respectively, and to control the allowance and payment of all Claims upon the said Company connected with the Commercial Branch of their affairs, and generally to superintend and control all acts and operations whatsoever of the said Company, whereby the value of the property of the said Company may be affected; and the said Board shall and may appoint such Officers as shall be necessary to attend upon the said Board during the winding up of the Commercial Business of the said Company, and that the charge of such Salaries or Allowances as His Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of

and to appoint necessary Officers to attend them during the winding up of the Commercial Business; the charge to be defrayed by Company.

the

the Exchequer for the time being, direct to be paid to such Officers, shall be defrayed by the said Company as hereinafter mentioned, in addition to the ordinary charges of the said Board.

And be it Enacted, That it shall be lawful for the said Company to take into consideration the claims of such persons employed by or under the said Company in the Commercial branch of their affairs as shall from time to time be reduced, and, under the control of the said Board, to grant such Compensations, Superannuations, or Allowances (the charge thereof to be defrayed by the said Company as hereinafter mentioned), as shall appear reasonable.

The Company may consider claims of Commercial Officers reduced, and, under the control of the Board, grant compensations.

Provided always, and be it Enacted, That within the first fourteen sitting days after the first meeting of Parliament in every year, there be laid before both Houses of Parliament the particulars of all Compensations, Superannuations, and Allowances, so granted, and of the salaries and allowances directed to be paid to such officers as may be appointed by the said Board as aforesaid during the preceding year.

The particulars thereof being laid before Parliament every year.

And be it Enacted, That from and after the said *Twelfth* day of *April* *One thousand eight hundred and thirty-four*, all the Bond Debt of the said Company in Great Britain, and all the Territorial Debt of the said Company in India, and all other Debts which shall on that day be owing by the said Company, and all sums of money, costs, charges, and expenses, which, after the said *Twelfth* day of *April*, *One thousand eight hundred and thirty-four*, may become payable by the said Company, in respect or by reason of any covenants, contracts, or liabilities then existing, and all debts, expences, and liabilities whatever, which after the same day shall be lawfully contracted and incurred on account of the Government of the said Territories, and all payments by this Act directed to be made, shall be charged and chargeable upon the Revenues of the said Territories; and that neither any Stock or Effects which the said Company may hereafter have to their own use, nor the Dividend by this Act secured to them; nor the Directors, or Proprietors of the said Company, shall be liable to or chargeable with any of the said debts, payments, or liabilities.

Company's Debts and Liabilities charged on India.

Provided always and be it Enacted, That so long as the possession and government of the said Territories shall be continued to the said Company, all persons and bodies politic shall and may have and take the same suits, remedies, and proceedings legal and equitable against the said Company, in respect of such debts and liabilities as aforesaid, and the property vested in the said Company in Trust, as aforesaid, shall be subject and liable to the same judgments

While India is under the Government of the Company, their property to be subject to execution as if continued to them for their own use.

and executions, in the same manner and form, respectively, as if the said pro-
perty were hereby continued to the said Company to their own use.

A Dividend of
£10. 10s. per cent.
per annum to be paid
on the Company's
Stock by half-yearly
payments in Great
Britain.

And be it Enacted, That out of the Revenues of the said Territories, there
shall be paid to or retained by the said Company to their own use, a yearly Di-
vidend after the rate of *Ten pounds Ten shillings* per cent. per annum on the
present amount of their Capital Stock: the said Dividend to be payable in
Great Britain by equal half-yearly payments, on the _____ day of _____
and the _____ day of _____
in every year: The first half-yearly payment to be made on the _____
day of _____ *One thousand eight hundred and thirty-*

The Dividend sub-
ject to redemption
by Parliament after
the 12th of April
1874, on payment of
£200 for £100
Stock.

Provided always and be it Enacted, That the said Dividend shall be subject
to Redemption by Parliament upon and at any time after the *Twelfth* day of
April, One thousand eight hundred and seventy-four, on payment to the Com-
pany of *Two hundred pounds* sterling for every *One hundred pounds* of the said
Capital Stock, together with a proportionate part of the same Dividend if the
Redemption shall take place on any other day than one of the said half-yearly
days of payment: Provided also, That *six* months' notice in writing, signified
by the Speaker of the House of Commons, by the order of the House, shall
be given to the said Company of the intention of Parliament to redeem the
said Dividend.

Six months' notice
of redemption to be
given by the Speaker.

If the Company be
deprived by Parlia-
ment of the govern-
ment of India, they
may demand redemp-
tion of the Dividend
at the same rate, to
be provided for
within three years
after demand.

Provided always and be it Enacted, That if on or at any time after the
said *Twelfth* day of *April, One thousand eight hundred and fifty-four*, the said
Company shall by the expiration of the term hereby granted cease to retain, or
shall by the authority of Parliament be deprived of the Possession and Govern-
ment of the said Territories, it shall be lawful for the said Company, within one
year thereafter, to demand the Redemption of the said Dividend, and provision
shall be made for redeeming the said Dividend, after the rate aforesaid, within
Three years after such demand.

Company to pay
to the Commis-
sioners for Reduc-
tion of National Debt
£2,000,000.

And be it Enacted, That there shall be paid by the said Company into the
Bank of England, to the account of the Commissioners for the Reduction of the
National Debt, such sums of money as shall in the whole amount to the sum
of *Two millions* sterling, with interest after the rate of *Three pounds ten shillings*
per centum per annum, computed from the said *Twelfth* day of *April, One
thousand eight hundred and thirty-four*, on so much of the said sums as shall
from time to time remain unpaid: And the Cashiers of the said Bank shall
receive all such sums of money, and place the same to a separate account with
the _____
the _____

To be placed to the
account of the Secu-
rity Fund of the
India Company.

the said Commissioners, to be intituled "The Account of the Security Fund of the India Company": And that as well the monies so paid into the said Bank, as the Dividends or Interest which shall arise therefrom, shall from time to time be laid out, under the direction of the said Commissioners, in the purchase of Capital Stock in any of the redeemable public Annuities transferable at the Bank of England; which Capital Stock so purchased shall be invested in the names of the said Commissioners, on account of the said Security Fund, and the Dividends payable thereon shall be received by the said Cashiers and placed to the said account, until the whole of the sums so received on such account shall have amounted to the sum of *Twelve millions* sterling: And the said Monies, Stock, and Dividends or Interest, shall be a Security Fund, for better securing to the said Company the redemption of their said Dividend, after the rate hereinbefore appointed for such redemption.

Provided always and be it Enacted, That it shall be lawful for the said Commissioners for the Reduction of the National Debt from time to time, upon requisition made for that purpose by the said Court of Directors, to raise and pay to the said Company such sums of money as may be necessary for the payment of the said Company's Dividend, by reason of any failure or delay of the Remittances of the proper funds for such payment; such sums of money to be raised by sale or transfer or deposit by way of mortgage of a competent part of the said Security Fund, according as the said Directors, with the approbation of the said Board, shall direct to be repaid into the Bank of England, to the account of the Security Fund, with interest after the rate of *Three pounds ten shillings* per centum per annum, out of the Remittances which shall be made for answering such Dividend, as and when such Remittances shall be received in England.

Provided always and be it Enacted, That all Dividends on the Capital Stock forming the said Security Fund accruing after the monies received by the said Bank to the account of such Fund shall have amounted to the sum of *Twelve millions* sterling, until the said Fund shall be applied to the Redemption of the said Company's Dividend, and also all the said Security Fund; or so much thereof as shall remain after the said Dividend shall be wholly redeemed after the rate aforesaid, shall be applied in aid of the Revenues of the said Territories.

And be it Enacted, That the said Dividend on the Company's Capital Stock shall be paid or retained, as aforesaid, out of such part of the revenues of the said Territories as shall be remitted to Great Britain, in preference to all other charges thereon payable in Great Britain; and that the said sum of *Two millions* sterling

The Monies and Dividends to be laid out in Government Securities, and the Dividends to be placed to same account until the Monies received on such account shall amount to Twelve Millions.

The Fund to be a Security Fund for better securing the redemption of the Dividend.

Commissioners for the reduction of the National Debt, upon requisition of Court, may raise money necessary for paying the Dividend by reason of failure or delay of remittance of proper funds, to be repaid when remittances are received.

The Dividend of the Security Fund, when complete, and until redemption of Dividend, and the Fund itself after redemption, or so much as may not be applied for redemption, to be applied in aid of Revenues.

Company's Dividends to be paid out of Revenues in preference to other charges in Great Britain.

The £2,000,000 to be paid out of debt

due from the Public and, by sale of Company's Government Stock,

subject to such priorities, Revenues and Monies generally to be applied for the service of India and purposes of this Act, under control of Board.

Power to the King to appoint Commissioners for the Affairs of India.

The First Lord of the Treasury, three Secretaries of State, and Chancellor of the Exchequer, to be *ex officio* Commissioners.

Two Commissioners may form a Board.

The first named Commissioner to be President; in his absence the next Commissioner to preside.

sterling shall be paid, in manner aforesaid, out of any sums which shall, on the said *Twelfth* day of *April one thousand eight hundred and thirty-four*, be due to the said Company from the Public, as and when the same shall be received, and out of any monies which shall arise from the sale of any Government Stock on that day belonging to the said Company, in preference to all other payments thereof; and that, subject to such provisions for priority of charge, the revenues of the said Territories, and all monies which shall belong to the said Company on the said *Twelfth* day of *April one thousand eight hundred and thirty-four*, and all monies which shall be thereafter received by the said Company from and in respect of the property and rights vested in them in trust as aforesaid, shall be applied to the service of the Government of the said Territories, and in defraying all charges and payments by this Act created or confirmed and directed to be made, respectively, in such order as the said Court of Directors, under the control of the said Board, shall from time to time direct, anything in any other Act or Acts contained to the contrary notwithstanding.

And be it Enacted, That it shall and may be lawful to His Majesty, by any Letters-Patent, or by any Commission or Commissions to be issued under the Great Seal of Great Britain, from time to time, to nominate, constitute, and appoint, during pleasure, such persons as His Majesty shall think fit to be, and who shall accordingly be and be styled, Commissioners for the Affairs of India; and every enactment, provision, matter, and thing relating to the Commissioners for the Affairs of India, in any other Act or Acts contained, so far as the same are in force and not repealed by or repugnant to this Act, shall be deemed and taken to be applicable to the Commissioners to be nominated as aforesaid.

And be it Enacted, That the First Lord of the Treasury, the Lord President of the Council, the Lord Privy Seal, the principal Secretaries of State and the Chancellor of the Exchequer for the time being, shall, by virtue of their respective offices, and they are hereby declared to be Commissioners for the Affairs of India, in conjunction with the persons to be nominated in any such Commission as aforesaid, and they shall have the same powers respectively as if they had been expressly nominated in such Commission in the order in which they are herein mentioned next after the Commissioner first named therein.

And be it Enacted, That any *two* or more of the said Commissioners shall and may form a Board for executing the several powers which by this Act, or by any other Act or Acts, are or shall be given to or vested in the Commissioners for the Affairs of India; and that the Commissioner first named in any such Letters Patent or Commission, for the time being, shall be the President of the said Board;

Board; and that when any Board shall be formed in the absence of the President, the Commissioner next in order of nomination in this Act, or in the said Commission of those who shall be present, shall for that turn preside at the said Board.

And be it Enacted, That if the Commissioners present at any Board shall be equally divided in opinion with respect to any matter by them discussed, then and on every such occasion, the President; or in his absence the Commissioner acting as such; shall have *Two* voices or the casting vote.

President and occasional President to have the casting vote.

And be it Enacted, That the said Board shall and may nominate and appoint *Two* Secretaries, and such 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 each of the said Secretaries shall have the same powers, rights, and privileges, as by any Act or Acts now in force are vested in the Chief Secretary of the Commissioners for the Affairs of India; and that the President of the said Board, but no other Commissioner as such, and the said Secretaries and other Officers, shall be paid by the said Company such fixed salaries as His Majesty shall, by any warrant or warrants under his Sign Manual, countersigned by the Chancellor of the Exchequer for the time being, direct.

The Board to appoint two Secretaries and other Officers.

President, Secretaries, and Officers to be paid such Salaries as the Crown shall direct.

And be it Enacted, That if at any time the said Board shall deem it expedient to require their Secretaries and other Officers of the said Board, or any of them, to take an oath of secrecy, and for the execution of the duties of their respective stations, it shall be lawful for the said Board to administer such oath as they shall frame for the purpose.

Secretaries and Officers to take Oaths, if required by the Board.

And be it Enacted, That the said Board shall have and be invested with full power and authority to superintend, direct, and control all acts, operations, and concerns of the said Company, which in anywise relate to or concern the Government or Revenues of the said Territories, or the property hereby vested in the said Company, in trust as aforesaid, and all grants of salaries, gratuities, and allowances, and all other payments and charges whatever, out of or upon the said Revenues and Property respectively, except as hereinafter is mentioned.

The Board of Commissioners to control all acts concerning India, and the sale of property.

And be it Enacted, That if, upon the occasion of taking any ballot on the election of a Director or Directors of the said Company, any Proprietor, who shall be resident within the United Kingdom, shall, by reason of absence, illness, or otherwise, be desirous of voting by letter of Attorney, he shall be at liberty so to do; provided that such letter of Attorney shall, in every case, express the name or names of the Candidate or Candidates for whom such Proprietor

Proprietors may vote by Attorney.

proprietor shall be so desirous of voting, and shall be executed within *Ten* days next before such election; And the Attorney constituted for such purpose shall, in every case, deliver the vote he is so directed to give openly to the person or persons who shall be authorized by the said Company to receive the same; And every such vote shall be accompanied by an affidavit or affirmation to be made before a Justice of the Peace by the Proprietor directing the same so to be given, to the same or the like effect as the oath or affirmation now taken by Proprietors voting upon ballots at General Courts of the said Company and in which such Proprietor shall also state the day of the execution of such letter of attorney; And any person making a false oath or affirmation before a Justice of Peace for the purpose aforesaid, shall be held to have thereby committed wilful perjury, and if any person do unlawfully or corruptly procure or suborn any other person to take the said oath or affirmation before a Justice of the Peace, as aforesaid, whereby he or she shall commit such wilful perjury, and shall thereof be convicted, he, she, or they, for every such offence, shall incur such pains and penalties as are provided by Law against subornation of perjury:

So much of the Act of 13 Geo. III. c. 63, as enacted that no person employed in the East-Indies shall be chosen as a Director until he shall have been resident in England for two years, repealed.

If the Court, with consent of Board, declare such person to be an accountant with the Company with unsettled accounts, or that a charge against him is under the Court's consideration, he shall be ineligible for two years, unless accounts be sooner settled or charge decided on.

Dispatches may be signed by Secretary or Deputy Secretary; such Dispatches to be sealed.

And be it Enacted, That so much of the Act of the thirteenth year of the reign of King George the Third, 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 enacts that no person employed in any Civil or Military Station 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 shall have returned to, and been resident in England for the space of two years, shall be, and is hereby repealed: Provided that if the said Court of Directors, with the consent of the said Board, shall declare such person to be an accountant with the said Company, and that his accounts are unsettled, or that a charge against such person is under the consideration of the said Court, such person shall not be capable of being chosen into the office of Director for the term of *two* years after his return to England, unless such accounts shall be settled, or such charge be decided on, before the expiration of the said term.

And be it Enacted, That the said Court of Directors may, as often as they think fit, order any Dispatches, whereto the signatures of *Thirteen* Directors of the said Company are requisite, to be signed by the Secretary of the said Court, or his Deputy, in that behalf authorized by the said Court, and to be sealed with the Seal of the said Company, in place of being signed by *Thirteen* of the said Directors; and all Dispatches so signed by such Secretary or his Deputy

Deputy and sealed shall have the same authority as if ^{thirteen} ~~thirteen~~ Directors had signed the same.

And be it further Enacted, That the said Court of Directors shall, from time to time, deliver to the said Board copies of all Minutes, Orders, Resolutions, and proceedings of all Courts of Proprietors, general or special, and of all Courts of Directors, within *Eight* days after the holding of such Courts respectively, and also copies of all Letters, Advices, and Dispatches whatever, which shall at any time or times be received by the said Court of Directors or any Committee of Directors.

Court to deliver to Board copies of all minutes and proceedings of Courts of Proprietors and Directors within eight days, and copies of all letters and dispatches.

And be it Enacted, That no orders, instructions, dispatches, official letters or communications whatever, relating to the said Territories or the Government thereof, or to the property or rights vested in the said Company, in trust as aforesaid, or to any public matters whatever, shall be at any time sent or given by the said Court of Directors, or any Committee of the said Directors, until the same shall have been submitted for the consideration of and approved by the said Board; and for that purpose, that copies of all such orders, instructions, dispatches, official letters or communications, which the said Court of Directors, or any Committee of the said Directors, shall propose to be sent or given, shall be by them previously laid before the said Board, and that within the space of *Two* months after the receipt of such proposed orders, instructions, dispatches, official letters or communications, the said Board shall either return the same to the said Court of Directors or Committee of Directors, with their approbation thereof, signified under the hand of one of the Secretaries of the said Board by the order of the said Board; or if the said Board shall disapprove, alter, or vary in substance, any of such proposed orders, instructions, dispatches, official letters or communications, in every such case the said Board shall give to the said Directors, in writing, under the hand of one of the Secretaries of the said Board, by order of the said Board, their reasons in respect thereof, together with their directions to the said Directors in relation thereto; and the said Directors shall, and they are hereby required forthwith to send the said orders, instructions, dispatches, official letters or communications, in the form approved by the said Board, to their proper destinations.

No official communications to be sent by the Court until approved by the Board.

And be it Enacted, That whenever the said Court of Directors shall omit to prepare and submit for the consideration of the said Board any orders, instructions, dispatches, official letters, or communications, beyond the space of *Fourteen* days after requisition made to them by order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the

Board may require Court to frame official communications, and if Court omit to do so for fourteen days after requisition, the Board may prepare them: the

ourt to send the
me to their proper
stinations.

said Directors any Orders, Instructions, Dispatches, Official Letters or Com-
munications, together with their directions relating thereto; and the said Direc-
tors shall, and they are hereby required forthwith to transmit the same to their
proper destinations,

representations may
ithin weeks
made by Court as
proposed official
communications
approved or
tered by Board.
ard, after consi-
ring such represen-
tions, to give final
iders.

Provided always and be it Enacted, That nothing herein contained shall extend,
or be construed to extend, to restrict or prohibit the said Directors from ex-
pressing, within Weeks, by representation in writing to the said
Board, such remarks, observations, or explanations, as they shall think fit,
touching or concerning any directions which they shall receive from the said
Board, and that the said Board shall, and they are hereby required to take
every such representation, and the several matters therein contained or alleged,
into their consideration, and to give such further Directions thereupon as they
shall think fit and expedient, which shall be final and conclusive upon the said
Directors.

f Court think the
rders of Board con-
ary to law, the
ourt of King's
ench may certify
eir opinion on any
ase which may be
reed upon. Such
pinion to be con-
lusive.

And be it Enacted, That if it shall appear to the said Court of Directors
that any orders, instructions, dispatches, official letters, or communications, upon
which directions may be so given by the said Board as aforesaid, are contrary to
law, it shall be in the power of the said Board and the said Court of Directors to
send a special case, to be agreed upon by and between them, and to be signed by
the President of the said Board and the Chairman of the said Company, to
His Majesty's Court of King's Bench, for the opinion of the said Court; and
the said Court are hereby required to certify their opinion upon any case so sub-
mitted to them, and to send a certificate thereof to the said President and Chair-
man, which opinion shall be final and conclusive.

Nothing in this Act
o extend to em-
ower the Board to
ppoint officers of
he Company, or to
nterfere with home
fficers.

Provided always and be it Enacted and Declared, That the said Board shall
not have the power of appointing any of the Servants of the said Company,
or of directing or interfering with the Officers and Servants of the said Company
employed in their Home Establishment; nor shall it be necessary for the said
Court of Directors to submit for the consideration of the said Board their com-
munications with the officers or servants employed in their said Home Estab-
lishment, or with the legal advisers of the said Company.

Orders of the Di-
rectors, after appro-
bation by the Board,
not revocable by
the Proprietors.

And be it Enacted, That no Order or Resolution of the said Court of Directors,
after the same shall have received the approbation of the Board of Commis-
sioners for the Affairs of India, shall be liable to be rescinded, suspended, revoked,
or varied, by any General Court of Proprietors of the said Company.

Directors to appoint
a Secret Committee,
who shall take the
following

And be it Enacted, That the said Court of Directors shall from time to time
appoint a Secret Committee, to consist of any number not exceeding Three of
the

the said Directors, for the particular purposes in this Act specified; which said Directors so appointed shall, before they or any of them shall act in the execution of the powers and trusts hereby reposed in them, take an Oath of the tenor following (that is to say);—

“I, (A. B.) do swear, that I will, according to the best of my skill and judgment, 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 India Company; I will not disclose or make known any of the secret orders, instructions, dispatches, official letters, or communications, which shall be sent or given to me by the Commissioners for the Affairs 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 authorized by the said Commissioners to disclose and make known the same.—So help me God.”

Oath.

which said Oath shall and may be administered by the several and respective Members of the said Secret Committee to each other; and being so by them taken and subscribed, shall be recorded by the Secretary or Deputy Secretary of the said Court of Directors for the time being amongst the acts of the said Court.

Provided also and be it Enacted, That if the said Board shall be of opinion that the subject-matter of any of their deliberations, concerning the levying war or making peace, or treating or negotiating with any of the Native Princes or States in India, or with any other Princes or States, intended to be communicated in orders, dispatches, official letters or communications to any of the Governments or Presidencies in India, or to any officers or servants of the said Company, shall be of a nature to require secrecy, it shall and may be lawful for the said Board to send their orders, dispatches, official letters or communications to the Secret Committee of the said Court of Directors to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit the same according to the tenor thereof or pursuant to the directions of the said Board, to the respective Governments and Presidencies, officers and servants; and that the said Governments and Presidencies, officers and servants, shall be bound to pay a faithful obedience thereto, in like manner as if such orders, dispatches, official letters or communications had been sent to them by the said Court of Directors.

If the Board are of opinion that any matters wherein Indian or other states are concerned require secrecy, the Board may send official communications through Secret Committee.

And be it Enacted, That the said Court of Directors shall, before the day of *One thousand eight hundred and thirty-four*, and afterwards from

The Court to submit to the Board an estimate of Sales

es of Directors and
ther Expenses of
ie India-House.

he Estimates sub-
ct to reduction by
ie Board.

he gross sum to
s applicable at the
cretion of the
ourt of Directors
r such purposes.

ccounts of appli-
tion to be ren-
red.

he present Presi-
ncy of Fort Wil-
im, in Bengal, to
divided into two
esidencies; one to
styled the Presi-
ncy of Fort Wil-
im in Bengal, the
ber the Presidency
Agra.

ie Court to de-
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ouncil.

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servants of the
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ive served ten years.

time to time so often as reductions of the establishment of the said Court or other circumstances may require, frame and submit to the said Board an estimate of the gross sum which will be annually required, for the salaries of the Chairman and Members of the said Court, and the Officers and Secretaries thereof, and all other proper expenses fixed or contingent thereof, and of General Courts of Proprietors, and such estimate shall be subject to reduction by the said Board, so that the reasons for such reduction be given to the said Court of Directors; and any sum not exceeding the sum mentioned in such estimate, or (if the same shall be reduced) in such reduced estimate, shall be annually applicable, at the discretion of the Court of Directors, to the payment of the said salaries and expenses; and it shall not be lawful for the said Board to interfere with, or control the particular application thereof, or to direct what particular salaries or expenses shall from time to time be increased or reduced: Provided always, That such and the same accounts shall be kept and rendered of the sums to be applied in defraying the salaries and expenses aforesaid, as of the other branches of the expenditure of the said Company.

And be it Enacted, That the territories now subject to the Government of the Presidency of Fort William in Bengal shall be divided into two distinct Presidencies; one of such Presidencies, in which shall be included Fort William aforesaid, to be styled the Presidency of Fort William, in Bengal, and the other of such Presidencies to be styled the Presidency of Agra: And that it shall be lawful for the said Court of Directors, under the control by this Act provided, and they are hereby required to declare and appoint what part or parts of any of the territories, under the Government of the said Company, shall from time to time be subject to the Government of each of the several Presidencies, now subsisting or to be established as aforesaid, and from time to time, as occasion may require, to revoke and alter, in the whole or in part, such appointment, and to make such new distribution of the same as shall be deemed expedient.

And be it Enacted, That the whole Civil and Military Government of all the said Territories and Revenues in India shall be, and is hereby vested in a Governor-General and Counsellors, to be styled "The Governor-General of India in Council."

And be it Enacted, There shall be *Five* ordinary Members of the said Council, *Four* of whom shall from time to time be appointed by the said Court of Directors from amongst such persons as shall be, or shall have been, Servants of the said Company; and each of the said *Four* ordinary Members of Council shall,

shall, at the time of his appointment, have been in the service of the said Company for at least *Ten* years; and if he shall be in the Military Service of the said Company, he shall not, during his continuance in office as a Member of Council, hold any Military Command, or be employed in actual Military Duties; and that the fifth ordinary Member of Council shall from time to time be appointed from amongst persons who shall not be Servants of the said Company by the said Court of Directors, subject to the approbation of His Majesty, to be signified in writing by his Royal Sign-Manual, countersigned by the President of the said Board; and it shall be lawful for the said Court of Directors to appoint the Commander-in-Chief of the Company's Forces in India, and if there shall be no such Commander-in-Chief, or the offices of such Commander-in-Chief and of the Governor-General of India shall be vested in the same person, then the Commander-in-Chief of the Forces on the Bengal Establishment to be an extraordinary Member of the said Council, and such extraordinary Member of Council shall have rank and precedence at the Council Board next after the Governor-General.

And be it Enacted, That the person who shall be Governor General of the Presidency of Fort William in Bengal on the *Twelfth* day of *April One thousand eight hundred and thirty-four*, shall be the first Governor General of India under this Act; and such persons as shall be Members of Council of the same Presidency on that day, shall be respectively Members of the Council constituted by this Act.

And be it Enacted, That all vacancies happening in the office of Governor-General of India, shall from time to time be filled up by the said Court of Directors; subject to the approbation of His Majesty, to be signified in writing by His Royal Sign-Manual, countersigned by the President of the said Board.

And be it Enacted, That the said Governor General in Council shall have power to make Laws and Regulations for repealing, amending, or altering any Laws or Regulations whatever now in force, or hereafter to be in force, in the said Territories or any part thereof, and to make Laws and Regulations for all persons, whether British or Native, Foreigners or others, and for all Courts of Justice, whether established by His Majesty's Charters or otherwise, and the jurisdictions thereof, and for all places and things whatsoever, within and throughout the whole and every part of the said Territories, and for all servants of the said Company within the dominions of Princes and States in alliance with the said Company; save and except that the said Governor General in Council shall

Any ordinary Member of Council in the military service not to hold any command. The fifth ordinary Member of Council to be appointed with the approbation of the King, not from the Company's servants.

The person who shall be Governor General on 12th of April next, to be Governor General under this Act. The Members of Council, on 12th April 1834, to be appointed Members of Council under this Act. Vacancies in the office of Governor General to be filled up by Court of Directors, subject to the King's approbation.

Except as mentioned, the Governor General in Council empowered to legislate for India.

shall not have the power of making any Laws or Regulations which shall in any way repeal, vary, suspend, or affect any of the provisions of this Act, or any of the provisions of the Acts for punishing mutiny and desertion of officers and soldiers, whether in the service of His Majesty or the said Company, or any provisions of any Act hereafter to be passed, in any wise affecting the said Company or the said Territories or the Inhabitants thereof, or any Laws or Regulations which shall in any way affect any prerogative of the Crown or the authority of Parliament, or the Constitution or Rights of the said Company, or any part of the unwritten Laws or Constitution of the United Kingdom of Great Britain and Ireland, whereon may depend, in any degree, the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said Territories.

Power to the Court of Directors, under control of Board, to disallow Laws.

And be it Enacted, That it shall and may be lawful for the said Court of Directors, under such control as by this Act is provided, to signify to the said Governor-General in Council their disallowance of any Laws or Regulations by the said Governor-General in Council made; and upon receipt by the said Governor-General in Council of notice of such disallowance, the said Governor-General in Council shall forthwith repeal all Laws and Regulations so disallowed.

All such Laws and Regulations, until repealed, to be of the same force as any Act of Parliament.

Provided always and be it Enacted, That all Laws and Regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect, within and throughout the said Territories, as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of Justice whatsoever within the same Territories, in the same manner as any public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor-General in Council.

Registration in Supreme Court unnecessary.

No new Tax to be imposed upon goods imported, or powers shall be given to any Court of Justice, other than the King's Courts, to punish with death subjects or their children, or to abolish the King's Courts, without previous sanction of the Directors.

Provided always and be it Enacted, That it shall not be lawful for the said Governor General in Council, without the previous sanction of the said Court of Directors, to make any Law or Regulation imposing any new or additional duty or tax upon the import of any goods, wares, or merchandize, from the United Kingdom or any part of the Dominions of His Majesty, other than the said Territories, or any Law or Regulation whereby power shall be given to any Courts of Justice, other than the Courts of Justice established by His Majesty's Charters, to sentence to the punishment of Death any of His Majesty's natural-born Subjects born in Europe, or the children of such Subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters.

And

And be it Enacted, That the said Court of Directors shall forthwith submit, for the approbation of the said Board, such Rules as they shall deem expedient for the procedure of the Governor General in Council, in the discharge and exercise of all powers, functions, and duties imposed on or vested in them by virtue of this Act, or to be imposed or vested in them by any other Act or Acts; which Rules shall prescribe the modes of promulgation of any Laws or Regulations to be made by the said Governor General in Council, and of the authentication of all acts and proceedings whatsoever of the said Governor General in Council; and such Rules, when approved by the said Board of Commissioners, shall be of the same force as if they had been inserted in this Act: Provided always, That such rules shall be laid before both Houses of Parliament in the Session next after the approval thereof.

Provided always and be it Enacted, That all Laws and Regulations shall be made at some meeting of the Council, at which the said Governor General and at least *Three* of the ordinary Members of Council shall be assembled; and that all other functions of the said Governor General in Council may be exercised by the said Governor General and one or more ordinary Member or Members of Council; and that in every case of difference of opinion at Meetings of the said Council, where there shall be an equality of voices, the said Governor General shall have *Two* Votes or the casting Vote.

Provided always and be it Enacted, That when and so often as any measure shall be proposed before the said Governor General in Council, whereby the safety or tranquillity of the British Possessions in India, or any part thereof, are or may be, in the judgment of the said Governor General, essentially affected, and the said Governor General shall be of opinion, either that the measure so proposed ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the majority in Council then present shall differ in and dissent from such opinion, the said Governor General and Members of Council are hereby directed forthwith mutually to exchange with and communicate to each other, in writing under their respective hands, to be recorded at large on their Secret Consultations, the grounds and reasons of their respective opinions; and if, after considering the same, the said Governor General and the majority in Council shall still differ in opinion, it shall be lawful for the said Governor General of his own authority and on his own responsibility to suspend or reject the measure so proposed, in part or in whole, or to adopt and carry the measure so proposed into execution, as the said Governor General shall think fit and expedient.

The Court to submit to the Board rules for the procedure of the Governor-General in Council.

Such rules to prescribe the modes of promulgation of laws and of the authentication of the proceedings of the Governor General in Council.

The Rules to be of the same force as if inserted in this Act, and to be laid before Parliament.

Quorum of Governor General in Council for making laws, the Governor General and three of the ordinary Members.

For all other duties, Governor General and one ordinary Member.

The Governor General to have the casting vote.

When any measure proposed, whereby the safety or peace of India may be essentially affected, and the Governor General shall think it expedient to adopt or reject such measure, and the Members of Council shall differ in opinion from him, the Governor General and Majority in Council to interchange the reasons; and if after consideration, the majority in Council shall still differ, the Governor General to have the right of decision, and his orders to be obeyed.

And

Council to assemble at any place in India.

Nothing in this Act to affect the right of Parliament to legislate for India.

Express reservation to Parliament to control all acts whatsoever of Governor General in Council.

Laws and Regulations to be laid before Parliament.

All enactments relating to Supreme Government shall apply to Governor General of India in Council.

A Law Commission to be appointed to supply information and suggestions, for improving judicial establishments and police, and for consolidating and amending the Laws.

And be it Enacted, That the said Council shall from time to time assemble at such place or places as shall be appointed by the said Governor General, within the said territories; And that as often as the said Council shall assemble within any of the Presidencies of Fort St. George, Bombay, or Agra, the Governor of such Presidency shall act as an extraordinary Member of Council.

Provided always and be it Enacted, That nothing herein contained shall extend to affect in any way the right of Parliament to make Laws for the said Territories and for all the Inhabitants thereof: And it is expressly declared, That a full, complete, and constantly existing right and power is intended to be reserved to Parliament, to control, supersede, or prevent all proceedings and acts whatsoever of the said Governor General in Council, and to repeal and alter, at any time, any Law or Regulation whatsoever made by the said Governor General in Council, and in all respects to legislate for the said Territories and all the Inhabitants thereof, in as full and ample a manner as if this Act had not been passed: And the better to enable Parliament to exercise at all times such right and power, all Laws and Regulations made by the said Governor General in Council shall be transmitted to England and laid before both Houses of Parliament, in the same manner as is now by law provided, concerning the Rules and Regulations made by the several Governments in India.

And be it Enacted, that all enactments, provisions, matters, and things relating to the Governor General of Fort William in Bengal in Council, in any other Act or Acts contained, so far as the same are now in force and not repealed by or repugnant to the provisions of this act, shall continue and be in force and be applicable to the Governor General of India in Council.

AND whereas it is expedient, that, subject to such special arrangements as local circumstances may require, a general system of Judicial Establishments and Police, to which all persons whatsoever as well Europeans as Natives may be subject, should be established in the said Territories at an early period; and that such Laws as may be applicable in common to all classes of the Inhabitants of the said Territories, due regard being had to the rights, feelings, and peculiar usages of the People, should be enacted, and that all Laws and Customs having the force of law within the same Territories, should be ascertained and consolidated, and as occasion may require amended; BE it therefore Enacted, that the said Governor-General of India in Council shall, as soon as conveniently may be after the passing of this Act, issue a Commission and from time to time Commissions to such persons as the said Court of Directors with the approbation of the said Board of Commissioners shall recommend for that purpose; and

and to such other persons, if necessary, as the said Governor-General in Council shall think fit, all such persons not exceeding in the whole at any one time *Five* in number, and to be styled "The Indian Law Commissioners," with all such powers as shall be necessary for the purposes hereinafter mentioned; And the said Commissioners shall fully enquire into the Jurisdiction, Powers, and Rules of the existing Courts of Justice and Police Establishments in the said Territories, and all existing forms of judicial procedure, and into the nature and operation of all laws, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, are now subject; And the said Commissioners shall from time to time make reports, in which they shall fully set forth the result of their said inquiries, and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said Courts of Justice and Police Establishments, forms of Judicial procedure and Laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said Territories.

And be it Enacted, That the said Commissioners shall follow such instructions, with regard to the researches and enquiries to be made, and the places to be visited by them, and all their transactions with reference to the objects of their Commission, as they shall from time to time receive from the said Governor-General of India in Council; and they are hereby required to make to the said Governor-General in Council such special reports upon any matters as by such instructions may from time to time be required; and the said Governor-General in Council shall take into consideration the Reports from time to time to be made by the said Indian Law Commissioners, as shall transmit the same, together with the opinions or resolutions of the said Governor-General in Council thereon, to the said Court of Directors.

And be it Enacted, That it shall and may be lawful for the Governor-General of India in Council to grant salaries to the said Indian Law Commissioners and their necessary officers and attendants, and to defray such other expenses as may be incident to the said Commission, and that the salaries of the said Commissioners shall be according to the highest scale of remuneration given to any of the officers or servants of the India Company below the rank of Members of Council.

And be it Enacted, That the executive Government of each of the several Presidencies of Fort William in Bengal, Fort St. George, Bombay, and Agra,

The Law Commissioners to follow the instructions of the Governor General in Council, and to make special reports when required:

Governor-General in Council to consider reports, and transmit to Court of Directors their opinions thereon.

Salaries to be granted to Law Commissioners.

The Executive Government of the Presidencies to be administered by the shall Governora

shall be administered by a Governor, and that the Governor-General of India for the time being shall be the Governor of the Presidency of Fort William in Bengal:

Power to Directors
to appoint Councils,

Provided always, and be it Enacted, That it shall be lawful for the said Court of Directors to appoint a Council in any Presidency, where the said Court, with the sanction and approbation of the said Board, shall resolve that the Governor be assisted by a Council, and in case of the appointment of such a Council in any Presidency, the executive Government of such Presidency shall be administered by the Governor and Counsellors thereof, to be styled, The Governor in Council of the said Presidencies of Fort William in Bengal, Fort Saint George, Bombay, or Agra respectively; and the said Governor and Counsellors respectively of each such Presidency shall have the same rights and voices in their assemblies, and shall observe the same order and course in their proceedings as the Governors in Council of the Presidencies of Fort St. George and Bombay respectively now have and observe.

The Governors of Madras and Bombay, on 12th April 1834, to be the first Governors of those Presidencies under this Act, and the office of Governor of the Presidency of Agra, and vacancies in that and other Presidencies, shall be filled up by the Court, subject to the approbation of the King.

And be it Enacted, That the several persons who, on the said *twelfth* day of *April One thousand eight hundred and thirty-four* shall be Governors of the respective Presidencies of Fort St. George and Bombay, shall be the first Governors of the said Presidencies, respectively, under this Act; and that the office of Governor of the said Presidency of Agra, and all vacancies happening in the offices of the Governors of the said Presidencies, respectively, shall be filled up by the said Court of Directors, subject to the approbation of His Majesty, to be signified under his Royal Sign-Manual, countersigned by the said President of the said Board of Commissioners.

The Governors of the Presidencies to have the powers and immunities of the present Governors of Madras and Bombay;

And be it Enacted, That in the Presidencies in which no Council shall be appointed under the provision hereinbefore contained, the Governors appointed under this Act, and in the Presidencies in which Councils shall be appointed, the said Governors in their respective Councils shall have all the Rights, Powers, Duties, Functions and Immunities whatsoever, not in anywise repugnant to this Act, which the Governors of Fort St. George or Bombay, in their respective Councils, now have or would have had if this Act had not been passed, within their respective Presidencies; and that the Governors and Members of Council of Presidencies appointed by or under this Act, shall severally have all the Rights, Powers and Immunities respectively, not in anywise repugnant to this Act, which the Governors and Members of Council of the Presidencies of Fort St. George and Bombay respectively now have in their respective Presidencies: Provided, That no Governor or Governor in Council shall have the power of making

but not to make
Laws or grant
Money.

making or suspending any Regulations or Laws in any case whatever, or of creating any new Office, or granting any Salary, Gratuity, or Allowance without the previous sanction of the Governor-General of India in Council.

Provided always and be it Enacted, That when and so often as the said Court of Directors shall neglect, for the space of *Two* calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in India in the appointment of the said Court shall have been received by the said Court, to supply such Vacancy, then and in every such case it shall be lawful for His Majesty to appoint, by writing under his Sign-Manual, such person as His Majesty shall think proper to supply such Vacancy; and that every person so appointed shall have the same powers, privileges, and authorities, as if he or they had been appointed by the said Court, and shall not be subject to removal or dismissal without the approbation and consent of His Majesty.

If Court of Directors neglect for two months to supply vacancy in any office, the King to appoint.

And be it Enacted, That it shall be lawful for the said Court of Directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid, for supplying any Vacancy or Vacancies therein, when the same shall happen by the Death or Resignation of the person or persons holding the same office or offices respectively, or on his or their departure from India, with intent to return to Europe, or on any event or contingency expressed in any such provisional Appointment or Appointments to the same respectively, and such Appointments again to revoke; Provided that every provisional appointment to the several offices of Governor-General of India, Governor of a Presidency, and the Member of Council of India by this Act directed to be appointed from amongst persons who shall not be servants of the said Company, shall be subject to the approbation of His Majesty, to be signified as aforesaid; but that no person so appointed to succeed provisionally to any of the said offices, shall be entitled to any authority, salary, or emolument appertaining thereto, until he shall be in the actual possession of such office.

Power for the Court to make provisional appointments to any offices.

And be it Enacted, That if any Vacancy shall happen in the office of Governor General of India, when no provisional or other Successor shall be upon the spot to supply such Vacancy, then and in every such case the ordinary Member of Council next in rank to the said Governor-General shall hold and execute the said office of Governor-General of India and Governor of the Presidency of Fort William in Bengal, until a Successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such acting Governor-General shall, during the time of his continuing to act as such, have and

Provisional appointments of certain Officers to be approved by His Majesty.

In case of vacancy in the office of Governor General, and no successor to a Governor General upon the spot, the ordinary Member of Council next in rank to act as Governor General.

exercise all the rights and powers of Governor-General of India, and shall be entitled to receive the emoluments and advantages appertaining to the office by him supplied, such acting Governor-General foregoing his salary and allowance of a Member of Council for the same period.

In case of a vacancy in the office of Governor of any of the subordinate Presidencies, and no provisional or other successor on the spot, the Governor General in Council empowered to appoint any person to the office, to act till a successor arrives; in the meantime, the senior Secretary to act as Governor.

And be it Enacted, That if any Vacancy shall happen in the office of Governor of Fort St. George, Bombay, or Agra, when no provisional or other Successor shall be upon the spot to supply such Vacancy, then and in every such case, if there shall be a Council in the Presidency in which such Vacancy shall happen, the Member of such Council, who shall be next in rank to the Governor, and if there shall be no Council, then the Secretary of Government of the said Presidency, who shall be senior in the said office of Secretary, shall hold and execute the said office of Governor until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such Acting Governor shall, during the time of his continuing to act as such, receive and be entitled to the emoluments and advantages appertaining to the office by him supplied, such acting Governor foregoing all Salaries and Allowances by him held and enjoyed at the time of his being called to supply such office.

In case of a vacancy in the office of a Member of Council when no provisional or other successor on the spot, the Governor General in Council or Governor in Council to appoint to the office temporarily.

And be it Enacted, That if any Vacancy shall happen in the office of an ordinary Member of Council of India when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion, such Vacancy shall be supplied by the appointment of the Governor-General in Council; and if any Vacancy shall happen in the office of a Member of Council of any Presidency when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion such vacancy shall be supplied by the appointment of the Governor in Council of the Presidency in which such vacancy shall happen; and, until a successor shall arrive, the person so nominated shall execute the office by him supplied, and shall have all the powers thereof, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said Office during his continuance therein, every such temporary Member of Council foregoing all salaries and allowances by him held and enjoyed at the time of his being appointed to such Office.

The Governor General in Council to have the control over the Presidencies.

And be it further Enacted, That the said Governor General in Council shall have and be invested, by virtue of this Act, with full power and authority to superintend and control the Governors and Governors in Council of Fort William in Bengal, Fort St. George, Bombay, and Agra, in all points relating to the civil or military Administration of the said Presidencies respectively, and the

the said Governors and Governors in Council shall be bound to obey such orders and instructions of the said Governor General in Council in all cases whatsoever.

And be it Enacted, That it shall and may be lawful for the Governors or Governors in Council of Fort William in Bengal, Fort St. George, Bombay and Agra respectively, to propose to the said Governor General in Council drafts or projects of any Laws or Regulations which the said Governors or Governors in Council respectively, may think expedient, together with their reasons for proposing the same, and the said Governor General in Council is hereby required to take the same and such reasons into consideration, and to communicate the resolutions of the said Governor General in Council thereon to the Governor or Governor in Council by whom the same shall have been proposed.

Drafts of Laws proposed by Governors to be taken into consideration by Governor General in Council.

And be it Enacted, That when the said Governor General shall visit any of the Presidencies of Fort St. George, Bombay or Agra, the powers of the Governors of those Presidencies, respectively, shall not, by reason of such visit, be suspended.

When Governor General visits the Presidencies the powers of Governors not to be suspended.

And be it Enacted, That the said Governors and Governors in Council of the said Presidencies of Fort William in Bengal, Fort St. George, Bombay, and Agra respectively, shall, and they are hereby respectively required regularly to transmit to the said Governor General in Council, true and exact copies of all such orders, proceedings, and acts of their respective Governments, and also advice and intelligence of all such transactions and matters, as shall come to their knowledge, material to be communicated to the said Governor General in Council as aforesaid, or as the said Governor General in Council shall from time to time require.

Communications to be transmitted by Governors to Governor in Council.

And be it Enacted, That it shall be lawful for the said Governor General in Council, as often as the exigencies of the public service may appear to him, to require, to appoint such one of the ordinary members of the said Council of India as he may think fit, to be Deputy Governor of the said Presidency of Fort William in Bengal; and such Deputy Governor shall be invested with all the powers and perform all the duties of the said Governor of the Presidency of Fort William in Bengal, but shall receive no additional salary, by reason of such appointment.

The Governor General may appoint a Deputy Governor General as often as exigencies may require.

And be it Enacted, That whenever the said Governor General in Council shall declare that it is expedient that the said Governor General should visit any part of India, unaccompanied by any Member or Members of the Council of

Whenever the Governor General in Council shall declare it expedient for the Governor General to visit any part of

India,

India without his Council, they shall provide for the Presidency of the Council and the Government of the Presidency of Fort William.

The new Presidency of Agra not to affect the succession to commands and offices in Bengal and Agra.

Presidency of Fort William to be entire for the purposes of the Mutiny Act.

Articles of War to be made by Governor General in Council.

India, it shall be lawful for the said Governor General in Council, previously to the departure of the said Governor General, to nominate some Member of the Council in India, in whom during the absence of the said Governor General from the said Presidency of Fort William in Bengal, the powers of the said Governor General in assemblies of the said Council shall be reposed.

And be it Enacted, That there shall not, by reason of the division of the Territories now subject to the Government of the Presidency of Fort William in Bengal into two Presidencies as aforesaid, be any separation between the establishments and forces thereof respectively, or any alteration in the course and order of promotion and succession of the Company's servants in the same two Presidencies respectively; but that all the servants, civil and military, of the Bengal establishments and forces, shall and may succeed and be appointed to all commands and offices within either of the said Presidencies respectively, as if this Act had not been passed.

And be it Enacted, That for the purposes of an Act passed in the fourth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the service of the East-India Company; and to authorize Soldiers and Sailors in the East-Indies to send and receive Letters at a reduced rate of Postage," and of any articles of war made or to be made under the same, the Presidency of Fort William in Bengal shall be taken and deemed to comprise under and within it all the Territories, which by or in virtue of this Act shall be divided between the Presidencies of Fort William in Bengal and Agra respectively; and shall for all the purposes aforesaid, be taken to be the Presidency of Fort William in Bengal in the said Act mentioned.

And be it Enacted, That it shall be lawful for the said Governor General in Council from time to time to make articles of war for the government of the native officers and soldiers in the military service of the Company, and for the administration of justice by courts-martial to be holden on such officers and soldiers, and such articles of war from time to time to repeal or vary and amend; And such articles of war shall be made and taken notice of in the same manner as all other the laws and regulations to be made by the said Governor General in Council under this Act; and shall prevail and be in force, and shall be of exclusive authority over all the Native Officers and Soldiers in the said Military Service, to whatever Presidency such Officers and Soldiers may belong, or wheresoever they may be serving; Provided nevertheless, that until such Articles of War shall be made by the said Governor General in Council, any

Articles

Articles of War for or relating to the Government of the Company's Native Forces, which at the time of this Act coming into operation shall be in force and use in any part or parts of the said Territories, shall remain in forcé.

And be it Enacted, That it shall be lawful for His Majesty, by any writing under his Sign-Manual, countersigned by the President of the said Board of Commissioners, to remove or dismiss any person holding any Office, Employment, or Commission, Civil or Military, under the said Company in India, and to vacate any Appointment or Commission of any person to any such Office or Employment: Provided, that a Copy of every such Writing, attested by the said President, shall, within *Eight* days after the same shall be signed by His Majesty, be transmitted or delivered to the Chairman or Deputy Chairman of the said Company.

Power to His Majesty to remove any officer of the Company.

Duplicate of the instrument of removal to be transmitted to the Chairman or Deputy Chairman.

Provided always and be it Enacted, That nothing in this Act contained shall take away the power of the said Court of Directors to remove or dismiss any of the Officers or Servants of the said Company, but that the said Court shall and may at all times, have full liberty to remove or dismiss any of such Officers or Servants at their will and pleasure: Provided that any Servant of the said Company appointed by His Majesty through the default of appointment by the said Court of Directors, shall not be dismissed or removed without His Majesty's approbation, as herein-before is mentioned.

The power of the Directors to remove their servants preserved.

And be it Enacted, That there shall be paid to the several Officers hereinafter named the several Salaries set against the names of such Officers, subject to such reduction of the said several Salaries respectively, as the said Court of Directors, with the sanction of the said Board may at any time think fit; (that is to say)

Salaries of Governor General, &c. fixed, to be in lieu of all fees, &c.

To the Governor General of India,

To each Ordinary Member of the Council of India,

To each Governor of the Presidencies of Fort St. George, Bombay and Agra,

To each Member of any Council to be appointed in any Presidency,

And the Salaries of the said Officers, respectively, shall commence from their respectively taking upon them the execution of their respective offices; and the said Salaries shall be the whole profit or advantage which the said Officers shall enjoy during their continuance in such offices respectively: And it shall be, and it is hereby declared to be a misdemeanor, for any such Officer to accept for his own use, in the discharge of his office, any Present, Gift, Donation, Gratuity, or Reward, pecuniary or otherwise, whatsoever, or to trade or traffic for his own benefit, or for the benefit of any other person or persons whatsoever: And the said Court of Directors are hereby required to pay to all and singular

Acceptance of gratuities a misdemeanor.

Passage-money fixed.

the

the Officers and persons hereinafter named, who shall be resident in the United Kingdom at the time of their respective Appointments, for the purpose of defraying the expenses of their Equipment and Voyage, such sums of money as are set against the names of such officers and persons respectively; (that is to say)

To the Governor-General, *Five thousand pounds.*

To each Member of the Council of India, *One thousand two hundred pounds.*

To each Governor of the Presidencies of Fort St. George, Bombay and Agra, *Two thousand five hundred pounds.*

Governor General and Governors to forego pensions and other salaries from the Crown or Company while they hold office.

Provided always and be it Enacted, That if any Governor General, Governor, or ordinary Member of the Council of India, or any Member of the Council of any Presidency, shall hold or enjoy any Pension, Salary, or any Place, Office, or Employment of Profit, under the Crown or the said Company, or any Annuity payable out of the Civil or Military fund of the said Company, the Salary of his office of Governor General of India, Governor or Member of Council, shall be reduced by the amount of the Pension, Salary, Annuity, or Profits of Office, so respectively held or enjoyed by him.

Directors to make regulations for the distribution of Patronage in India.

And be it Enacted, That the said Court of Directors, with the approbation of the said Board of Commissioners, shall and may from time to time make regulations for the division and distribution of the patronage and power of nomination of and to the Offices, Commands, and Employments in the said Territories, and, in all or any of the Presidencies thereof, among the said Governor-General in Council, Governor-General, Governors in Council, Governors, Commander-in-chief, and other Commanding Officers, respectively, appointed or to be appointed under this Act.

Departure of Governor General, Governor, or Member of Council for Europe, to be a resignation.

And be it Enacted, That the return to Europe or the departure from India with intent to return to Europe, of any Governor-General of India, Governor, Member of Council, or Commander-in-chief, shall be deemed in Law a Resignation and Avoidance of his Office or Employment, and that no act or declaration of any Governor-General, or Governor, or Member of Council, other than as aforesaid, excepting a Declaration in writing under hand and seal, delivered to the Secretary for the Public Department of the Presidency wherein he shall be, in order to its being recorded, shall be deemed or held as a Resignation or surrender of his said Office; and that the Salary and other Allowances of any such Governor-General or other Officer, respectively, shall cease from the day of such his Departure, Resignation, or Surrender; and that if any such Governor General, or Member of Council of India shall leave the said Territories

Resignation in India to be by deed.

Salary to cease on departure or resignation.

territories

tories, or if any Governor or other Officer whatever in the service of the said Company shall leave the Presidency to which he shall belong, other than in the known actual service of the said Company, the Salary and Allowances appertaining to his Office shall not be paid or payable during his absence to any Agent or other person, for his use; and in the event of his not returning, or of his coming to Europe, his Salary and Allowances shall be deemed to have ceased on the day of his leaving the said Territories, or the Presidency to which he may have belonged: Provided that it shall be lawful for the said Company to make such payment as is now by law permitted to be made to the Representatives of their Officers or Servants, who, having left their stations intending to return thereto, shall die during their absence.

Representatives of Officers dying during a temporary absence from their stations, to receive the same payment as is now made.

And be it Enacted, That every wilful disobeying, and every wilful omitting, forbearing, or neglecting to execute the orders or instructions of the said Court of Directors by any Governor-General of India, Governor, Member of Council, or Commander-in-chief, or by any other of the Officers or Servants of the said Company, unless in cases of necessity, (the burthen of the proof of which necessity shall be on the person so disobeying, or omitting, forbearing or neglecting to execute such orders or instructions as aforesaid,) and every wilful breach of the trust and duty of any Office or Employment by any such Governor General, Governor, Member of Council, or Commander-in-chief, or any of the Officers or Servants of the said Company, shall be deemed and taken to be a Misdemeanor at Law, and shall or may be proceeded against and punished as such, by virtue of this Act.

Disobedience of orders, and breach of trust by officers or servants of the Company in India, misdemeanors.

And be it Enacted, That it shall be lawful for any natural-born subjects of His Majesty to proceed by sea to any port or place having a custom-house establishment within the said Territories, and to reside thereat, or to proceed to and reside in, or pass through any part of such of the said Territories as were under the Government of the said Company on the _____ day of _____

Authority for His Majesty's subjects to reside in certain parts of India without License.

_____ and in any part of the Settlements of Singapore and Malacca, without any license whatever; Provided, That all subjects of His Majesty, not Natives of the said Territories; shall on their arrival in any part of the said Territories from any Port or Place not within the said Territories, make known in writing their names, places of destination, and objects of pursuit in India, to the Chief Officer of the Customs or other Officer authorized for that purpose at such Port or Place as aforesaid.

Provided always and be it Enacted, That it shall not be lawful for any Subject of His Majesty, except the servants of the said Company and others now

Subjects of His Majesty not to reside in certain parts of India without License.

lawfully authorized to reside in the said Territories, to enter the same by land, or to proceed to or reside in any place or places in such parts of the said Territories as were not under the Government of the said Company on the said day of other than the said Settlements of Singapore and Malacca, without License from the said Board of Commissioners, or the said Court of Directors, or the said Governor-General in Council, or a Governor or Governor in Council of any of the said Presidencies for that purpose first obtained.

The Governor General in Council, with previous consent of Directors, may declare other places open.

Provided always and be it Enacted, That it shall be lawful for the said Governor-General in Council, with the previous consent and approbation of the said Court of Directors for that purpose obtained, to declare any place or places which were not under the Government of the said Company on the said

day of open to all His Majesty's natural-born Subjects, and it shall be thenceforth lawful for any of His Majesty's natural-born Subjects to proceed to, or reside in, or pass through any place or places so declared open without any License whatever:

Banishment and transportation may be inflicted for crimes.

Provided always and be it Enacted, That nothing herein contained shall prevent any Subjects of His Majesty authorized to reside in the said Territories, when convicted of crimes which now are or shall be made punishable with Banishment or Transportation, from being banished or transported therefrom in due course of Law:

Laws against illicit residence to be made.

And be it Enacted, That the said Governor-General in Council shall and he is hereby required, as soon as conveniently may be, to make Laws or Regulations, providing for the prevention or punishment of the illicit entrance into or residence in the said Territories of persons not authorized to enter or reside therein.

Laws and regulations to be made for protection of Natives.

AND whereas the removal of restrictions on the intercourse of Europeans with the said Territories will render it necessary to provide against any mischiefs or dangers that may arise therefrom, BE it therefore Enacted, That the said Governor General in Council shall, and he is hereby required, by Laws or Regulations, to provide with all convenient speed for the Protection of the Natives of the said Territories from insult and outrage in their persons, religions, or opinions, and for the prevention of attempts to excite rebellion or insurrection.

Lands within the Indian territories may be purchased.

And be it Enacted, That it shall be lawful for any natural-born subject of His Majesty authorized to reside in the said Territories, to acquire and hold lands, or any right, interest, or profit in or out of lands, for a term of Sixty years, or any lesser term or estate, in such part or parts of the said Territories as he shall be

be so authorized to reside in: Provided always, That nothing herein contained shall be taken to prevent the said Governor General in Council from enabling, by any Laws or Regulations or otherwise, any subjects of His Majesty to acquire or hold any lands or rights, interests or profits, in or out of lands in any part of the said Territories, and for any terms or estates.

And be it Enacted, That no Native of the said Territories, nor any natural-born Subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any Place, Office, or Employment under the said Company.

No disabilities to exist in respect of religion, colour, or place of birth,

AND whereas it is expedient that slavery should cease in the said Territories as soon as sufficient time shall have elapsed for making such provisions as the change of the condition of the numerous class of persons therein, now in a state of slavery, may appear to require, BE it therefore Enacted, That all rights over any persons, by reason of such persons being in a state of Slavery, shall cease throughout the said Territories on the *Twelfth day of April One thousand eight hundred and thirty-seven*: Provided always, That it shall be lawful for the Governor General in Council to make Laws or Regulations for the extinction of Slavery, either entirely or in part, previously to the said *Twelfth day of April One thousand eight hundred and thirty-seven*, throughout the said Territories or any part of them.

Slavery to be abolished.

AND whereas the present Diocese of the Bishoprick of Calcutta is of too great an extent for the incumbent thereof to perform efficiently all the duties of the office without endangering his health and life, and it is therefore expedient to diminish the labours of the Bishop of the said Diocese, and for that purpose to make provision for assigning new limits to the Diocese of the said Bishop, and for founding and constituting two separate and distinct Bishopricks, but nevertheless the Bishops thereof to be subordinate and subject to the Bishop of Calcutta for the time being, and his Successors, as their Metropolitan, one of such Bishopricks to be for the Presidency of Fort St. George on the Coast of Coromandel, and the other of such Bishopricks for the Presidency and Island of Bombay; BE it therefore Enacted, That the Diocese of the said Bishop of Calcutta shall comprise the Presidency of Fort William in Bengal and the Presidency of Agra by this Act created; and that, in case it shall please His Majesty, to erect, found, and constitute one Bishoprick for the said Presidency of Fort St. George, and one other Bishoprick for the said Presidency and Island of Bombay, and from time to time to nominate and appoint Bishops

Respecting the inconvenient extent of Diocese of Calcutta.

If the King erects the Archdeacons of Madras and Bombay into Bishopricks, certain salaries to be paid to the Bishops.

to such Bishopricks, under the style and title of Bishops of Madras and Bombay, respectively, there shall be paid to such Bishops, respectively, certain established Salaries (that is to say) from and out of the revenues of the said Presidency of Fort St. George, to the Bishop of Madras the sum of

by the year, at an exchange of eight shillings for the Pagoda at Madras; and from and out of the revenues of the said Presidency and Island of Bombay, to the Bishop of Bombay

by the year, at an exchange of two shillings and three-pence for the Bombay rupee.

Such salaries to commence from time of taking office, and to be in lieu of all fees, &c.

And be it Enacted, That the said Salaries shall commence from the time at which such persons as shall be appointed to the said office of Bishop shall take upon them the execution of their respective Offices, and that such Salaries shall be in lieu of all Fees of Office, Perquisites, Emoluments, or Advantages whatsoever, and that no Fees of Office, Perquisites, Emoluments, or Advantages whatsoever shall be accepted, received, or taken by such Bishop, or either of them, in any manner, or on any account or pretence whatsoever, other than the Salaries aforesaid; and that such Bishops, respectively, shall be entitled to such Salaries, so long as they shall respectively exercise the functions of their several offices in the British Territories aforesaid.

£500 payable to each such Bishop for passage-money.

And be it Enacted, That the said Court of Directors shall, and they are hereby required to pay to the Bishops so from time to time to be appointed to the said Bishopricks of Madras and Bombay, in case they shall be resident in the United Kingdom at the time of their respective appointments, the sum of *Five hundred pounds* each, for the purpose of defraying the expenses of their equipments and voyage.

Such Bishops to have such jurisdiction, and exercise such functions only as shall be limited by Letters Patent.

Provided always and be it Enacted, That such Bishops shall not have or use any Jurisdiction, or exercise any Episcopal Functions whatsoever, either in the said territories or elsewhere, but only such jurisdiction and functions as shall or may, from time to time, be limited to them, respectively, by his Majesty, by his Royal Letters-Patent under the Great Seal of the said United Kingdom.

The King empowered by Letters-Patent to limit jurisdiction and functions.

And be it Enacted, That it shall and may be lawful for His Majesty from time to time, if he shall think fit, by his Royal Letters-Patent under the Great Seal of Great Britain, to grant to such Bishops, respectively, such Ecclesiastical Jurisdiction, and the exercise of Episcopal Functions within the said Territories aforesaid, and within any other British Colonies or Settlements, as His Majesty shall think necessary for the administering Holy Ceremonies, and for the

the superintendence and good Government of the members of the Church Establishment therein.

Provided always and be it Enacted, That the Bishop of Calcutta for the time being shall be deemed and taken to be the Metropolitan Bishop in India, and as such shall have, enjoy, and exercise all such Ecclesiastical Jurisdiction and Episcopal Functions, for the purposes aforesaid, as His Majesty shall, by his Royal Letters-Patent under the Great Seal of the said United Kingdom, think necessary to direct; subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury for the time being: And that the Bishops of Madras and Bombay for the time being, respectively, shall be subject to the Bishop of Calcutta for the time being, as such Metropolitan, and shall, at the time of their respective appointments to such Bishopricks, or at the time of their respective consecrations as Bishop, take an oath of obedience to the said Bishop of Calcutta, in such manner as His Majesty, by his said Royal Letters-Patent, shall be pleased to direct.

The Bishop of Calcutta to be Metropolitan in India.

And be it Enacted, That it shall and may be lawful for His Majesty, from time to time, by his Royal Letters Patent under the Great Seal of the said United Kingdom, to repeal, alter, and vary, in such manner as to His Majesty shall seem fit, as well the Ecclesiastical Jurisdiction and Episcopal functions of the Bishop of Calcutta for the time being, whether as Bishop of that Diocese or as Metropolitan in India, as the Ecclesiastical Jurisdiction and Episcopal Functions of the said Bishops of Madras and Bombay, respectively, for the time being; and to make such rules and regulations respecting the admission by such Bishops, respectively, of persons into the holy Orders of Deacon and Priest, according to the form of ordination used in the United Church of England and Ireland, as may by His Majesty be deemed expedient and proper.

Power to the King to alter jurisdictions and functions, and to regulate admission into holy orders.

And be it Enacted, That when and as often as it shall please His Majesty to issue any Letters-Patent respecting the Bishoprick of Calcutta, Madras or Bombay, or for the nomination or appointment of any person thereto respectively, the Warrant for the Bill, in every such case, shall be countersigned by the President of the Board of Commissioners for the Affairs of India, and by no other person.

The warrants for the bills on letters-patent appointing Indian Bishops to be countersigned by the President only.

And be it Enacted, That it shall and may be lawful for His Majesty, his Heirs and Successors, by Warrant under His Royal Sign-Manual, countersigned by the Chancellor of the Exchequer for the time being, to grant to any such Bishop

The King may grant certain pensions to Bishops of Madras or Bombay.

of

of Madras or Bombay respectively, who shall have exercised in the British territories aforesaid for *Fifteen* years the office of such Bishop, a pension not exceeding *per annum*, to be paid quarterly by the said Company.

When a Bishop of Madras or Bombay dies within six months after arrival in India, such a sum payable to his representatives as will make up a year's salary.

And if he shall die after six months holding office in India, six months' salary beyond what shall be due payable to his representatives.

If an Archdeacon be appointed a Bishop, his residence as Archdeacon to be taken as residence as a Bishop.

And if a Chaplain of the Company be appointed a Bishop, his residence as Chaplain to be taken as residence of a Bishop, in the proportion of three years to two years.

Nothing to prejudice a Chaplain's right to any benefit under present regulations, nor to affect the Company's right to repeal or alter such regulations.

And be it Enacted, That in all cases when it shall happen the said person nominated and appointed to be Bishop of either of the said Bishopricks of Madras or Bombay shall depart this life within *Six* calendar months next after the day when he shall have arrived in India for the purpose of taking upon him the office of such Bishop, there shall be payable out of the territorial revenues from which the salary of such Bishop so dying shall be payable, to the legal personal representatives of such Bishop, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such Bishop in respect of his Salary, make up the full amount of one year's Salary; and when and so often as it shall happen that any such Bishop shall depart this life while in possession of such office, and after the expiration of *Six* calendar months from the time of his arrival in India for the purpose of taking upon him such office, then and in every such case there shall be payable out of the territorial revenues from which the Salary of the said Bishop so dying shall be payable to his legal personal representatives, over and above what may have been due to him at the time of his death, a sum equal to the full amount of the salary of such Bishop for *Six* calendar months.

Provided also and be it Enacted, That if any Archdeacon shall be appointed Bishop of either of the Dioceses of Calcutta, Madras, or Bombay, the period of his residence in India as such Archdeacon shall, for all the purposes of this Act, be accounted for and taken as a Residence as such Bishop; And if any person residing any time in the Territories as one of the Chaplains of the said Company shall be appointed to either of the said Bishopricks, and shall have resided in the said Territories as such Bishop *Seven* years, the period of residence of such person as Chaplain shall, for all the purposes of this Act, be accounted for and taken as a Residence as such Bishop, in the proportion of three years' residence as such Chaplain to two years' residence as such Bishop; Provided that nothing herein contained shall prejudice the right of any person being or having been a Chaplain of the said Company, to any benefit he may be entitled to, under or by virtue of any Regulation now in force, or hereafter to be made by the said Company or their Court of Directors, nor to prejudice or affect the Right of the said Company or their Court of Directors to make, repeal, vary,

or alter any Regulation or Regulations respecting the Chaplains of the said Company, or the Pay or Allowances, Pensions, or Retirements of such Chaplains, which the said Company or their Court of Directors may now lawfully make, repeal, vary, or alter.

And be it Enacted, That if it shall happen that either of the Bishops of Madras or Bombay shall be translated to the Bishoprick of Calcutta, the period of Residence of such person as Bishop of Madras or Bombay shall be accounted for and taken as a residence as Bishop of Calcutta.

Provided also and be it Enacted, That if any person under the degree of a Bishop shall be appointed to either of the Bishopricks of Calcutta, Madras, or Bombay, who at the time of such Appointment shall be resident in India, then and in such case it shall and may be lawful for the Archbishop of Canterbury, when and as he shall be required so to do by His Majesty, by his Royal Letters Patent under the Great Seal of the said United Kingdom, to issue a Commission under his hand and seal, to be directed to any two of the said Bishops, authorizing and charging them to perform all such requisite ceremonies for the consecration of the person so to be appointed to the degree and office of a Bishop.

And be it Enacted, That the expenses of Visitations to be made from time to time by the said Bishops of Madras and Bombay respectively, shall be paid by the said Company out of the territorial revenues of the said respective Presidencies of Fort St. George and Bombay; Provided, That no greater sum on account of such Visitations be at any time issued, than shall from time to time be defined and settled by the Court of Directors of the said Company, with the approbation of the Commissioners for the Affairs of India.

And be it Enacted, That no Archdeacon hereafter to be appointed for the Archdeaconry of the Presidency of Fort William in Bengal, or the Archdeaconry of the Presidency of Fort St. George, or the Archdeaconry of the Presidency and Island of Bombay, shall receive any Salary in respect of his Archdeaconry.

AND whereas it is expedient to provide for the due qualification of persons to be employed in the civil service of the said Company in the said territories, BE it therefore Enacted, That the said Governor General of India in Council shall, as soon as may be after the day of in every year, make and transmit to the said Court of Directors a prospective estimate of the number of persons who, in the opinion of the said Governor General in Council, will be necessary, in addition to those already in India or likely

If a Bishop of Madras or Bombay be translated to the Bishoprick of Calcutta, his residence to be taken as a Bishop of Calcutta.

If any person under the degree of a Bishop be appointed to an Indian Bishoprick, and be resident in India, the Archbishop of Canterbury may commission any two of the said Bishops to consecrate such person.

Provision for expenses of visitations.

No Archdeacon in India to have a Salary.

The Governor General in Council annually to make a prospective estimate of the number of vacancies in Indian establishments in the third following year.

to

Board may reduce estimate.

Board to certify what number of persons shall be candidates for admission to Haileybury College, and what number shall be admitted students.

Additional students to be admitted to fill up death, vacancies, &c.

The candidates for admission to be subjected to an examination and classed.

Candidates highest in the list to be admitted.

The Board to frame a plan for the constitution of the college;

to return from Europe, to supply the expected Vacancies in the Civil Establishments of the respective Governments in India in the fourth following year; and it shall be lawful for the said Board of Commissioners to reduce such estimate, so that the reasons for such reduction be given to the said

Court of Directors: And in the month of _____ in every year, if the said estimate shall have been then received by the said Board, and if not, then within *One* month after such estimate shall have been received, the said Board of Commissioners shall certify to the said Court of Directors what number of persons shall be nominated as Candidates for Admission, and what number of Students shall be admitted to the College of the said Company at Haileybury, in the then current year, but so that at least four such Candidates, no one of whom shall be under the age of Seventeen or above the age of Twenty years, be nominated, and no more than one student admitted for every such expected vacancy in the said Civil Establishments, according to such Estimate or reduced Estimate as aforesaid: And it shall be lawful for the said Court of Directors to nominate such a number of Candidates for Admission to the said College as shall be mentioned in the Certificate of the said Board; and if the said Court of Directors shall not, within *One* month after the receipt of such Certificate, nominate the whole number mentioned therein, it shall be lawful for the said Board of Commissioners to nominate so many as shall be necessary to supply the deficiency.

And be it Enacted, That when and so often as any vacancy shall happen in the number of Students in the said College by death, expulsion, or resignation, it shall be lawful for the said Board of Commissioners to add in respect of every such vacancy, *One* to the number of Students to be admitted, and *Four* to the number of Candidates for admission, to be nominated by the said Court in the following year.

And be it Enacted, That the said Candidates for Admission to the said College shall be subjected to an Examination in such branches of knowledge, and by such Examiners as the said Board shall direct, and shall be classed in a list to be prepared by the Examiners; and the Candidates whose names shall stand highest in such list shall be admitted by the said Court as Students in the said College, until the number to be admitted for that year, according to the Certificate of the said Board, be supplied.

And be it further Enacted, That it shall be lawful for the said Board of Commissioners, and they are hereby required, forthwith after the *passing of this*

this Act, to form such a plan for the Constitution, and such Rules, Regulations, and Provisions for the good government of the said College, as in their judgment shall appear best adapted to secure fit Candidates for Admission into the same, and for the Examination and Qualifications of such Candidates, and of the Students of the said College after they shall have completed their residence there, and for the appointment and remuneration of proper Examiners: And such Plan, Rules, and Regulations, and Provisions respectively, shall be submitted to His Majesty in Council for his revision and approbation; and when the same shall have been so revised and approved by His Majesty in Council, the same shall not afterwards be altered or repealed, except by the said Board of Commissioners with the approbation of His Majesty in Council.

and rules for examination and qualification of candidates for admission, and students.

The King in Council to settle such plan and rules, which are then to be considered part of this Act.

And be it Enacted, That as soon as may be after the expiration of *Three* years from the admission of such Students as aforesaid, so many of the said Students as shall have a certificate from the said College of good conduct during the term of their residence therein, shall be subjected to an Examination in the studies prosecuted in the said College, and so many of the said Students as shall appear duly qualified shall be classed according to merit in a list to be prepared by the Examiners; and shall be nominated to supply the Vacancies in the Civil Establishments in India, and have seniority therein according to their priority in the said List; and if there shall be at the same time Vacancies in the Establishments of more than one of the said Presidencies, the Students on the said list shall, according to such priority, have the right of electing to which of the said Establishments they will be appointed.

After three years students to be examined and classed.

The Students to supply the vacancies in the service according to priority on the list, and to choose their Presidencies.

And be it Enacted, That no appointment of any Professor or Teacher at the said College, shall be valid or effectual until the same shall have been approved by the Board of Commissioners.

Sanction of Board necessary for appointment of Professors.

And be it Enacted, That every Power, Authority, and Function, by this or any other Act or Acts given to and vested in the said Court of Directors, shall be deemed and taken to be subject to such control of the said Board of Commissioners as in this Act is mentioned, unless there shall be something in the enactments conferring such powers, authorities, or functions, inconsistent with such construction, and except as to any Patronage or right of appointing to Office vested in or reserved to the said Court.

All powers of Court of Directors to be subject to the control of the Board except Patronage.

And be it Enacted, that whenever in this Act, or in any Act hereafter to be passed, the term India Company is used, it shall be held to apply to the United Company of Merchants of England trading to the East-Indies; and that

The East-India Company may be called the India Company.

the said United Company of Merchants of England trading to the East-Indies may, in all suits, proceedings, and transactions whatsoever after the *passing of this Act*, be called by the name of the India Company.

St. Helena vested in
the Crown.

And be it Enacted, That the Island of St. Helena, and all Forts, Factories, Public Edifices, and hereditaments whatsoever in the said Island, and all stores and property thereon, fit or used for the service of the Government thereof, shall be vested in His Majesty, his Heirs and Successors: and the said Island shall be governed by such orders as His Majesty in Council shall from time to time issue in that behalf.

Commencement of
Act.

And be it Enacted, That this Act shall commence and take effect from and after the passing thereof, so far as to authorize the appointment or prospective or provisional appointment of the Governor-General of India, Governors, Members of Council, or other Officers under the provisions herein contained, and as to all other matters and things, from and after the *Twelfth* day of *April* next.

No. LXXXI.

AT A

SECRET COMMITTEE OF THE WHOLE COURT,

Held on Monday the 1st July 1833.

No.
LXXXI.Secret.
Committee of the
Whole Court,
1 July 1833.

The Committee met specially by adjournment, for the purpose of considering the draft of a proposed letter to the Right Honourable Charles Grant, which was submitted by the Chairman on the 28th ultimo, in reply to Mr. Grant's letters of the 24th and 27th of that month, and to the Summary which accompanied his letter of the former date.

The same was read:

And the Committee having adverted to the Bill which was introduced into the House of Commons on the 28th instant relating to the Company and to the Government of India, and having agreed to certain alterations in the proposed letter to Mr. Grant;

The said draft of a letter as altered was approved, and

A Report to the Court, submitting the letter for their approval, was agreed to and signed.

No. LXXXII.

REPORT *from the* COMMITTEE OF THE WHOLE COURT,

Dated the 1st July 1833.

No.
LXXXII.Report from
Committee of
Whole Court,
1 July 1833.

Your Committee having taken into consideration the letters from Mr. Grant of the 24th, 26th, and 29th ultimo, with the Summary contained in that of the 24th, submit to the Court the accompanying reply to Mr. Grant, for their approval.

H. ALEXANDER,
J. FORBES,
J. MASTERMAN,
H. SHANK,
R. JENKINS,
G. RAIKES,
J. R. CARNAC.

W. WIGRAM,
W. ASTELL,
W. S. CLARKE,
J. L. LUSHINGTON,
J. THORNHILL,
C. MILLS,
J. COTTON,

No. LXXXIII.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the*
Right Honourable CHARLES GRANT.

East-India House, the 2d July 1833.

No.
LXXXIII.

Letter to
the Rt. Hon.
Chas. Grant,
2 July 1833.

SIR :

We proceed, at the request of the Court of Directors of the East-India Company, to reply to your letters dated the 24th and 26th ultimo, together with the Summary enclosed in the former, of such of the principal provisions of the proposed Bill as relate to the construction of the Indian Governments, to the state of the law in India, to the admission of Europeans, and the condition of the Natives.

Upon the two latter points it may be sufficient to state, first, that as a considerably increased facility of access to the interior of India is to be allowed to Europeans, the Court concur in the necessity for placing them under suitable restraints, and such as shall be adequate to the protection of the Natives, without bringing the latter, whilst residing in the interior, within the process of the Supreme Court. Secondly, that any plan which may be calculated to improve the condition of the Natives, by abolishing slavery, without doing violence to the feelings of caste or to the rights of property, cannot fail to meet with the Court's cordial approbation ; and lastly, that the more extensive employment of the Natives as servants of the local Governments, is in accordance with the views which the Court have for many years expressed and acted upon.

With regard to a Commission of Enquiry, with a view to the formation of an uniform system of law, the Court, whilst they by no means object to enquiry, and whilst they must admit that uniformity of law is desirable whenever it may be practicable, must be permitted to doubt whether the British Empire in India, embracing a vast population of multiform castes and usages, has yet reached the point at which it may be possible for its foreign rulers to accomplish that desideratum of uniformity of law, which has not yet been found attainable in our own long settled and highly civilized country.

The proposals affecting the constitution of the Indian Governments appear to the Court to involve grave considerations, to which we will briefly advert.

Hitherto it has been the policy, approved, and indeed enjoined by Parliament, to maintain India in strict dependency upon Great Britain, and to unite
efficiency

efficiency abroad with the exercise of constant and vigilant control at Home. Local Governments separately constituted, with sufficient power to the Supreme Government to enable it to provide for a general identity of system, are by law subjected to the Court and the Board; the proceedings of the several Governments are sent to this country and systematically reviewed, and the authorities in India are prohibited from creating or increasing establishments, or incurring new charges, without the previous sanction of the Home Authorities. To quote the language of the dispatch to the Bengal Government in the Financial Department, dated the 24th September 1828, "Reference to England upon all matters of importance, involving change of principle or increase of establishments and expense of large amount, is to be the general rule by which you are to be guided, and from which you are not to depart; except in cases in which the public service obviously and urgently calls for greater promptitude of action than will consist with the delay of such a reference. This is the criterion by which your responsibility will be judged of by us, and by which you alone would be justified in acting without our previous sanction."

It is now proposed that there shall be an efficient control in the Supreme Government, and that no expense shall be incurred except by its previous sanction.

The Court submit it as their opinion, that one effect of this change must be materially to interfere with the control now exercised by the Home Government. The Governor General will have a sway almost absolute, and the Governors of the other Presidencies will be subordinate to him rather than to the Authorities in this country. And here we would take occasion to observe, in reference to the vast powers which the plan gives to the Governor General, that it would be scarcely possible always to select a person fit to be entrusted with authority of such magnitude; whilst doubts may be entertained whether gentlemen of character and distinction would be found to undertake the offices of subordinate Governors, in the altered position in which the plan would place them.

The sanction of the Supreme Government being deemed sufficient (as the plan proposes it should be) to authorize new expense, the present system, under which the Court's sanction is required before any such expense can be incurred, will be virtually abandoned.

The proceedings of the Governors as well as of the Governor General in Council, might certainly be still subjected to review at Home; though the Court,

No.
LXXXIII.

Letter to
the Rt. Hon.
Chas. Grant,
2 July 1833.

No.
LXXXIII.

Letter to
the Rt. Hon.
Chas. Grant,
2 July 1833.

Court doubt whether it would be possible so to frame the arrangement as that, in the words of Lord William Bentinck, "it should come in aid, and not in "supersession of the Home Authorities." If, however, that be the intention, it must, we think, augment the evil of delay, already so seriously felt, and also require a great increase of labour. It will add to delay, because the references from the subordinate Governments will come to England circuitously. It will increase labour, and consequently expense, because the proceedings of the subordinates must be sent to Bengal as well as to England; and they will become much more voluminous than they now are, through the correspondence with the Supreme Government upon matters referred to it, whilst the proceedings of that Government will be loaded with the details of the Subordinates.

It further appears to the Court that the adoption of the proposal would not attain the object which it professes to have in view. It is said that the Governor General is encumbered with details from which he should be relieved, in order that he may exercise an efficient control. The Governor General in Council has now the details of the Bengal Government, including the Western Provinces, and has also a general controul over the Governments of Madras and Bombay. The proposal is to form the Western Provinces into a separate Government, the Governor General continuing to be Governor of the Lower Provinces, and to vest in him and a Council an efficient controul over the subordinate Governments. The nature of this control is not defined. To be efficient, however, it must be minute. Nothing could be worse than a *partial* control of details. There would, in that case, be no fixed responsibility, and the subordinate Governor released, as the plan suggests he should be, from the check of Council, might exercise an unbounded discretion. But if the controul be minute, how is the Governor General to get relief? He has at present the details of the Bengal Government only: by the plan proposed he would have the details of all India. Division of labour, the best means, we submit, for securing efficiency, is the present system. Consolidation of labour, to a degree quite incompatible with efficiency, would, we think, be the effect of the change contemplated in the Summary.

Another consequence of the plan seems to be, that the Governor General in Council would be resorted to in individual cases arising at the subordinate Presidencies. Persons feeling aggrieved, who now prefer their representations to the Home Government, would address themselves in the first instance to the Supreme Government; and failing in that quarter, would ultimately resort to the Authorities in this Country. There would thus be two appeals instead of one.

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The Court are deeply sensible of the importance of checking the expenditure of the Governments of Madras and Bombay; they deem it equally important to check that of Bengal. It is, indeed, a fact which should not be overlooked in the present discussion, that the most striking instances of unauthorized expenditure, and of the creation of new establishments, are to be found in the proceedings of the Supreme Government, that Government which (with an addition to the number of Councillors) it is now wished to invest with enlarged authority, expressly to check expenditure in others. It was to the *Supreme* Government that the Court, in September 1828, addressed a severe rebuke, upon the ground that "large augmentations of the Revenue and Judicial establishments, and of the Army during peace, undertakings of public works of magnitude, ought not to have been commenced without our previous sanction."

We submit that it is competent to the Home Authorities effectually to check improper expense, and that it is only by them that the check upon the Governor General and Governors can be satisfactorily maintained; and we would remind you, that the most important reductions effected of late years in the Indian expenditure have been the result of orders from Home.

With respect to the plan for separating the upper Provinces of Bengal into a distinct Presidency, the Court are by no means insensible to the importance of providing most efficiently for the administration of affairs in the Western Provinces; but they submit that a suitable arrangement might be framed by the Board and the Court with that view, without instituting a fourth Government. The first objection which strikes the Court to the proposed plan is, the expense which it would occasion; concurring as they do with the Governor General and Sir C. Metcalfe in opinion, that augmentation of charge must result from any such arrangement. The institution of another Government will, we apprehend, sooner or later be followed by expensive establishments; and although we are not prepared to say that occasion may not arise to justify the incurring additional charge, yet we feel strongly, and we have no doubt you will concur in the sentiment, that at the present time, when even the estimates of the most sanguine calculators leave it uncertain whether the charges of existing establishments can be brought within the Territorial income of India, no measure likely to increase the burthen should be adopted, unless under circumstances of pressing necessity.

In the present case the necessity is far from being obvious; for Lord William Bentinck, in his Minute dated the 14th September 1831, pronounces the division of the Bengal Territory into two separate Governments to be unnecessary as well as inexpedient.

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The proposed change is liable to the further objection, that since it would be impossible to effect a division of servants, we should have one Government without any functionaries of its own, and another Government with a double supply of functionaries. Confusion and dissatisfaction would, the Court fear, be produced by such an incongruity.

The proposal to take away the Council from the Governors of Madras and Bombay appears to the Court to be very objectionable; and their objections are not removed by the modification suggested in your letter dated the 27th ultimo, since to reserve to the Board and the Court the power of maintaining or reducing the Councillors at Madras and Bombay (unless, indeed, the concurrence of both Authorities were required), would be tantamount to an adoption of the proposal; your opinion expressed in the Summary, and reiterated in your letter, being fixed in favour of this reduction; and we would further observe, that it is not apparent how the expense of the additional Councillors in Bengal is to be provided for, consistently with the retention of the Council at the subordinate Presidency.

However subject to the control of the Supreme Government, much power must inevitably rest in the local Authority; and that power will be liable to abuse, unless checked by the association with the Governors, of persons of character and eminence in the service. The Court fully admit, that it is desirable that the restraints upon the Governor should be such as not to cripple the energy and vigour which are essential to the due discharge of his important duties; and they think that this principle is entirely preserved in the present constitution of the Indian Governments. The Governor acts ordinarily with his Council; but he has the power to act independently of them, knowing that he thereby incurs a peculiarly heavy responsibility, and that all the circumstances necessary to enable the authorities in England to exercise their judgment upon his conduct will be brought to light by the recorded Minutes of his constitutional associates.

We presume that it is intended that the Governors of the Subordinates shall continue to be appointed from home, and that generally they will be strangers to India. If there were no Councillors, a Governor must, upon his arrival, seek advice and information from Secretaries, whose responsibility as advisers of the Government is, to say the least, very indefinite, and who cannot be so fit to give advice as Councillors, who are, or ought to be, conversant with the internal working of the Government.

It further occurs to the Court, that the contemplated changes may have important effects upon the Civil and Military Services at the subordinate Presidencies.

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The plan proposes to continue "as separate armies" those of Madras and Bombay, and yet to deprive the Commanders-in-chief of those armies of the seats in Council, which it is now the practice to allot to them. Upon this part of the subject it is not at present necessary for the Court to do more than to suggest the exercise of great caution and deliberation, before attempting a change which involves a departure from that practice.

The policy generally recommended for the Civil Service has been, that the number of the highest offices should not be diminished, but that servants should, during the early periods of their residence, labour upon comparatively small allowances, stimulated by the hope of hereafter obtaining the prizes. The reduction of the Members of Council is inconsistent with that policy.

The servants on the several Establishments are at present taught by law, as well as practice, to look to their own Governments as the authority to reward and to punish. This must cease to be the case if the new plan takes effect, for under it the Governor General will share in the patronage now exercised exclusively by the Governors of Madras and Bombay; and it is obvious that, when the Governor General shall become the supreme director of affairs at those presidencies, the officers will all look up to him instead of to their own Governor.

Before we conclude, there are two points embraced in the Summary to which the Court must particularly advert; we allude to the proposals that the laws which the Supreme Government may enact, affecting Natives and Provincial Courts, shall be subjected to the approbation of the King in Council, and that the appointment by the Court of Councillors to the Governor General shall be subjected to His Majesty's approbation.

We perceive with much satisfaction that the Bill reserves to the Court the necessary powers upon the first of these points; and we are persuaded that you will concur with us in thinking, that it would have been useless for the Court to review the conduct of the Supreme Government, in proposing or enacting laws for the internal regulation of India, if those laws were, as matter of course, and not upon appeal, to be confirmed or annulled by a paramount tribunal. And although the proposal, as it stood in the Summary, was nothing more than extending to India the practice already prevalent as regards His Majesty's Colonies abroad, yet there is obviously this great difference in the two cases, that India is governed by an intermediate body in this country, whereas the Home Government of the Colonies is in the Crown.

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The power which it is intended to give to the King over the appointment of Councillors appears to the Court to be opposed to the arrangement already conditionally made between His Majesty's Government and the Company, by which it has been agreed that they shall exercise "the same powers as they now possess "under their Charter;" a proviso which, in your letter dated the 27th May last, you justly interpreted as embracing a continuance of the Company's independent right to recal Governors and Military Commanders.

You have now explained, that the intention is to limit the necessity for the Royal approbation to the appointment only of the fifth Member of Council; but as no reason has been assigned by you for adding to the Supreme Government of India a Councillor not in the service of the Company, the Court, until informed of the ground of that proposal, cannot give any opinion upon the propriety of making the appointment of such additional Councillor dependent upon the approbation of the Crown.

With regard to the intention which you express of adding two Suffragan Bishops to the Ecclesiastical Establishment of India, the Court, with every deference to your opinions upon this part of the subject, according as they do with the feelings expressed by many persons of great consideration in this country, must be allowed to doubt whether the extension of episcopal functionaries be really required. They are glad, however, to find that, in the event of the adoption of that arrangement, the expense of all the Archdeacons is to cease.

The Court refrain from making any observation, at present, upon what you contemplate regarding admissions to the Civil College, further than to state they cannot consider the scheme suggested as that which will most effectually provide the means of giving good servants to the Indian empire.

Upon the subject of the constitution of their own body, it is satisfactory to the Court to learn that you have relinquished the intention of proposing a change in it. They are deliberately of opinion that the continuance of the number of members of which the Court is composed, as fixed by Charter, is essential to their independence; and they apprehend that a reduction of that number could not be effected without its being considered by the General Court of Proprietors as an infraction of the privileges which they now exercise, and which it has been arranged between His Majesty's Government and the Company shall continue.

We entirely appreciate the disposition which you have expressed to maintain unimpaired the authority and independence of the Company. Most sincerely do

do we hope, not for their own sake but for the welfare of the great interests committed to their charge, that the pending arrangements may be so framed and completed as to accomplish that important object.

In conclusion, we are requested by the Court to assure you, that their attention will be immediately given to such of the clauses of the Bill which you have had the goodness to send to them, as have not been already discussed in our correspondence ; and we have also to state, that the Court will take an early opportunity of laying that Bill before their Constituents.

We have the honour to be,

Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,

W. WIGRAM.

The Right Honourable Charles Grant, M.P.

&c. &c. &c.

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No. LXXXIV.

AT A

COMMITTEE OF THE WHOLE COURT,

Held on Wednesday, the 3d July 1833.

THE Committee proceeded to consider the Bill which has been introduced into the House of Commons, entitled, " A Bill for effecting an arrangement with the India Company, and for the better Government of His Majesty's Indian Territories."

The several clauses of the Bill were read;

And the Committee having deliberated thereon, the further consideration thereof was adjourned.

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Committee of
the Whole Court,
3 July 1833.

No. LXXXV.

AT A

COMMITTEE OF THE WHOLE COURT,

Held on Tuesday, the 9th July 1833.

THE Committee resumed the consideration of the Bill now before the House of Commons relating to the Company and the Government of India : and

The Bill having been read, clause by clause,

The Committee approved a Paper of Observations and Suggestions upon several of the Clauses, together with Draft of a Letter to the Right Honourable

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Committee of
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able Charles Grant, upon the proposed addition to the Episcopal Establishment of India.

The Committee likewise approved the Draft of a Letter to the Right Honourable Charles Grant, forwarding the Paper of Observations and Suggestions above-mentioned; requesting his particular attention thereto, and stating the Court's intention hereafter to submit such other remarks as may be suggested by further consideration; also expressing the wish of the Court that he would authorize the Law Officers employed by the Board in the preparation of the Bill to communicate with the Law Officers of the Company.

No. LXXXVI.

AT A

COURT OF DIRECTORS,

Held on Tuesday, the 9th July 1833.

No.
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Court of Directors,
9 July 1833.

THE Chairman from the Committee of the Whole Court laid before the Court a Paper of Observations and Suggestions, which had been agreed to by the Committee, upon several of the Clauses of the East-India Bill now before the House of Commons; together with the Draft of a Letter to the Right Honourable Charles Grant, upon the proposed addition to the Episcopal Establishment of India;—whereupon

The said Paper of Observations and Draft of a Letter were read and approved:

The Chairman then submitted to the Court the Draft of another Letter to the Right Honourable Charles Grant, likewise agreed to by the Committee of the Whole Court, forwarding the Paper of Observations and Suggestions above mentioned, requesting his particular attention thereto, and stating the Court's intention hereafter to submit such other remarks as may be suggested by further consideration; also expressing the Court's wish, that he would authorize the Law Officers employed by the Board in the preparation of the Bill to communicate with the Law Officers of the Company:

And the said Draft of a Letter having been read was, on the question, approved.

No. LXXXVII.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

East-India House, 10th July 1833.

SIR :

We have the honour, at the instance of the Court of Directors of the East-India Company, to transmit to you the accompanying Paper of Observations and Suggestions, which in the short time that has elapsed since the Court received the East-India Bill, have occurred to them upon some of its Clauses, and to which they request your particular attention, intending hereafter to trouble you with such other remarks as may be suggested by further consideration.

We beg leave also to express the wish of the Court, that you would be pleased, with a view to facilitate the progress of the measure, to authorize the Law Officers employed by the Board in the preparation of the Bill to communicate with the Law Officers of the Company.

We have the honour to be,

Sir,

Your most obedient humble servants,

(Signed)

C. MARJORIBANKS,

WM. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. LXXXVIII.

PAPER of OBSERVATIONS and SUGGESTIONS on several Clauses of the
East-India Bill.

CLAUSE 1.—The Speaker's notice was dated the 22d April 1831, consequently the Company's present term expires on the 22d April 1834.

The day of the annual election of six Directors for four years falls on the

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9th April 1834; but as it is not intended to alter the constitution of the Court, there is no necessity that the day of the election should correspond with the date of the new term.

CLAUSE 2.—The words, “unless Parliament shall otherwise direct,” appear to be unnecessary, and may be construed to imply a doubt whether it be not in contemplation to revise the present arrangement previously to 1854.

CLAUSE 3.—The Court submit, that the Company should, from and after the passing of the present Act, be relieved from the operation of the 24th Geo. III, cap. 38, commonly called the Commutation Act. This will be especially necessary if the Company are to cease their trade immediately, as it might with some reason be contended, that the Company were by that Act bound this year, at the least, to make their usual purchases of Tea in China.

CLAUSE 4.—This clause very properly reserves an authority which will enable the Company to make remittances in merchandize, in the event of its being found necessary or advantageous to the Indian Government to have recourse to that mode.

CLAUSE 5.—The Court admit, that when the Commercial property shall be made over by this Act to the Territory, the Board should exercise, with respect to it, the same power which they possess with respect to Territorial matters in general, that is, a power to control acts of the Court; but the clause as it is here worded seems to pass by the Court, with whom the measures should originate, and whose agency, and that of their commercial servants, in realizing the value of merchandize, may be essentially necessary.

It is submitted, therefore, that in lieu of the words, “to superintend, direct, and control the sale of the said merchandize, stores, and effects, and to determine,” &c. might be inserted the words, “to superintend and control all acts and measures of the Court of Directors affecting the sale,” &c.

With respect to that part of the clause which authorises the Board to appoint salaried officers to assist in the winding up of the Commercial concerns, the Court, while they by no means object to the Board's having suitable assistance in the new duty to be assigned to them, would suggest that the assistance might be appropriately and most economically obtained from among

such

such of the Commercial servants of the Company as will immediately become supernumerary.

This is not a case in which any apprehension need be entertained of a bias, as there can be but one object, the realization of the full amount of the property; and efficient aid is more likely to be obtained from men conversant with the working of the present system than from any other persons.

CLAUSE 6.—The Court submit, that to this clause should be added the words, “together with such allowance to the Trustees of the Funds for the Widows and Children of the Officers and Clerks, and others of the Home Establishment, as may be necessary to enable them, under the altered system, to meet the payments provided for by existing regulations.”

The Court consider that it would be desirable to reserve to them, with the concurrence of the Board, a power to transfer any of the Commercial Servants upon the China Establishment to the Civil Service of Bengal, Madras, and Bombay, in the event of that arrangement appearing to be more desirable than granting compensation to such servants.

CLAUSE 8.—Care must be taken that the phraseology of this clause is sufficiently wide to cover all liabilities of every description, whether legal, equitable, or moral.

CLAUSE 11.—It is suggested, that the term of the notice by the Speaker should be extended to twelve or eighteen months, as many of the Proprietors may be resident beyond sea.

CLAUSE 13.—The interest upon sums unpaid on account of the Guarantee Fund after April 1834 should be computed half-yearly, and upon the unpaid interest as well as principal. The necessity for this might be obviated, by providing absolutely for the payment of the full sum of two millions on the 22d April 1834. It is also submitted, upon this clause, that the Chairman and Deputy Chairman of the Company, for the time being, should be associated with the Commissioners for the Reduction of the National Debt in the management of the Guarantee Fund.

CLAUSE 14.—As this clause makes provision to secure the Dividend in the event of India failing to remit the requisite funds, it may be proper, previously

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to noticing what is proposed upon that point; to call the attention of the King's Government to the importance of first providing, by distinct enactment, for the remittance by India of funds to defray all Territorial charges at Home. It has always been done upon former occasions, and should not be omitted on this.

Perhaps the best plan will be to require that the Court should, with the concurrence of the Board, annually transmit to the Supreme Government an estimate of the amount that may be necessary, and that the Government should remit the same in such manner as the Court, with the approbation of the Board, should direct.

A clause somewhat to the following effect should therefore be prepared:

“ And with the view of providing for the payment of all charges incurred, or to be incurred, by the said Company, payable in Great Britain after the passing of this Act, the Court of Directors are hereby required to transmit to the Bengal Government, once in every year, a prospective estimate of the amount of the funds necessary to meet the expenditure in this country; and the Bengal Government are hereby required, upon receiving such estimate, to provide and remit the funds specified therein, at the times and in the modes directed by the said Court, with the approbation of the said Board.”

The 14th clause will then appropriately follow; but the words, “ and they are hereby required,” after the word “ time,” and before the words, “ upon requisition;” should be inserted; and instead of the words, “ with interest after the rate of £3. 10s. per cent. per annum,” should be inserted the words, “ with interest after the rate at which the monies to supply the deficiency may have been raised, such interest to be made up half-yearly, and computed upon the arrears of interest as well as principal.”

It is further suggested, that consistently with the Resolution of the General Court of Proprietors, it should be made imperative on the Court and the Board to require the Indian Government to make good any sums taken up upon the security of the Guarantee Fund for the purpose of providing for the Dividend. This might be done by merely adding to the 14th clause the words, “ and which remittances the Court and the Board are hereby required, as often as the deficiency may arise, to call upon the Bengal Government to effect without delay.”

CLAUSE

CLAUSE 15.—After the words, “ shall have amounted,” should be inserted, “ exclusive of sums received in reimbursement of what may have been taken up upon the credit of the said fund to meet the Dividend.”

CLAUSE 16.—Specific provisions should be made in this clause for the payment by the Government to the Company, on the 22d of April 1834, of the par value of the East-India Annuities.

The latter part of this clause leaves to the Court, and the Board wide powers with regard to the mode of appropriating to the use of the Territory the proceeds of the Commercial Assets.

It has been understood throughout the Correspondence, that the intention of the King's Government was to redeem Indian Debt, especially the Remittable Debt. Whilst the Court feel that some latitude should be allowed so as to enable the Home Authorities to retain a sufficient cash balance, and if it shall be found necessary or advantageous to do so, to apply the remainder of the sums in question, in discharge of Home-Bond Debt, or of Carnatic Debt, or of the 5 per cent. Debt in India, they cannot but think that there should be a distinct provision for the application of the monies to the payment of debt.

The Court are of course aware, that as the monies will be realized in England, they might in part be applied to the payment of the Territorial charges, so as to save India *pro tanto* the necessity of remittance. But if, when the trade is first opened, the Company either altogether, or in a great degree, stop their remittances, the difficulty hereafter of effecting them through the private-trade, as well as the embarrassment to that trade itself from a sudden demand for a very large remittance, will be greater than if the Company commenced as they were to go on.

It will be important, if possible, so to frame the financial arrangements of the Company, as that the free trade may accommodate itself to them from the first.

It has been made a great complaint against the Company, that by becoming large purchasers of goods they impede the operations of private merchants. This complaint is, in substance, that the Company are large remitters; for whether funds seeking remittance be laid out in goods or thrown upon the market as means for speculation in others, they must produce their effect upon prices, and it is of this that the merchants complain.

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The Company cannot avoid the remittance; but they are anxious so to conduct it as to leave the least possible ground for complaint.

CLAUSE 21.—The Court presume that the aggregate expense of the Board, exclusive of the provision in clause 5, and the necessity for which can only be temporary, is not to exceed the sum specified in the 90th section of 53d Geo. III. cap. 155.

CLAUSE 24.—The Court have strong doubts of the propriety of this enactment. Expense will attend the powers of attorney, and encouragement may be given to improper practices, at present so cautiously guarded against by the By-Laws. Besides, after the vote has been given, it may turn out that the principal was dead when his attorney voted, and the election may have been decided by such vote. Great dissatisfaction, embarrassment, and trouble, must be the result of this proviso, without, as the Court can conceive, its being attended with any countervailing benefit.

CLAUSE 25.—The Court submit it as their opinion, that no encouragement should be given to the election of gentlemen as Directors upon returning from India, until they have been at the least two years at home. It must frequently happen that such gentlemen have filled the most important offices abroad, their conduct in which it is the duty of the Home Authorities to review. A Director should not, if possible, be a judge of proceedings in which he, as a servant, participated. It is also submitted, that the words, "unless such," be omitted, and the words "nor until" inserted in lieu thereof; and the words, "before the expiration of the said time," at the close, omitted.

CLAUSE 26.—The Court submit, that in the event of their using the power which the clause gives, Parliament should be informed thereof; the following words might be added:—

"Provided always, that within the first fourteen sitting days after the first meeting of Parliament in every year, there shall be laid before both Houses of Parliament a statement of the particulars of all the cases in which the Court may have so instructed their Secretary, or his Deputy, to act in their behalf."

CLAUSES

CLAUSES 27 and 28.—Some modification is absolutely necessary in Clauses 27 and 28 as they now stand. Hitherto the communication of documents to the Board has been confined to letters, advices, or dispatches from places abroad. Under the proposed enactment, every communication, however trifling, whether addressed to the Court or to a Committee, is to be sent to the Board. Again, Clause 28 not only contains a similar proviso as to all letters from the Court or any Committee, but it enjoins that such letters shall, previously to their being sent, be laid before the Board, who, within the space of two months, shall return the same to the Court approved or altered; and the only exception is that contained in the 32d Clause, which leaves uncontrolled the Court's communications with the Officers of the Home Establishment and with the Law Advisers of the Company.

Can it be intended, that every letter from an Officer advising his arrival on furlough, with his certificates, shall be sent to the Board?

That all letters from Servants, civil and military, either requesting leave to remain a further time or to return to India, or relating to their pay whilst in this country or on their embarkation, shall be laid before the Board, and the proposed Answers approved before sent?

It often happens, from a variety of causes of perpetual occurrence, that a civil or military Servant finds it necessary to embark within a very short notice: Is he henceforth to be liable to a delay of two months; and for what purpose? Are the Court of Directors to exercise no final authority whatever? Is the Board to be thus formed not only into a directing and controlling authority as regards India, but as regards also every individual case, of which there are thousands in the course of the year, and to possess an appellate jurisdiction?

This clause, if persevered in to the extent proposed, would reduce the Court of Directors to a mere machine, and would render it necessary that the Board should have an establishment almost as large as that of the Court, for the business will be done twice. The Court do not deny that cases may arise in their correspondence at home upon which the Board should be consulted before a decision is passed.

A regulation might be framed and agreed upon between the two authorities to effect all that is necessary, without incurring the difficulties to which the proposed provision is liable, and which are such as would clog the wheels of Government, whereby the inconvenience to the public will be incalculable.

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It should be recollected, that the Board, furnished as the Act requires with copies of all the Minutes of the Court, will possess full information of their proceedings.

Upon the latter part of this clause, which requires the Court "forthwith to send the orders, &c.," as it is meant to reserve to the Court a power of remonstrance, this provision should be made subject to that power, unless Clause 30 can be construed to include this.

CLAUSE 29.—The Court understand that it is intended to preserve unimpaired the principle, that all parties are to address them and not the Board, and that they are to continue to be vested with the duty of initiating all proceedings. If the Court fail in performing that duty, then, and not otherwise, the Board may exercise their interference. Consistently with this understanding, the Court submit that the Board's power to originate should be limited to matters which are upon the Court's records; and further, that the Board should be restrained from originating any matters involving expense.

CLAUSE 31.—The Court submit, that a clause should here be introduced, barring all pecuniary claims upon the Company after the lapse of a given number of years.

CLAUSE 33.—The necessity of re-enacting this provision is not apparent. If unnecessary it is inexpedient.

CLAUSES 34 and 35.—There is a defect in the constitution of the Secret Department which requires correction. The obligation to secrecy should apply to Members of the Board and to Servants in India, as well as to Directors and Officers.

The words, "in advising thereupon," should be introduced into the oath, between the words "employed" and "in transcribing;" and the oath should be limited to the points comprehended in Clause 35, as the levying war or making peace, or treating or negotiating, &c.

The Court observe, that in Clause 35 these words are introduced which do not occur in former enactments, "or with any other princes or states." It would be satisfactory to the Court to receive some explanation of what is intended by this alteration, and of the grounds of it.

CLAUSES

CLAUSES 37 *et seq.*—The Court having already, in their letter of the 2d instant, explained their sentiments upon the proposed changes in the construction of the Indian Governments, will do no more upon this occasion, than express their earnest hope, that His Majesty's Ministers will see the propriety of either altogether abandoning, or very materially modifying, these parts of the plan.

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CLAUSE 43.—The power should be given to alter and amend, as well as to disallow.

CLAUSE 45.—The Court suggest, that equal consideration should be manifested towards the productions of India imported into the United Kingdom.

CLAUSE 50.—The Court observe with satisfaction the provision here made for communicating Laws and Regulations to Parliament, expressly for the purpose of enabling it to exercise its paramount control. The same consideration suggests, that a list of the cases in which the final orders of the Board have been opposed to the views of the Court, shall be annually laid before Parliament.

CLAUSES 52 to 54.—The Court having already expressed their views, in their letter of the 2d instant, as to the principle of this proposition, will only add, that the effect of these clauses may be, to subject India to a charge of £30,000 per annum for salaries only, whilst the contingent expenses may exceed it very considerably.

CLAUSES 55 and 56.—The Court submit, that it would be in accordance with Mr. Grant's last letter, that the existing constitution of the subordinate Governments shall still be the law, and that the power reserved to the Court and the Board should be to alter that constitution.

These clauses, by inference, first change the present system, and then allow the Court and the Board to revert to that system.

CLAUSE 58.—The Court would suggest, that instead of the words, "Governor nor General of India in Council," the words, "Home Authorities" should be inserted and the following added: "and in cases which may not admit of so long a delay as would be caused by awaiting the result of a reference to

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" the Home Authorities, the expense shall not be incurred without the sanction of the Governor General of India in Council."

CLAUSE 63.—Members of Council appointed temporarily by the Governor General or Governors, should be selected from the Servants of the Company.

CLAUSE 75.—The Court will be glad to know, as soon as possible, the sums with which it is proposed to supply the blanks in this clause. It will, they think, be desirable that the amounts of the salaries should be specified in the several currencies of India, as now done in the case of the judges of Madras and Bombay.

Some provision should be made in this clause for the salary of the Commander-in-chief as an extraordinary Member of Council; and it should be clearly specified when the change, if any, is to have effect with reference to the present functionaries.

CLAUSE 77.—It has hitherto been deemed of the last importance, that the local patronage of India should be vested in the local Governments, unfettered by interference on the part of the Home Authorities. The Court are satisfied that the King's Ministers have no intention to depart from this principle, and that the object of this clause is only to provide for the division of patronage consequent on the change of the constitution of the local Governments. The power, however, which the clause gives might be liable to abuse, and the necessity for such an enactment arising out of a change in the Governments, is a further strong argument against that change.

CLAUSE 81.—The application should, in the first instance, be made to the Court, their decision being liable to control by the Board.

CLAUSE 88.—Whilst the Court would cheerfully become parties to the adoption of any measure which shall have for its end the welfare and happiness of all classes of the Natives of India, they cannot express too strongly their opinion, that the greatest caution should be observed in legislating upon a question which differs in many particulars so widely from that which now engages the attention of Parliament; and which, as respects India, may involve the most serious consequences in a political point of view, if unadvisedly and hastily persevered in.

To

If the principle, that all persons who have been brought from their homes and placed in a foreign land in a state of slavery, and the descendants of such, should be declared free, the Court conceive that adequate compensation would be demanded and should be granted to the proprietors.

But the term "slave" may be construed to have a more extended signification, and to include domestic slaves, and also a numerous class of labourers, by which whole districts in some parts of India are cultivated. If the intention be to declare all these persons free, there will be no end to the difficulty and confusion, nor any limit to the amount of compensation.

The case appears to be one in which, above almost all others, a wide discretion should vest in the local Government, and it is therefore submitted, that the clause should run thus after the words enacted: "that it shall be lawful for the Governor-General in Council, if they shall think fit, to make laws and regulations for the ultimate extinction of slavery; due regard being had, to the usages, civil and religious, of the Natives, to the authority of fathers and members of families, and to the rights of private property."

CLAUSE 89.—With regard to the enactments which relate to the Ecclesiastical Establishment, a separate letter is addressed to the President of the Board of Commissioners.

CLAUSE 104 *et seq.*—The Court entirely agree, that the number of appointments should be controlled by the Board not exercising the patronage, without interference by the Court, who are to exercise it.

With respect to the mode of providing the servants required, the question which presents itself to the Court is, whether the College at Haileybury should be continued; and the Court have no hesitation in submitting it as their opinion, in reference to the general diffusion throughout the country of the means of liberal education, including the Oriental languages, as regards both European and Oriental instruction, and to the disadvantage which results from confining the associations of youth destined for foreign service to companions all having the like destination, that it is both unnecessary and inexpedient any longer to maintain this institution, and that the great expense which it now occasions might at once be saved.

The Court feel very strongly the importance of providing adequately for the qualification of persons appointed to the Civil Service in India, and they have not the least doubt that a system of public examination sufficiently high might

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might be provided, to ensure the accomplishment of that indispensable object.

The adoption of this course will render all the clauses from 104 to 109 inclusive (with the exception of the first part of Clause 104) unnecessary; and the Court would submit, that the only provision needed will be one that shall authorize and require the Court, with the sanction of the Board, to frame Regulations for the future supply of the Civil Service in India.

CLAUSE 111.—The Court cannot discover upon what principle, or with what propriety, the Company are to change the title of “*East-India Company*,” and to be called “*India Company*.”

This remark applies equally to the term used in the Preamble.

CLAUSE 112.—It will be necessary also to provide for the transfer of all the Servants now on the St. Helena Establishment, and for the charge to the Crown of the whole expense from the date of the transfer.

No. LXXXIX.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the Right*
Honourable CHARLES GRANT.

East-India House, 10th July 1833.

No.
LXXXIX.

Letter to
the Rt. Hon.
Charles Grant,
10 July 1833.

SIR :

Observing that in the East-India Bill clauses have been introduced to give effect to the proposals for an enlargement of the Episcopal Establishment in India, which you transmitted to the Court on the 12th of June 1832, the Court think it right now to place before you their remarks upon those proposals; and which they would have done long since, but for the intimation conveyed in the late Mr. Villiers' Letter, dated the 18th of July last, that it had been deemed expedient to postpone the consideration of the question.

The nature of your proposition, and the high authority under which it is recommended, are such as to have ensured for it the Court's most respectful attention.

The

The principle upon which a Christian Church in India, at the expense of the Natives, has been instituted, is, that it is the duty of Government to provide for its Civil and Military Functionaries the means and services of their religion. This important principle the Court are sincerely desirous should be maintained, as they are convinced that it is a legitimate appropriation of the Indian revenues, to employ them to such an extent as may be absolutely necessary, upon an establishment calculated to inculcate upon the European Agents of the Company the doctrines and the precepts of the Christian Religion, and to confer upon them and their families its inestimable privileges and benefits.

But the Court's conviction is, at the same time, strong and sincere, that both practice and policy demand that the expense to the Natives of India of a Church Establishment, with which they have no community of feeling, should be limited to what is essential for the use of the Servants of the State who are members of that Church.

The Court are free to confess, that their anxiety upon this point has been excited by the observation contained in the Board's Memorandum, that "in addition to the Chaplains appointed by the East-India Company, twenty-eight Missionaries who have received Episcopal ordination are now established at various stations on the continent of India and in the island of Ceylon, and all these Clergymen are subject to the jurisdiction of the Bishop of Calcutta."

By Missionaries we understand persons residing in India with a view to convert the Natives to the Christian faith. This is undoubtedly an object most deeply interesting to the civilized world, but it is one for which it cannot be right to tax the Natives; and whilst the Court will yield to no one in anxious desire that the blessings of Christianity may be embraced universally by our Native subjects, they are deliberately convinced that the attainment of that important object, instead of being advanced, would be greatly retarded by any identification of the work of missions with the Government of the Country.

The only practical question then which presents itself to the Court is, whether the state of the Protestant Christian population, servants of the Government, be such as to call for any extension of the Episcopal Establishment; or in other words, whether the work for a Bishop, limiting his duties to the members of the church to which he belongs, be really more than one man can efficiently discharge.

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Letter to
the Rt. Hon.
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the Rt. Hon.
Charles Grant,
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To this question it may perhaps be sufficient to reply, that although the Europeans in India have never shewn any backwardness in pointing out deficiency of means of spiritual instructions, although at this moment the Court have before them not only a correspondence between Bishop Turner and the Bengal Government relative to the Ecclesiastical Establishment in general, but also an urgent request from Bombay for more Chaplains, not a wish has been expressed by either of the local Governments in their official communications that more than one Bishop should be appointed; and it has not been the practice, nor would it seem to be proper, that establishments should be augmented without distinct proof of necessity. This consideration led the Court only last year to decline to entertain a proposal submitted to them by the General Assembly of the Church of Scotland, for an increase in the number of Chaplains of that communion in India. You will remember that the Scotch Ecclesiastical Establishment was introduced immediately after the erection of the see of Calcutta. If the Episcopal Establishment is now to be extended, the Court fear that it will be impossible to resist the extension of the Scotch Establishment.

The Court deeply lament the mortality which has taken place since the institution of the Episcopal see of Calcutta, but they are by no means prepared to attribute it to the excessive duties of the office. The death of Bishop James is not ascribed to that cause; and with respect to the other distinguished prelates the facts stand upon record, that Dr. Middleton fell a sacrifice to a *coup de soleil* to which he unnecessarily exposed himself; that the immediate cause of Dr. Heber's death was an improvident use of the cold bath; and that Dr. Turner was in a declining state of health when he was appointed. Travelling in India, whether by sea or land, is an important means for preserving and restoring health, particularly in cases where, as in that of the Bishop, the time and season of visitation are at his own choice.

We are quite ready to admit, that some inconvenience may have arisen from the want of a Bishop during the periods when the office has been vacant, since the Archdeacon who acts as *locum tenens* cannot ordain or confirm. But we believe that the power of ordination has hitherto been very rarely exercised; and with respect to confirmation, are there not many parts of this country in which that rite is not locally accessible for one or two years? besides which, most of the children of Europeans in India are in England at the age when confirmation usually takes place.

The Court are not aware that the extension of the Indian territory since

1814 has been of such a character as materially to add to the labours of the Bishop. His jurisdiction, indeed, was extended in 1817 to Ceylon, we believe at the instance of Bishop Middleton, and without, so far as we are aware, the least intimation that he had already too much to do. In 1824 the jurisdiction was further extended to New South Wales and Van Dieman's Land; and if we are not mistaken, an idea has more recently been entertained of bringing within its limits the Cape of Good Hope and the Mauritius.

If, through any of these circumstances, the duties of the Bishop have become too burthensome, we submit, that the means of relief should be provided by the colonies in question, and not by the people of India.

And here, Sir, the Court must call your attention to the striking fact, that the charge to India of the Ecclesiastical Establishment has been augmented since the institution of the see of Calcutta from £48,000 to more than £100,000 per annum, and that the clerical part of the pension list has been increased from £800 per annum to £5,000 per annum.

The Court therefore cannot contemplate the creation of two more sees without apprehension of financial consequence. We recognize, indeed, in your proposal, great anxiety to limit the expense; but we fear that it will be found impossible to maintain the limitation when the offices are created, and when the Bishop of Calcutta shall have become a Metropolitan.

The Court, notwithstanding these considerations, would be very unwilling to place themselves upon such a question in opposition to the wishes of the King's Government, of the Lord Primate of England, and of the respectable societies who have urged the proposed addition: but the Court trust that enough has been stated, at least to induce all parties to pause, before they press the adoption of measures involving a certain, and possibly an unlimited addition to the financial burthens of India.

We have the honour to be, Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,
&c. &c. &c.

No.
LXXXIX.

Letter to
the Rt. Hon.
Charles Grant,
10 July 1833.

No. XC.

LETTER from the Right Honourable CHARLES GRANT referred to in the Letter from the CHAIRMAN and DEPUTY CHAIRMAN of the 10th July 1832.

No.
XC.

India Board, 12th June 1832.

GENTLEMEN:

Letter from
the Rt. Hon.
Charles Grant,
12 June 1832.

My attention having been recently called to the state of the Episcopal Church in India, I feel it my duty to address you on that important subject.

You are aware that several religious Societies connected with the Church of England have repeatedly expressed an opinion, common to them with a large portion of the public, that the intentions of the Legislature in erecting an Episcopal See for India, cannot be fulfilled unless some provision be made for relieving the Bishop of Calcutta of a portion of the duties which experience has proved to have been too onerous for a single individual. This fact has recently been pressed upon my notice in a manner which renders it impossible for me to refrain from exerting my best endeavours to devise the means of supplying the obvious defect in the Ecclesiastical Establishment of India as at present constituted.

The enclosed Memorandum will explain to you the nature and extent of the alterations which, after mature consideration and consultation with the Lord Primate of all England, appear to be indispensable, in order to give the Episcopal Church in the East real efficiency.

I have to request that you will have the goodness to bring this subject before the Court of Directors, who will, I trust, recognize the expediency, not to say the absolute necessity, of the proposed arrangement, and will enable me to state to His Majesty's Government their concurrence in its adoption.

I have the honour to be,

Gentlemen,

Your most obedient humble servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. XCI.

MEMORANDUM which accompanied the LETTER from the Right Honourable CHARLES GRANT, dated the 12th June 1832.

No.
XCI.

Memorandum by
the Rt. Hon.
Charles Grant,
12 June 1832.

Subsequently to the death of Bishop Heber, representations have been addressed to successive Presidents of the India Board, by the Society for Promoting Christian Knowledge, by the Society for Promulgating the Gospel in Foreign Parts, and by the Church Missionary Society, pointing out the necessity of enlarging the Ecclesiastical Establishment in the East.

At the last meeting of the Society for Promoting Christian Knowledge, held on the 13th December 1831, the Archbishop of Canterbury presided, and at the request of the Society, His Grace presented to the President of the India Board, and also to the First Lord of the Treasury, a copy of the Resolutions passed at that Meeting.

It appears to have been the unanimous opinion of the several Societies above-mentioned, that no individual, however endowed with bodily and mental vigour, can be sufficient for the exertions rendered necessary by the overwhelming magnitude of the diocese of Calcutta:

A visitation of that diocese cannot, it is stated, be accomplished without traversing the whole of India, and undertaking long voyages by sea, nor consequently, without a greater exposure to perilous varieties of climate than is required of any civil officer in the East. So great indeed is the difficulty of this duty, that Bishop Middleton, although his life was spared for nine years, died before he could complete the inspection of his diocese, and Bishop Heber sunk under the labour of his primary visitation; Bishop James held the see for seven months only; and Bishop Turner, who is now succeeded by Bishop Wilson, died at the end of a year and seven months from the date of his arrival in India.

There is reason to believe that Bishops Middleton, Heber, and Turner, oppressed by the overwhelming duties of their responsible situation, successively sacrificed their lives in the performance of those duties.

In the course of about ten years, nearly six will have been years of vacancy, reckoning the time that must elapse before Bishop Wilson can reach Calcutta.

Exclusively of considerations of humanity, it is obvious that whatever benefits are derivable from episcopal jurisdiction, have thus been lost to India during more than half of the period of time that has elapsed since the death of Bishop Middleton.

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Memorandum by
the Rt. Hon.
Charles Grant,
12 June 1832.

In addition to the Chaplains appointed by the East-India Company twenty-eight missionaries who have received episcopal ordination, are now established at various stations on the Continent of India, and in the Island of Ceylon, and all these clergymen are subject to the jurisdiction of the Bishop of Calcutta.

The duties of the Bishop, however, are to be measured by a reference, not merely to the number of his clergy, but also to several other circumstances, which, while they increase the necessity, tend also to enhance the difficulty of that vigilant superintendence which it is in every country incumbent on the supreme ecclesiastical authority to exercise. It is not only that the internal, or if we may so term it, the municipal discipline and economy of the Church are to be guarded and regulated, but it is that the Church in India is by its very position involved in peculiar and ever varying relations with the vast Hindoo and Mahometan population by which it is surrounded, or more properly intersected, in every direction. How much of additional responsibility is thus thrown on the Bishop it is unnecessary to remark.

The Commissioners for the Affairs of India, although deeply sensible of the inadequacy of the present Ecclesiastical Establishment to fulfil the intentions of the Legislature in creating the see of Calcutta, have hitherto been restrained by considerations founded upon a knowledge of the financial difficulties of the East-India Company, from entertaining any proposition respecting the Church in India, which would involve additional expense. They, however, are decidedly of opinion that it is now imperative upon them to suggest some arrangement for relieving the Bishop of Calcutta of a portion of the duties which have proved so fatal to his predecessors.

The President has been honoured with some conferences on this subject with the Archbishop of Canterbury, and it is satisfactory to find that so desirable an object may be effected without increasing the number of ecclesiastical functionaries, or adding materially to the expense of the establishment.

It is proposed that the Archdeaconries of Madras and Bombay be abolished, and that in lieu of them a Suffragan or Assistant Bishop be appointed for each of those Presidencies on a salary exceeding only by £500 that of the Archdeacon, which is £2,000 per annum. To assist the Suffragan Bishops in the performance of the duties which belong to the office of Archdeacon, it is proposed, that the senior chaplain at Madras and at Bombay be, respectively made commissaries, with an allowance of £200 or £250 per annum, in addition to their salaries as chaplains.

There

There being at present a vacancy in the Archdeaconry of Bombay, the Suffragan Bishop for that Presidency can obtain consecration in England. His Majesty may be enabled to issue a mandate to the Archbishop of Canterbury authorizing His Grace to empower two Bishops to consecrate a third Bishop in India, by which means the necessity of recalling the Archdeacon of Madras to this country will be avoided; and this power of consecration will also provide for any future case in which His Majesty may be pleased to appoint a person already in India to fill a vacant Bishopric.

It is further proposed that Suffragan Bishops proceeding in that capacity from this country to India, be allowed £500 for outfit. The allowance for that purpose to the Bishop of Calcutta is £1,200.

The Suffragan or Auxiliary Bishops will be able to perform all episcopal functions within their respective dioceses, which will be commensurate with the extent of the subordinate Presidencies of Madras and Bombay. By this arrangement the Bishop of Calcutta will be relieved from the necessity of undertaking journeys and voyages, at the peril of his life, for the purpose of the consecration of churches and burial-grounds, of the ordination of ministers, and of confirmation; these duties, evidently of the highest importance, must, under present circumstances, remain to a great degree unperformed.

By this arrangement also a considerable saving of expenses attending distant visitations will arise, which saving may perhaps go far towards defraying the additional salaries above stated.

An appeal will lie to the Metropolitan at Calcutta from the decisions of his Suffragans, who are to be in all respects subordinate to his jurisdiction.

No. XCII.

LETTER from T. HYDE VILLIERS, Esq., referred to in the Letter from the CHAIRMAN and DEPUTY CHAIRMAN of the 10th July 1832.

SIR:

India Board, 18th July 1832.

With reference to Mr. Grant's letter of the 12th ultimo to the Chairman and Deputy Chairman, respecting the state of the Ecclesiastical Establishment in India, I am directed by the Commissioners for the Affairs of India to acquaint

No.
XCI.

Memorandum by
the Rt. Hon.
Charles Grant,
12 June 1832.

No.
XCII.

Letter from
T. Hyde Villiers,
Esq.,
18 July 1832.

No.
XCII.

Letter from
T. Hyde Villiers,
Esq.,
18 July 1832.

acquaint you, for the information of the Court of Directors, that it has been deemed expedient to defer till a future opportunity the further consideration of the arrangement suggested in that letter.

I am, Sir,

Your most obedient humble servant,

(Signed) T. HYDE VILLIERS.

Peter Auber, Esq.
&c. &c. &c.

No. XCIII.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 5th June 1833.

The Court resolved itself into a Committee of the Whole Court for the purpose of considering the Draft of a Letter which the Chairman stated it was his intention to submit to the Right Honourable Charles Grant, on the subject of the commercial contracts and engagements into which, following usual practice, the Company would enter previously to April next.

No. XCIII.

Secret Court,
5 June 1833.

No. XCIV.

AT A

SECRET COMMITTEE OF THE WHOLE COURT,

Held on Wednesday, the 5th June 1833.

The Chairman submitted the Draft of a proposed Letter to the Right Honourable Charles Grant, inviting the particular attention of His Majesty's Ministers to the predicament in which the Company, by the present peculiar posture of their affairs, are placed, with regard to commercial contracts and engagements into which, following usual practice, they would enter previously to April next, and soliciting a communication of the opinions and wishes of His Majesty's Ministers upon the question, whether the Company should decline to enter into any fresh commercial contracts, or should continue to make them until April 1834.

No. XCIV.

Secret Committee
of the Whole Court,
5 June 1833.

The said Draft of a Letter was read, and the further consideration thereof adjourned.

No. XCV.

AT A

SECRET COMMITTEE OF THE WHOLE COURT,

Held on Wednesday, the 12th June 1833.

No. XCV.

Secret Committee
of the Whole Court,
2 June 1833.

The Draft of a proposed Letter to the Right Honourable Charles Grant, respecting the commercial contracts and engagements of the Company, which was submitted by the Chairman on the 5th instant, was read and approved.

No. XCVI.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 12th June 1833.

No. XCVI.

Secret Court,
12 June 1833.

The Chairman submitted the Draft of a Letter to the Right Honourable Charles Grant, which had been agreed to in the Committee of the Whole Court, inviting the particular attention of His Majesty's Ministers to the predicament in which the Company are placed, with regard to commercial contracts and engagements into which, following usual practice, they would enter previously to April next, and soliciting a communication of the opinions and wishes of His Majesty's Ministers upon the question, whether the Company should decline to enter into any fresh commercial contracts, or should continue to make them until April 1834; whereupon

The said Draft of a Letter was read, and, on the question, approved.

No. XCVII.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

East-India House, 12th June 1833.

SIR :

We are requested by the Court of Directors of the East-India Company to invite your particular attention, and that of the rest of His Majesty's Ministers, to the situation in which the Company, by the present peculiar state of their affairs, are placed, with regard to commercial contracts and engagements into which, following usual practice, they would enter previously to April next.

We allude to contracts with manufacturers in England for the supply of cloths for the China market; to contracts for the delivery in India of silk and other articles for exportation to Europe, and of cotton for exportation to China; and to contracts with the Tea merchants in China, for the usual supply of Tea for the London market.

If, previously to the Public's taking place of the Company in the trade, the Company decline to enter into their usual engagements, it may be apprehended that manufacturers will fall into distress, natives of India be thrown out of employ, and the markets abroad greatly deranged: but, upon the other hand, if the Company pursue their usual course, the difficulty of speedily closing their commercial concerns may be increased, and the impediments to the early operation of a free trade with China, which the Company's large stock of tea on hand presents, be aggravated.

In these peculiar circumstances, the Court feel that it is their duty to seek a communication of the opinions and wishes of His Majesty's Ministers upon the question, whether the Company should decline to enter into any fresh commercial contracts, or should continue to make them.

We have only to add, that the Court feel no other interest in the decision of this question, than that which arises from consideration towards individuals and the Public, and from a sincere desire that, in the event of the adoption of the Government plan with regard to the Company, no fresh difficulty should be opposed to its operation.

We have the honour to be, &c.

(Signed) C. MARJORIBANKS,

W. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. XCVII.

Letter to
the Right. Hon.
Charles Grant,
12 June 1833.

No. XCVIII.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 5th July 1833.

No. XCVIII.

—
Court of
Directors,
5 July 1833.

HENRY ST. GEORGE TUCKER, Esq.

and.

RICHARD JENKINS, Esq.

Members of the Court, severally delivered in their Dissents from the Court's Resolution of the 1st instant, approving the Draft of a Letter to the Right Honourable Charles Grant, in reply to his letters of the 24th and 26th ultimo, which relate to the summary of the principal provisions of the proposed Bill respecting the Company's Charter; which Dissents were read.

No. XCIX.

DISSENT by HENRY ST. GEORGE TUCKER, Esq.

No. XCIX.

—
Mr. Tucker's
Dissent,
2 July 1833.

I concur very generally in the opinions expressed in the Draft of the Letter to Mr. Grant proposed by the Chairs; but as, upon particular points, my views differ from those adopted by my colleagues, I think it necessary to offer some explanations: and indeed, on an occasion of such deep interest to us, it appears to me desirable that the Members of the Court should record their individual sentiments. I must premise some remarks, by way of apology for not taking that comprehensive view of the questions at issue which their importance demands.

It was only on Tuesday last that the President of the Board of Commissioners for the Affairs of India was pleased, for the first time, to favour the Court with a Summary of the provisions intended to be introduced into the Bill for the future administration of British India. But even this Summary
does

does not profess to convey full information with respect to the Bill in question; it relates chiefly to the organization of the Governments abroad, and we are still ignorant of the nature and extent of any intended changes in the constitution of the Home Authorities.

The Court had also laid before it, for the first time, the Minutes of the Governor General of India and of the Members of the Supreme Government on questions relating to the future organization of the local Governments. These documents were recorded and transmitted to England in 1830 and 1831; and why they have been so long withheld from the Court it is not easy to discover. The questions which they embrace are of such importance, that our time could not have been more usefully employed than in weighing the opinions, and in examining the projects, which have been brought under discussion. Circumstanced as we are, we must now make up our minds, after such reflection as a few days or hours may enable us to bestow upon questions which the ablest and boldest statesman would scarcely approach without some degree of hesitation. I acknowledge my own incompetency to pronounce confidently upon the projected changes; and although, upon particular points, my opinions have been long formed, I could have wished to have had time and opportunity allowed me to consult higher authority, and to obtain for those opinions the sanction of wiser men.

The propositions of the Indian Minister appear to me to involve an entire change in the frame and constitution of the Indian Government, and I cannot contemplate such a change without serious misgivings.

To the proposition of Mr. Grant for the formation of a fourth Presidency I have not the smallest objection; on the contrary, the Board of Commissioners of which I was a member, in their report to the Supreme Government of the 13th April 1808, were induced to recommend "that a more efficient authority be established in the Ceded and Conquered Provinces;" and the grounds for this recommendation, far from being weakened, have acquired force from the extension of our territory and connections, and from the unsettled state of our Western Provinces and the adjoining country of Oude.

I consider the imperial city of *Agra* to be particularly well adapted for the seat of the new Government. Situated on the Jumna, it has, to some extent, the advantage of river navigation; it has a fortress for the protection of our treasure and archives; it is sufficiently near to Delhi, to Bhurtpore, Gwalior, Rajpootana, and other points which must always be observed with care and vigilance; and it is not only centrally placed with reference to the territory

likely

No. XCIX.

Mr. Tucker's
Dissent,
2 July 1833.

No. XCIX. likely to be assigned to the new Presidency, but it occupies an intermediate and convenient station between Calcutta and Bombay: it is also near the principal stations of the Bengal army, Muttra, Meerut, &c.

Mr. Tucker's
Dissent,
2 July 1833.

But upon the constitution of this and the other subordinate Presidencies I differ widely from the views entertained by the President of the Board, whose proposition goes to degrade them into mere lieutenancies, stripped of a Council and deprived of all independent authority, the supreme Government being invested, to use the words of Mr. Grant, with "a *precedent* and " *preventive*, in place of a *subsequent* and *corrective* control." What functions of government are these lieutenants intended to exercise? We are told that they are to have a Council of " *Secretaries* ;" but are these ministerial officers to deliberate and vote under a direct responsibility? And are they to be remunerated with salaries equal to those which have hitherto been received by the Members of Government? If so, there is only a change of *name*, and the executive duties of the Secretary will soon, no doubt, be consigned to some inferior officer. If they are not to be deliberative and responsible functionaries, in what situation will not the Government be placed? Some man of rank will be appointed Governor or Lieutenant Governor who has never seen any thing of India, who is unacquainted with the languages, manners, and feelings of the people, and who must depend upon the advice of an irresponsible Secretary for conducting all the affairs of his Government. The Members of Council are not only qualified in general, by their knowledge and experience, to give wholesome advice to the new Governor, but they are a constant check upon him, and by recording their minutes, when a difference of opinion occurs, the Home Authorities are enabled to form a more correct judgment on the merits of every case which may be brought under their notice.

I see no objection to the Supreme Government being invested with a general power of restraint on the public expenditure at the subordinate Presidencies; and it may be useful that the Regulations framed at those Presidencies should be submitted for sanction to the superior authority, in order that *uniformity in the general principles of legislation* may be preserved: but I am by no means of opinion, that legislation should vest entirely and exclusively in the Supreme Government. It appears to me that laws should be adapted to the state of the particular society, and the local administration must certainly be best qualified to judge of the wants of the community over which it presides. Absolute uniformity in legislation is neither necessary nor desirable; nor per-
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haps practicable. Nothing can be more dissimilar than the character and habits of different classes of the population of India, and no assumption could be more fallacious, than that the same laws would answer equally well for them all. The natives of Bengal Proper bear no resemblance to the inhabitants of Upper Hindostan; and although I cannot speak from the same personal knowledge, I have reason to believe that the Mahrattas of the Deccan, and the Nairs, Mopilas, and other inhabitants of the Peninsula, are distinguished in a remarkable manner from both. Why is it that the Regulations of 1795 for Benares have been found more suitable and easy of execution than other parts of our code? Simply because the Benares Regulations were drafted on the spot, upon an accurate knowledge of the condition and wants of the particular society. I contend then, that the power of legislation should be continued in the subordinate Governments, although I do not object to their being required to submit their Regulations for revision and for the ultimate sanction of the Supreme Authority in India.

I am of opinion that the seat of the Supreme Government should be fixed in Calcutta; and I could assign many reasons for this opinion, in opposition to that of Lord William Bentinck (who prefers "Allahabad,") if the question were still open for consideration. The provinces, from Benares* eastward, including Arracan and the settlements on the coast of Tenasserim, would constitute, I think, the proper limits of the superior Presidency; and as these provinces have, with the exception of our late acquisitions from the Burmese, been long settled, the superintendence of their internal affairs would not impose upon the Supreme Government any very onerous duties, or interfere materially with the exercise of a general control over the other Presidencies. The chief functions of the Governor General in Council will, no doubt, be legislative and political, with a general superintendence; but it appears to me by no means advisable to divest the Supreme Government of the immediate management of a particular territory. This sort of abstraction would separate it too much from the people, and remove it too far from the sphere of their internal concerns. One great evil incidental to our rule is, that the Governors of India can rarely become acquainted with the people over whom they are placed.

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* There would be a convenience in this division on financial considerations. The Furrukabad rupee is the currency of the Upper Provinces, from Benares westward; the Calcutta sicca rupee alone circulates in the Lower Provinces east of Benares.

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The projected change in the construction of the Supreme Government appears to me to call for the most serious consideration:

It is to be composed of *seven* Members instead of *four*, the present number, and the Councillors are to be appointed "by the Court, *with the approbation of the King*," instead of being selected, as at present, by the Court, without any interference on the part of His Majesty's Ministers.

For the proposed addition of three Members I can perceive no sufficient reason, even if no objection occurred on the ground of expense. With one hand we take away the Councillors from the subordinate Presidencies, and with the other add (unnecessarily, as I think) to the apparatus of the Supreme Government.

If it be intended to take the three additional Councillors from the service of the Subordinate Presidencies, we shall remove them from the spot where their knowledge and experience are likely to be most useful, and we shall bring them to a quarter where they will find a different state of things, and where even the languages which they have acquired will not enable them to communicate with the people.

If it be proposed, by means of this extended apparatus, to carry on in Calcutta all the details of administration, from Cape Comorin to the Himalaya mountains, and from the borders of China to the Indus, then, I say, the project is visionary and impracticable. The machine will be overloaded and will not move, the responsibility will be divided between the Supreme Government and its Lieutenants. The latter, divested of all independent authority, must dwindle into insignificance; or if, when differences occur, an appeal is to be made to the Home Authorities, the decision in the last resort must either weaken the influence of the controlling power, or become altogether nugatory. The plan, in truth, appears to me to place the Supreme Government in the position which the Home Authorities at present occupy; but as it is not intended, I presume, to withdraw their superintendence, an intermediate process of revision will have been superadded; and if it be required that the Subordinate Governments should send home their proceedings, and that the Superior Government should also transmit its correspondence, containing the revision of those proceedings, the public business will be increased in a degree likely to produce the greatest embarrassment.

I am quite aware that much of the good which has been done in India has been effected by the local Government, and much ought at all times to be left to its discretion; but I cannot think that the check of the Home Authorities

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ties is without its use, or that it can ever be safely dispensed with. I would strengthen the political power of the Supreme Government to the utmost; nor can it well be armed with an authority too absolute over Europeans resorting to India: but I cannot perceive any necessity for withdrawing from the Subordinate Presidencies the free and independent exercise of all the administrative functions of Government, whether revenue, judicial, military, commercial, or even legislative.

I apprehend, however, that in adding three Members to the Supreme Council, it may be proposed to introduce some of the Judges of the King's Courts or political partisans from this country, or perhaps some eminent Native of India. Such projects have been contemplated, and have been advocated by particular individuals; but I consider them to be open to the most formidable objections. As, however, they have not yet been put forth in any tangible shape, I shall reserve myself until they be officially announced in a manner which may enable me to deal with them.

But I must observe upon the proposal to subject the appointment of "Councillors to the approbation of the King," or, in other words, to transfer the patronage to His Majesty's Ministers. The best security which we possess at present for good government in India, depends upon the judicious exercise of the power to select from the service at large the Members of Council at the different Presidencies. We do not exercise the same independent power in appointing the Governors of India: His Majesty's Ministers must, for obvious reasons, be parties to such appointments. These high functionaries have generally been political characters of distinction connected with the administration, and they must possess the confidence of the National Government; but the Court of Directors are better acquainted with the merits and pretensions of their own servants, and it is of importance that the whole service should look up to them for protection and advancement. The high station of a Member of Council is looked to as the reward of distinguished service, and it operates as the great stimulus to exertion; but if His Majesty's Ministers be allowed to appoint their own partisans, or individuals not connected with the service, this fair and legitimate object of ambition is at once removed, and those motives and feelings which have heretofore produced such devotion to the public service will necessarily be weakened if not extinguished.

The proposal to extend the legislative powers of the Supreme Government so far as to embrace objects connected with His Majesty's Courts, appears to me most salutary and expedient. It cannot, I presume, be intended to em-

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power the local Government to legislate in contravention of the laws of England, but it is quite necessary to render British subjects amenable to the jurisdiction of the courts within which they may choose to reside; and although it could never be proposed to apply to them the Hindoo or Mahomedan law, they cannot justly complain of being restrained by regulations which, with a view to the public good, may place in abeyance for a time the rights and privileges which they might enjoy in their own country. The local Governments cannot, I think, be too strongly armed with a repressive power over Europeans, and it is extremely desirable, also, that the Governor General in Council should be empowered to regulate and circumscribe the jurisdiction of the King's Courts. These Courts have exercised a useful function in overawing Europeans, and in protecting the natives against their violence and extortion: and had their powers been confined to this most important object, they would have proved a blessing to the country; but they have stretched their jurisdiction beyond all bounds, and they have become the source of evil to the Natives, far more grievous, I fear, than that which they were intended to repress. I do not, however, possess that professional knowledge which might qualify me to point out the best means of effectuating the necessary reform in the constitution of the King's Courts in India; nor have we yet a clear view of the intentions of the Indian Minister on the subject.

I cannot perceive the advantage of legislating in this country for the abolition of slavery in India;* for if it be necessary or expedient to make so great a change in the state of society in that country, it can be done most safely by the local legislature. Domestic slavery exists in Bengal; but the slave or bondman is in reality a *servant*, who sometimes occupies a station of trust, and even of influence. Abyssinian slaves have at different times been introduced in small numbers in Arab ships, and they are much prized by the more opulent Mahomedans; but the existence of slavery may be traced chiefly to those famines with which India has unhappily been visited. The parent, during these seasons of distress, is willing to part with his child for food, to prolong the existence of both, and the child becomes domesticated in the family of the purchaser. The Natives are not severe masters; but although

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* Mr. Grant's words are: "Slavery, after a specified period, to be abolished." By the Bill which has just been received the abolition takes place *absolutely* in April 1837, and no provision is made for indemnification.

we see little of what passes in their household, and although cases of maltreatment of the slave have, in the course of my own experience, been judicially established, I consider it an act of justice to the people to express my belief that such instances are rare, and that when they do occur, they are not likely to obtain impunity under our existing laws. Predial slavery exists on the Malabar coast, and in some other parts of the country with which I am not sufficiently acquainted to be enabled to pronounce upon its effects. But we must not forget, that slavery is expressly recognized and regulated by the Mahomedan law;* that it has been long tolerated by our Government, and that it has existed in India from time immemorial. Considering, then, that we have by the most formal enactments guaranteed to our native subjects their laws, usages, properties, and rights, we surely ought to pause before we proceed peremptorily to supersede a state of things which the people may regard as part of the compact subsisting between them and their rulers. If it be intended only to allow the slave to claim manumission whenever maltreatment can be established, the natives would, I think, submit to such an enactment;† for they will have little reason to apprehend that the slave will often avail himself of the means of obtaining his freedom. If, on the other hand, slavery is to be denounced and authoritatively put an end to, a great change will be produced in the state of society, the feelings of the people will be highly excited, and our Government will be considered to act in a very unjust and arbitrary manner. Who, let me ask, is to be charged with the care and maintenance of the infant slave, or of those who are old and infirm and incapable of work? And in other cases, where the services of the slave are of value, is it proposed to grant a *pecuniary indemnification* to the master? If not, on what principle do we proceed in forcibly depriving a Mahomedan of that which he has acquired and held under the sanction of his law and his

* See Hamilton's "Hedaya." The various questions relating to slavery are treated at great length in that work. Slavery is also recognized by the Hindu law. Menu says, ch. 8. sec. 415, "There are servants of seven sorts: one made captive under a standard or in battle; one maintained in consideration of service; one born of a female slave in the house; one sold, or given, or inherited from ancestors; and one enslaved by way of punishment on his inability to pay a large fine."

† Even an enactment to this effect must, however, be framed with great caution and delicacy. An Afghan would proceed to the most desperate extremities if an attempt were made to violate his *Zunana* by releasing a female slave. Are we prepared, moreover, forcibly to emancipate the slaves of our *Soubadars* and other native officers, and without an indemnification?

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his religion? It cannot be urged, I imagine, that the slave in India enjoys no civil rights, or that he is excluded from the protection of the law, or that his condition, physical or moral, is worse than that of our infant manufacturers or our paupers, upon whom neither the loom nor the land can bestow more than a bare subsistence. If it were wise to legislate upon theoretical evils, it is still unsafe to frame laws in this country for the people of India, without knowing how far they will harmonize with the feelings, habits, and usages of those for whose benefit they are intended, and whose hostility may render them inoperative. If slavery, as existing in India, be attended with real evil either to the individual or to the community, it will be quite competent to the local legislature to apply the appropriate remedy; but I strongly deprecate the idea of any premature declaration by Parliament requiring its peremptory abolition. Such an enactment may be very grateful to the feelings of the philanthropist, and may produce a momentary popularity; but let us not legislate in ignorance, and let us have some regard for the feelings and the interests of the people who are expected to obey our laws.

On the proposition to grant Europeans a general permission to hold lands in India I have already recorded my sentiments, in a Dissent bearing date the 13th July 1829, to which I must beg to refer, observing only that my opinions on this subject remain unaltered. The lands to be held on lease are, it appears, to be treated as "chattels," which houses and grounds possessed by Europeans at the different Presidencies are now, I believe, declared to be by law; but although this provision may facilitate the sale and conveyance of such tenures, the location of Europeans generally upon the lands of India must tend gradually to the supersession of the native landholders, and may lead ultimately to consequences affecting the peace of the country and the stability of our dominion.

I doubt the necessity or expediency of appointing a Commission to enquire into the administration of the existing Laws, with a view to the introduction of greater uniformity in our Judicial system. I have already observed, that there is a great diversity in the habits, usages, and religious tenets of our native subjects in different parts of the country; and although uniformity in the general principles of legislation is highly desirable, it appears to me neither wise nor practicable to apply the same rules and regulations indiscriminately to all classes of our people. The local Governments ought to be most competent to judge of their wants, and of the nature of the laws which will be most suitable to them. The expense of the proposed Commission would constitute

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a very great objection to it, and I am not without apprehension that it is intended to commit the enquiry to English lawyers. Now to this project I have a decided objection. The natives of India, although abundantly acute, ought to have a plain, simple, intelligible code, divested as much as possible of technicalities; and our object should be, to keep as closely as possible to their ancient usages, to which they have been long familiarised, and to which they are attached. Our Acts of Parliament are so encumbered with a peculiar phraseology, that they are scarcely intelligible to any but professional men; and even lawyers of the greatest eminence† are found frequently to differ in their construction of them. We attempted too much, I fear, in the Code of 1793, to imitate the cumbrous and perplexed language of our statutes; and we introduced forms, after the same model, which have the effect of swelling our proceedings, of creating difficulty and delay, and of subjecting all litigants to a heavy expense. It may also be apprehended that advantage is taken of our formal processes, our subtle distinctions and ingenious refinements and devices, to shelter fraud and to cover corrupt evidence; and it cannot be doubted that the Natives who have been most in the habit of frequenting the King's Courts, are among the most worthless of the community. English lawyers repair to India at too late a period of life to acquire a general and correct knowledge of the languages; and the consequence is, that they rarely become intimately acquainted with the people. Even the illustrious Sir William Jones, all accomplished as he was as an Oriental scholar, never acquired the vernacular tongue (the Hindoostani), and he was compelled to use an interpreter to communicate with the people through the medium of the Persian or Shanscrit, the one a foreign, the other a dead language.‡ These observations may appear out of place; but while I admit that precision in language is highly essential in all legislative enactments, and while I also freely acknowledge that English lawyers usually receive a more finished education than our own servants, and that they possess a more extensive and accurate knowledge of those great principles

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* I have had a slight acquaintance with three of the languages of India, and I should say that it is scarcely possible to translate the barbarous jargon of our statutes into a language which would be intelligible to the natives of that country.

† Contrast, for instance, the opinions delivered in the Hyderabad case by Lord Lyndhurst, Mr. Justice Bosanquet, and the late Lord Gifford, with those subsequently submitted to the House of Lords by the Twelve Judges.

‡ I speak from personal knowledge, as I had the honour of being "Clerk" to Sir William, an honour to which, at this day, I look back with pride.

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which form the basis of all good laws, yet I must strongly and earnestly deprecate the introduction of English law among our native subjects, in supercession of their own laws, usages, and institutions. Scotland, although so long and so closely connected with us, has retained its own laws and institutions, which it would not willingly exchange for our judicial machinery. We, as Englishmen, may have an impression in favour of the superiority and perfection of our own laws (to which, nevertheless, no wise or good man ever willingly appeals); but the King's Courts in India are unquestionably to the Natives in the interior the objects of terror and aversion.

The letter to Mr. Grant insists strongly on the expense which will attend the establishment of a fourth Government at *Agra*; but I wish that we had urged this objection more forcibly in bar to the appointment of a Law Commission, and to the addition of three new Members to the Supreme Government, at an expense of 3,00,000 rupees or £30,000 per annum. The one appears to me to be necessary, the other to be uncalled for and objectionable.

Mr. Grant seems to think that, by striking off the Council at the Subordinate Presidencies, the dispatch of public business will be facilitated; but is it likely then to be promoted by increasing the Members of the Superior Government? These functionaries do not divide the business among them: they read the correspondence, deliberate, scrutinise each other's opinions, and write minutes: but is it not apparent that this process for arriving at a decision may be embarrassed and impeded by increasing the number of the deliberating body? I am aware that the argument against the proposed increase may be used in *favour of reducing the number of our own Court*, but that question stands upon different and very peculiar grounds.

I have taken a cursory review of the public establishments in our Western Provinces, and I am disposed to think that the new Presidency of *Agra* may be formed without any material addition to the public expenditure. Some of the Political Residencies in the neighbourhood will become less necessary, and the charge may be saved altogether or be greatly reduced. The same number of servants which compose the Bengal Civil Establishment will be ample for both Presidencies, and the division may be effected, not only without difficulty or inconvenience, but with great advantage. At present the public servants are liable to be removed from the southern extremity of Bengal to the remote districts of Hindoostan, a distance of twelve or fifteen hundred miles; and after having acquired experience in one part of the country, the course of promotion may translate them to another with which they are wholly unacquainted.

quainted. The Bengal language scarcely extends as far as the eastern border of Bahar, and is absolutely useless in the Western Provinces; and there is not a greater difference between the Italian and the native of Holland, than exists between the Bengallee and the martial race of Upper Hindoostan. It is not desirable that both should be ruled in the same manner, and by the same instruments; and I have observed that our civilians who have been much employed in one part of our territory, find themselves greatly at a loss when removed to stations where the people, the service, and the language are all very different.

I venture to submit the following sketch of the salaries and establishment which would, I think, be suitable and sufficient for the proposed Government of *Agra*; and it appears to me that the expense may, in part at least, be provided for by reductions in other quarters.

Salary of Governor	Rs. 1,00,000
Do. of two Councillors, at Rs. 60,000 each	1,20,000
Secretary	36,000
Two Assistant Secretaries	36,000
Clerks and inferior officers	50,000
Houses, office charges, and contingencies	50,000
	Per Annum, Rupees 3,92,000

I will not venture to offer an opinion on the Military branch of the question, which will be much better treated by my professional colleagues; but I concur in the remark of Lord Dalhousie, that a Commander-in-chief should be stationed with his army; and I may add, from an official attendance of ten or twelve years on the Supreme Council, that the services of that officer are not required to aid in conducting the civil business of the Government.

I regret very much, that it should be thought necessary to add two Suffragan Bishops to our Ecclesiastical Establishment, while their flock is so small and the clergy to be superintended so limited. I am no proper judge of the duties of a Prelate, or of the extent of his correspondence; but I do know that the evils of the climate, and the difficulty, fatigue, and inconvenience of travelling in India, have been sadly exaggerated.

I am not quite sure that I understand Mr. Grant's intentions with respect to the mode of nominating to the Civil Service. If it be proposed that each Director in turn should nominate four candidates; from whom the one found

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best qualified on examination is to be selected and sent to Haileybury, the intention (which is, I presume, to open competition) may be easily defeated. If the four are to be educated for the particular service, while only one can enter it, no prudent parent will incur a heavy expense, misapply the time of his child in acquiring that which will be of no use in any other profession, and subject that child to the discredit of being ultimately rejected, when the chances of success will be so much against him. It would be better at once to raise the standard or test on the first preliminary examination, and to reject peremptorily all those who may not reach it; but let me observe here, that there is a disposition to attach too much importance to talent and literary attainments. No person can place a higher value on education than I do, and no person can more highly appreciate talents; but some of the best educated of our service, from the absence of regular habits, have been found amongst its least efficient members. Moral conduct, diligence, application to business, steadiness, temper, prudence, and firmness of purpose in pursuing an upright course, are of far more consequence to the Natives of India, and of more real use to the public service, than the possession of genius of the highest order. We have work of various kinds and qualities for our servants, some requiring a finer instrument, and some to which a coarser is sufficiently well adapted; and in so large a body, a fair proportion of the former will generally be found to supply the public exigencies. We cannot impose too strict a test on moral conduct in a service which is exposed to such temptation, but we may exclude worthy and excellent members by aiming at too high a standard of perfection.

I have brought together these hasty remarks with little time for reflection and arrangement; but as some of the questions have been long familiar to my mind, it has appeared to me that I should be wanting in duty to the Court, to the Board, and to my Constitutents, if I did not submit them, as I now respectfully do, to their consideration.

(Signed) H. ST. G. TUCKER.

East-India House,
2d July 1833.

No. C.

DISSENT by RICHARD JENKINS, Esq.

The letter to the President of the Board of Control, which passed the Court on Monday last, contains an answer to that gentleman's letters of the 24th and 26th instant, the former enclosing a Summary of such of the principal provisions of the proposed Bill as relate to the construction of the Indian Governments, to the state of the law in India, to the admission of Europeans into that country, and to the condition of the Natives.

Concurring, as I do, in the general views and sentiments contained in that letter, yet seeing reason to differ from some parts of it, and to regret in others certain omissions on subjects in my judgment of great importance, I deem it my duty to record the following dissent. In the course of it, I shall take the liberty of offering my own individual impressions on the subject-matter of our recent correspondence, hoping that in some things I may be able to forward a more correct and practical consideration than seems to me to prevail on the whole question.

In the outset I must express my individual sense of the undue position in which this Court is placed, in consequence of the documents recently printed having been so long withholden from them, and of the disjointed, and as I may term it, *ex post facto* mode in which they have been called upon to deliberate upon the important changes in the Indian administration, which the Indian Minister has apparently grounded upon them.

Under such circumstances, instead of yielding to them, and allowing ourselves to be drawn into a discussion upon the imperfect materials before us, whilst we had the Bill itself upon our table, I could have wished that the present letter had not been sent. Instead of it I should have preferred addressing a remonstrance to the President, in the first instance, against proceeding with the matters developed in the Summary during the present session; and instead of leaving certain parts of them open to future arrangement between the Board and the Court, to render discussion between the two Authorities *precedent*, and not *subsequent* to the indication of any opinion, on the part of the Legislature, that any change in the local administration of India was desirable. This course not having been adopted, I proceed to consider the question as it stood before we had the Bill before us.

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The provisions of the Bill, as given in the Summary, involve very important changes in the constitution of the Government of India, and in the respective powers of the Supreme and Local Authorities, directed to the removal of certain inconveniences, real or supposed, in the existing system. We have, then, to consider whether all the changes proposed are necessary to obviate those inconveniences; whether a less degree of change would not be sufficient for the purpose; and whether evils of greater magnitude may not be expected to take the place of those which now beset us.

One of the evils which it is the aim of these changes to remedy is, the inadequacy of the Supreme Government to all the duties imposed upon it of a local and a general nature; the consequence being, that both classes of duties are imperfectly performed. In other words, the Bengal Presidency is considered to be worse governed than it might be, and the subordinate Presidencies left too much to themselves in matters of legislation, military arrangements, and expenditure.

To remedy the evil as it affects Bengal, it is proposed to divide it into two distinct Presidencies; one to be called the Presidency of Agra, the other that of Bengal. The details of the arrangement are no farther given, than that the Governor General is to be Governor of Bengal; Agra to be under a separate Governor without a Council.

This division of the Bengal Presidency has been long ago suggested by persons of high name, talent, and local knowledge; it is now backed by the recommendation of several great authorities in India. It is an obvious mode of lightening the labours of the Governor General, of ensuring a better government to both sections of the country, and of giving to the inhabitants of Upper Hindostan, in particular, an administration suited to their peculiar habits and institutions; an advantage of which they have been hitherto deprived, owing to the distance of the ruling authority, and to mismanagement arising from that and other causes. Of the probable expense of the change, we are told by Mr. Bayley that it may be seven or eight lacs of rupees per annum; which for real improvement, if it should so turn out, would, I agree with that gentleman and with Lord William Bentinck, be no great price to pay.

On the other hand, great weight ought to be attached to Lord William Bentinck's opinion of its inexpediency, for the various reasons which he assigns in his Minute recently laid before the Court of Directors; and indeed, as the President's plan provides that the civil and military services are to remain undivided,

undivided, though applicable to the administration of both Presidencies, I think it more a question of the transposition of public establishments than of the creation of a new Presidency.

Lord William Bentinck proposes Allahabad as the seat of the Supreme Government. In opposition to this opinion, though with great deference to so high an authority, I must consider Calcutta as the proper seat of a supreme authority emanating from a maritime power like Great Britain, and looking to her for support and for orders by sea. It is also, surely, a more convenient position from which to superintend and assist the other Presidencies and distant dependencies to the eastward, whilst the Ganges affords the same facility for communication with the great points of military and political danger in the north and west. The seat, too, of the Supreme Government ought to be in the most unassailable position, and that which would be the reserve point in extremity: such is Calcutta.

Allowing, at the same time, that Hindoostan is the scene of many of the most important transactions, revenue, military, and political, and that the working point, if it may be so called, of the Governor General ought, as it is at present, to be there during certain periods of the year, it should still, I think, be directly a branch of his administration as Governor in Council of Bengal and Agra. Nevertheless, I should see considerable advantage in having a Lieutenant Governor or Resident in charge of the Upper Provinces, on the footing of Mr. Elphinstone when Chief Commissioner in the Deccan.

With regard to the powers of the Supreme Government, I am happy to observe that the President does not propose to deprive it of local materials to employ its activity upon; but though agreeing with Lord William Bentinck in this respect, rather than with his Lordship's Colleagues and the Finance Committee, the President still intended to vest in that Government the direct rule of the empire, or in the words of the Summary, "a more defined and efficient control over the others, and that it shall, for this purpose, have a precedent and preventive, in place of a subsequent and corrective control. No laws to be passed, and no expense to be incurred, by the other Presidencies, without the previous sanction of the Supreme Government, subject, as to laws, to the approbation of the Crown."

With regard to laws being passed, as the Bill contemplates no Council at Subordinate Presidencies, I should have presumed that this circumstance alone would have indicated the deprivation of legislative powers. However, in this respect, and in matters involving large expenditure not previously sanctioned

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by the Court of Directors, I am inclined to admit the advantage of a defined obligation on the part of the Subordinate Governments, to *obey the orders* of the Supreme Government; but I cannot join in the opinion, that such control should be otherwise exercised in general than in the enforcement or suspension of orders from home, for otherwise either the Home Authorities would be superseded, or their means of control rendered so unsatisfactory and remote in point of time, as to be nugatory.

I do not quite concur in the arguments used by the Court against vesting the Governor General in Council with the power of controlling the expenditure of the Subordinate Presidencies founded upon the past extravagance of that authority. The President's new Supreme Government is to be formed on a different principle, of defined responsibility for the acts of the Local Governments as well as its own. I perfectly agree, however, that the check from home on improper expense, whether of the Supreme or Local Governments, to be efficient must be applied directly and separately, as at present.

In matters of war and politics it is essential, in my opinion, that all local authority should be concentrated in the hands of the Supreme Government. I confess I am not aware of any great evils that have arisen from any want of control in the Supreme over the Subordinate Governments in these or other respects; and, if any have arisen, *the existing law** does not seem to have been in fault, as it confers upon the Governor General in Council ample authority for interference in every conceivable case. The policy hitherto pursued, however, has been, to have *one controlling power* for emergencies, and separate authorities for *ordinary circumstances*; and being satisfied that this is the true system of administration for a country of such vast extent, and so distant from the paramount state as India is, I should be sorry to see it materially infringed.

The maintenance, especially, of the principle of having a high and generally independent authority in every great division of the country, I consider to be indispensable for the just protection of all classes of our subjects, as well as for the due preservation of the dignity and power of the nation in the remotest parts of the empire. It is not less essential for the respectability and due treatment of our civil and military services, the maintenance, of their present distinctive characters, useful for keeping up a spirit of emulation, variety of talent and views, and I must add, as to the army, for ensuring a due attention

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* 33 Geo. III. cap. 52, sec. 40, 41, 44, 64.

to the national habits and usages of the troops, as well as a separation of interests and feelings, sufficient to prevent excitement becoming general or dangerous.

And here I cannot but refer to Mr. Elphinstone's opinion on the subject, in his letter to Mr. Hyde Villiers (given in the Political Appendix to the Report from the Select Committee of the House of Commons on East-India Affairs), as containing, in my judgment, *sound and practical* views, which, I am sorry, have not been allowed more weight in framing the Bill than has apparently been granted to them.

Again, the patronage of the chief appointments ought, I presume, to go with the responsibility which it is proposed to vest in the Governor-General. This, besides being a dangerous addition to the power and influence of that functionary, would go so much farther to deprive the *local Governors* of the consideration due to their station in the public esteem, as added to the proposed submission of the local armies to the authority of the Commander-in-chief in India, himself only subject to the orders of the Supreme Government, would tend to make those situations no longer objects of ambition to men of high rank and character.

Much, then, I must repeat, as I think it necessary to have a strong Supreme Government absolute, in times of danger, over every part of India, I yet cannot concur in giving powers for ordinary times, so great as it is proposed to give, to any one individual or select body. These powers would be efficient, in my opinion, in so vast an empire, for nothing but evil, whether they created an absolute dictatorship in the Governor General, by placing him above all control from this country, or at any rate able to render it nugatory, from being himself the sole reporter of his acts; or whether his power should be found on experience to be merely nominal, whilst the Local Governments being relieved from home control and that of local Councils, were left virtually unchecked, though subject to all the degradation, in the eyes of the communities over which they preside, of being stripped of the high prerogatives which their predecessors had wielded.

Whether, also, the Governors were servile or contumacious, whether they were deprived of all public spirit and zeal by feeling their dependence on the good-will of their subordinate functionaries appointed by the Governor General, and on that of the persons named to the proposed Supreme Council, formed, as I presume it would be, of Members from each Presidency who would have the ear of their great chief; or whether, on the other hand, they

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courted their superior's favour, by lending themselves to jobs for the benefit of their mutual friends, and to other compliances for private instead of public ends, I can see nothing in the plan but public danger and discredit. Under such a concentration of power in the Governor General, we might expect to see the practice of the Moghul times again established, when the real Governor remained at court to swell the pomp of the Emperor's train, at the expense of the subject provinces, at once a hostage for his own fidelity and the payment of his revenue, and for the fidelity and good conduct of his lieutenant, who carried on the government in his name.

The picture I have above drawn may appear to be overcharged, and I may be accused of inconsistency, in speculating at one time on the great powers given to the Governor General, and on the consequent eclipse of the Local Governments, at another on the inefficiency of the former and the unchecked authority of the latter. My meaning is, that if the Governor General could efficiently exercise the powers intended to be vested in him, he would be above all control from this country; if he could not, India would be a prey to all the evils of misgovernment. The Governor General would have the responsibility without the power, and the Local Governors, vested with irresponsible power without credit for good measures, and able to shift the blame of their bad ones on the paramount authority, might be expected to run into all the vices incident to such a position; whilst the Governor General, sensible of the false position in which he would find himself placed, might be led into situations derogatory to his high station, in order to keep up the semblance of his power, or really yield to the temptations which would beset him, from the absence of those checks which have hitherto been deemed essential in the system of Indian administration.

But it is further proposed to have no local Councils, "because the *Supreme Government will be strengthened.*" This may appear to leave the Governors *locally* more respectable though *more* strongly checked, in *theory* at least, from a distance. I must, however, think that even the *form* of administration by a Governor in Council is not a matter of indifference to keep the Government well with a European community, which will be likely to receive with jealousy and dislike the orders of a nominally powerless, but really absolute functionary. But more especially unless the plan contemplates appointing to the Local Governments none but men of local knowledge and experience, a Council is, in my opinion, indispensable, as well for enlightening the Governor as for arranging the public business for him; and to enable the Governor General

to exercise his control usefully and efficiently, it must be desirable to have the aid of the *opinions* of independent Members of the Government, appointed from home, rather than the *voices* of Secretaries, likely to be biased for or against the measures of the Governor, as their appointments might depend upon him or their common superior.

In answer to that part of the President's letter of the 27th June, in which he intimates his consent that the question, whether the Subordinate Governments shall or shall not have Councils, shall by the Bill be reserved for the future and deliberate decision of the Court and the Board, still, however, stating his opinion, that under the changes proposed, the functions of the Subordinate Governments will be performed no less satisfactorily, and certainly more economically, by a Governor acting singly than by a Governor in Council. It is stated: "to reserve to the Board and the Court the power of reducing the Councillors " at Madras and Bombay (unless indeed the concurrence of both authorities " be required) will, we submit, be tantamount to an adoption of the proposal, " since your opinion expressed in the Summary, and reiterated in your last " letter, is fixed in favour of the reduction." I objected, and still object to this passage in the letter, as liable to the imputation of a want of that courtesy towards the President of the Board, which I am sure it is the desire of the Court always to preserve, and as containing an argument which, if followed up, would leave it to be inferred, that the Court is placed, and has always been placed in a position, as one of the co-ordinate Members of the Home Government, rendering it utterly dependent upon the Board, which I deny it to be, either *in law or fact*.

But it appears to me, and I put it, though unsuccessfully, to the Committee, that we ought to have taken higher ground, and suggested to the President that in a matter of imperial policy, such as the constitution of the Government of India, the final decision on the subject ought to be reserved to the Legislature; and considering the late period at which this and other proposed changes have been brought forward, as well as that the necessity for such changes was not pressing, that they ought to form the ground of a separate Bill, allowing the other great questions of the trade, the political administration of India as far as relates to the Home Authorities, and the terms of the compromise, to be settled this session.

I cannot agree with those who think that the *immediate* settlement of every question connected with the Indian Government, abroad as well as at home, is to be considered an indispensable condition of our being able to recommend,

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or not, to the Proprietors to give effect to the plan, or that the compromise, of which the basis has been accepted, would be violated by future changes which may become necessary, or be thought by the Legislature to be necessary for the good administration of the empire, however inconsistent with the form of Government now fixed. I have my opinions very strongly, as to the impolicy and danger of the changes contemplated; but if, after full and mature deliberation, the Legislature shall decide upon sanctioning them, I should bow with submission to its wisdom, and, rely with confidence on the Company's interests being protected from any bad effects that might thence arise to India.

If the Local Councils are continued, as I trust they will be, I should rather prefer having no separate Supreme Council, either for legislation or administration. Where legislation, as in matters affecting Europeans and the authority of the King's Courts, might demand the agency of the highest authority, the Council of Bengal, aided by the Judges of the Supreme Court and those of the Sudder or the Chiefs of each, might act *pro hac vice* as a Supreme Legislative Council to the Governor General, also for other questions in which the solemnity of an order or declaration by the Governor General in Council would be proper. I am, however, at enmity with the principle of general legislation in the view of attempting uniformity in a code for the Natives of the different parts of India. The evils indeed complained of in the management of the Western Provinces of the Bengal Presidency, and of those of Madras, have in a considerable degree arisen from this attempt.

The Natives of the several Presidencies of India are, I conceive, as different in manners, usages, and feelings, in languages and institutions, as the inhabitants of the different kingdoms of Europe, and by leaving the powers of legislation, as at present, in the Local Governments, we do more justice to them, than we can possibly do by a generalizing system. On this subject I feel, *more strongly than is expressed in the Court's letter*, the impolicy of even *endeavouring* to eradicate the national distinctions existing between the Natives of our different Presidencies, and which, besides contributing to the happiness and well-being of the people themselves, are one *main ingredient* of our *strength*. If we could accomplish that uniformity in the laws so much talked of, which can only be operative through a similar uniformity in the manners and modes of thinking of all classes of our Indian subjects, we should not keep the country for a day. Moreover, I verily believe that, under our

• Regulation

Regulations as they now exist, but liable to be progressively amended according to the growing wants and wishes of the people, which must always be best known to the Local Governments and their officers, the Natives of India enjoy a system of protection for person and property, their rights, their religion, and even their prejudices, better suited to them, and less incumbered with technicalities and expenses, than the inhabitants of any part of the known world.

At the same time, there has been no want of attention on the part of the Indian Governments to maintain uniformity in the general spirit of the laws not affecting peculiar feelings or prejudices, and in the proceedings of the Courts and their officers in the administration of them. Those Governments have only been backward in attempting to force improvements. Some of those now proposed to be made subjects for legislation, I humbly think, might be more properly enforced on functionaries, as the *spirit* in which they ought to govern than as legal enactments. I allude to the admission of Natives to offices of trust and emolument, which is already acted upon; the abolition of distinctions from colour, religion, or birth, and eventually of slavery. The enactment of the two former provisions, it seems to me, would produce injury rather than benefit, by raising to the character of legal rights what should only be moral pretensions, allowable according to circumstances, on which the Local Governments alone can safely decide. I go *much further* than is expressed in the letter, in pronouncing the latter provision, however desirable the end to which it points, to be most *dangerous*, in the actual state of society in India, with reference to that branch of the national institutions; and, in fact, there is nothing in the situation of slaves in that country, which approaches at all to that of the same class in the West Indies.

In the exercise of the political and controlling powers of the Governor General, I should consider a Council rather a burthen than an assistance to him, placed as he must frequently be at a distance from it. He should, however, be assisted by Secretaries acquainted with the various interests he has to superintend, but to whose opinions he should only be bound to give the weight he might think due: and his responsibility should be absolute and personal, except where he might think proper to consult his Council of Bengal, or that of any Presidency at which he should happen to be residing.

The power proposed to be vested in the Governor General in Council to make laws relating to all persons, and binding to a certain extent on the Supreme Court, at first view would seem very desirable. Bound, however, as

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we are to conduct the Indian Government as much as possible on the principle of an *enlightened native state*, and to admit no *privileged caste* of our own countrymen to ride over our native subjects, in defiance of the Local Authorities, and acknowledging no superior but the King and his Court of Justice, I doubt whether, in practice, any local legislation could be rendered efficient or would work well.

Much, too, as I deprecate the existence of a power superior to the Government, and drawing the natives unwarily into the *net of laws* obnoxious and foreign to their habits and manners, I yet consider the independent existence of King's Courts, confined strictly in their jurisdiction to Europeans and *bond fide* inhabitants of the Presidencies, and to the servants of the Company, excluding the Members of Government, for illegal acts, to be a necessary consequence, and a proper memento to the Government of its subjection to the Crown of Great Britain, as well as a wholesome restraint upon its measures.

It is a pledge to all classes of His Majesty's subjects, placed under a delegated authority, that he is always present, and ready to listen to and redress grievances which the Local Government might otherwise be disposed to pass over, or be *suspected of overlooking*, in order to screen its own servants.

There is, however, nothing in the situation and circumstances, present or prospective, of Europeans in India, which could not at once be settled by an Act revising the present system; and whilst laying down the actual jurisdiction of the courts and the mode of bringing Europeans to justice in the provinces, without the necessity of forcing Natives to the expense of repairing perhaps a thousand miles to a Presidency, the legitimate independence on the Local Government of the King's Court, and the proper dignity of the Judges in their own eyes and in the eyes of the community, might be maintained. Whatever might be so enacted would command a cheerful obedience, both from them and from British subjects, which would be denied to acts of the Local Legislature.

This, too, would not be inconsistent with giving to the Governor General a power to stop an act of the Court which he might consider dangerous, pending the result of a reference to England.

According to my views, therefore, a Judicial Commission and a Supreme Legislative Council are unnecessary, as the main object of the former, *viz.*, the approach to uniformity in legislation, is not desirable; and that of the latter, *viz.*, legislation for King's Courts and Europeans on the one hand, and the subordinate Presidencies on the other, can be better performed by the Parliament

Parliament of Great Britain and by the Local Governments respectively, and does not require the creation of a new machinery for the purpose.

I cannot, moreover, agree in the propriety of not allowing deportation except by sentence of a court of law. By the supposition on which alone such an exertion of authority on the part of the Indian Government can be justified, it must be confined to flagrant cases, when the public safety would be endangered by allowing the individual to remain in India, and nothing could be more impolitic than to deny to the supreme power the means of its preservation. If deportation has been occasionally resorted to in past times on grounds of state necessity, I must be allowed to think that in future it is more than ever likely to be required, under the unlimited resort of Europeans to India, the attempts making to rouse the Natives to a sense of their political wrongs, and the likelihood of the trade of agitation becoming one of the most lucrative temptations to a certain class of writers to proceed to India, who, if acting with skill and dexterity, might set all India in a blaze, without the Government being able to obtain a conviction against them to authorize their removal from the country.

I have said nothing regarding the proposal for having one Commander-in-chief for all the armies, which, however, I think open to objections, similar in their nature to those which I have urged against the intended changes in the powers of the Supreme and Local Governments respectively, as well as to others of great moment, connected with the peculiar constitution of our Indian armies and the situation of our empire.

I shall only express a hope, in conclusion, that the opinions I have expressed, very strongly I will admit, may not be considered to be advanced in a dogmatical spirit, and my unfeigned confidence, that the discussions in Parliament on the momentous topics above referred to, by individuals who have themselves borne a part in the higher branches of the Indian Government, will terminate, whether in opposition to or in accordance with my opinions, in the manner best calculated to ensure good government to the people of India, and consequently the interests and reputation of this country and of the Company.

East-India House,
5th July 1833.

(Signed) R.D. JENKINS.

No. C.

Mr. Jenkins'
Dissent,
5 July 1833.

No. CI.

AT A

COURT OF DIRECTORS

Held on Tuesday the 9th July 1833.

No. CI.

Court of Directors,
9 July 1833.

A letter from the Committee of Commanders and Officers of the Company's Maritime Service, dated this day, requesting to be informed whether, in the event of the Bill now before Parliament passing into a law, the Court will be enabled to grant to any one of them compensation under Clause 6, there being in that clause no retrospective provision; being read,

Ordered, That the said letter be referred to the consideration of the Committee of Correspondence.

No. CII.

LETTER from the COMMITTEE of COMMANDERS and OFFICERS in
the Company's Maritime Service.

To the Honourable the Court of Directors of the East India Company.

HONOURABLE SIRS:

No. CII.

Letter from
Committee of
Commanders and
Officers,
9 July 1833.

We, the Committee of Commanders and Officers of your Maritime Service, beg leave most respectfully to address you on the following important point.

We are most anxious to ask, with all due submission, supposing the India Bill passes into a law as it now stands, in April 1834, most of your maritime servants being then at home, and not in active employment;

Whether your Honourable Court will be enabled to grant to any one of them compensation under Clause 6, there being in that clause no retrospective provision?

As the India Bill goes into Committee in a few days, after which no alteration

tion can take place, we respectfully but most earnestly entreat an early answer to this very serious question.

We have the honour to be,

Honourable Sirs,

Your most obedient humble servants,

(Signed)

ALEX. NAIRNE,
PATRICK H. BURT,
GEORGE PROBYN,
ROBERT LINDSAY,
HENRY GRIBBLE,
WM. YOUNGHUSBAND,
CHARLES S. TIMINS,
CLARENCE DALRYMPLE,
THOMAS BLAIR,
D. MARSHALL.

Committee Room, Jerusalem Coffee-House,
9th July 1833.

No. CII.

Letter from
Committee of
Commanders and
Officers,
9 July 1833.

No. CIII.

AT A.

COMMITTEE OF THE WHOLE COURT,

Held on Tuesday, the 9th July 1833.

The Chairman submitted the Draft of a Letter to the Right Honourable Charles Grant, stating, with reference to the letter which the Court addressed to him on the 12th ultimo, on the subject of the commercial contracts and engagements of the Company, and to which no reply has yet been received, that it is their intention to despatch the "Elizabeth" for China on Wednesday, the 17th instant, and that by that opportunity they will instruct the Supracargoes to provide Teas sufficient for the lading of the Company's own ships now at home, and of the other ships whose contracts are unexpired, unless the Court shall previously receive a communication from him opposed to that course of proceeding.

The same was read, and ordered to lie for consideration.

No. CIII.

Committee of
the Whole Court,
9 July 1833.

No. CIV.

AT A

COMMITTEE OF THE WHOLE COURT,

Held on Wednesday, the 10th July 1833.

No. CIV. The letter which was yesterday submitted by the Chairman to the Right Honourable Charles Grant, respecting the despatch of the ship Elizabeth for China, and the instructions to be sent by her to the Supracargoes, was read and approved.

Committee of
the Whole Court,
10 July 1833.

No. CV.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 10th July 1833.

No. CV. The Chairman from the Committee of the Whole Court submitted to the Court the Draft of a Letter to the Right Honourable Charles Grant, agreed to by the Committee, stating, with reference to the letter which the Court addressed to him on the 12th ultimo, respecting the Company's commercial contracts, &c., and to which no reply has yet been received, that it is intended to despatch the "Elizabeth" for China on the 17th instant, and that by that opportunity they will instruct the Supracargoes to provide Tonnage sufficient for the lading of the Company's own ships now at home, and of the other ships whose contracts are unexpired, unless the Court shall previously receive a communication from him opposed to that course of proceeding; whereupon The said Draft of a Letter was read and approved.

Court of Directors,
10 July 1833.

No. CVI.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

East-India House, 10th July 1833.

SIR:

In reference to the letter which we had the honour to address to you on the 12th ultimo, and to which we have not been favoured with a reply, we are requested by the Court of Directors of the East-India Company to acquaint you, that as the ship Elizabeth, which has been kept on demorage for some weeks, expressly with the expectation that the Court would be enabled to transmit instructions for the guidance of the Supracargoes at Canton, cannot with propriety be longer detained; the Court intend to dispatch her on Wednesday the 17th instant.

By that opportunity the Court will instruct the Supracargoes to enter into contracts in the ensuing season for the purchase of Teas sufficient for the lading of the Company's own ships now at home, and of the other ships whose contracts are unexpired, unless we should previously receive a communication from you opposed to that course of proceeding.

We have the honour to be, &c. &c.

(Signed) C. MARJORIBANKS.

WM. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CVII.

AT A

COMMITTEE OF CORRESPONDENCE.

Held on Wednesday, the 10th July 1833.

A letter from the Committee of Commanders and Officers of the Company's Maritime Service, dated the 9th instant, requesting to be informed whether,

in

No. CVI.

Letter to the
Rt. Hon.
Charles Grant,
10 July 1833.

No. CVII.

Committee
of Correspondence,
10 July 1833.

No. CVII. in the event of the India Bill being passed into a law, the Court will be enabled to grant to any one of them compensation under clause 6, there being in that clause no retrospective provision; being read,
 Committee
 of Correspondence,
 10 July 1833.

Draft of a letter to the Right Honourable Charles Grant at the India Board, transmitting a copy of the letter above-mentioned; and observing that, in the Court's judgment, the compensation clause should be sufficiently comprehensive to enable them to entertain claims from all persons now or lately employed by the Company in the commercial branch of their affairs, if the claimants can make out clearly and satisfactorily that they have individually sustained a pecuniary loss through the cessation of the Company's trade, was read and approved.

No. CVIII.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 10th July 1833.

No. CVIII. The Draft of a Letter to the Right Honourable Charles Grant, at the India Board, transmitting copy of a letter received from the Committee of Commanders and Officers of the Company's Maritime Service, and observing that, in the Court's judgment, the compensation clause should be sufficiently comprehensive to enable them to entertain claims from all persons now or lately employed by the Company in the commercial branch of their affairs, if the claimants can make out clearly and satisfactorily that they have individually sustained a pecuniary loss through the cessation of the Company's trade, was read and approved.
 Court of Directors,
 10 July 1833.

No. CIX.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

East-India House, 11th July 1833.

SIR:

We have the honour to transmit to you copy of a letter which the Court of Directors of the East-India Company have received from the Committee of Commanders and Officers of the Company's Maritime Service; respecting which the Court think it only necessary to observe, that in their judgment the compensation clause should be sufficiently comprehensive to enable them to entertain claims from all persons now or lately employed by the Company in the commercial branch of their affairs, if the claimants can make out clearly and satisfactorily that they have individually sustained a pecuniary loss through the cessation of the Company's trade.

We have the honour to be, &c.

The Right Honourable Charles Grant.
&c. &c. &c.

(Signed)

C. MARJORIBANKS,
W. WIGRAM.

No. CIX.

Letter to the
Rt. Hon.
Charles Grant,
11 July 1833.

No. CX.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 17th July 1833.

The Chairman adverting to the letter to the Right Honourable Charles Grant of the 12th ultimo, upon the subject of the Company's commercial contracts, laid before the Court a letter he had received from Mr. Grant, under date the 13th instant, which was read; recommending, as the opinion of His Majesty's Government, that the Company should not send any more ships to India or China, nor proceed with any more contracts in this country, nor send cotton from India to China, nor give orders for the provision or purchase of

No. CX.

Court of Directors,
17 July 1833.

No. CX. any more indigo, saltpetre, or silk piece-goods for the English market; explaining the views of the Government in regard to the disposal of the silk filatures, and the mode of selling the silk itself; and observing, that before any notification is made to the merchants here of the resolution to which the Court may come upon the latter point, he shall be glad to receive such remarks as they may consider it useful to offer.*

—
Court of Directors,
17 July 1833.

The Chairman then submitted to the Court the Draft of a proposed Letter to Mr. Grant, requesting to be informed whether it is the opinion of the King's Government that no contracts for the purchase of Tea by the Company should be entered into in China in the ensuing season, the last of their exclusive privilege; enquiring also, whether it is intended that the Court should supersede the intimation conveyed to Bengal in the Commercial dispatch of the 5th September last, of the intention to make purchases of indigo to the extent of about £300,000.

The said Draft of a Letter was then read and approved.†

The Chairman laid before the Court another letter from the Right Honourable Charles Grant, dated the 13th instant, stating that the observations and suggestions contained in the Chairman and Deputy Chairman's letters of the 2d and 10th instant upon the clauses of the Bill now in Parliament respecting the Company's Charter and the Episcopal Establishment in India, have engaged and continue to engage his serious attention, and that any further communication of the like nature which the Court may be pleased to make shall be duly weighed and considered by him during the progress of the Bill through its future stages; observing also, that the Law Officers of the Crown have been desired to communicate freely with the Law Officers of the Company; which letter was read.‡

The Chairman also laid before the Court a further letter from the Right Honourable Charles Grant, dated the 13th instant, which was likewise read, stating that, in compliance with the recommendation of the Court, the compensation clause of the East-India Bill has been altered, so as to admit the consideration of the claims of the Commanders and Officers of the Company's Commercial Maritime service.§

It was then, on a motion,

Resolved, That the said letters from Mr. Grant, now read, be referred to the consideration of a Committee of the Whole Court.

* See No. CXL

† See No. CXII.

‡ See No. CXIV.

§ See No. CXIII.

No. CXI.

LETTER from the Right Honourable CHARLES GRANT to the
CHAIRMAN and DEPUTY CHAIRMAN,

India Board, July 13th 1833.

GENTLEMEN:

I have to acknowledge the receipt of your letter of the 12th ultimo, calling the attention of His Majesty's Ministers to the situation in which the East-India Company are placed with regard to commercial contracts.

On a careful consideration of all the circumstances, it appears to the Government, as at present advised, desirable to bring the Company's commercial transactions to a close with all practicable expedition. With this view, I beg to recommend that the Company should not send any more ships to India or China, nor proceed with any more contracts in this country, nor send cotton from India to China, nor give orders for the provision or purchase of any more indigo, saltpetre, or silk piece goods for the English market.

With respect, however, to the silk filatures, great caution appears to be necessary. The virtual monopoly existing within the range of the Company's silk agencies must not suddenly be broken up: such a course might be injurious to the producers in India and to the consumers in this country. Unless, therefore, some unexpected occasion arise, it will probably be necessary to continue the purchase of silk at least for 1834; but there is no necessity for sending ships from this country to bring it home: freight for it may be taken up in India, or the silk itself may be sold there. The latter is the measure which His Majesty's Government would prefer, unless there shall be a failure in the demand at Calcutta, which they do not now anticipate.

The instructions to the Bengal Government should, I submit to you, be to take measures for the disposal of the factories with as much expedition as may be consistent with prudence;—that prudence being understood to refer less to the pecuniary gain or loss to the Company, than to the interests of the producers and the wants of the manufacturers in this country. Even should some loss be incurred, the silk-growers must not be suddenly deserted by the Company, unless there are capitalists ready to carry on the filatures. Till that happens, the Local Government must judge how far they may gradually diminish

No. CXI.

Letter from the
Rt. Hon.
Charles Grant,
13 July 1833.

No. CXI.

Letter from the
Rt. Hon.
Charles Grant,
13 July 1838.

their operations. The mode of dealing with the silk after it has been purchased must also be left to their discretion; but I request you to take into consideration, whether it may not be advisable to intimate immediately to the merchants here, that the Company's silk will be absolutely sold, if it can obtain any price exceeding prime cost and charges, or some fixed rate to be determined and notified by the Court.

Having thus made you acquainted with the opinion which His Majesty's Ministers have formed on the subject of your letter, I beg to add, that I shall be most happy to receive, before any notification is made of the resolution to which the Court may come, such remarks as it may appear to them useful to offer.

I have the honour to be, Gentlemen,

Your most obedient humble Servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. CXII.

LETTER from the Right Honourable CHARLES GRANT to the
CHAIRMAN and DEPUTY CHAIRMAN.

India Board, 13th July 1838.

GENTLEMEN:

No. CXII.

Letter from the
Rt. Hon.
Charles Grant,
13 July 1838.

I have had the honour to receive your letters of the 2d and 10th instant, the first of which contains the observations of the Court of Directors on such of the principal provisions of the proposed Bill as relate to the construction of the Indian Governments, to the state of the law in India, and the condition of the Natives. Of your two letters of the 10th instant, one transmits a paper of Observations and Suggestions upon certain clauses of the Bill; and the other relates to the proposed enlargement of the Episcopal Establishment in India.

Although I could not at the present moment, without great inconvenience, advert in writing to the several points which are so ably discussed in your letters to me, I beg to assure you, that the observations and suggestions contained in those letters have engaged, and continue to engage, my serious attention.

attention, and that any further communications of the like nature which the Court, through you, may be pleased to make, shall be duly weighed, and considered by me, during the progress of the Bill through its future stages.

Conformably to the wish of the Court, I have desired the Law Officers employed by the Board to communicate freely with the Law Officers of the Company.

I have the honour to be, Gentlemen,

Your most obedient and humble Servant,

(Signed) CHAS. GRANT.

P.S. In reference to your letter of the 11th instant, I have had personal communication with Mr. Lawford, who will doubtless have submitted to you the proceedings respecting the Bill,

The Chairman and Deputy Chairman
of the East-India Company.

No. CXIII.

LETTER from the Right Honourable CHARLES GRANT to the
CHAIRMAN and DEPUTY CHAIRMAN.

India Board, 13th July 1833.

GENTLEMEN:

I have to acknowledge the receipt of your letter of the 11th instant, enclosing a copy of a letter addressed to the Court of Directors by the Committee of Commanders and Officers of the East-India Company's Commercial Maritime Service, and I have to inform you that, in compliance with the recommendation of the Court, the compensation clause of the East-India Bill has been altered; so as to admit of the consideration of the claims of such officers.

I have the honour to be, Gentlemen,

Your most obedient and humble Servant,

(Signed) CHAS. GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. CXII.

Letter from the
Rt. Hon.
Charles Grant,
13 July 1833.

No. CXIII.

Letter from the
Rt. Hon.
Charles Grant,
13 July 1833.

No. CXIV.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

East-India House, 17th July 1833.

SIR :

No. CXIV.

Letter to the
Rt. Hon.
Charles Grant,
17 July 1833.

In reference to your Letter, dated the 13th instant, respecting an immediate discontinuance of the Company's commercial contracts, we have the honour to submit to you the request of the Court of Directors, that you will be pleased to state whether it be the opinion of the King's Government that no contracts for the purchase of Tea by the Company should be entered into in China in the ensuing season, the last of their exclusive privilege.

We beg leave also to enquire whether, in recommending that no orders should be given for the purchase of any more indigo, you intend that we should supersede the intimation conveyed to the Bengal Government in the Commercial dispatch of the 5th of September last, of an intention to make purchases of that article to the extent of about £300,000, which sum has been included in the estimate lately rendered by the Court of assets expected to be realized in this country.

As soon as the Court shall receive the explanations of His Majesty's Ministers upon these points, they will be prepared to consider what instructions they should issue upon the subject.

We have the honour to be, Sir,

&c.

&c.

(Signed)

C. MARJORIBANKS,

WM. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CXV.

AT A

COMMITTEE OF THE WHOLE COURT,

Held on Friday, the 19th July 1833.

The Chairman laid before the Committee a letter from the Right Honourable Charles Grant, dated the 13th instant, recommending as the opinion of His Majesty's Government, that the Company should not send any more ships to India or China, nor proceed with any more contracts in this country, nor send cotton from India to China, nor give orders for the provision or purchase of any more indigo, saltpetre, or silk piece goods for the English market; explaining the views of the Government in regard to the disposal of the silk filatures, and the mode of selling the silk itself; and observing, that before any notification is made to the merchants here of the resolution to which the Court may come upon the latter point, he shall be glad to receive such remarks as they may consider it useful to offer.

The said letter was read; whereupon

The Chairman communicated to the Committee the letter from the Secret Commercial Committee to the Select Committee of Supracargoes at Canton, dated the 14th May last.

The said letter was likewise read.

The Chairman then submitted the Draft of Paragraphs for China, apprising the Supracargoes that, in the event of the Bill now before Parliament passing into a law, no more ships will be sent to China for commercial purposes, and that no more Tea is to be contracted for or purchased by them on the Company's account, and giving them instructions as to the reduction of their establishment there in consequence of the altered state of affairs.

And the said paragraphs having been read, were on the question approved.

The Chairman then also laid before the Committee the Draft of Paragraphs for Bengal in the Commercial Department, adverting to the Bill now before Parliament respecting the Company's affairs, and stating that the Court have abandoned the intention implied in their despatch dated the 5th September last, relative to a provision of indigo at Calcutta in 1833 and 1834, and have determined

No. CXV.

Committee of
the Whole Court,
19 July 1833.

No. CXV. determined to make no further purchases of that article, or of saltpetre or silk piece goods, and to send no more cotton from India to China, but observing that the purchase of silk in India must be continued for 1834; whereupon,

Committee of
the Whole Court,
19 July 1833.

The said paragraphs were read and approved.

No. CXVI.

AT A

COURT OF DIRECTORS,

Held on Friday, the 19th July 1833.

No. CXVI. The Chairman submitted the Draft of Paragraphs for China, which had been approved in the Committee of the Whole Court, apprising the Company's Supra-cargoes at Canton that, in the event of the Bill now before Parliament passing into a law, no more ships will be sent to China for commercial purposes, and that no more Tea is to be contracted for or purchased by them on the Company's account, and giving them instructions as to the reduction of their establishment there in consequence of the altered state of affairs.

Court of Directors,
19 July 1833.

And the said paragraphs having been read, were on the question approved.*

The Chairman then laid before the Court the Draft of Paragraphs for Bengal in the Commercial Department, likewise agreed upon in the said Committee, adverting to the Bill now before Parliament respecting the Company's affairs, and stating that the Court have abandoned the intention implied in their despatch dated the 5th September last, relative to a provision of indigo at Calcutta in 1833 and 1834, and have determined to make no further purchases of that article, or of saltpetre or silk piece goods, and to send no more cotton from India to China; but observing, that the purchase of silk in India must be continued for 1834: whereupon,

The said paragraphs were read and approved.†

William Wigram, Esq., Deputy Chairman,
and

William Astell, Esq., a Member of the Court,
delivered in their Dissents from the Paragraphs for China above recorded,
which Dissents were read.

* See No. CXVIII.

† See No. CXIX.

No. CXVII.

DISSENT by WILLIAM WIGRAM, Esq. (*Deputy Chairman*), and by
WILLIAM ASTELL, Esq.

When the proper period arrives, I shall be prepared, if called upon, to state my opinion, without reserve, on the scheme which may be finally resolved upon by Parliament for the future Government of India through the instrumentality of the East-India Company; but I feel it to be my duty, in the present stage of the proceedings, to place upon record my Dissent from the Dispatch to China which has been approved by the Court this day, and which is based upon the principles contained in the letter from the Right Honourable the President of the Board of Commissioners of the 13th instant, and which was read in Court on Wednesday last.

The Company will undoubtedly, under the proposed plan, cease from all commercial operations on their own account; but if, by a limited continuance of trade, the financial resources of India can be benefited, I conceive it will be the wisest and most judicious course to pursue such trade, for the purpose of enabling territory more readily to meet the additional pecuniary obligations which will be charged upon that territory, under the contemplated arrangement, which additional charge will amount to £455,924, as per estimate laid before the House of Lords on the 4th of this month, exclusive of pensions and superannuations.

In my judgment such benefit would be secured to India, if instead of disposing *instantly* of all the commercial assets which are to be made over to the Crown, and of immediately withdrawing from further employ all the Company's own ships and others now under contract, those ships were to be sent out to China, for the purpose of bringing home such a reduced quantity of Tea as might be determined upon with reference to the markets both at home and abroad, as well as to the interests of the private trader and the British public.

The ships in question, at a moderate rate of earning, would relieve *pro tanto* the Commercial assets, from whence such compensation as may be awarded must be drawn.

The Commanders and Officers of such ships would also be employed;

The Warehouse Establishment in London, in part at least, would be retained; and

No. CXVII.

Dissents by the
Deputy Chairman
and
Mr. Astell,
19 July 1833.

No. CXVII.

Dissents by the
Deputy Chairman
and
Mr. Astell,
19 July 1833.

The Factory at Canton would be rendered available: all which measures would lessen the claims which will be preferred.

The 75,000 pieces of long ells now in warehouse would likewise be exported to China, instead of being disposed of in this country.

The cotton which will have been provided in India, to the amount of nearly half a million sterling, would be laden for Canton, whereby the remittance from India (a point, I consider of very great importance) would be secured at least for a time; and lastly, the great deterioration in the out-turn of the assets generally, by a forced sale of the Tea now in store in this country (which Tea has been provided under the Commutation Act), as well as the serious results to be apprehended in China from a sudden and total withdrawal of the East-India Company from the market there, would be averted. The private merchant would also be enabled gradually to enter into that trade, more especially as regards Tea, and the transfer of that valuable branch of China commerce would more probably be effected without any of those convulsions which may be anticipated from a hasty, ill-digested, and ruinous plan, involving either the throwing upon the home market a large quantity of Tea in addition to that now in warehouse, or of totally deranging the markets in China, by occasioning a great fall in the price of the article, which will have been provided by the Tea-growers and Hong merchants, in expectation of the usual demand on the part of the Company.

There is, moreover, another point of considerable moment, which appears to me not to have received sufficient attention; and that is, the uncertainty which will attend our future intercourse with China. It remains to be seen how the Government of that country will be disposed to recognize the substitution of the new authorities contemplated by the Trade Bill, and how far they will be disposed to allow of a duty being levied in their ports for the maintenance of a foreign establishment, and to permit the authorities composing such establishment to impose and enforce penalties and inflict punishments, as well as to institute a local court, which, as appears to me by the 6th clause of the Bill, is to possess Admiralty jurisdiction within the Chinese Empire.

I must express my satisfaction, under these circumstances, that the East-India Company will have no share in this new order of things in China; for I cannot contemplate the proposed measures without being impressed with the conviction, that we are assuming a character towards the Chinese which cannot be maintained upon principles of policy or justice.

For these reasons, and for others which I could urge if time permitted, it is impossible for me to concur in the views of His Majesty's Ministers, as stated
in

in Mr. Grant's letter of the 13th of this month, and now proposed to be communicated to the Factory in China.

East-India House, the 19th July 1833.

(Signed) W. WIGRAM.

No. CXVII.

Dissents by the
Deputy Chairman

and
Mr. Astell,
19 July 1833.

Concurring in the reasons contained in the foregoing Dissent, I hereby affix my signature,

East-India House, the 19th July 1833.

(Signed) W. ASTELL.

No. CXVIII.

The PARAGRAPHS for CHINA, referred to in Page 376.

Our President and Select Committee of Supracargoes at Canton in China.

No. CXVIII.

Para. 2. In reference to the dispatch from the Secret Commercial Committee dated the 14th of May last, we have to acquaint you that a Bill (copy of which, as amended in the Committee, forms a number in the packet) is now in progress, to effect an arrangement for the future government of India, which Bill provides that the trade of Great Britain with China shall be opened from and after the 22d of April 1834, and that our Commercial transactions shall be closed with all convenient speed after that date,

Dispatch to China,
23 July 1833.

3. With these important measures in prospect, it has been matter for serious consideration, what instructions we should issue to you regarding a provision of teas next season, the last which remains of our exclusive privilege.

4. If we could have restricted our view of this question to considerations affecting the home market, there would have been no difficulty in the decision; for as, consequent on the provisions of the Commutation Act, there will in April 1834 be on hand, and expected to arrive, a stock of Tea equal to two years' consumption, it is obviously desirable, with a view to an advantageous sale of that immense stock, that no purchases should be made in the intervening period.

5. But we have necessarily extended our view to considerations affecting the market in China, which for a long course of years has been accustomed to the system of retaining a large stock of Tea in England, and the difficulty which has presented itself to our minds is, how the stock can be reduced without deranging the China market.

6. An immediate relaxation by us of our exclusive privilege, so as to allow private merchants to engage in the trade previously to April 1834, would not, we think, lessen the difficulty. But even if it did, extensive importations of

No. CXVIII. Tea purchased during the continuance of our privilege would have the effect of materially depreciating the value of the stock on hand, which we are bound, as far as possible, to protect for the sake of the Indian territory, to which it will virtually belong when the arrangements now pending are completed.

Dispatch to China,
23 July 1833.

7. The question has appeared to us to involve a choice only of evils, deeply affecting not merely the interests of India, but also the prosperity of the open trade which it is intended shall take place between this country and China. Under this impression, we have considered it to be our duty to ask the opinion and advice of His Majesty's Ministers; and in accordance with their recommendations, expressed in distinct and unqualified terms, we apprise you, that in the event of the Bill now before Parliament meeting with the final concurrence of the Company, and being sanctioned by Parliament, no more ships will be sent by us to China for Commercial purposes, and that no more tea is to be contracted for or purchased by you on our account.

8. We have further to acquaint you, that as a reduced establishment will be sufficient for the discharge of any business that we can require in China after the termination of the present season, whether for the winding up of our commercial affairs there or for the conduct of remittance transactions, if any such should be entrusted to you, you have our authority to permit any of our servants who may wish it, and whose services may not be required, to return to England on some of the last ships of the season. If necessary, you may detain one ship for the purpose, taking by preference a Company's own ship.

9. We will only add, that we are endeavouring to obtain authority to enable us to transfer servants of the China Establishment to the Civil Service in India, if such a measure should appear to be desirable.

We are,

Your loving friends,

JOHN COTTON,
H. SHANK,
H. ST. G. TUCKER,
G. LYALL,
J. R. CARNAC,
J. LOCH,
G. RAIKES,
W. S. CLARKE,
J. THORNHILL,
J. FORBES.

(Signed) C. MARJORIBANKS,
W. WIGRAM,
W. ASTELL,
W. YOUNG,
R. C. FERGUSSON,
R. JENKINS,
P. VANS AGNEW,
R. ELLICE,
J. L. LUSHINGTON,
H. ALEXANDER,

London, 23d July 1833.

No. CXIX.

The PARAGRAPHS for BENGAL, referred to in Page 376.

(Commercial Department.)

Our Governor General in Council at Fort William in Bengal.

1. A Bill is now in progress which, should it meet with the final concurrence of the Company and be sanctioned by Parliament, will effect an arrangement for continuing the government of India in the Company, they ceasing, whilst they possess that government, to carry on trade with either India or China.

2. With this important measure in prospect, we have abandoned the intention implied in our dispatch dated the 5th of September last, relative to a provision of indigo at Calcutta, in December 1833 and January and February 1834, and have determined to make no further purchases of that article, or of saltpetre or silk piece goods, and to send no more cotton from India to China.

3. We desire that you will publicly notify this determination for the information of the mercantile community.

4. It is our intention, at an early opportunity, to write to you upon the subject of the silk filatures. In the meantime it is only necessary to state, that the purchase of silk by you must be continued for 1834.

5. We transmit, a number in the packet, copy of a dispatch which we have addressed to the Supracargoes at Canton, relative to discontinuing our Commercial transactions there.

We are,

Your affectionate friends,

HY. ALEXANDER,

JOHN COTTON,

H. SHANK,

H. ST. G. TUCKER,

GEORGE LYALL,

JAMES R. CARNAC,

JOHN LOCH,

GEORGE RAIKES,

WM. S. CLARKE.

(Signed)

C. MARJORIBANKS,

W. WIGRAM,

W. ASTELL,

W. YOUNG,

R. C. FERGUSSON,

RD. JENKINS,

P. VANS AGNEW,

RUSSELL ELLICE,

J. L. LUSHINGTON.

London, 23d July 1833.

No. CXIX.

Dispatch to Bengal,
23 July 1833.

No. CXX.

AT A

COURT OF DIRECTORS.

Held on Tuesday, the 23d July 1833.

No. CXX.

Court of Directors,
23 July 1833.

The Chairman laying before the Court a copy of the Bill "For effecting an arrangement with the India Company and for the better government of His Majesty's Indian territories," as amended in the Committee of the House of Commons on the 19th instant;

It was, on a motion,

Resolved, That the said amended Bill be referred to the consideration of a Committee of the Whole Court.

Whereupon the Court resolved itself into a Committee of the Whole Court accordingly.

No. CXXI.

AT A

COMMITTEE OF THE WHOLE COURT,

Held on Tuesday, the 23d July 1833.

No. CXXI.

Committee of
the Whole Court,
23 July 1833.

The Chairman submitted the Draft of a proposed Letter to the Right Honourable Charles Grant, stating, that the Court have had before them the Bill for effecting an arrangement with the Company and for the future Government of India, as amended in the Committee of the House of Commons, requesting, on the grounds therein stated, that sufficient time may be allowed, previously to the third reading of the Bill, to enable the Proprietors, should they think fit, to prefer a Petition against it; and observing, that the Court will convene a General Court for Friday next, for the consideration of so important a subject.

The

The said letter was read, and on the question approved.

The Committee taking into consideration the Draft of a further Letter to Mr. Grant, submitting the opinion of the Court in reference to Clause A of the East-India Bill, which provides that Civil Servants now employed at St. Helena shall be eligible to offices in India; that as St. Helena, with all the stores and property thereon, are by the Bill vested in the Crown, it will remain with His Majesty's Government, and not with the Company, to take charge of the servants upon the establishment.

The said letter was likewise read and approved.

No. CXXI.

Committee of
the Whole Court,
23 July 1833.

No. CXXII.

AT A

COURT OF DIRECTORS,

Held on Tuesday, the 23d July 1833.

The Chairman submitted the Draft of a Letter to the Right Honourable Charles Grant, which had been agreed upon in the Committee of the whole Court, requesting, in reference to certain objectionable clauses in the amended Bill, that sufficient time may be allowed, previously to the third reading of the Bill, to enable the Proprietors, should they think fit, to prefer a Petition to Parliament against it; and stating that the Court will convene a General Court for Friday next, the earliest day upon which it can with propriety be summoned to meet, for the consideration of so important a subject.

No. CXXII.

Court of Directors,
23 July 1833.

And the said letter having been read, was on the question approved.*

The Chairman then submitted the Draft of another Letter to the Right Honourable Charles Grant, which had been approved by the said Committee, submitting the Court's opinion in reference to Clause A. of the East-India Bill, as amended, which provides that Civil Servants now employed at St. Helena shall be eligible to office in India; that as St. Helena, with all the stores and property thereon, are by the Bill vested in the Crown, it will remain with His Majesty's Government, and not with the Company, to take charge of the servants upon that establishment.

And the said Draft of a Letter having been read was likewise approved. †

Richard Jenkins, Esq., a Member of the Court, delivered in his Dissent from

* See No. CXXIII.

† See No. CXXIV.

No. CXXII. from the opinions expressed by the Court in the Paper of Observations and Suggestions on the India Bill, approved by them on the 9th instant, so far as the same relate to the College at Haileybury, which was read.*

Court of Directors,
23 July 1833.

It was, on a motion,

Resolved, That the whole of the Proceedings relating to the Bill now before Parliament respecting the East-India Company's Charter, which have taken place since the last communication to the General Court upon that subject, as also the Proceedings respecting the Company's Commercial Contracts and Engagements, together with any Dissents recorded upon those points, be printed for the information of the Proprietors.

Draft of an Advertisement convening a Special General Court for Friday next, the 26th instant, to take into consideration the India Charter Bill as amended in the Committee of the House of Commons, and now ordered for a third reading; and giving notice that further Papers respecting the said Bill are printing, and will be ready for delivery to the Proprietors on Friday morning, at ten o'clock; was then read and approved.

No. CXXIII.

LETTER *from the CHAIRMAN and DEPUTY CHAIRMAN to the Right Honourable CHARLES GRANT.*

East-India House, 23d July 1833.

SIR :

No. CXXIII. The Court of Directors of the East-India Company have had before them the Bill for effecting an arrangement with the Company and for the future government of India, as amended in the Committee; and observing, as they do with great regret, that no provision is made in the Bill for that regular communication of the cases of difference between the Board and the Court to Parliament, which is necessary for the exercise of its paramount control, the Court request that sufficient time may be allowed, previously to the third reading of the Bill, to enable the Proprietors, should they think fit, to prefer a Petition against it; a course which they may probably deem it expedient to adopt for the reason which we have given, and also because, independently of other objectionable enactments, the Bill provides for the creation of several

Letter to the
Rt. Hon.
Charles Grant,
23 July 1833.

new

* See No. CXXV.

new offices at a large expense, for a much heavier augmentation of charge in the Ecclesiastical Establishment than you appear yourself to have contemplated; and for the continuance of an exclusive system of education for the Civil Service of India under a most exceptionable mode of nomination, at an expense to the Company of five hundred pounds for every Writer, independently of the charge made to his friends.

The Court will convene a General Court for Friday next, the earliest day upon which it can with propriety be summoned to meet for the consideration of so important a subject.

We have the honour to be, Sir,

Your most obedient humble Servants,

(Signed) C. MARJORIBANKS,

W. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CXXIV.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

East-India House, 23d July 1833.

SIR:

In reference to Clause A of the East-India Bill, which provides that Civil Servants now employed at St. Helena shall be eligible to offices in India, we have the honour to submit to you, the opinion of the Court of Directors, that as St. Helena, with all the stores and property thereon, are by the Bill vested in the Crown, it will remain with His Majesty's Government, and not with the Company; to take charge of the Servants upon the establishment.

We have the honour to be, Sir,

Your most obedient humble Servants,

(Signed) C. MARJORIBANKS,

W. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CXXIII.

Letter to the
Rt. Hon.
Charles Grant,
23 July 1833.

No. CXXIV.

Letter to the
Rt. Hon.
Charles Grant,
23 July 1833.

No. CXXV.

DISSENT *by* RICHARD JENKINS, Esq.

No. CXXV.

Mr. Jenkins'
Dissent,
23 July 1833.

I oppose myself with much diffidence to the opinion expressed by the Court in the Paper of Observations and Suggestions on the India Bill, which passed on Tuesday the 9th instant, on the subject of the College at Haileybury.

In the first place, I can by no means bring myself to admit that an appropriate education for the Civil Servants of the Company, even with regard to intellectual and literary subjects, corresponding with the amount and quality of the acquirements which have been pronounced to be necessary, is to be obtained elsewhere so well or so cheaply as in the College, or that any plan of examination can be framed for ascertaining satisfactorily the real and relative proficiency of the young men destined for India, which will not be open to many and great objections, if we rely upon that alone. With respect, moreover, to good principles and habits, which we ought to consider at least of equal importance with literary and scientific attainments, I should lament the substitution of mere testimonials for a probationary course of conduct, as at the College, under the eye, and subject to the superintendence and regulation of those authorities who are directly responsible for their appointment, and morally so, for the good or evil which may result to the people of India from their future behaviour in the high trusts for which they are destined.

With these views, I entirely coincide with the sentiments expressed in a Report of the Committee of Correspondence dated October 1804, as quoted by Dr. Batten, in his very able evidence before the Public Sub-Committee of the House of Commons in July last, that the destined Civil Servants "should not be left to such chance of acquisition, as the routine of public or country schools may, under all the varieties of situation, tutorage, example, and other circumstances incident to persons collected from every part of the United Kingdom, afford them. There ought to be one course and standard of appropriate education for them, and to this end one place of instruction."

Although, therefore, I am not disposed to deny that greater facilities exist at present for enabling young men to acquire both the European and Oriental branches of knowledge that are demanded of them, than at the period of the establishment of the College, it must be proved to me that those means are equal

equal, or nearly equal to those furnished by the East-India College, before I should think it wise to abolish the latter, which is generally acknowledged to have answered, in a considerable degree, the ends for which it was instituted.

If there are means to be found out of the College of obtaining education in the various prescribed branches to the desired point, at least there is no one institution that combines all; and my opinion, that such an education is not elsewhere attainable, is further strengthened by the fact stated by Dr. Batten, that the minimum qualification for the examination before the London Board, as designating fitness in the examined *to go out to India*, is scarcely superior to that required for *students entering Haileybury*. It is true the London Board was established to meet a temporary demand; but why was the test not raised when the immediate pressure was removed? There were, in fact, three degrees or classes approaching to the Haileybury standard, yet it appears that even after 1829 (the Board having been established in 1826) out of thirty-four young men that passed for India, not one reached the first class, and only seven the second.

I conceive then that we must either infer that the present test at the College is too high, or that the education out of doors is not expected to work up to it. The general opinion, however, seems to be, that even the test at the College is not high enough; and this being admitted, I am still more persuaded that no system but one concentrated as that at the College is, for all the purposes in view, and acknowledged to be competent to degrees of educational efficiency, greatly beyond any thing that has yet been laid down for it, can accomplish the task.

In short, in my humble judgment, the higher the qualification fixed, and the fewer the prizes, which, under the increasing introduction of the Natives of India into public employment, must be the case, and must render necessary also that higher qualification, the greater the difficulty of Civil Servants being otherwise supplied than through an exclusive establishment like the College at Haileybury.

To go farther into an examination of this question, however, I suppose it will hardly be denied that there must be a peculiar system of education for the Civil Service in India; and if so, there must either be a separate institution for it, or some of our public Schools or Colleges must be so modelled as to afford it. The demand for Writers would not, I may venture to assert, provide students enough to cover, to any private institution, the expense of masters of sufficient skill and knowledge to impart the prescribed quantum of the

No. CXXV.

Mr. Jenkins'
Dissent.
29 July 1833.

No. CXXV.

Mr. Jenkins
Dissent,
23 July 1833.

latter to the aspirants for Indian appointments, together with that of maintaining a system of discipline specially suited to the nondescript age of the young men. If, again, teachers only were congregated in one place, how are the morals and conduct of the young men to be directed? It may be said that they would be better under the eye of their parents or friends, in the latter respect; but are whole families to migrate for the purpose to the point of Education; and from whence, in this case, are the testimonials of good conduct to emanate? If, again, they must be placed under some tutor for the purpose, here would be a double expense.

Similar objections will apply to any plan for modelling existing Schools or Universities to meet the exigency; and I consider the arguments of Mr. Robert Grant, as quoted in Dr. Batten's evidence, against the substitution of the latter, to be unanswerable.

Haileybury, then, is at any rate the only institution existing, that combines both the literary education and moral probation deemed necessary for young men of the age proper for entering the Civil Service of India to possess and give proofs of, to those who are responsible for their appointments.

If the *usual degree of knowledge* attainable by boys up to the age of nineteen or twenty, at places of education accessible to the pecuniary means and circumstances of the rising youth of the kingdom in the rank of gentlemen, will suffice, a public examination as proposed, with testimonials of respectable conduct in addition, would probably be enough. I am not sure, however, that such is the meaning of the Court; but if it is, I am not of that opinion; if it is not, I am satisfied that a high test of qualification cannot be maintained under any system but that of the East-India College.

With regard to the disadvantage supposed to arise from confining the associations of youth destined for foreign service to companions all having the same destination, if that disadvantage were giving them feelings and prejudices exclusively connected with India, I should rather desire than deprecate such a result. It appears, however, to be thought, on the other hand, by some, and particularly by a gentleman who has had extensive means of forming a judgment on the subject (I mean Mr. Elphinstone), that the young men from Haileybury have generally a prejudice against India and every thing connected with it. I cannot conceive how the mere circumstance of being educated at Haileybury should have the latter effect, any more than how persons educated for any other destination or profession should necessarily contract similar aversions. They must arise, in this case, either from extraneous circumstances,

stances, or from something wrong in the internal regulations of the College, I should say, however, that a young man who was capable of taking up such a prejudice at Haileybury would have contracted the same any where else; and where it is not brought with the young men from home, I should rather refer it to another cause, noticed by Mr. Malthus in his pamphlet on the subject published in 1813, as one of the complaints then made against the College, "that many students acquire such a taste for the European part of their education, that they do not pay sufficient attention to the Oriental part, and that by their protracted stay in England they strengthen so much the ties which unite them to their friends and their native country, that they are too unwilling to leave it."

I would further beg to quote the following passage, which answers the argument of exclusiveness in a manner in which I perfectly concur.

"If the free constitution of this country, it is surely of great importance that our officers of the Army and Navy should not lose the feelings of citizens; but if it is imperiously necessary that their education should finish sooner than the usual course of School and University discipline permits, and if they are required to know certain branches of science appropriate to their professions which are not taught in the common places of education, we do not hesitate to separate them for a time from other boys; trusting, and trusting, I think justly, that while they are living under the British constitution, and seeing continually their parents and friends and hearing their conversation, they are not likely to lose the habits and feelings of British citizens."

Moreover I am disposed to approve, rather than deprecate, the association complained of in another point of view. Having myself had the honour of being brought up in the College of Fort William, as originally established by Marquis Wellesley, and which associated me with my contemporaries, of the Civil Service on the three establishments, I must be allowed to say, that I have derived a high degree of personal pride and comfort, and I will venture to add, the public service has been rather benefited than injured in the various scenes in which we have been engaged in common, from the effect of the friendships I then formed. Without undervaluing, then, that more general intercourse through an education derived from the less exclusive establishments of public Schools and Universities, I think that for one ray of happiness which such an association might impart abroad, and a few more scattered rays casually relighted in intermediate visits to this country, or on a final return to it in the decline of life, after the best

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Mr. Jenkins'
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best part has been spent in India, the College of Haileybury may be the means of cheering the long night of banishment from their native land with the unintermitted warmth of pure and disinterested attachment, giving moral strength in dangers and temptations, and comfort in sickness and adversity, surely to be wished for rather than denied to our servants in India. But it seems to be forgotten, that the Civil Service in India is thrown into a mass of about five times its number of military men, King's and Company's, to whom this exclusiveness does not apply; and scattered as the former are through an immense region, I cannot but think that the slight degree of *elective attraction*, generated from the recollection of common studies and common pursuits at Haileybury, is rather desirable than otherwise under such circumstances.

Other objections which in former times were strongly urged against the College have, I believe, been greatly obviated by later regulations, and I cannot doubt that a further revision of the establishment would lead to the removal of any imperfections that may still remain uncorrected, and that may not be inseparable from such institutions.

The question of expense is doubtless one not to be overlooked; but it requires to be considered under an enlarged view of all the exigencies of the case. It appears by Mr. Auber's evidence, that the average cost to the Company of each Writer from Haileybury, in the twenty-five years from the foundation of the College to 1830-31, has been £386. 12s., including the building, or £284. 2s. 6½d. exclusive of it. Besides this, the annual expense of each Writer in Bengal until the abolition of the College was about £660 per annum; but against this we may set the expense to Government of each Writer in India going out at the age usual until Haileybury was established, up to their entering upon any duty beyond that of mere clerks.

That an equal efficiency in the Civil Service during these twenty-five years could have been attained without that establishment, or the more expensive one of Marquess Wellesley in India, is at least extremely doubtful. Indeed, I may go further, and assert that the means said to be so ready at hand in England at present, of instruction in Oriental as well as other pursuits, scarcely yet made common as branches of academical instruction elsewhere than at Haileybury, are mainly owing to the encouragement given to them in the two institutions mentioned, and consequently that for a great part of the period an equal education was not attainable elsewhere.

I should, however, have no hesitation in laying down the principle broadly, that the governing power for British India must bear a certain portion of the expense

expense of bringing up a supply of young men for its service, as long as the functionaries are to be furnished from Great Britain on any thing like the present system as to their age or qualifications, and that the amount so paid must cover the difference between the expense of an average education for gentlemen in England and that for British functionaries in India. The extra charges of a course of study for the different professions, in England even, are not all borne by the individuals themselves, but are defrayed in part out of the endowments which have formed the original funds of the Schools and Colleges where they are educated, though the success or failure is in most cases rather a private than a public concern. It is certainly so until the aspirant reaches some high post, which, however, he seldom can without giving proofs of his merit; and even there, his failure cannot hurt the community so much as himself.

What, on the contrary, is the case of young men appointed to the Civil Service in India? Every step of their career is, or may be, of importance to the people of India, to the British character, and to the very existence of our empire.

To use the words of Lord Wellesley, "They are required (and that frequently at a very early period after their arrival in India) to discharge the functions of Magistrates, Judges, Ambassadors, and Governors of Provinces, in all the complicated and extensive relations of those sacred trusts and exalted stations, and under peculiar circumstances which greatly enhance the solemnity of every public obligation, and aggravate the difficulty of every public charge. Their duties are those of statesmen in every other part of the world, with no other characteristic differences than the obstacles opposed by an unfavourable climate, a foreign language, the peculiar usages and laws of India, and the manners of its inhabitants."

With an education in view directed to such purposes, I cannot think that the sums already expended have been disproportioned to the object; but there seems no reason why the students should not be called upon to pay a greater share of the expense than hitherto. The present reduced state of the numbers of students cannot continue; but if it should, the demand for higher qualification under the changes in India, both as to the unrestricted admission of Europeans into the country and that of the Natives into public employments, will be in the inverse ratio of the numbers of the functionaries.

Upon the whole, then, when it is considered that the original expense of the buildings requisite for such an institution has been already incurred; that we have

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have collected under it an assemblage of able officers and Professors, such as perhaps cannot be found elsewhere; that it has sent out to India a succession of young men qualified in a superior degree for the arduous duties for which they are destined; that no other institution exists to supply its place, and that the prospect of a demand for Writers is so confined as to render it very unlikely that it can generate the foundation or supply the expenses of such an institution without the aid of public funds; when, above all, the paramount obligation of sending out functionaries whom we know to possess the proper degree of religious and moral, as well as literary and scientific acquirements, and the difficulty of obtaining the requisite proof of such acquirements by means of tests and examinations, without a probationary course of education under the eye of authority in such an institution as Haileybury, are added to this account, I sincerely hope that the determination of His Majesty's Ministers to give it a further trial will be persevered in.

I should further hail with satisfaction any prospect of the restoration of the College of Fort William on something like the comprehensive plan of Marquess Wellesley, to complete, in connection with that of Haileybury, the education of our young civilians in the Oriental languages, to afford encouragement and support to our own countrymen in the cultivation of Oriental pursuits, as well as to prove to our Native subjects the interest taken and the respect felt by the Government for their national literature, and to aid in forwarding such a degree of amalgamation between us and them, in education and social habits, as may be in consistency with that equality in political rights, and eventually in political power, to which we are endeavouring to raise them.

(Signed) RD. JENKINS.

East-India House,
23d July 1833.

No. CXXVI.

AT A

COMMITTEE OF THE WHOLE COURT,

Held on Wednesday, the 24th July 1833.

No. CXXVI.

The Committee proceeding to take into consideration the East-India Bill as the same has been amended in the Committee of the House of Commons; and the Bill having been read,

Committee of
the Whole Court,
24 July 1833.

The Chairman submitted the Draft of a Petition to the House of Commons, praying that the Bill may be so modified and altered as to meet the objections set forth in the Petition.

And the same having been read,

It was

Resolved, That it be recommended to the Court of Proprietors to petition Parliament respecting the Bill ordered for a third reading on Friday next, and that the Petition now read be approved and submitted to the General Court on Friday next for their adoption.

No. CXXVII.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 24th July 1833.

No. CXXVII.

The Chairman laid before the Court the following Resolution of the Committee of the Whole Court, held this day, which was read: *viz.*

Court of Directors,
24 July 1833.

“ *Resolved*, That it be recommended to the Court of Proprietors to petition

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“ Parliament

No. CXXVII. "Parliament respecting the Bill ordered for a third reading on Friday next,
 Court of Directors, "and that the Petition now read be approved and submitted to the General
 24 July 1833. "Court on Friday next for their adoption."

The Draft of a Petition to the Honourable House of Commons therewith submitted, was likewise read, representing to the House the objections of the Company to certain clauses of the Bill now before Parliament, "for effecting "an Arrangement with the India Company, and for the better Government of "His Majesty's Indian Territories;" and praying the House so to modify and alter the said Bill as to meet those objections, and stating that if it should be the pleasure of the House to hear Counsel in support and explanation of the objections, Counsel are prepared to appear accordingly, at such time as the House may be pleased to appoint.

And the Court having deliberated thereon:

Resolved, That it be accordingly recommended to the Court of Proprietors to petition Parliament respecting the Bill ordered for a third reading on Friday next, and that the Petition now read be approved, and submitted to the General Court on Friday next for their adoption.

No. CXXVIII.

AT A

COURT OF DIRECTORS,

Held on Friday, the 26th July 1833.

No.
CXXVIII.

Court of Directors,
26th July 1833.

A letter from the Right Honourable Charles Grant, dated at the India Board the 25th instant, adverting to the wish of the Court as expressed in the Chairman and Deputy Chairman's letter of the 23d instant, that the third reading of the East-India Bill may be postponed, in order to allow sufficient time for the Court of Proprietors, should they think fit, to prefer a Petition against it; and stating the grounds upon which he declines to interfere with the arrangement which has been made by the House of Commons for carrying the Bill through its ensuing stage, being read (See No. CXXIX); also

Another

Another letter from Mr. Grant, dated the 25th instant, observing in reply to the letter from the Chairman and Deputy Chairman of the 23d instant, respecting Clause A. of the East-India Bill, that while he agrees with them, that it will remain with His Majesty's Government to take charge of the servants upon the St. Helena establishment, still as the clause is only permissive, he does not foresee that any inconvenience is likely to arise out of the provision of that clause, as it will rest with the Court to act upon it or not at their own discretion. (See No. CXXX.)

Ordered, That the said letters be referred to the consideration of a Committee of the Whole Court.

James Rivett Carnac, Esq., a member of the Court, delivered in his Dissent from the Court's resolution of the 24th instant, approving and recommending for the adoption of the General Court the draft of a petition to the Honourable House of Commons, against the Bill now before that House on the subject of the Company's Charter, which was read. (See No. CXXXI)

No. CXXIX.

*LETTER from the Right Honourable CHARLES GRANT to the
CHAIRMAN and DEPUTY CHAIRMAN.*

India Board, 25th July 1833.

GENTLEMEN :

In reference to the wish of the Court of Directors, as expressed in your letter of the 23d instant, that the third reading of the East-India Bill may be postponed in order to allow sufficient time for the Court of Proprietors, should they think fit, to prefer a petition against it, I beg to assure you, that I should be well-disposed to meet the wish of the Court if I could discern any sufficient ground for delaying the progress of the Bill; but as the several points adverted to by you have already been maturely weighed and considered, and as on the third reading there will be a further opportunity of discussion, I trust that I shall not incur the imputation of uncourteousness, or of a desire to precipitate the measure, if I decline to interfere with the arrangement which has been made by the House of Commons for carrying the Bill through its ensuing stage.

No.
CXXVIII.
Court of Directors,
26 July 1833.

No. CXXIX.
Letter from the
Rt. Hon.
Charles Grant,
25 July 1833.

The

No. CXXIX. The Court must be aware that at this late period of the Session, when many important questions remain to be disposed of, the order agreed upon by the House for the discussion of those questions ought not to be disturbed without urgent cause.

Letter from the
Rt. Hon.
Charles Grant,
25 July 1833.

I have the honour to be,

Gentlemen,

Your most obedient and humble servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. CXXX.

LETTER from the Right Honourable CHARLES GRANT to the
CHAIRMAN and DEPUTY CHAIRMAN.

India Board, July 25th 1833.

No. CXXX.

GENTLEMEN:

Letter from the
Rt. Hon.
Charles Grant,
25 July 1833.

In reply to your letter of the 23d instant, respecting Clause A. of the East-India Bill, I beg to observe, that while I agree with you, that it will remain with His Majesty's Government to take charge of the servants upon the St. Helena Establishment, still as the clause is only permissive, I do not foresee that any inconvenience is likely to arise out of the provision of that clause, as it will rest with the Court of Directors to act upon it or not, at their own discretion.

I have the honour to be,

Gentlemen,

Your obedient and humble servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. CXXXI.

DISSENT by JAMES RIVETT CARNAC, Esq.

No. CXXXI.

Major Carnac's
Dissent,
26 July 1833.

I have hitherto confined the remarks which I have felt it necessary to make on the points that have arisen in the course of the negotiations with His Majesty's Government on the subject of the Company's Charter, to discussions in the Court of Directors; but I now feel the period has arrived, when it is my duty to endeavour to put beyond misconception the sentiments which I entertain on this important question, by placing them upon record, and I do this in the shape of a Dissent to the resolution of Wednesday last, approving of a petition to the House of Commons, which it is proposed to submit for the adoption of the Court of Proprietors this day. I do not object to the act of petitioning, but to the stress which I conceive to have been unnecessarily laid on some of the points which it is proposed to urge on the attention of Parliament against the Bill appointed for a third reading this evening.

Differences of opinion have naturally arisen in a matter which involves so great a departure from the system under which the Company have hitherto honourably and advantageously discharged their part in the government of India, and those differences are more or less strong, according to the views which individual members may have taken of the principles upon which the compromise was originally based, and is now in its progress to completion. I should have been glad had it been thought fit to have continued the Company in the same position towards India and China as that in which they stood under the Act of 1813. I think their commercial and political functions were united beneficially for the interests both of India and of England, and I have never contemplated the entire abandonment of all trade by the Company without considering it to involve the sacrifice of a positive advantage to the pecuniary interests of India.

In expressing these opinions, I would desire, however, to guard myself against being understood as maintaining that the existence of the Company's commercial character is essential to the beneficial exercise of their political functions. Had I thought so, I should not have concurred in recommending the Proprietors to cease from trade, and to consent to place their property on the security of Indian territory. I consider India to have benefited very largely

No. CXXXI.

Major Carnac's
Dissent;
26 July 1833.

largely by the application of the surplus commercial profits of the Company's trade, and I think England has derived a large and steady revenue, whilst the public have been supplied uninterruptedly in an almost indispensable article of consumption, of a quality and at a price which may not be secured to them under the proposed change. I likewise most fully admit that the members of the Court, in their individual capacity, may have derived considerable weight from the influence inseparable from the management of a commercial concern of vast magnitude; but viewing the Court of Directors in their collective capacity, and in reference to the political relation in which they are placed towards India, I do not believe that their commercial character has operated in the least degree beneficially, whilst it is my conviction that it has not induced any change of opinion where a difference may have arisen between the Board of Control and themselves on matters of government. Nothing, I apprehend, can better illustrate the correctness of this view than the following remark of the Court of Directors, in their Minute of the 15th July 1813, when they recommended the last Charter to the acceptance of the Proprietors: "The general powers of superintendence and control given (to the Board) by former Charters are in reality so large that if they had been exercised illiberally or vexatiously, it might have been difficult for the Court of Directors to perform their functions; and, in respect to the present powers, much will depend on the spirit in which they are administered."

Such was the declaration when the Company possessed the greatest commercial powers: those powers had no weight politically, but calm and deliberate remonstrance had its influence, and frequently produced (as I have no doubt, should occasion arise, will in future produce) a modification or accordance on points of difference between the two home authorities.

After one of the most minute and protracted investigations in the affairs of the East-India Company, which has ever taken place, and which was instituted for the avowed purpose of enabling Parliament to decide on the terms of a future agreement between the Public and the Company, His Majesty's Ministers submitted their scheme to the consideration of the Company; at the same time they expressed their readiness to weigh the merits of any other plan which might be suggested as an alternative. The Court of Directors did not see fit to propose any other plan, but they communicated unreservedly their opinions and objections to the plan of the Government. To these objections His Majesty's Ministers replied, and the negotiation has throughout been conducted in the spirit of a compromise, by which term I understand to mean

mean a compact, in which concessions are to be made on each side—important concessions have been made. One principal feature in the scheme was, the abandonment of all commercial dealings by the Company: this has been acceded to, it has been approved by Parliament as far as the measure has hitherto travelled; and the question now appears to me to be whether, under the scheme as developed in the Bill now before the Court, we shall in our situation of Directors, recommend to our constituents to ratify the compromise, and place their Charter of Trade in abeyance. The question divides itself into two parts: first, the pecuniary interests of the Proprietors; and secondly, the Government of India. With regard to the first consideration, the Court of Directors, in their resolution of the 7th of June last, recommend to the General Court to defer to the arrangement regarding the Guarantee Fund, and the security of their dividend on Indian revenue; this recommendation was accepted, and agreed to, by the Court of Proprietors on the 10th of that month.

The value of the stock in the market, is a good criterion of the opinion which is entertained of it by the Public; and as it is at the option of the holder to retain it or not, as he may judge most for his advantage, I might content myself with that remark; but I cannot hesitate from giving it as my opinion, that I look to the ultimate security which the Indian territory affords, if well administered, as good and ample, certainly for the term during which the East-India Company is to possess the Government of that country; beyond that period it is unnecessary for me to express any opinion. There is one point, however, which has been dwelt upon in the course of the discussions, namely, the immediate pecuniary effect which the proposed arrangement is to have on the finances of India; and an account has been called for by the House of Lords, which shews an excess of additional charge of £455,924. But it is to be borne in mind, that, unless the Company had retained the monopoly of trade to China, India would equally have lost the advantage of the exchange which forms £346,026 of the above sum, to which may be added the interest of the Home Bond Debt, viz: £88,000, making a reduction of £434,026 in the sum of £455,924. I think no one will contend, after reading the Minute of Conference between the Duke of Wellington and Lord Ellenborough, and the Chairs of that day, that the monopoly could have been continued.

I now proceed to the consideration of the second point, the relation in which it is proposed the Company shall in future stand towards India.

Under the proposed Bill, it will be found that the Company are still to be the originating intermediate body in whom the Government of India is vested under

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under certain limitations. The Company henceforth, as at present, are to originate all orders and instructions to the several Governments of India, excepting such orders as may proceed through the Secret Committee relating to peace and war, and negotiations with foreign states. They are to appoint the Governor-General, Governor and Commanders-in-Chief, subject as at present to approval by the Crown. The Counsellors are to be nominated by them (with the exception of one in Bengal) according to their own selection, and not subject to any other confirmation. They are to have the power of recall of any functionary, high or low, free from any veto on the part of the Board. The appointment of Writers, Cadets, and Assistant-surgeons, remain with them, subject, as at present proposed in the appointment of Writers, to an objectionable mode of nomination, upon which I shall hereafter remark. The Board are still precluded from directing or desiring the payment of any extraordinary allowance or gratuity, or the increase of any established salary or emolument; neither can the Board originate any expense whatever. These are points which I consider of great moment as regards both India and this country.

The Bill, as originally laid before the Court, consisted of one hundred and thirteen clauses; upon forty-two of them the Court offered a paper of observations and suggestions; amendments have been made more or less in twenty-two of such clauses, concurring in the views of the Court; the others relate to publicity, the appointment of Councils, of Law Commissioners, of two additional Bishops, the consequent increase of charges, and also to the future plan for appointing students to the College of Haileybury.

With regard to the question of publicity, it has been brought before Parliament in the Negotiation Papers; but the Legislature does not appear to take the same view of the importance of such a provision as is taken by the Court. I can readily conceive that circumstances might arise which might render it very undesirable to act upon such a provision; but if passed into a law, it would be imperative on the Court to obey it. The Court of Proprietors possesses the means within itself of enacting a Bye-law which would ensure publicity, and at the same time leave a discretion which, in my judgment, would be essential in such a provision, from whatever authority it may proceed. But in point of fact, I conceive that publicity can be obtained, and even more certainly effectual, by the whole matter of serious differences with the Board being opened to the Proprietors, than in any other way. With respect to the appointments of Councils (at least for the present) at the subordinate Presidencies, I concur in the views of the Court; but I differ as to the government

Government proposed to be established in the Western Provinces. I consider that the Government at Agra ought to be made an efficient substantive government; the additional expense of which will in some degree be provided for by the consequent reduction of the Residency at Delhi. With respect to the appointment of Law Commissioners, I consider that some measure is absolutely called for, in order that the laws which are to apply to the altered state of the community should be clearly defined, and, as far as practicable, and consistent with local usages, made applicable to all classes. Great caution and judgment will be necessary in the discharge of these important duties devolving on the Commission; and if their labours should effect satisfactorily the object of their appointment, I should consider the sum which it is proposed to allot to them as well applied.

Upon the proposed addition to the ecclesiastical establishment, I do not entertain such strong objections as have been urged by the Court. When the introduction of the episcopal establishment was under consideration in 1813, the distinguished nobleman who had filled the office of Governor General stated his opinion, that the ecclesiastical establishment had not been placed on a respectable footing, and that one of a suitable form would tend to elevate the Eutopean character in India. Whether such an establishment should be formed by the appointment of a Bishop or Archdeacons, Lord Wellesley did not state, though he appears to have considered the introduction of a new establishment a matter of some delicacy. The experiment, however, has been tried; and the apprehension of any ill effects, with reference to the feelings of the Natives, has been proved to be groundless. I can speak from experience to the highly beneficial results which have followed the increase of the episcopal establishment in India, among which its zealous and successful exertions for the encouragement of general education among the Natives may be enumerated to its honour. I cannot therefore object to two additional Bishops; one I deem indispensable to avoid the recurrence of the inconvenience which has been experienced by the premature death of at least three of the five Prelates who have been nominated to the See of Calcutta since its establishment in 1814. I do not regard the small additional expense as any reason for opposing the measure.

The last point upon which I have to observe is the proposed new system of nominating four candidates, from whom one student is to be selected for admission into Haileybury College. I entirely concur in the opinions expressed by the Court on this subject, as I conceive that no plan can be devised

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devised on the whole so well adapted as the present mode of appointment to the civil service, *under a defined test*, to diffuse this patronage amongst those classes whose position in society renders them best calculated to provide the description of servant who will be found the most desirable as well as efficient in India.

Having thus recorded the views which I entertain on the great question under our consideration, considering that the Court of Directors will be possessed of all the powers which they at present exercise to enable them to discharge with honour to themselves, and with benefit to India, the great and important trust of its administration; and having stated that in my judgment the pecuniary interests of the Proprietors are amply secured in the projected arrangement, I cannot but be prepared at the proper season to recommend to my constituents (under the confident hope that some of the modifications urged on the attention of the Legislature will yet be conceded) to confirm the compromise by placing their chartered commercial rights in abeyance.

East-India House,

26th July 1833.

(Signed)

J. R. CARNAC.

No. CXXXII.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Friday the 26th July 1833.

No. CXXXII.

General Court,
26 July 1833.

THE Chairman acquainted the Court that the Papers relative to the Negotiation respecting the Company's Charter, which have been printed since the last meeting of the Proprietors, were laid on the table, and that if it was the desire of the Court they should be read; but that as Mr. Grant had intimated to the Court of Directors, in reply to their letter requesting time to consider the amendments which have been made in the Bill, that the third reading

reading will not be delayed beyond this evening, the Court of Directors had prepared a Petition to the House of Commons against the Bill, which Petition, if approved by the General Court, should be presented at the meeting of the House.

No. CXXXII.

General Court,
26 July 1833.

The undermentioned documents were then read, *viz.*—

Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated the 23d instant.

Letter from Mr. Grant to the Chairman and Deputy Chairman, in reply, dated the 25th instant.

Another Letter from the Chairman and Deputy Chairman to Mr. Grant, dated the 23d instant; and

A Letter from Mr. Grant to the Chairman and Deputy Chairman, dated the 25th instant, in reply.

The Chairman then submitted for the approval of the Court of Proprietors the Draft of a Petition which had been prepared to the House of Commons against the Bill; which Petition was read, being as follows:—(See No. CXXXIII.)

It was then on a motion

Resolved,—That this Court approve the said Petition, and that the Company's seal be affixed thereto.

No. CXXXIII.

The PETITION from the EAST-INDIA COMPANY to the HONOURABLE HOUSE OF COMMONS, noticed in the preceding Minute.

No.
CXXXIII.Petition to
the House of
Commons.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled,

The humble Petition of the United Company of Merchants of England trading to the East-Indies,
Sheweth,

That a Bill is now before your Honourable House for continuing the government of the British territories in the East-Indies in your Petitioners, they consenting for the period of their holding that government to discontinue the carrying

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Petition to
the House of
Commons.

tying on of any trade for their own profit, and that with a view to this arrangement your Petitioners have acquiesced in a plan embodied in the said Bill for adjusting all the pecuniary claims of your Petitioners upon the principle of compromise.

That your Petitioners, being impressed with a deep sense of the importance of the trust proposed to be committed to them for a further term, are most anxious to be placed in such a situation as to be enabled to administer the territorial government of India with advantage to the people of that country.

That by the said Bill, every act of the Court of Directors, excepting what relates to certain matters of patronage and to the details of their home establishment, is made subject to the control of the Board of Commissioners for the Affairs of India; and although your Petitioners presume not to offer any objection to this, admitting that where two distinct bodies have a concurrent jurisdiction there must rest somewhere power to decide absolutely in cases of difference between them, yet your Petitioners feel it to be their duty to suggest the importance of providing that such cases should be reported to both Houses of Parliament, in order that the Court of Directors in originating political measures, and the Board of Commissioners in controlling them, should both act under a decided sense of responsibility to the Legislature; and in order to obviate an objection that might be taken to this suggestion as involving the disclosure of matters which ought to be kept secret, your Petitioners beg leave to point out to your Honourable House, that the Bill makes provision for entrusting such subjects as Parliament has thought it fit should be kept secret, to a Secret Committee, acting ministerially under the direction of the said Board.

Your Petitioners further humbly represent, that the said Bill proposes to effect a serious change in the constitution of the local governments in India, which in the judgment of your Petitioners will, if adopted, place an excessive power in the hands of the Governor-general, and prejudicially diminish the power and influence of the governments of Madras and Bombay.

Your Petitioners admit that it is necessary to provide an efficient government for the western provinces of Bengal; but they think that this object would be as satisfactorily, and much more economically attained, by the appointment of a Lieutenant Governor subject to the Bengal Government, than by the institution of a fourth Presidency.

The proposal to vest the Executive Governments of Madras and Bombay in Governors without Councils, appears to your Petitioners to be liable to very serious

serious objections, which are not removed, by that clause in the bill which allows the Court of Directors, with the approbation of the said Board, to appoint a council in any Presidency, because, as there are councils at present, the effect of the bill, if passed into a law, will be, to declare the opinion of the legislature against councils, and to place the Court of Directors and the Board in the position, should they think councils essential, of at once exercising their judgment in opposition to that opinion.

If it be intended to continue the Councils but with a power to the Court and the Board to dispense with them, your Petitioners humbly submit that that intention should be distinctly expressed in the said bill. Your Petitioners would further represent, that they cannot but contemplate with anxiety the increase of expense which will be caused by the number of new offices proposed by the said bill to be created; a governor of Agra, at 1,20,000 rupees per annum; and, as a consequence of the formation of a Presidency there, many expensive establishments; three additional councillors in Bengal, at 96,000 rupees a year each; and five law commissioners, at 60,000 rupees a year each.

Your Petitioners must also regard with some apprehension, the augmentation of charge in the ecclesiastical department by means of the arrangements provided in the said Bill; for at present independently of the military chaplains of the church of England, seventy-five in number, the Establishment comprises one bishop, three archdeacons, and six chaplains of the church of Scotland, at an aggregate expense of 1,66,838 rupees per annum; whilst under the proposals contained in the said bill, the Establishment will comprize, independently of seventy-five military chaplains of the church of England, three bishops, three chaplains to discharge the duties which the archdeacons now perform; and eight chaplains of the church of Scotland, at an aggregate expense of 2,29,858 rupees annually, besides which there is the contingent expense of episcopal visitations, pensions, and passage money.

Your Petitioners, whilst they are sincerely desirous that adequate means should be provided for the spiritual instruction and consolation of all classes of the public servants stationed in India, must be permitted to remark, that no evidence has been brought before them which satisfies them of the necessity of adding to the establishment two suffragan bishops, and two chaplains of the church of Scotland, and that without such evidence they could not consider it just to employ the revenues of India in maintaining these officers.

Your Petitioners beg leave respectfully to call the particular attention of your

No.
CXXXIII.

Petition to
the House of
Commons.

No.
CXXXIII.

Petition to
the House of
Commons.

your Honourable House to those parts of the said Bill, which relate to the college at Haileybury,
Throughout the correspondence which has passed with His Majesty's Ministers, your Petitioners have declared upon this point, that the arrangement "which shall most effectually provide the means of giving good servants to the Indian empire is that which will assuredly meet the views of the Court, whatever its effect may be on their patronage;" and it is because your Petitioners are deliberately convinced that efficiency will be more likely to be obtained in a general system of education, brought to the standard of a high test of examination, than in any exclusive system, that the court confidently ask your Honourable House to abolish the college, a measure which is further strongly recommended by considerations of expense, as the maintenance of that institution has in the last term caused a charge upon India at the rate of upwards of ten thousand pounds per annum, when there were less than thirty students within its walls; and your Petitioners would also submit the important fact, that in the course of the last ten years the college has at one time been unequal to supply the requisite number of writers, and at another, as at present, is much more than adequate to the supply.

Your Petitioners therefore most humbly pray that your Honourable House will be pleased to take the foregoing representations into consideration, and so to modify and alter the said Bill, as to meet the objections which your Petitioners have presumed to lay before you; and if it should be the pleasure of your Honourable House to hear Counsel in support and explanation of those objections, Counsel are prepared to appear accordingly at such time as you may be pleased to appoint.

(L. S.)

No. CXXXIV.

No.
CXXXIV.

Letter to
Peter Auber, Esq.
29 July 1833.

LETTER from EDWARD LAWFORD, *Esq.*, (*Company's Solicitor*), to
PETER AUBER, *Esq.*, *Secretary to the East-India Company*.

SIR, Drapers' Hall, 29th July 1833.

I have the honour to state to you, for the information of the Honourable Court of Directors, that the petition agreed to by the General Court on Friday last;

Letter to Peter Auber, Esq. 29 July 1833.

last, which I received from you that afternoon, was presented on the same evening to the Honourable House of Commons by Robert Cutlar Fergusson, Esq., who moved that the Company's Counsel, who were in attendance, should be called in. This motion not being acceded to, the Bill having been farther amended was read a third time and passed; and I have the honour to send you herewith a copy of it as so amended.

I am,

Sir,
Your most obedient servant,

(Signed) EDWARD LAWSON,
Peter Auber, Esq., Secretary, &c.

No. CXXXV.

A BILL (as passed by the Honourable the House of Commons), for effecting an Arrangement with the East-India Company, and for the better Government of His Majesty's Indian Territories;

(27th July 1833.)

No. CXXXV.

Preamble.

WHEREAS by an Act passed in the fifty-third year of the reign of His Majesty King George the Third, intituled an Act for continuing in the East-India Company for a further term the possession of the British Territories in India; together with certain exclusive privileges; for establishing further Regulations for the Government of the said Territories, and the better administration of Justice within the same, and for regulating the Trade to and from the Places within the limits of the said Company's Charter; the Possession and Government of the British Territories in India were continued in the United Company of Merchants of England trading to the East-Indies for a term therein mentioned:

Recital of 53 Geo. 3, c. 155.

And whereas the said Company are entitled to or claim the Lordships and Islands of Saint Helena and Bombay, under Grants from the Crown, and other Property to a large amount in value; and also certain Rights and Privileges, not affected by the determination of the term granted by the said recited Act:

Whereby the possession and government of India were continued to the Company for a Term.

And whereas the said Company have consented, that, all their rights and interests, to or in the said territories, and all their territorial, and commercial,

Recital that the Company claim St. Helena and Bombay and other property, and rights not affected by determination of Term.

Recital that the Company have con-

real

o. CXXXV. real and personal Assets and Property, whatsoever, shall, subject to the debts and liabilities now affecting the same, be placed at the disposal of Parliament, in consideration of certain provisions hereinafter mentioned, and have also consented that their right to trade for their own profit in common with other His Majesty's subjects be suspended during such time as the Government of the said territories shall be confided to them :

ated that their
his in the Indian
territories and all
their property (sub-
ject to their li-
abilities) shall be at
the disposal of Par-
liament; in consider-
ation of the provi-
sions of this Act;
and that their right
of trade shall be sus-
pended.

recital that it is ex-
plicit that India be
continued under the
government of the
Company in trust for
the Crown;

and that their Pro-
perty be continued
in their possession
in trust for the
service of Govern-
ment; and other pur-
poses.

the British Territo-
ries in India to re-
main under the
government of the
Company till 30th
April 1854.

the real and per-
sonal property of the
Company to be held
in trust for the Crown
for the service of In-
dia.

And whereas it is expedient, that the said territories, now under the govern-
ment of the said Company, be continued under such government, but in trust,
for the Crown of the United Kingdom of Great Britain and Ireland, and dis-
charged of all claims of the said Company to any profit therefrom to their own
use, except the dividend hereinafter secured to them, and that the property of the
said Company be continued in their possession and at their disposal, in trust
for the crown, for the service of the said Government, and other purposes in
this 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 Com-
mons, in this present Parliament assembled, and by the authority of the same,
That from and after the Twenty-second day of April One thousand eight hundred
and Thirty-four, the Territorial Acquisitions and Revenues mentioned or referred
to in the said Act of the fifty-third year of His late Majesty King George the
Third, together with the Port and Island of *Bombay*, and all other Territories now
in the Possession and under the Government of the said Company, except the
Island of *Saint Helena*, shall remain and continue under such Government until
the Thirtieth day of April One thousand eight hundred and Fifty-four; and that
all the lands and hereditaments, revenues, rents, and profits of the said Company,
and all the stores, merchandize, chattels, monies, debts, and real and personal
estate whatsoever, except the said Island of *St. Helena*, and the stores and
property thereon hereinafter mentioned, subject to the debts and liabilities now
affecting the same, respectively, and the benefit of all contracts, covenants, and
engagements, and all rights to fines, penalties, and forfeitures, and other emol-
luments whatsoever, which the said Company shall be seized or possessed of, or
entitled unto, on the said Twenty-second day of April One thousand eight
hundred and thirty-four, shall remain and be vested in, and be held, received,
and exercised, respectively, according to the nature and quality, estate and
interest of and in the same respectively, by the said Company in trust for his
Majesty, his Heirs and Successors, for the service of the Government of *India*,
discharged of all claims of the said Company to any profit or advantage there-
from

from

from to their own use, except the Dividend on their Capital Stock, secured to them as hereinafter is mentioned, subject to such powers and authorities for the superintendence, direction, and control over the acts, operations, and concerns of the said Company, as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made or provided by this Act.

And be it Enacted, That all and singular the privileges, franchises, abilities, capacities, powers, authorities whether military or civil, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters, and things whatsoever, granted to or continued in the said United Company, by the said Act of the fifty-third year of King George the Third, for and during the term limited by the said Act; and all other the enactments, provisions, matters, and things contained in the said Act, or in any other Act or Acts whatsoever, which are limited, or may be construed to be limited to continue for and during the term granted to the said Company by the said Act of the fifty-third year of King George the Third, so far as the same, or any of them, are in force, and not repealed by, or repugnant to the enactments hereinafter contained, and all powers of alienation and disposition, rights, franchises, and immunities, which the said United Company now have, shall continue and be in force, and may be exercised and enjoyed as against all persons, whomsoever, subject to the superintendence, direction, and control hereinbefore mentioned, until the Thirtieth day of April One thousand eight hundred and Fifty-four.

Provided always and be it Enacted, That from and after the said Twenty-second day of April One thousand eight hundred and Thirty-four, the exclusive right of trading with the Dominions of the Emperor of China, and of trading in Tea, continued to the said Company by the said Act of the fifty-third year of King George the Third, shall cease.

And be it Enacted, That the said Company shall, with all convenient speed after the said Twenty-second day of April One thousand eight hundred and Thirty-four, close their Commercial Business, and make sale of all their merchandise, stores, and effects, at home and abroad, distinguished in their account books as Commercial Assets, and all their warehouses, lands, tenements, hereditaments, and property whatsoever, which may not be retained for the purposes of the Government of the said Territories, and get in all debts due to them on account of the Commercial Branch of their affairs, and reduce their Commercial Establishments as the same shall become unnecessary, and discontinue and abstain from all Commercial Business which shall not be incident to the closing of their actual concerns, and to the conversion into money of the property hereinbefore directed

All privileges, powers, &c. granted by 53 Geo. 3. c. 155, for the term thereby granted;

and all enactments of that and other Acts which are limited to continue during that term, and not repugnant to this Act, to be in force during further term;

and all powers of alienation, rights, and immunities of the Company to be in force, subject to control.

3. From 22d April 1834, China and Tea Trade of Company to cease.

4. The Company to close their Commercial Business, and to sell their property not retained for Government.

directed to be sold, or which shall not be carried on for the purposes of the said Government.

5.
The Board of Control to superintend Sale of the property, and the reduction of the Commercial Establishments and payment of Commercial Claims, and generally to control all acts affecting the property,

And be it Enacted, That the Board of Commissioners for the Affairs of India shall have full power to superintend, direct, and control the sale of the said Merchandize, Stores, and Effects, and other property hereinbefore directed to be sold, and to determine from time to time, until the said property shall be converted into money, what parts of the said Commercial Establishments shall be continued and reduced, respectively, and to control the allowance and payment of all Claims upon the said Company connected with the Commercial Branch of their affairs, and generally to superintend and control all acts and operations whatsoever of the said Company, whereby the value of the property of the said Company may be affected; and the said Board shall and may appoint such Officers as shall be necessary to attend upon the said Board during the winding up of the Commercial Business of the said Company, and that the charge of such Salaries or Allowances as His Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct to be paid to such Officers, shall be defrayed by the said Company as hereinafter mentioned, in addition to the ordinary charges of the said Board.

and to appoint necessary Officers to attend them during the winding up of the Commercial Business; the charge to be defrayed by Company.

6.
The Company may consider claims of Commercial Officers reduced, and, under the control of the Board, grant compensations,

And be it Enacted, That it shall be lawful for the said Company to take into consideration the claims of any persons now or heretofore employed by or under the said Company, or the widows and children of any such persons, whose interests may be affected by the discontinuance of the said Company's Trade, or who may be reduced from time to time, and, under the control of the said Board, to grant such Compensations, Superannuations, or Allowances (the charge thereof to be defrayed by the said Company as hereinafter mentioned), as shall appear reasonable. Provided always that no such compensations, superannuations, or allowances shall be granted without the consent of the Board of Commissioners for the Affairs of India, signified by a letter from one of the Secretaries of the said Board to the Court of Directors of the said Company; and that such consent shall not be in any case given or signified until the expiration of two calendar months after particulars of the compensation, superannuation, or allowance proposed to be so granted shall have been laid before both Houses of Parliament.

7.
The particulars hereof being laid before Parliament every year.

Provided always, and be it Enacted, That within the first fourteen sitting days after the first meeting of Parliament in every year, there be laid before both Houses of Parliament the particulars of all Compensations, Superannuations, and

and Allowances so granted, and of the salaries and allowances directed to be paid to such officers as may be appointed by the said Board as aforesaid during the preceding year.

And be it Enacted, That from and after the said Twenty-second day of April One thousand eight hundred and Thirty-four, all the Bond Debt of the said Company in Great Britain, and all the Territorial Debt of the said Company in India, and all other Debts which shall on that day be owing by the said Company, and all sums of money, costs, charges, and expenses, which, after the said Twenty-second day of April One thousand eight hundred and Thirty-four, may become payable by the said Company, in respect or by reason of any contracts, or liabilities then existing, and all debts, expences, and liabilities whatever, which after the same day, shall be lawfully contracted and incurred on account of the Government of the said Territories, and all payments by this Act directed to be made, shall be charged and chargeable upon the Revenues of the said Territories; and that neither any Stock or Effects which the said Company may hereafter have to their own use, nor the Dividend by this Act secured to them, nor the Directors, or Proprietors of the said Company, shall be liable to or chargeable with any of the said debts, payments, or liabilities.

Provided always and be it Enacted, That so long as the possession and government of the said Territories shall be continued to the said Company, all persons and bodies politic shall and may have and take the same suits, remedies, and proceedings legal and equitable against the said Company, on respect of such debts and liabilities as aforesaid, and the property vested in the said Company in Trust, as aforesaid, shall be subject and liable to the same judgments and executions, in the same manner and form, respectively, as if the said property were hereby continued to the said Company to their own use.

And be it Enacted, That out of the Revenues of the said Territories, there shall be paid to or retained by the said Company to their own use, a yearly Dividend after the rate of Ten Pounds Ten Shillings per centum per annum on the present amount of their Capital Stock; the said Dividend to be payable in Great Britain, by equal, half-yearly payments, on the Sixth day of January and the Sixth day of July in every year; the first half-yearly payment to be made on the Sixth day of July One thousand eight hundred and Thirty-four.

Provided always and be it Enacted, That the said Dividend shall be subject to Redemption, by Parliament, upon and at any time after the Thirtieth day of April One thousand eight hundred and Seventy-four, on payment to the Company of Two hundred pounds sterling for every One hundred pounds of the said

6.
Company's Debts
and Liabilities
charged on India.

9.
While India is under
the Government of
the Company, their
property to be sub-
ject to execution as
if continued to them
for their own use.

10.
A Dividend of
£10. 10s. per cent.
per annum to be paid
on the Company's
Stock by half-yearly
payments in Great
Britain.

11.
The Dividend sub-
ject to redemption
by Parliament after
the 30th of April
1874, on payment of
£200 for £100
Stock.

Twelve months' notice of redemption to be given by the Speaker.

12. If the Company be deprived by Parliament of the government of India, they may demand redemption of the Dividend at the same rate, to be provided for within three years after demand.

13. The Company to pay to the Commissioners for Reduction of National Debt £2,000,000.

To be placed to the account of the Security Fund of the India Company.

The Monies and Dividends to be laid out in Government Securities, and the Dividends to be placed to same account until the Monies received on such account shall amount to Twelve Millions.

The Fund to be a Security Fund for better securing the redemption of the Dividend.

14. Commissioners for the reduction of the National Debt, upon

Capital Stock, together with a proportionate part of the same Dividend if the Redemption shall take place on any other day than one of the said half-yearly days of payment: Provided also, That Twelve months' notice in writing, signified by the Speaker of the House of Commons, by the order of the House, shall be given to the said Company of the intention of Parliament to redeem the said Dividend.

Provided always and be it Enacted, That if on or at any time after the said Thirtieth day of April One thousand eight hundred and Fifty-four, the said Company shall by the expiration of the term hereby granted cease to retain, or shall by the authority of Parliament be deprived of the Possession and Government of the said Territories, it shall be lawful for the said Company, within one year thereafter, to demand the Redemption of the said Dividend, and provision shall be made for redeeming the said Dividend, after the rate aforesaid, within Three years after such demand.

And be it Enacted, That there shall be paid by the said Company into the Bank of *England*, to the account of the Commissioners for the Reduction of the National Debt, such sums of money as shall in the whole amount to the sum of Two millions sterling, with compound interest after the rate of Three pounds Ten shillings per centum per annum, computed half-yearly from the said Twenty-second day of April One thousand eight hundred and Thirty-four, on so much of the said sums as shall from time to time remain unpaid: And the Cashiers of the said Bank shall receive all such sums of money, and place the same to a separate account with the said Commissioners, to be intitled "The Account of the Security Fund of the *India Company*:" And that as well the monies so paid into the said Bank, as the Dividends or Interest which shall arise therefrom, shall from time to time be laid out, under the direction of the said Commissioners, in the purchase of Capital Stock in any of the redeemable public Annuities transferable at the Bank of *England*; which Capital Stock so purchased shall be invested in the names of the said Commissioners, on account of the said Security Fund, and the Dividends payable thereon shall be received by the said Cashiers and placed to the said account, until the whole of the sums so received on such account shall have amounted to the sum of Twelve millions sterling: And the said Monies, Stock, and Dividends or Interest, shall be a Security Fund, for better securing to the said Company the redemption of their said Dividend, after the rate hereinbefore appointed for such redemption.

Provided always and be it Enacted, That it shall be lawful for the said Commissioners for the Reduction of the National Debt from time to time, and

and they are hereby required, upon requisition made for that purpose by the Court of Directors of the said Company, to raise and pay to the said Company such sums of money as may be necessary for the payment of the said Company's Dividend, by reason of any failure or delay of the Remittances of the proper funds for such payment; such sums of money to be raised by sale or transfer or deposit by way of mortgage of a competent part of the said Security Fund, according as the said Directors, with the approbation of the said Board, shall direct to be repaid into the Bank of England, to the account of the Security Fund, with interest, at after such rate as the Court of Directors, with the approbation of the said Board, shall fix, out of the Remittances which shall be made for answering such Dividend, as and when such Remittances shall be received in England;

15. Provided always and be it Enacted, That all Dividends on the Capital Stock forming the said Security Fund accruing after the monies received by the said Bank to the account of such Fund shall have amounted to the sum of Twelve millions sterling, until the said Fund shall be applied to the Redemption of the said Company's Dividend, and also all the said Security Fund, or so much thereof as shall remain after the said Dividend shall be wholly redeemed after the rate aforesaid, shall be applied in aid of the Revenues of the said Territories;

16. And be it Enacted, That the said Dividend on the Company's Capital Stock shall be paid or retained, as aforesaid, out of such part of the revenues of the said Territories as shall be remitted to Great Britain, in preference to all other charges payable thereout in Great Britain; and that the said sum of Two millions sterling shall be paid, in manner aforesaid, out of any sums which shall on the said Twenty-second day of April One thousand eight hundred and Thirty-four be due to the said Company from the Public, as and when the same shall be received and out of any monies which shall arise from the sale of any Government Stock on that day belonging to the said Company, in preference to all other payments thereout; and that, subject to such provisions for priority of charge, the revenues of the said Territories, and all monies which shall belong to the said Company on the said Twenty-second day of April One thousand eight hundred and Thirty-four, and all monies which shall be thereafter received by the said Company from and in respect of the property and rights vested in them in trust as aforesaid, shall be applied to the service of the Government of the said Territories, and in defraying all charges and payments by this Act created or confirmed and directed to be made, respectively, in such order as the said Court of Directors, under the control of the said Board, shall from time to time direct, anything in any other Act or Acts contained to the contrary notwithstanding.

requisition of Court, may raise money necessary for paying the Dividend by reason of failure or delay of remittance of proper funds, to be repaid when remittances are received.

15. The Dividend of the Security Fund when complete, and until redemption of Dividend, and the Fund itself after redemption, or so much as may not be applied for redemption, to be applied in aid of Revenues.

16. Company's Dividends to be paid out of Revenues in preference to other charges in Great Britain. The £2,000,000 to be paid out of debt due from the Public, and by sale of Company's Government Stock.

subject to such Priorities, Revenues, and Monies generally to be applied for the service of India and purposes of this Act, under control of Board.

17. Power to the King to appoint Commissioners for the Affairs of India.

And be it Enacted, That it shall and may be lawful for His Majesty, by any Letters Patent, or by any Commission or Commissions to be issued under the Great Seal of Great Britain, from time to time, to nominate, constitute, and appoint, during pleasure, such persons as His Majesty shall think fit to be, and who shall accordingly be and be styled, Commissioners for the Affairs of India; and every enactment, provision, matter, and thing relating to the Commissioners for the Affairs of India, in any other Act or Acts contained, so far as the same are in force and not repealed by or repugnant to this Act, shall be deemed and taken to be applicable to the Commissioners to be nominated as aforesaid.

18. The Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, the three Secretaries of State, and Chancellor of the Exchequer, to be officio Commissioners.

And be it Enacted, That the Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, the principal Secretaries of State, and the Chancellor of the Exchequer for the time being, shall, by virtue of their respective offices, be, and they are hereby declared to be Commissioners for the Affairs of India, in conjunction with the persons to be nominated in any such Commission as aforesaid, and they shall have the same powers respectively as if they had been expressly nominated in such Commission in the order in which they are herein mentioned next after the Commissioner first named therein.

19. Two Commissioners may form a Board.

And be it Enacted, That any two or more of the said Commissioners shall and may form a Board for executing the several powers which by this Act, or by any other Act or Acts, are or shall be given to or vested in the Commissioners for the Affairs of India; and that the Commissioner first named in any such Letters Patent or Commission, for the time being, shall be the President of the said Board; and that when any Board shall be formed in the absence of the President, the Commissioner next in order of nomination in this Act, or in the said Commission, of those who shall be present, shall for that turn preside at the said Board.

The first named Commissioner to be resident: In his absence the next Commissioner to reside.

20. Resident and occasional President to have the casting vote.

And be it Enacted, That if the Commissioners present at any Board shall be equally divided in opinion with respect to any matter by them discussed, then and on every such occasion, the President, or in his absence the Commissioner acting as such, shall have Two voices or the casting vote.

21. The Board to appoint two Secretaries and other Officers.

And be it Enacted, That the said Board shall and may nominate and appoint Two Secretaries, and such 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 each of the said Secretaries shall have the same powers, rights, and privileges, as by any Act or Acts now in force are vested in the Chief Secretary of the Commissioners for the Affairs of India; and that the President of the said Board, but no other Commissioner as such, and the said Secretaries and other Officers,

resident, Secretaries, and Officers to be paid such Salaries as the Crown shall direct.

Officers, shall be paid by the said Company such fixed salaries as His Majesty shall, by any warrant or warrants under his Sign Manual, countersigned by the Chancellor of the Exchequer for the time being, direct.

And be it Enacted, That if at any time the said Board shall deem it expedient to require their Secretaries and other Officers of the said Board, or any of them; to take an oath of secrecy, and for the execution of the duties of their respective stations, it shall be lawful for the said Board to administer such oath as they shall frame for the purpose:

And be it Enacted, That the said Board shall have and be invested with full power and authority to superintend, direct, and control all acts, operations, and concerns of the said Company, which in anywise relate to or concern the Government or Revenues of the said Territories, or the property hereby vested in the said Company, in trust as aforesaid, and all grants of salaries, gratuities, and allowances, and all other payments and charges whatever, out of or upon the said Revenues and Property respectively, except as hereinafter is mentioned:

And be it Enacted, That if, upon the occasion of taking any ballot on the election of a Director or Directors of the said Company, any Proprietor, who shall be resident within the United Kingdom, shall, by reason of absence, illness, or otherwise, be desirous of voting by letter of Attorney, he shall be at liberty so to do; provided that such letter of Attorney shall, in every case, express the name or names of the Candidate or Candidates for whom such Proprietor shall be so desirous of voting; and shall be executed within Ten days next before such election; And the Attorney constituted for such purpose shall, in every case, deliver the vote he is so directed to give openly to the person or persons who shall be authorized by the said Company to receive the same; And every such vote shall be accompanied by an affidavit or affirmation to be made before a Justice of the Peace by the Proprietor directing the same so to be given, to the same or the like effect as the oath or affirmation now taken by Proprietors voting upon ballots at General Courts of the said Company and in which such Proprietor shall also state the day of the execution of such letter of attorney; And any person making a false oath or affirmation before a Justice of Peace for the purpose aforesaid, shall be held to have thereby committed wilful perjury, and if any person do unlawfully or corruptly procure or suborn any other person to take the said oath or affirmation before a Justice of the Peace, as aforesaid, whereby he or she shall commit such wilful perjury, and shall thereof

22.
Secretaries and
Officers to take
Oaths, if required by
the Board.

23.
The Board of Com-
missioners to control
all acts concerning
India, and the sale
of property.

24.
Proprietors may vote
by Attorney.

be convicted, he, she, or they, for every such offence, shall incur such pains and penalties as are or may be provided by Law against subornation of perjury.

25.
So much of the Act of 13 Geo. III. c. 63, as enacts that no person employed in the East-Indies shall be chosen as a Director until he shall have been resident in England for two years, repealed.

the Court, with the consent of Board, shall declare such person to be an accountant with the Company with unsettled accounts, or that a charge against him under the Court's consideration, he shall be ineligible for two years, unless such accounts be sooner settled or charge decided on.

26.
To deliver to the Board copies of all minutes and proceedings of Courts of Proprietors and Directors within eight days, and copies of all letters and dispatches, which shall be material, or required.

27.
So official communications to be sent to the Court until approved by the Board.

And be it Enacted, That so much of the Act of the thirteenth year of the reign of King George the Third, 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 enacts that no person employed in any Civil or Military Station 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 shall have returned to, and been resident in *England* for the space of two years, shall be, and is hereby repealed: Provided that if the said Court of Directors, with the consent of the said Board, shall declare such person to be an accountant with the said Company, and that his accounts are unsettled, or that a charge against such person is under the consideration of the said Court, such person shall not be capable of being chosen into the office of Director for the term of two years after his return to *England*, unless such accounts shall be settled, or such charge be decided on, before the expiration of the said term.

And be it further Enacted, That the said Court of Directors shall, from time to time, deliver to the said Board copies of all Minutes, Orders, Resolutions, and proceedings of all Courts of Proprietors, general or special, and of all Courts of Directors, within Eight days after the holding of such Courts respectively, and also copies of all Letters, Advices, and Dispatches whatever, which shall at any time or times be received by the said Court of Directors or any Committee of Directors, and which shall be material to be communicated to the said Board, or which the said Board shall from time to time require.

And be it Enacted, That no orders, instructions, dispatches, official letters or communications whatever, relating to the said Territories or the Government thereof, or to the property or rights vested in the said Company, in trust as aforesaid, or to any public matters whatever, shall be at any time sent or given by the said Court of Directors, or any Committee of the said Directors, until the same shall have been submitted for the consideration of and approved by the said Board; and for that purpose, that copies of all such orders, instructions, dispatches, official letters or communications, which the said Court of Directors, or any Committee of the said Directors, shall propose to be sent or given, shall be by them previously laid before the said Board, and that within the space of Two months after the receipt of such proposed orders, instructions, dispatches, official

official letters or communications, the said Board shall either return the same to the said Court of Directors or Committee of Directors, with their approbation thereof, signified under the hand of one of the Secretaries of the said Board by the order of the said Board; or if the said Board shall disapprove, alter, or vary in substance, any of such proposed orders, instructions, dispatches, official letters, or communications, in every such case the said Board shall give to the said Directors, in writing, under the hand of one of the Secretaries of the said Board, by order of the said Board, their reasons in respect thereof, together with their directions to the said Directors in relation thereto; and the said Directors shall, and they are hereby required forthwith to send the said orders, instructions, dispatches, official letters or communications, in the form approved by the said Board, to their proper destinations: Provided always, That it shall be lawful for the said Board, by Minutes from time to time to be made for that purpose and entered on the Records of the said Board, and to be communicated to the said Court, to allow such classes of orders, instructions, dispatches, official letters or communications as shall in such Minutes be described, to be sent or given by the said Court without having been previously laid before the said Board.

And be it Enacted, That whenever the said Court of Directors shall omit to prepare and submit for the consideration of the said Board any orders, instructions, dispatches, official letters, or communications, beyond the space of Fourteen days after requisition made to them by order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the said Directors any orders, instructions, dispatches, official letters or communications, together with their directions relating thereto; and the said Directors shall, and they are hereby required forthwith to transmit the same to their proper destinations.

Provided always and be it Enacted, That nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Directors from expressing, within Fourteen Days, by representation in writing to the said Board, such remarks, observations, or explanations, as they shall think fit, touching or concerning any directions which they shall receive from the said Board; and that the said Board shall, and they are hereby required to take every such representation, and the several matters therein contained or alleged, into their consideration, and to give such further Directions thereupon as they shall think fit and expedient, which shall be final and conclusive upon the said Directors.

And be it Enacted, That if it shall appear to the said Court of Directors

except such classes of Communications as the Board may allow

28. Board may require Court to frame official communications, and if Court omit to do so for fourteen days after requisition, the Board may prepare them; the Court to send the same to their proper destinations.

29. Representations may within Fourteen days be made by Court as to proposed official communications disapproved or altered by Board. Board, after considering such representations, to give final orders.

30. If Court think the orders of Board con-

trary to law, the Court of King's Bench may certify their opinion on any case which may be agreed upon. Such opinion to be conclusive.

that any orders, instructions, dispatches, official letters, or communications, upon which directions may be so given by the said Board as aforesaid, are contrary to law, it shall be in the power of the said Board and the said Court of Directors to send a special case, to be agreed upon by and between them, and to be signed by the President of the said Board and the Chairman of the said Company, to His Majesty's Court of King's Bench, for the opinion of the said Court; and the said Court are hereby required to certify their opinion upon any case so submitted to them, and to send a certificate thereof to the said President and Chairman, which opinion shall be final and conclusive.

31. Nothing in this Act to extend to empower the Board to appoint officers of the Company, or to interfere with home officers.

Provided always, and be it Enacted and Declared, That the said Board shall not have the power of appointing any of the Servants of the said Company, or of directing or interfering with the Officers and Servants of the said Company employed in their Home Establishment; nor shall it be necessary for the said Court of Directors to submit for the consideration of the said Board their communications with the officers or servants employed in their said Home Establishment, or with the Legal Advisers of the said Company.

32. Directors to appoint a Secret Committee, who shall take the following

And be it Enacted, That the said Court of Directors shall from time to time appoint a Secret Committee, to consist of any number not exceeding Three of the said Directors, for the particular purposes in this Act specified; which said Directors so appointed shall, before they or any of them shall act in the execution of the powers and trusts hereby reposed in them, take an Oath of the tenor following (that is to say);—

“I, (A. B.) do swear, that I will, according to the best of my skill and judgment, 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 *India* Company; I will not disclose or make known any of the secret orders, instructions, dispatches, official letters, or communications, which shall be sent or given to me by the Commissioners for the Affairs 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 authorized by the said Commissioners to disclose and make known the same. So help me God.”

which said Oath shall and may be administered by the several and respective Members of the said Secret Committee to each other; and being so by them taken and subscribed, shall be recorded by the Secretary or Deputy Secretary

of

of the said Court of Directors for the time being amongst the acts of the said Court.

Provided also and be it Enacted, That if the said Board shall be of opinion that the subject-matter of any of their deliberations, concerning the levying war or making peace, or treating or negotiating with any of the Native Princes or States in *India*, or with any other Princes or States, intended to be communicated in orders, dispatches, official letters or communications to any of the Governments or Presidencies in *India*, or to any officers or servants of the said Company, shall be of a nature to require secrecy, it shall and may be lawful for the said Board to send their orders, dispatches, official letters or communications, to the Secret Committee of the said Court of Directors, to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit the same, according to the tenor thereof, or pursuant to the directions of the said Board, to the respective Governments and Presidencies, officers and servants; and that the said Governments and Presidencies, officers and servants, shall be bound to pay a faithful obedience thereto, in like manner as if such orders, dispatches, official letters or communications had been sent to them by the said Court of Directors,

And be it Enacted, That the said Court of Directors shall, before the twenty-second day of April One thousand eight hundred and thirty-four, and afterwards from time to time so often as reductions of the establishment of the said Court or other circumstances may require, frame and submit to the said Board an estimate of the gross sum which will be annually required, for the salaries of the Chairman, Deputy Chairman and Members of the said Court, and the Officers and Secretaries thereof, and all other proper expenses fixed and contingent thereof, and of General Courts of Proprietors, and such estimate shall be subject to reduction by the said Board, so that the reasons for such reduction be given to the said Court of Directors; and any sum not exceeding the sum mentioned in such estimate, or (if the same shall be reduced) in such reduced estimate, shall be annually applicable, at the discretion of the Court of Directors, to the payment of the said salaries and expenses; and it shall not be lawful for the said Board to interfere with, or control the particular application thereof, or to direct what particular salaries or expenses shall from time to time be increased or reduced: Provided always, That such and the same accounts shall be kept and rendered of the sums to be applied in defraying the salaries and expenses aforesaid, as of the other branches of the expenditure of the said Company.

And be it Enacted, That the territories now subject to the Government of the Presidency of *Fort William* in *Bengal* shall be divided into two distinct Presidencies;

83.
If the Board are of opinion that any matters wherein Indian or other states are concerned require secrecy, the Board may send official communications through Secret Committee.

34.
The Court to submit to the Board an estimate of Salaries of Directors and other Expenses of the India-House.

The Estimates subject to reduction by the Board.

The gross sum to be applicable at the discretion of the Court of Directors for such purposes.

Accounts of application to be rendered.

85.
The present Presidency of *Fort William*, in *Bengal*, to be divided into two

Presidencies; one to be styled the Presidency of Fort William in Bengal, the other the Presidency of Agra.

The Court to declare the limits, from time to time, of the four Presidencies.

Presidencies; one of such Presidencies, in which shall be included *Fort William* aforesaid, to be styled the Presidency of *Fort William*, in *Bengal*, and the other of such Presidencies to be styled the Presidency of *Agra*; and that it shall be lawful for the said Court of Directors, under the control by this Act provided, and they are hereby required to declare and appoint what part or parts of any of the territories, under the Government of the said Company, shall from time to time be subject to the Government of each of the several Presidencies, now subsisting or to be established as aforesaid, and from time to time, as occasion may require, to revoke and alter, in the whole or in part, such appointment, and to make such new distribution of the same as shall be deemed expedient.

36. The government of India vested in a Governor General and Members of Council.

And be it Enacted, That the whole Civil and Military Government of all the said Territories and Revenues in India shall be, and is hereby vested in a Governor-General and Counsellors, to be styled "The Governor-General of India in Council."

37. Five to be ordinary Counsellors, Four to be servants of the Company, and to have served ten years.

And be it Enacted, That there shall be Five ordinary Members of the said Council, Four of whom shall from time to time be appointed by the said Court of Directors from amongst such persons as shall be, or shall have been, Servants of the said Company; and each of the said Four ordinary Members of Council shall, at the time of his appointment, have been in the service of the said Company for at least Ten years; and if he shall be in the Military Service of the said Company, he shall not, during his continuance in office as a Member of Council, hold any Military Command, or be employed in actual Military Duties; and that the fifth ordinary Member of Council shall from time to time be appointed from amongst persons who shall not be Servants of the said Company by the said Court of Directors, subject to the approbation of His Majesty, to be signified in writing by his Royal Sign-Manual, countersigned by the President of the said Board; and it shall be lawful for the said Court of Directors to appoint the Commander-in-Chief of the Company's Forces in *India*, and if there shall be no such Commander-in-Chief, or the offices of such Commander-in-Chief and of Governor-General of *India* shall be vested in the same person, then the Commander-in-Chief of the Forces on the *Bengal* establishment to be an extraordinary Member of the said Council, and such extraordinary Member of Council shall have rank and precedence at the Council Board next after the Governor-General.

Any ordinary Member of Council in the military service not to hold any command.

The fifth ordinary Member of Council to be appointed with the approbation of the King, not from the Company's servants.

38. The person who shall be Governor-General on the 22d April 1834, to be Govern-

And be it Enacted, That the person who shall be Governor General of the Presidency of *Fort William* in *Bengal* on the twenty-second day of April One thousand

thousand eight hundred and thirty-four, shall be the first Governor General of *India* under this Act; and such persons as shall be Members of Council of the same Presidency on that day, shall be respectively Members of the Council constituted by this Act.

And be it Enacted, That all vacancies happening in the office of Governor General of *India*, shall from time to time be filled up by the said Court of Directors, subject to the approbation of His Majesty, to be signified in writing by His Royal Sign-Manual, countersigned by the President of the said Board.

And be it Enacted, That the said Governor General in Council shall have power to make Laws and Regulations for repealing, amending, or altering any Laws or Regulations whatever now in force, or hereafter to be in force, in the said Territories or any part thereof, and to make Laws and Regulations for all persons, whether *British* or Native; Foreigners or others, and for all Courts of Justice, whether established by His Majesty's Charters or otherwise, and the jurisdictions thereof, and for all places and things whatsoever, within, and throughout the whole and every part of the said Territories, and for all servants of the said Company within the dominions of Princes and States in alliance with the said Company; save and except that the said Governor General in Council shall not have the power of making any Laws or Regulations which shall in any way repeal, vary, suspend, or affect any of the provisions of this Act, or any of the provisions of the Acts for punishing Mutiny and Desertion of Officers and Soldiers, whether in the service of His Majesty or the said Company, or any provisions of any Act hereafter to be passed, in any wise affecting the said Company or the said Territories or the Inhabitants thereof, or any Laws or Regulations which shall in any way affect any prerogative of the Crown or the authority of Parliament, or the Constitution or Rights of the said Company, or any part of the unwritten Laws or Constitution of the United Kingdom, of *Great Britain and Ireland*, whereon may depend, in any degree, the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said Territories.

Provided always, and be it Enacted, That in case the said Court of Directors, under such control as by this Act is provided, shall signify to the said Governor General in Council their disallowance of any Laws, or Regulations by the said Governor General in Council made; then and in every such case, upon receipt by the said Governor General in Council of notice of such disallowance,

nor-General under this Act, The Members of Council, on 22d April 1834, to be Members of Council under this Act.

39. Vacancies in the office of Governor General to be filled up by Court of Directors, subject to the King's approbation.

40. Except as mentioned, the Governor-General in Council empowered to legislate for India.

41. If the Court of Directors disallow the Laws, Governor in Council to repeal them.

disallowance, the said Governor General in Council shall forthwith repeal all Laws and Regulations so disallowed.

42. All such Laws and Regulations, until repealed, to be of the same force as any Act of Parliament.

Provided also, and be it Enacted, That all Laws and Regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect, within and throughout the said Territories, as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of Justice whatsoever within the same Territories, in the same manner as any public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council.

Registration in Supreme Court unnecessary.

43. No power in Governor-General to empower any Court of Justice, other than the King's Courts, to punish with death European subjects or their children, or to abolish the King's Courts, without previous sanction of the Directors.

Provided also, and be it Enacted, That it shall not be lawful for the said Governor General in Council, without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby power shall be given to any Courts of Justice, other than the Courts of Justice established by His Majesty's Charters, to sentence to the punishment of Death any of His Majesty's natural-born Subjects born in Europe, or the children of such Subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters.

44. The Court to submit to the Board rules or the procedure of the Governor General in Council. To prescribe the modes of promulgation of laws and of the authentication of the proceedings of the Governor-General Council, the Rules to be of the same force as if inserted in this Act, and to be laid before Parliament.

And be it Enacted, That the said Court of Directors shall forthwith submit, for the approbation of the said Board, such Rules as they shall deem expedient for the procedure of the Governor General in Council, in the discharge and exercise of all powers, functions, and duties imposed on or vested in him by virtue of this Act, or to be imposed or vested in him by any other Act or Acts; which Rules shall prescribe the modes of promulgation of any Laws or Regulations to be made by the said Governor General in Council, and of the authentication of all acts and proceedings whatsoever of the said Governor General in Council; and such Rules, when approved by the said Board of Commissioners, shall be of the same force as if they had been inserted in this Act: Provided always, That such Rules shall be laid before both Houses of Parliament in the Session next after the approval thereof.

45. Quorum of Governor-General in Council for making laws, the Governor-General and three of the ordinary members, or all other duties, Governor-General and one ordinary member. The Governor-General to have the casting vote.

Provided always and be it Enacted, That all Laws and Regulations shall be made at some meeting of the Council, at which the said Governor General and at least Three of the ordinary Members of Council shall be assembled; and that all other functions of the said Governor General in Council may be exercised by the said Governor General and one or more ordinary Member or Members of Council; and that in every case of difference of opinion at Meetings of the said Council, where there shall be an equality of voices, the said Governor General shall have Two Votes or the casting Vote.

Provided

Provided always, and be it Enacted, That when and so often as any measure shall be proposed before the said Governor General in Council, whereby the safety or tranquillity of the *British Possessions in India*, or any part thereof, are or may be, in the judgment of the said Governor General, essentially affected, and the said Governor General shall be of opinion, either that the measure so proposed ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the majority in Council then present shall differ in and dissent from such opinion, the said Governor General and Members of Council are hereby directed forthwith mutually to exchange with and communicate to each other, in writing under their respective hands, to be recorded at large on their Secret Consultations, the grounds and reasons of their respective opinions; and if, after considering the same, the said Governor General and the majority in Council shall still differ in opinion, it shall be lawful for the said Governor General of his own authority and on his own responsibility to suspend or reject the measure so proposed, in part or in whole, or to adopt and carry the measure so proposed into execution, as the said Governor General shall think fit and expedient.

And be it Enacted, That the said Council shall from time to time assemble, at such place or places as shall be appointed by the said Governor General, within the said territories; And that as often as the said Council shall assemble within any of the Presidencies of *Fort Saint George, Bombay, or Agra*, the Governor of such Presidency shall act as an extraordinary Member of Council.

Provided always and be it Enacted, That nothing herein contained shall extend to affect in any way the right of Parliament to make Laws for the said Territories and for all the Inhabitants thereof: And it is expressly declared, That a full, complete, and constantly existing right and power is intended to be reserved to Parliament, to control, supersede, or prevent all proceedings and acts whatsoever of the said Governor General in Council, and to repeal and alter, at any time, any Law or Regulation whatsoever made by the said Governor General in Council, and in all respects to legislate for the said Territories and all the Inhabitants thereof, in as full and ample a manner as if this Act had not been passed: And the better to enable Parliament to exercise at all times such right and power, all Laws and Regulations made by the said Governor General in Council shall be transmitted to *England* and laid before both Houses of Parliament, in the same manner as is now by law provided, concerning the Rules and Regulations made by the several Governments in *India*.

And be it Enacted, That all enactments, provisions, matters, and things relating

46.
When any measure proposed, whereby the safety or peace of India may be essentially affected, and the Governor-General shall think it expedient to adopt or reject such measure, and the Members of Council shall differ in opinion from him, the Governor-General and Majority in Council to interchange the reasons; and if, after consideration, the majority in Council shall still differ, the Governor-General to have the right of decision, and his orders to be obeyed.

47.
Council to assemble at any place in India.

48.
Nothing in this Act to affect the right of Parliament to legislate for India.
Express reservation to Parliament to control all acts whatever of Governor-General in Council.

Laws and Regulations to be laid before Parliament.

49.
All enactments relating to Supreme

Government shall apply to Governor General of India in Council.

50.
A Law Commission to be appointed to supply information and suggestions, for improving judicial establishments and police, and for consolidating and amending the Laws.

relating to the Governor General of *Fort William* in *Bengal*, in Council, in any other Act or Acts contained, so far as the same are now in force and not repealed by or repugnant to the provisions of this act, shall continue and be in force and be applicable to the Governor General of *India* in Council.

AND whereas it is expedient, that, subject to such special arrangements as local circumstances may require, a general system of Judicial Establishments and Police, to which all persons whatsoever, as well Europeans as Natives, may be subject, should be established in the said Territories at an early period; and that such Laws as may be applicable in common to all classes of the Inhabitants of the said Territories, due regard being had to the rights, feelings, and peculiar usages of the People, should be enacted, and that all Laws and Customs having the force of law within the same Territories, should be ascertained and consolidated, and as occasion may require amended; BE it therefore Enacted, that the said Governor-General of *India* in Council shall, as soon as conveniently may be after the passing of this Act, issue a Commission and from time to time Commissions to such persons as the said Court of Directors with the approbation of the said Board of Commissioners shall recommend for that purpose, and to such other persons, if necessary, as the said Governor-General in Council shall think fit, all such persons not exceeding in the whole at any one time Five in number, and to be styled "THE INDIAN LAW COMMISSIONERS," with all such powers as shall be necessary for the purposes hereinafter mentioned; and the said Commissioners shall fully enquire into the Jurisdiction, Powers, and Rules of the existing Courts of Justice and Police Establishments in the said Territories, and all existing forms of judicial procedure, and into the nature and operation of all laws, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, are now subject; And the said Commissioners shall from time to time make reports, in which they shall fully set forth the result of their said inquiries, and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said Courts of Justice and Police Establishments, forms of Judicial procedure and Laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said Territories.

51.
The Law Commissioners to follow the instructions of the Governor-General in Council, and to make

And be it Enacted, That the said Commissioners shall follow such Instructions, with regard to the researches and enquiries to be made, and the places to be visited by them, and all their transactions with reference to the objects of their

their Commission, as they shall from time to time receive from the said Governor General of India in Council; and they are hereby required to make to the said Governor General in Council such special reports upon any matters as by such instructions may from time to time be required; and the said Governor General in Council shall take into consideration the Reports from time to time to be made by the said Indian Law Commissioners, and shall transmit the same together with the opinions or resolutions of the said Governor General in Council thereon, to the said Court of Directors; and which said Reports, together with the said Opinions or Resolutions, shall be laid before both Houses of Parliament, in the same manner as is now by Law provided concerning the Rules and Regulations made by the several Governments in India.

And be it Enacted, That it shall and may be lawful for the Governor General of India in Council to grant salaries to the said Indian Law Commissioners and their necessary officers and attendants, and to defray such other expenses as may be incident to the said Commission, and that the salaries of the said Commissioners shall be according to the highest scale of remuneration given to any of the officers or servants of the India Company below the rank of Members of Council.

And be it Enacted, That the executive Government of each of the several Presidencies of *Fort William* in Bengal, *Fort Saint George*, *Bombay*, and *Agra*, shall be administered by a Governor, and that the Governor-General of India for the time being shall be the Governor of the Presidency of *Fort William* in Bengal.

Provided always, and be it Enacted, That it shall be lawful for the said Court of Directors to appoint a Council in any Presidency, where the said Court, with the sanction and approbation of the said Board, shall resolve that the Governor be assisted by a Council, and in case of the appointment of such a Council in any Presidency, the executive Government of such Presidency shall be administered by the Governor and Counsellors thereof, to be styled "The Governor in Council of the said Presidencies of *Fort William* in Bengal, *Fort Saint George*, *Bombay*, or *Agra* respectively," and the said Governor and Counsellors respectively of each such Presidency shall have the same rights and voices in their assemblies, and shall observe the same order and course in their proceedings as the Governors in Council of the Presidencies of *Fort Saint George* and *Bombay* respectively now have and observe.

And be it Enacted, That the several persons who, on the said Twenty-second

special reports when required, or other as stated in the above clause.

Governor General in Council to consider reports, and transmit to Court of Directors their opinions thereon.

52.
Salaries to be granted to Law Commissioners.

53.
The Executive Government of the Presidencies to be administered by the Governors.

54.
Power to Directors to appoint Councils.

55.
The Governors of Madras and Bombay,

on 22d April 1834, to be the first Governors of those Presidencies under this Act, and the office of Governor of the Presidency of Agra, and vacancies in that and other Presidencies, shall be filled up by the Court, subject to the approbation of the King.

56.

The Governors of the Presidencies to have the powers and immunities of the present Governors of Madras and Bombay;

but not to make Laws or grant Money.

57.

If Court of Directors neglect for two months to supply vacancy in any office, the King to appoint.

day of April One thousand eight hundred and Thirty-four, shall be Governors of the respective Presidencies of *Fort Saint George* and *Bombay*, shall be the first Governors of the said Presidencies, respectively, under this Act; and that the office of Governor of the said Presidency of *Agra*, and all vacancies happening in the offices of the Governors of the said Presidencies, respectively, shall be filled up by the said Court of Directors, subject to the approbation of His Majesty, to be signified under his Royal Sign-Manual, countersigned by the said President of the said Board of Commissioners.

And be it Enacted, That in the Presidencies in which no Council shall be appointed under the provision hereinbefore contained, the Governors appointed under this Act, and in the Presidencies in which Councils shall be appointed, the said Governors in their respective Councils shall have all the Rights, Powers, Duties, Functions and Immunities whatsoever, not in anywise repugnant to this Act, which the Governors of *Fort Saint George* and *Bombay*, in their respective Councils, now have within their respective Presidencies; and that the Governors and Members of Council of Presidencies appointed by or under this Act, shall severally have all the Rights, Powers and Immunities, respectively, not in anywise repugnant to this Act, which the Governors and Members of Council of the Presidencies of *Fort Saint George* and *Bombay* respectively now have in their respective Presidencies: Provided, That no Governor or Governor in Council shall have the power of making or suspending any Regulations or Laws in any case whatever, unless in cases of urgent necessity (the burthen of the proof whereof shall be on such Governor or Governor in Council), and then only until the decision of the Governor General of *India* in Council shall be signified thereon; and provided also, that no Governor or Governor in Council shall have the power of creating any new Office, or granting any Salary, Gratuity, or Allowance without the previous sanction of the Governor-General of *India* in Council.

Provided always, and be it Enacted, That when and so often as the said Court of Directors shall neglect, for the space of Two-calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in *India* in the appointment of the said Court shall have been received by the said Court, to supply such Vacancy, then and in every such case it shall be lawful for His Majesty to appoint, by writing under his Sign-Manual, such person as His Majesty shall think proper to supply such Vacancy; and that every person so appointed shall have the same powers, privileges, and authorities, as if he or they had been appointed by the said Court, and shall not

be subject to removal or dismissal without the approbation and consent of His Majesty.

And be it Enacted, That it shall be lawful for the said Court of Directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid, for supplying any Vacancy or Vacancies therein, when the same shall happen by the Death or Resignation of the person or persons holding the same office or offices respectively, or on his or their departure from India, with intent to return to Europe; or on any event or contingency expressed in any such provisional Appointment or Appointments to the same respectively, and such Appointments again to revoke: Provided that every provisional appointment to the several offices of Governor General of *India*; Governor of a Presidency, and the Member of Council of *India* by this Act directed to be appointed from amongst persons who shall not be servants of the said Company; shall be subject to the approbation of His Majesty; to be signified as aforesaid; but that no person so appointed to succeed provisionally to any of the said offices; shall be entitled to any authority, salary, or emolument appertaining thereto, until he shall be in the actual possession of such office.

And be it Enacted, That if any Vacancy shall happen in the office of Governor General of *India*, when no provisional or other Successor shall be upon the spot to supply such Vacancy, then and in every such case the ordinary Member of Council next in rank to the said Governor General shall hold and execute the said office of Governor General of *India*; and Governor of the Presidency of *Fort William* in *Bengal*, until a Successor shall arrive; or until some other person on the spot shall be duly appointed thereto; and that every such acting Governor General shall, during the time of his continuing to act as such, have and exercise all the rights and powers of Governor General of *India*; and shall be entitled to receive the emoluments and advantages appertaining to the office by him supplied, such acting Governor General foregoing his salary and allowance of a Member of Council for the same period.

And be it Enacted, That if any Vacancy shall happen in the office of Governor of *Fort St. George*, *Bombay*, or *Agra*, when no provisional or other Successor shall be upon the spot to supply such Vacancy; then and in every such case, if there shall be a Council in the Presidency in which such Vacancy shall happen, the Member of such Council who shall be next in rank to the Governor; and if there shall be no Council, then the Secretary of Government of the said Presidency, who shall be senior in the said Office of Secretary; shall hold and execute the said office of Governor, until a successor shall arrive, or until some other per-

58.
Power for the Court to make provisional appointments to any offices.

Provisional appointments of certain Officers to be approved by His Majesty.

59.
In case of vacancy in the office of Governor General, and no successor to a Governor General upon the spot, the ordinary Member of Council next in rank to act as Governor-General.

60.
In case of a vacancy in the office of Governor of any of the subordinate Presidencies, and no provisional or other successor on the spot: the Member of Council next in rank to the said Governor, if there be a Council, or the Senior Secretary if there shall be no

Council, to act as Governor, till the arrival of a Successor.

son on the spot shall be duly appointed thereto; and that every such Acting Governor shall, during the time of his continuing to act as such, receive and be entitled to the emoluments and advantages appertaining to the Office by him supplied, such acting Governor foregoing all Salaries and Allowances by him held and enjoyed at the time of his being called to supply such Office.

61.

In case of a vacancy in the office of a Member of Council when no provisional or other successor on the spot, the Governor General in Council or Governor in Council to appoint to the office temporarily.

And be it Enacted, That if any Vacancy shall happen in the office of an ordinary Member of Council of *India* when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion, such Vacancy shall be supplied by the appointment of the Governor General in Council; and if any Vacancy shall happen in the office of a Member of Council of any Presidency when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion such vacancy shall be supplied by the appointment of the Governor in Council of the Presidency in which such vacancy shall happen; and, until a successor shall arrive, the person so nominated shall execute the office by him supplied, and shall have all the powers thereof, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said Office during his continuance therein, every such temporary Member of Council foregoing all salaries and allowances by him held and enjoyed at the time of his being appointed to such Office. Provided always, That no person shall be appointed a temporary Member of Council who might not have been appointed by the said Court of Directors to fill the Vacancy supplied by such temporary appointment.

62.

The Governor-General in Council to have the control over the Presidencies.

And be it further Enacted, That the said Governor General in Council shall have and be invested, by virtue of this Act, with full power and authority to superintend and control the Governors and Governors in Council of *Fort William in Bengal, Fort St. George, Bombay, and Agra*, in all points relating to the civil or military Administration of the said Presidencies respectively, and the said Governors and Governors in Council shall be bound to obey such orders and instructions of the said Governor General in Council in all cases whatsoever.

63.

Drafts of Laws proposed by Governors to be taken into consideration by Governor General in Council.

And be it Enacted, That it shall and may be lawful for the Governors or Governors in Council of *Fort William in Bengal, Fort Saint George, Bombay, and Agra* respectively, to propose to the said Governor General in Council drafts or projects of any Laws or Regulations which the said Governors, or Governors in Council respectively, may think expedient, together with their reasons for proposing the same; and the said Governor General in Council is hereby

hereby required to take the same and such reasons into consideration; and to communicate the resolutions of the said Governor General in Council thereon to the Governor or Governor in Council by whom the same shall have been proposed.

And be it Enacted, That when the said Governor General shall visit any of the Presidencies of *Fort Saint George, Bombay or Agra*, the powers of the Governors of those Presidencies, respectively, shall not, by reason of such visit be suspended.

64. When Governor General visits the Presidencies the powers of Governors not to be suspended.

And be it Enacted, That the said Governors and Governors in Council of the said Presidencies of *Fort William in Bengal, Fort Saint George, Bombay and Agra* respectively, shall, and they are hereby respectively required regularly to transmit to the said Governor General in Council true and exact copies of all such orders, proceedings, and acts of their respective Governments, and also advice and intelligence of all such transactions and matters as shall come to their knowledge, material to be communicated to the said Governor General in Council as aforesaid, or as the said Governor General in Council shall from time to time require.

65. Communications to be transmitted by Governors to Governor General in Council.

And be it Enacted, That it shall be lawful for the said Governor General in Council, as often as the exigencies of the public service may appear to him to require, to appoint such one of the ordinary members of the said Council of *India* as he may think fit, to be Deputy Governor of the said Presidency of *Fort William in Bengal*; and such Deputy Governor shall be invested with all the powers and perform all the duties of the said Governor of the Presidency of *Fort William in Bengal*, but shall receive no additional salary by reason of such appointment.

66. The Governor-General in Council may appoint a Deputy Governor of Bengal as often as exigencies may require.

And be it Enacted, That whenever the said Governor General in Council shall declare that it is expedient that the said Governor General should visit any part of *India*, unaccompanied by any Member or Members of the Council of *India*, it shall be lawful for the said Governor General in Council, previously to the departure of the said Governor General, to nominate some Member of the Council of *India*, to be President of the said Council, in whom, during the absence of the said Governor General from the said Presidency of *Fort William in Bengal*, the powers of the said Governor General in assemblies of the said Council shall be reposed: Provided always, That, during the absence of the Governor General, no Law or Regulation shall be made by the said President and Council without the assent in writing of the said Governor General.

67. Whenever the Governor-General in Council shall declare it expedient for the Governor-General to visit any part of India without his Council, they shall provide for the Presidency of the Council and the Government of the Presidency of Fort William.

And be it Enacted, That there shall not, by reason of the division of the

Assent of Governor-General necessary to any law made in his absence.

68. The new Presidency of Agra not to affect

the succession to
commands and of-
fices in Bengal and
Carnatic.

the Territories now subject to the Government of the Presidency of *Fort William* in *Bengal* into two Presidencies as aforesaid; be any separation between the establishments and forces thereof respectively, or any alteration in the course and order of promotion and succession of the Company's servants in the same two Presidencies respectively; but that all the servants, civil and military, of the *Bengal* establishments and forces, shall and may succeed and be appointed to all commands and offices within either of the said Presidencies respectively, as if this Act had not been passed.

69.
Presidency of *Fort William* to be entire
for the purposes of
the Mutiny Act.

And be it Enacted, That for the purposes of an Act passed in the fourth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the service of the *East-India* Company, and to authorize Soldiers and Sailors in the *East-Indies* to send and receive Letters at a reduced rate of Postage," and of any articles of war made or to be made under the same, the Presidency of *Fort William* in *Bengal* shall be taken and deemed to comprise under and within it all the Territories, which by or in virtue of this Act shall be divided between the Presidencies of *Fort William* in *Bengal* and *Agra* respectively; and shall, for all the purposes aforesaid, be taken to be the Presidency of *Fort William* in *Bengal* in the said Act mentioned.

70.
Articles of War to
be made by Govern-
or General in
Council.

And be it Enacted, That it shall be lawful for the said Governor General in Council from time to time to make Articles of War for the government of the Native Officers and Soldiers in the military service of the Company, and for the administration of justice by courts-martial to be holden on such officers and soldiers, and such articles of war from time to time to repeal or vary and amend; And such articles of war shall be made and taken notice of in the same manner as all other the laws and regulations to be made by the said Governor General in Council under this Act; and shall prevail and be in force, and shall be of exclusive authority over all the Native Officers and Soldiers in the said Military Service, to whatever Presidency such Officers and Soldiers may belong, or wheresoever they may be serving; Provided nevertheless, that until such Articles of War shall be made by the said Governor General in Council, any Articles of War for or relating to the Government of the Company's Native Forces, which at the time of this Act coming into operation shall be in force and use in any part or parts of the said Territories, shall remain in force.

71.
Power to His Ma-
jesty to remove any
officer of the Com-
pany.

And be it Enacted, That it shall be lawful for His Majesty, by any writing under his Sign-Manual, countersigned by the President of the said Board of Commissioners, to remove or dismiss any person holding any Office, Employment,

ment, or Commission, Civil or Military, under the said Company in India, and to vacate any Appointment or Commission of any person to any such Office or Employment: Provided, that a Copy of every such Writing, attested by the said President, shall, within Eight days after the same shall be signed by His Majesty, be transmitted or delivered to the Chairman or Deputy Chairman of the said Company.

Duplicate of the instrument of removal to be transmitted to the Chairman or Deputy Chairman.

Provided always and be it Enacted, That nothing in this Act contained shall take away the power of the said Court of Directors to remove or dismiss any of the Officers or Servants of the said Company, but that the said Court shall and may at all times have full liberty to remove or dismiss any of such Officers or Servants at their will and pleasure: Provided that any Servant of the said Company appointed by His Majesty through the default of appointment by the said Court of Directors, shall not be dismissed or removed without His Majesty's approbation, as hereinbefore is mentioned.

72. The power of the Directors to remove their servants preserved.

And be it Enacted, That there shall be paid to the several Officers hereinafter named the several Salaries set against the names of such Officers, subject to such reduction of the said several Salaries respectively as the said Court of Directors, with the sanction of the said Board, may at any time think fit; (that is to say)

73. Salaries of Governor General, &c. fixed, to be in lieu of all fees, &c.

To the Governor-General of India, Two hundred and forty thousand Sicca Rupees.

To each Ordinary Member of the Council of India, Ninety-six thousand Sicca Rupees.

To each Governor of the Presidencies of Fort St. George, Bombay, and Agra, One hundred and twenty thousand Sicca Rupees:

To each Member of any Council to be appointed in any Presidency, Sixty thousand Sicca Rupees.

And the Salaries of the said Officers, respectively, shall commence from their respectively taking upon them the execution of their respective offices; and the said Salaries shall be the whole profit or advantage which the said Officers shall enjoy during their continuance in such offices respectively: And it shall be, and it is hereby declared to be a misdemeanor, for any such Officer to accept for his own use, in the discharge of his office, any Present, Gift, Donation, Gratuity, or Reward, pecuniary or otherwise, whatsoever, or to trade or traffic for his own benefit, or for the benefit of any other person or persons whatsoever:

Acceptance of gratuities a misdemeanor.

And the said Court of Directors are hereby required to pay to all and singular the Officers and persons hereinafter named, who shall be resident in the United Kingdom at the time of their respective Appointments, for the purpose of defraying

Passage-money fixed.

defraying the expenses of their Equipment and Voyage, such sums of money as are set against the names of such officers and persons respectively; (that is to say)

To the Governor-General, Five thousand pounds.

To each Member of the Council of *India*, One thousand two hundred pounds.

To each Governor of the Presidencies of *Fort St. George*, *Bombay* and *Agra*, Two thousand five hundred pounds.

Provided also, That any Governor General, Governor or Member of Council appointed by or by virtue of this Act, who shall, at the time of passing this Act, hold the office of Governor General, Governor or Member of Council respectively, shall receive the same Salary and Allowances that he would have received if this Act had not been passed.

74.
Governor General and Governors to receive pensions and their salaries from the Crown or Company while they hold office.

Provided always and be it Enacted, That if any Governor General, Governor, or ordinary Member of the Council of *India*, or any Member of the Council of any Presidency, shall hold or enjoy any Pension, Salary, or any Place, Office, or Employment of Profit under the Crown, or any Public Office, or the said Company, or any annuity payable out of the Civil or Military Fund of the said Company, the Salary of his office of Governor General of *India*, Governor or Member of Council, shall be reduced by the amount of the Pension, Salary, Annuity, or Profits of Office, so respectively held or enjoyed by him.

75.
Directors to make regulations for the distribution of Patronage in India.

And be it Enacted, That the said Court of Directors, with the approbation of the said Board of Commissioners, shall and may from time to time make regulations for the division and distribution of the patronage and power of nomination of and to the Offices, Commands, and Employments in the said Territories, and in all or any of the Presidencies thereof, among the said Governor General in Council, Governor General, Governors in Council, Governors, Commander-in-chief, and other Commanding Officers, respectively, appointed or to be appointed under this Act.

76.
Departure of Governor General, Governor, or Member of Council for Europe, to be a resignation. Resignation in India to be by deed.

And be it Enacted, That the return to Europe or the departure from *India* with intent to return to Europe, of any Governor General of *India*, Governor, Member of Council, or Commander-in-chief, shall be deemed in Law a Resignation and Avoidance of his Office or Employment, and that no act, or declaration of any Governor General, or Governor, or Member of Council, other than as aforesaid, excepting a Declaration in writing under hand and seal, delivered to the Secretary for the Public Department of the Presidency wherein

he

he shall be, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said Office; and that the Salary and other Allowances of any such Governor General or other Officer, respectively, shall cease from the day of such his Departure, Resignation, or Surrender; and that if any such Governor General, or Member of Council of *India*, shall leave the said Territories, or if any Governor or other Officer whatever in the service of the said Company shall leave the Presidency to which he shall belong, other than in the known actual service of the said Company, the Salary and Allowances appertaining to his Office shall not be paid or payable during his absence to any Agent or other person for his use; and in the event of his not returning, or of his coming to *Europe*, his Salary and Allowances shall be deemed to have ceased on the day of his leaving the said Territories, or the Presidency to which he may have belonged: Provided that it shall be lawful for the said Company to make such payment as is now by law permitted to be made to the Representatives of their Officers or Servants, who, having left their stations intending to return thereto, shall die during their absence.

Salary to cease on departure or resignation.

And be it Enacted, That every wilful disobeying, and every wilful omitting, forbearing, or neglecting to execute the orders or instructions of the said Court of Directors by any Governor General of *India*, Governor, Member of Council, or Commander-in-chief, or by any other of the Officers or Servants of the said Company, unless in cases of necessity, (the burthen of the proof of which necessity shall be on the person so disobeying, or omitting, forbearing, or neglecting to execute such orders or instructions as aforesaid,) and every wilful breach of the trust and duty of any Office or Employment by any such Governor General, Governor, Member of Council, or Commander-in-chief, or any of the Officers or Servants of the said Company, shall be deemed and taken to be a Misdemeanor at Law, and shall or may be proceeded against and punished as such, by virtue of this Act.

Representatives of Officers dying during a temporary absence from their stations, to receive the same payment as is now made.

Disobedience of orders, and breach of trust by officers or servants of the Company in *India*, misdemeanors.

And be it Enacted, That it shall be lawful for any natural-born subjects of His Majesty to proceed by sea to any port or place having a custom-house establishment within the said Territories, and to reside thereat, or to proceed to and reside in, or pass through any part of such of the said Territories as were under the Government of the said Company on the First day of January One thousand eight hundred, and in any part of the Countries ceded by the Nabob of the *Carnatic*, of the Province of *Cuttack*, and of the Settlements of *Singapore* and *Malacca*, without any license whatever; Provided, That all subjects of His

78.
Authority for His Majesty's subjects to reside in certain parts of *India* without License.

Majesty, not Natives of the said Territories, shall on their arrival in any part of the said Territories from any Port or Place not within the said Territories, make known in writing their names, places of destination, and objects of pursuit in India, to the Chief Officer of the Customs or other Officer, authorized for that purpose at such Port or Place as aforesaid.

79.
Subjects of His Majesty not to reside in certain parts of India without License.

Provided always and be it Enacted, That it shall not be lawful for any Subject of His Majesty, except the servants of the said Company and others now lawfully authorized to reside in the said Territories, to enter the same by land, or to proceed to or reside in any place or places in such parts of the said Territories as are not hereinbefore in that behalf mentioned, without License from the said Board of Commissioners, or the said Court of Directors, or the said Governor-General in Council, or a Governor or Governor in Council of any of the said Presidencies for that purpose first obtained: Provided always, that no License given to any natural-born subject of His Majesty, to reside in parts of the Territories not open to all such subjects, shall be determined or revoked, unless in accordance with the terms of some express clause of revocation or determination in such License contained.

80.
The Governor General in Council, with previous consent of Directors, may declare other places open.

Provided always and be it Enacted, That it shall be lawful for the said Governor General in Council, with the previous consent and approbation of the said Court of Directors for that purpose obtained, to declare any place or places whatever within the said Territories open to all His Majesty's natural-born Subjects, and it shall be thenceforth lawful for any of His Majesty's natural-born Subjects to proceed to, or reside in, or pass through any place or places declared open without any License whatever.

81.
Laws against illicit residence to be made.

And be it Enacted, That the said Governor-General in Council shall and he is hereby required, as soon as conveniently may be, to make Laws or Regulations, providing for the prevention or punishment of the illicit entrance into or residence in the said Territories of persons not authorized to enter or reside therein.

82.
Laws and regulations to be made for protection of Natives.

AND whereas the removal of restrictions on the intercourse of Europeans with the said territories will render it necessary to provide against any mischiefs or dangers that may arise therefrom, BE it therefore Enacted, That the said Governor General in Council shall, and he is hereby required, by Laws or Regulations, to provide with all convenient speed for the Protection of the Natives of the said Territories from insult and outrage in their persons, religions, or opinions.

And

And be it Enacted, That it shall be lawful for any natural-born subject of His Majesty authorized to reside in the said Territories; to acquire and hold lands, or any right, interest, or profit in or out of lands; for any term of years, in such part or parts of the said Territories as he shall be so authorized to reside in: Provided always, That nothing herein contained shall be taken to prevent the said Governor General in Council from enabling, by any Laws or Regulations or otherwise, any subjects of His Majesty to acquire or hold any Lands or rights; interests or profits, in or out of lands in any part of the said Territories, and for any estates or terms whatever.

83.
Lands within the Indian territories may be purchased.

And be it Enacted, That no Native of the said Territories, nor any natural-born Subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any Place, Office, or Employment under the said Company.

84.
No disabilities to exist in respect of religion, colour, or place of birth.

AND whereas it is expedient that Slavery should cease throughout the said Territories; BE it Enacted, That the said Governor-General in Council shall and he is hereby required forthwith to frame Laws and Regulations for the extinction of Slavery, having due regard to the Laws of Marriage, and the Rights and Authorities of Fathers, and Heads of Families; and that the said Governor General in Council shall, on or before the First day of January One thousand eight hundred and thirty-five, and on every First day of January from that time forward, report to the Court of Directors the progress which he shall have made in framing such Laws and Regulations, and that the Court of Directors shall, within Fourteen days after the receipt of such Report if Parliament shall then be sitting, or otherwise within Fourteen days after the next meeting of Parliament, lay such Reports before both Houses of Parliament.

85.
Slavery to be abolished.

AND whereas the present Diocese of the Bishoprick of Calcutta is of too great an extent for the Incumbent thereof to perform efficiently all the duties of the office without endangering his health and life, and it is therefore expedient to diminish the labours of the Bishop of the said Diocese, and for that purpose to make provision for assigning new limits to the Diocese of the said Bishop, and for founding and constituting two separate and distinct Bishopricks, but nevertheless the Bishops thereof to be subordinate and subject to the Bishop of Calcutta for the time being, and his Successors, as their Metropolitan; BE it therefore enacted, That in case it shall please His Majesty to erect, found, and constitute two Bishopricks, one to be styled the Bishoprick of Madras, and the other the Bishoprick of Bombay, and from time to time to nominate and

86.
Respecting this inconvenient extent of Diocese of Calcutta.

If the King erects the Archdeaconries of Madras and Bombay into Bishopricks, certain salaries to be paid to the Bishops.

appoint Bishops to such Bishopricks, under the style and title of Bishops of *Madras* and *Bombay* respectively, there shall be paid from and out of the Revenues of the said Territories to such Bishops respectively the Sum of Twenty-four thousand Sicca Rupees by the year.

87.
Such salaries to commence from time of taking office, and to be in lieu of all fees, &c.

And be it Enacted, That the said Salaries shall commence from the time at which such persons as shall be appointed to the said office of Bishop shall take upon them the execution of their respective Offices, and that such Salaries shall be in lieu of all Fees of Office, Perquisites, Emoluments, or Advantages whatsoever, and that no Fees of Office, Perquisites, Emoluments, or Advantages whatsoever shall be accepted, received, or taken by such Bishop, or either of them, in any manner, or on any account or pretence whatsoever, other than the Salaries aforesaid; and that such Bishops, respectively, shall be entitled to such Salaries, so long as they shall respectively exercise the functions of their several offices in the *British Territories* aforesaid.

88.
£500 payable to each such Bishop for passage-money.

And be it Enacted, That the said Court of Directors shall, and they are hereby required to pay to the Bishops so from time to time to be appointed to the said Bishopricks of *Madras* and *Bombay*, in case they shall be resident in the United Kingdom at the time of their respective appointments, the sum of Five hundred pounds each, for the purpose of defraying the expenses of their equipments and voyage.

89.
Such Bishops to have such jurisdiction, and exercise such functions only as shall be limited by Letters Patent.

Provided always and be it Enacted, That such Bishops shall not have or use any Jurisdiction, or exercise any Episcopal Functions whatsoever, either in the said territories or elsewhere, but only such jurisdiction and functions as shall or may, from time to time, be limited to them, respectively, by his Majesty, by his Royal Letters-Patent under the Great Seal of the said United Kingdom.

90.
The King empowered by Letters-Patent to limit jurisdiction and functions.

And be it Enacted, That it shall and may be lawful for His Majesty from time to time, if he shall think fit, by his Royal Letters-Patent under the Great Seal of the said United Kingdom, to assign limits to the Diocese of the Bishoprick of *Calcutta*, and to the Dioceses of the said Bishopricks of *Madras* and *Bombay* respectively, and from time to time to alter and vary the same limits respectively, as to His Majesty shall seem fit, and to grant to such Bishops respectively, within the limits of their respective Dioceses, the exercise of Episcopal Functions, and of such Ecclesiastical Jurisdiction as his Majesty shall think necessary for the superintendance and good government of the Ministers of the United Church of *England* and *Ireland* therein;

Provided

Provided always and be it Enacted, That the Bishop of *Calcutta* for the time being shall be deemed and taken to be the Metropolitan Bishop in *India*, and as such shall have, enjoy, and exercise all such Ecclesiastical Jurisdiction and Episcopal Functions, for the purposes aforesaid, as His Majesty shall, by his Royal Letters-Patent under the Great Seal of the said United Kingdom, think necessary to direct; subject nevertheless to the general superintendence and revision of the Archbishop of *Canterbury* for the time being: And that the Bishops of *Madras* and *Bombay* for the time being, respectively, shall be subject to the Bishop of *Calcutta* for the time being, as such Metropolitan, and shall, at the time of their respective appointments to such Bishopricks, or at the time of their respective consecrations as Bishop, take an oath of obedience to the said Bishop of *Calcutta*, in such manner as His Majesty, by his said Royal Letters-Patent, shall be pleased to direct.

And be it Enacted, That when and as often as it shall please His Majesty to issue any Letters-Patent respecting the Bishoprick of *Calcutta*, *Madras*, or *Bombay*, or for the nomination or appointment of any person thereto respectively, the Warrant for the Bill, in every such case, shall be countersigned by the President of the Board of Commissioners for the Affairs of *India*, and by no other person:

And be it Enacted, That it shall and may be lawful for His Majesty, his Heirs and Successors, by Warrant under His Royal Sign-Manual, countersigned by the Chancellor of the Exchequer for the time being, to grant to any such Bishop of *Madras* or *Bombay* respectively, who shall have exercised in the *British* territories aforesaid for Fifteen years the office of such Bishop, a pension not exceeding Eight hundred pounds per annum, to be paid quarterly by the said Company:

And be it Enacted, That in all cases when it shall happen the said person nominated and appointed to be Bishop of either of the said Bishopricks of *Madras* or *Bombay* shall depart this life within Six calendar months next after the day when he shall have arrived in *India* for the purpose of taking upon him the office of such Bishop, there shall be payable out of the Territorial Revenues from which the salary of such Bishop so dying shall be payable, to the legal personal Representatives of such Bishop, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such Bishop in respect of his Salary, make up the full amount of one year's Salary; and when and as often as it shall happen that any such Bishop shall depart this Life while in possession of such office,

91. The Bishop of *Calcutta* to be Metropolitan in *India*.

92. The warrants for the bills on letters-patent appointing Indian Bishops to be countersigned by the President only.

93. The King may grant certain pensions to Bishops of *Madras* or *Bombay*.

94. When a Bishop of *Madras* or *Bombay* dies within six months after arrival in *India*, such a sum payable to his representatives as will make up a year's salary.

And if he shall die after six months holding office in *India*.

a six months' salary beyond what shall be due payable to his representatives.

office, and after the expiration of Six calendar months from the time of his arrival in *India* for the purpose of taking upon him such office, then and in every such case there shall be payable out of the Territorial Revenues from which the Salary of the said Bishop so dying shall be payable to his legal Personal Representatives, over and above what may have been due to him at the time of his death, a sum equal to the full amount of the salary of such Bishop for Six calendar months.

95. If a Bishop of Madras or Bombay be translated to the Bishoprick of Calcutta, his residence shall be taken as a Bishop of Calcutta.

And be it Enacted, That if it shall happen that either of the Bishops of *Madras* or *Bombay* shall be translated to the Bishoprick of *Calcutta*, the period of Residence of such person as Bishop of *Madras* or *Bombay* shall be accounted for and taken as a residence as Bishop of *Calcutta*.

96. Any person under the degree of a Bishop appointed to an Indian Bishoprick, and be resident in India, the Archbishop of *Canterbury* may commission any two of the said Bishops to consecrate such person.

Provided also and be it Enacted, That if any person under the degree of a Bishop shall be appointed to either of the Bishopricks of *Calcutta*, *Madras*, or *Bombay*, who at the time of such Appointment shall be resident in *India*, then and in such case it shall and may be lawful for the Archbishop of *Canterbury*; when and as he shall be required so to do by His Majesty, by his Royal Letters Patent under the Great Seal of the said United Kingdom, to issue a Commission under his hand and seal, to be directed to any two of the said Bishops, authorizing and charging them to perform all such requisite ceremonies for the consecration of the person so to be appointed to the degree and office of a Bishop.

97. Provision for expenses of visitations.

And be it Enacted, That the expenses of Visitations to be made from time to time by the said Bishops of *Madras* and *Bombay* respectively, shall be paid by the said Company out of the revenues of the said Territories: Provided, That no greater sum on account of such Visitations be at any time issued, than shall from time to time be defined and settled by the Court of Directors of the said Company, with the approbation of the Commissioners for the Affairs of *India*.

98. No Archdeacon in India to have a salary exceeding 1,000 sicca rupees.

And be it Enacted, That no Archdeacon hereafter to be appointed for the Archdeaconry of the Presidency of *Fort William* in *Bengal*, or the Archdeaconry of the Presidency of *Fort Saint George*, or the Archdeaconry of the Presidency and Island of *Bombay*, shall receive in respect of his Archdeaconry, any Salary exceeding Three thousand Sicca Rupees per annum: Provided always, that the whole expense incurred in respect of the said Bishops and Archdeacons, shall not exceed 120,000 Sicca Rupees per annum.

CLAVIS (D).
Two Chaplains of the Church of Scotland.

And be it Enacted, That, of the Establishment of Chaplains maintained by the

the said Company at each of the Presidencies of the said Territories, Two Chaplains shall always be Ministers of the Church of *Scotland*, and shall have and enjoy from the said Company such Salary as shall from time to time be allotted to the Military Chaplains at the several Presidencies: Provided always, That the Ministers of the Church of *Scotland* to be appointed Chaplains at the said Presidencies as aforesaid, shall be ordained and inducted by the Presbytery of *Edinburgh*, according to the forms and solemnities used in the Church of *Scotland*, and shall be subject to the Spiritual and Ecclesiastical Jurisdiction, in all things, of the Presbytery of *Edinburgh*, whose judgments shall be subject to dissent, protest, and appeal to the Provincial Synod of *Lothian* and *Tweeddale*, and to the General Assembly of the Church of *Scotland*; Provided always, That nothing herein contained shall be so construed as to prevent the Governor General in Council from granting from time to time, with the sanction of the Court of Directors, to any sect, persuasion, or community of Christians not being of the United Church of England and Ireland or of the Church of *Scotland*, such sums of money as may be expedient for the purpose of instruction or for the maintenance of places of worship.

AND whereas it is expedient to provide for the due qualification of persons to be employed in the civil service of the said Company in the said territories, BE it therefore Enacted, That the said Governor General of India in Council shall, as soon as may be after the First day of January in every year, make and transmit to the said Court of Directors a prospective estimate of the number of persons who, in the opinion of the said Governor General in Council, will be necessary, in addition to those already in *India*, or likely to return from Europe, to supply the expected Vacancies in the Civil Establishments of the respective Governments in *India*, in the fourth following year; and it shall be lawful for the said Board of Commissioners to reduce such estimate, so that the reasons for such reduction be given to the said Court of Directors: And in the month of June in every year, if the said estimate shall have been then received by the said Board, and if not, then within One month after such estimate shall have been received, the said Board of Commissioners shall certify to the said Court of Directors what number of persons shall be nominated as Candidates for Admission, and what number of Students shall be admitted to the College of the said Company at *Haileybury*, in the then current year, but so that at least four such Candidates, no one of whom shall be under the age of Seventeen or above the

land to be on the establishment of each Presidency.

100.

The Governor General in Council annually to make a prospective estimate of the number of vacancies in Indian establishments in the fourth following year.

Board may reduce estimate.

Board to certify what number of persons shall be candidates for admission to Haileybury College, and what number shall be admitted students.

age

age of Twenty years, be nominated, and no more than one Student admitted for every such expected Vacancy in the said Civil Establishments, according to such Estimate or reduced Estimate as aforesaid: and it shall be lawful for the said Court of Directors to nominate such a number of Candidates for admission to the said College as shall be mentioned in the certificate of the said Board; and if the said Court of Directors shall not, within One Month after the receipt of such certificate, nominate the whole number mentioned therein, it shall be lawful for the said Board of Commissioners to nominate so many as shall be necessary to supply the deficiency.

101.
Additional students
to be admitted to fill
up death, vacancies,
&c.

And be it Enacted, That when and so often as any Vacancy shall happen in the number of Students in the said College by death, expulsion, or resignation, it shall be lawful for the said Board of Commissioners to add in respect of every such Vacancy, One to the number of Students to be admitted, and Four to the number of Candidates for admission to be nominated by the said Court, in the following year.

102.
The candidates for
admission to be sub-
jected to an exami-
nation and classed.
Candidates highest
in the list to be
admitted.

And be it Enacted, That the said Candidates for admission to the said College shall be subjected to an Examination in such branches of knowledge, and by such Examiners as the said Board shall direct, and shall be classed in a List to be prepared by the Examiners, and the Candidates whose names shall stand highest in such List shall be admitted by the said Court as Students in the said College, until the number to be admitted for that year, according to the Certificate of the said Board, be supplied.

103.
The Board to frame
a plan for the con-
stitution of the col-
lege;

And be it further Enacted, That it shall be lawful for the said Board of Commissioners, and they are hereby required, forthwith after the passing of this Act, to form such Rules, Regulations, and Provisions for the good Government of the said College, as in their judgment shall appear best adapted to secure fit Candidates for Admission into the same, and for the Examination and Qualifications of such Candidates, and of the Students of the said College, after they shall have completed their residence there, and for the appointment and remuneration of proper Examiners: and such Plan, Rules, and Regulations and Provisions respectively, shall be submitted to His Majesty in Council for his revision and approbation; and when the same shall have been so revised and approved by His Majesty in Council, the same shall not afterwards be altered or repealed, except by the said Board of Commissioners, with the approbation of His Majesty in Council.

and rules for exa-
mination and quali-
fication of candidates
for admission, and
students.

The King in Council
to settle such plan
and rules.

Provision for revi-
sion of rules.

104.
After two years,

And be it Enacted, That at the expiration of such time as shall be fixed
by

by such rules, regulations, and provisions made as aforesaid, so many of the said Students as shall have a certificate from the said College of good conduct during the term of their residence therein, shall be subjected to an Examination in the studies prosecuted in the said College, and so many of the said Students as shall appear duly qualified shall be classed according to merit in a List to be prepared by the Examiners; and shall be nominated to supply the Vacancies in the Civil Establishments in *India*, and have seniority therein according to their priority in the said List; and if there shall be at the same time Vacancies in the Establishments of more than one of the said Presidencies, the Students on the said List shall, according to such priority, have the right of electing to which of the said Establishments they will be appointed.

And be it Enacted, That no appointment of any Professor or Teacher at the said College, shall be valid or effectual until the same shall have been approved by the Board of Commissioners.

And be it Enacted, That every Power, Authority, and Function, by this or any other Act or Acts given to and vested in the said Court of Directors, shall be deemed and taken to be subject to such control of the said Board of Commissioners as in this Act is mentioned, unless there shall be something in the enactments conferring such powers, authorities, or functions, inconsistent with such construction, and except as to any Patronage or right of appointing to Office vested in or reserved to the said Court.

Provided always, and be it Enacted, That nothing herein contained shall be construed to enable the said Board of Commissioners to give or cause to be given directions, ordering or authorizing the payment of any extraordinary Allowance or Gratuity, or the increase of any established Salary, Allowance or Emolument, unless in the cases and subject to the provisions in, and subject to, which such directions may now be given by the said Board.

And be it Enacted, that whenever in this Act, or in any Act hereafter to be passed, the term *East-India* Company is or shall be used, it shall be held to apply to the United Company of Merchants of England trading to the East-Indies; and that the said United Company of Merchants of England trading to the East-Indies may, in all suits, proceedings, and transactions whatsoever after the passing of this Act, be called by the name of the *East-India* Company.

And be it Enacted, That the Island of St. Helena, and all Forts, Factories, Public Edifices, and hereditaments whatsoever in the said Island, and all stores and property thereon, fit or used for the service of the Government thereof,

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students to be examined and classed.

The Students to supply the vacancies in the service according to priority on the list, and to choose their Presidencies.

105. Sanction of Board necessary for appointment of Professors.

106. All powers of Court of Directors to be subject to the control of the Board except Patronage.

107. CLAUSE (C). Board of Control prohibited from directing the grant of allowances.

108. The United Company of Merchants of England trading to the East-Indies may be called the East-India Company.

109. Saint Helena vested in the Crown.

shall

shall be vested in His Majesty, his Heirs and Successors; and the said Island shall be governed by such orders as His Majesty in Council shall from time to time issue in that behalf.

110.
CLAUSE (A).
Servants of the Company in China and St. Helena to be eligible to Offices in any Presidency.

And be it further Enacted, That every Supracargo and other civil Servant of the said Company, now employed by the said Company in the Factory at *Canton* or in the Island of *Saint Helena*, shall be capable of taking and holding any Office in any Presidency or Establishment of the said Territories which he would have been capable of taking and holding if he had been a civil Servant in such Presidency or on such Establishment during the same time as he shall have been in the service of the said Company.

111.
CLAUSE (B).
Repeal of Enactments for keeping a Stock of Tea.

And be it Enacted, That from and after the passing of this Act all Enactments and Provisions directing the said Company to provide for keeping a Stock of Tea shall be repealed.

112.
CLAUSE (E).
King's Courts authorized to admit Advocates and Attornies without the Company's License.

And be it Enacted, That it shall be lawful for any Court of Justice established by His Majesty's Charters in the said Territories to approve, admit, and enrol Persons as Barristers, Advocates and Attornies in such Court, without any License from the said Company, any thing in any such Charter contained to the contrary notwithstanding.

113.
CLAUSE (F).
Accounts to be annually laid before Parliament.

And be it further Enacted, That the Court of Directors of the said Company shall, within the first Fourteen sitting Days next after the First day of May in every year, lay before both Houses of Parliament an Account, made up according to the latest advices which shall have been received, of the annual Produce of the Revenues of the said Territories in *India*, distinguishing the same and the respective heads thereof at each of their several Presidencies or Settlements, and of all their annual Receipts and Disbursements at home and abroad, distinguishing the same under the respective heads thereof, together with the latest estimate of the same; and also the Amount of their Debts, with the Rates of Interest they respectively carry, and the annual Amount of such Interest, the State of their Effects and Credits at each Presidency or Settlement and in *England* or elsewhere, according to the latest advices which shall have been received thereof; and also a List of their several Establishments, and the Salaries and Allowances payable by the said Court of Directors in respect thereof; and the said Court of Directors, under the direction and control of the said Board of Commissioners, shall forthwith prepare Forms of the said Accounts and Estimates in such manner as to exhibit a complete and accurate View of the Financial Affairs of the said Company; and if any new or increased Salaries, Establishments

ments or Pensions shall have been granted or created within any year, the Particulars thereof shall be specially stated and explained at the foot of the Account of the said year.

And be it Enacted, That this Act shall commence and take effect from and after the passing thereof, so far as to authorize the appointment or prospective or provisional appointment of the Governor General of India, Governors, Members of Council, or other Officers under the provisions herein contained, and so far as hereinbefore in that behalf mentioned, and as to all other matters and things, from and after the Twenty-second day of April next.

114
Commencement of
Act.

No. CXXXVI.

AT A

COURT OF DIRECTORS,

Held on Tuesday, the 30th July 1833.

No. CXXXVI.

The Chairman acquainted the Court that in consequence of the proceedings in the House of Commons on Friday last, the Deputy Chairman and himself had deemed it expedient to summon a Special General Court to be held to-morrow, and that an advertisement had been issued accordingly.

Court of Directors,
30 July 1833.

Draft of the said advertisement was then read and approved.

The Chairman then adverted to the clause of the Bill which relates to the expenses of the Board of Commissioners for the Affairs of India, and stated that he had caused to be laid before Sir James Scarlett, in the absence of the Company's Standing Counsel, a Case for his opinion, as to the construction of the clause in reference to the restriction imposed on those expenses by the Act of the 53d Geo. III. and that it appeared from the opinion given by Sir James Scarlett, the Bill as it now stands removes the restriction in the Act of the 53d Geo. III. c. 155, which limits the total expenses of the Board of Commissioners to £26,000 per annum.

And the Clause 21 of the present East-India Bill, together with the Case and Opinion referred to by the Chairman, having been read,

The Draft of a Letter to the Right Honourable Charles Grant, forwarding to him a copy of the Case and Opinion just read, and submitting in reference thereto, that a clause should be introduced into the Bill now before Parliament to continue that restriction, was read and approved. (See No. CXXXVII.)

The Chairman then laid before the Court the Draft of a Petition to the Right Honourable the House of Lords, setting forth the Court's objections against certain clauses of the Charter Bill, and praying that such clauses may

No. CXXXVI. be modified and altered so as to meet those objections; also that the House will be pleased to hear Counsel in support of the prayer of the Petition :
 Court of Directors, 30 July 1833. The said Draft of a Petition being read, and the Court having deliberated thereon,

It was

Resolved, That it be recommended to the Court of Proprietors to petition the House of Lords against the said Bill; and that the Petition now read be approved, and submitted to the General Court to be held on Wednesday, the 31st instant, for their adoption.

No. CXXXVII.

LETTER *from the CHAIRMAN and DEPUTY CHAIRMAN to the Right Honourable CHARLES GRANT.*

East-India House, 30th July 1833.

**No.
CXXXVII.**

Letter to
the Rt. Hon.
Charles Grant,
30 July 1833.

SIR :

In reference to the 21st Clause of the East-India Bill, and to the observation thereon which accompanied our letter of the 10th instant, we have the honour, at the request of the Court of Directors of the East-India Company, to transmit to you the accompanying Case and Opinion, from which you will perceive that Sir James Scarlett (who has been consulted in the absence of the Company's standing Counsel) considers that by the Bill as it now stands, the restriction in the Act of the 53d Geo. III. cap. 155, which limits the total expenses of the Board of Commissioners for the Affairs of India to £26,000 per annum, is removed.

The Court therefore submit to you that a clause should be introduced into the Bill continuing that restriction.

We have the honour to be, Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,

W. WIGRAM.

The Right Honourable Charles Grant,
&c. &c. &c.

No. CXXXVIII.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Wednesday, the 31st July 1833.

No.
CXXXVIII.

General Court,
31 July 1833.

The Chairman laid before the Court a copy of the Bill which has been introduced into Parliament for the regulation of the Trade to China and India.

The Chairman acquainted the Court, that the Petition approved on Friday last was presented to the House of Commons by Robert Cutlar Fergusson, Esq., but that the House had declined hearing Counsel, and the Bill was read a third time and passed, and had, with the further Papers relating to the Company's Charter, been printed for the information of the Proprietors.

The Chairman also stated that this Court had been specially called forth for the purpose of taking into consideration a Petition to the House of Lords against certain clauses of the said Bill.

The Petition was then read, being as follows. (See No. CXXXIX.)

And, after a discussion of some length, it was,

On a Motion,

Resolved, That this Court approve the said Petition, and that the Company's seal be affixed thereto.

No. CXXXIX.

The PETITION from the EAST-INDIA COMPANY to the Right Honourable the HOUSE of LORDS, noticed in the preceding Minute.

No. CXXXIX.

Petition to the
House of Lords.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland in Parliament assembled,
The humble Petition of the United Company of Merchants of England trading to the East-Indies.

Humbly Sheweth,

That a Bill has been introduced into your Right Honourable House for continuing the government of the British Territories in the East-Indies in your Petitioners, they consenting, for the period of their holding that government, to discontinue the carrying on of any trade for their own profit; and that with a view to this arrangement your Petitioners have acquiesced in a plan embodied in the said Bill, for adjusting all the pecuniary claims of your Petitioners upon the principle of compromise.

That in consenting to suspend their right to trade in common with the rest of His Majesty's subjects, a right which if exercised, must greatly interfere with the advantages which private merchants expect to reap from a free trade with China, your Petitioners have acted upon the opinion expressed to them by the King's Ministers, that the territorial government of India, which upon grounds of public policy it was desired to continue in your Petitioners, could not be so continued unless they abandoned their trade, and in acquiescing in the pecuniary compromise, your Petitioners, whilst convinced of the validity of their title to their property and claims as a commercial corporation, have not been insensible to the difficulties which might be opposed to their readily realizing their property, and obtaining a liberal adjustment of their claims, if His Majesty's Government were adverse to the Company, which your Petitioners have been led to apprehend would be the case if they were to stand on the ground of strict right.

Your Petitioners admit, that the consent and acquiescence hitherto given have been confined to the basis of the arrangement, and that they have reserved to themselves a power, when informed of all the details, finally to decide,

decide, whether or not they will place their Commercial Charter in abeyance; but as your Petitioners are sincerely desirous that no obstacle should arise on their part to the arrangement which Parliament in its wisdom shall deem to be best calculated to promote the welfare of India, and the commercial prosperity of the United Kingdom, they humbly trust that the reservation which your Petitioners have so made, will not be deemed by your Right Honourable House as affording any reason why your Petitioners should not be heard before your Lordships, in support of certain objections which they crave permission to offer to some of the details of the measure as contained in the said Bill.

No. CXXXIX.

Petition to the
House of Lords.

That your Petitioners being impressed with a deep sense of the importance of the trust proposed to be committed to them for a further term, are most anxious to be placed in such a situation as to be enabled to administer the Territorial Government with advantage to the people of India.

That by the said Bill, every act of the Court of Directors, excepting what relates to certain matters of Patronage, and to the details of their Home Establishment, is made subject to the control of the Board of Commissioners for the Affairs of India; and although your Petitioners presume not to offer any objection to this, admitting that where two distinct bodies have a concurrent jurisdiction, there must rest somewhere power to decide absolutely in cases of difference between them, yet your Petitioners feel it to be their duty to suggest the importance of providing that such cases should be reported to both Houses of Parliament, in order that the Court of Directors in originating political measures and the Board of Commissioners in controlling them, should both act under a decided sense of responsibility to the Legislature; and in order to obviate an objection that might be taken to this suggestion, as involving the disclosure of matters which ought to be kept secret, your Petitioners beg leave to point out to your Right Honourable House, that the Bill makes provision for entrusting such subjects as Parliament has thought it fit should be kept secret, to a Secret Committee acting ministerially under the direction of the said Board.

Your Petitioners further humbly represent, that the said Bill proposes to effect a serious change in the constitution of the Indian Governments, which, in the judgment of your Petitioners, will, if adopted, place an excessive power in the hands of the Governor General, and prejudicially diminish the power and influence of the Governments of Madras and Bombay.

Your Petitioners admit that it is necessary to provide an efficient government for the Western Provinces of Bengal; but they think that this object would

No. CXXXIX. would be no less effectually, and much more economically attained by the appointment of a Lieutenant-Governor, subject to the Bengal Government, than by the institution of a fourth presidency.

Petition to the
House of Lords.

That the proposal to vest the executive governments of Madras and Bombay in governors without Councils, appears to your Petitioners to be liable to very serious objections; if adopted, the local governor, frequently a stranger to India, will be deprived of the information and advice which he has hitherto obtained from his councillors, a salutary check upon the proceedings of the Governor will be destroyed, the security that every act and the reasons for it shall be placed upon record will be lost, and the stimulus to exertion in the civil service, created by the hope of ultimately reaching a seat in council, will be greatly impaired. These objections are not obviated by that clause in the Bill which allows the Court of Directors of your Petitioners, with the approbation of the said Board of Commissioners, to appoint a Council in any presidency, because, as there are Councils at present, the effect of the Bill if passed into a law will be to declare the opinion of the Legislature against Councils, and to place the Court of Directors and the Board in the position, should they think Councils essential, of at once exercising their judgment in opposition to that opinion. If it be intended to continue the Councils, but with a power to the Court and the Board to dispense with them, your Petitioners humbly submit that that intention should be distinctly expressed in the said Bill.

Your Petitioners would further represent, that they cannot but contemplate with anxiety the increase of expense which will be caused by the number of new offices proposed by the said Bill to be created, *viz.* a governor of Agra at 1,20,000 rupees per annum, and as a consequence of the formation of a presidency, many expensive establishments; three additional councillors in Bengal at 96,000 rupees a year each; and five law commissioners at 60,000 rupees a year each, exclusive of other large expenses, which must be attendant upon such appointments.

That your Petitioners cannot but regard with some apprehension also the augmentation of charge in the Ecclesiastical Department, by means of the arrangements provided for in the said Bill, for at present, independently of the military chaplains of the church of England, seventy-five in number, the establishment comprises one bishop, three archdeacons, and six chaplains of the church of Scotland, at an aggregate expense of 1,66,333 rupees per annum; whilst under the proposals contained in the said Bill, the establishment will comprise,

comprise, independently of the seventy-five military chaplains of the church of England, three bishops, three chaplains to discharge the duties which the archdeacons now perform, and eight Scotch chaplains of the church of Scotland, at an aggregate expense of 2,29,858 rupees annually, besides which there is the contingent expense of episcopal visitations, pensions, and passage-money.

No. CXXXIX.
Petition to the
House of Lords.

Your Petitioners, whilst they are sincerely desirous that adequate means should be provided for the spiritual instruction and consolation of all classes of the public servants stationed in India, must be permitted to remark, that no evidence has been brought before them, which satisfies them of the necessity of adding to the establishment two Suffragan bishops, and two chaplains of the church of Scotland, and that without such evidence they could not consider it just to employ the revenues of India in maintaining these officers.

Your Petitioners beg leave respectfully to call the particular attention of your Right Honourable House to those parts of the said Bill which relate to the College at Haileybury.

Throughout the correspondence which has passed with His Majesty's Ministers, your Petitioners have declared, upon this point, that the arrangement "which shall most effectually provide the means of giving good servants to the Indian empire is that which will assuredly meet the views of the Court, whatever its effects may be on their patronage;" and it is because your Petitioners are deliberately convinced, that efficiency will be more likely to be obtained in a general system of education, brought to the standard of a high test of examination, than in any exclusive system, that the Court confidently ask your Right Honourable House to abolish the College; a measure which is further strongly recommended by considerations of expense, as the maintenance of that institution has in the last term caused a charge upon India at the rate of upwards of £10,000 per annum, when there were less than thirty students within its walls; and will under the arrangements contemplated in the said Bill cause an expense to your Petitioners for each student of at least £500, besides the sum charged to the parent or guardian; and your Petitioners would also submit the important fact, that in the course of the last ten years the College has at one time been unequal to supply the requisite number of Writers, and at another, as at present, is much more than adequate to the supply.

Your Petitioners therefore most humbly pray, that your Lordships will be pleased to take the foregoing representations into consideration, and so to modify and alter the said Bill as to meet the objections.

No. CXXXIX.

Petition to the
House of Lords.

objections which your Petitioners have presumed to lay before your Lordships; and if it should be the pleasure of your Right Honourable House to hear Counsel in support and explanation of those objections, Counsel are prepared to appear accordingly at such time as your Lordships may be pleased to appoint.

(L. S.)

No. CXL.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 31st July 1833.

No. CXL.

Court of Directors,
31 July 1833.

The draft of a Letter to the Right Honourable Charles Grant, adverting to the Bill now in progress in the House of Commons "to regulate the trade to "China and India," submitting that the Company should be exonerated from so much of the existing laws as relates to the care and maintenance whilst in England of seamen natives of China, and suggesting that the eighth clause of the said Bill, which imposes upon vessels entering the ports of China a tonnage duty, should not be allowed to operate upon ships going to China from India, as it would be altogether a new impost upon the country trade, was read and approved. (See No. CXLII.)

William Stanley Clarke, Esq., a member of the Court, delivered in his Dissent from the Court's resolution of the 19th instant, to approve paragraphs for China directing the discontinuance of further commercial operations on the part of the Company, which was read.—(See No. CXLI.)

No. CXLI.

DISSENT *by* WILLIAM STANLEY CLARKE, Esq.

No. CXLI.

Mr. Clarke's
Dissent,
31 July 1833.

CONCURRING generally in the view taken by Mr. Wigram in his Dissent of the 19th instant, of the advantages which would arise in the realization of the assets by the temporary employment of the ships under contract to the Company, I hereby record my Dissent from the adoption of the recommendation contained

contained in the letter from the Right Honourable the President of the Board of Commissioners, of the 13th instant, by which the Company abandon forthwith all further commercial operations.

(Signed) WM. STANLEY CLARKE.

East-India House,
31st July 1833.

No. CXXI.

Mr. Clarke's
Dissent.

No. CXLII.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

East-India House, 1st August 1833.

SIR:

We have the honour, at the request of the Court of Directors of the East-India Company, to call your attention to that clause of the Bill now in progress in the House of Commons entitled "a Bill to regulate the trade to "China and India," which proposes to continue in force the existing laws relating to the cost and expense whilst in this country of Lascars and other seamen natives of any of the territories within the limits of the Company's charter.

The Court submit that the Company should be exonerated from so much of the existing laws as includes seamen natives of China.

We must further express to you the hope of the Court, that the tonnage duty which it is proposed by the eighth clause of the said Bill to impose upon vessels entering the ports of China, will not be allowed to operate upon ships going thither from India, as it would be altogether a new impost upon the country trade, in which the prosperity of the Indian empire is deeply interested.

We have the honour to be, Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,
WM. WIGRAM.

The Right Honourable Charles Grant,
&c. &c. &c.

No. CXLII.

Letter to
the Rt. Hon.
Charles Grant,
1 Aug. 1833.

No. CXLIII.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 7th August 1833.

No. CXLIII.

Court of Directors,
7 Aug. 1833.

THE Chairman, adverting to the addition made, on the third reading in the House of Commons of the East India Charter Bill, to the sixth clause, which prevents the grant of any compensation, superannuation, or allowance, to persons whose interests may be affected by the discontinuance of the Company's trade, from taking effect "until the expiration of two calendar months after particulars of the compensation, superannuation, or allowance proposed to be so granted shall have been laid before both Houses of Parliament," laid before the Court the draft of a Letter which the Deputy Chairman and himself had addressed to the Right Honourable Charles Grant under date the 6th instant, pointing out objections to the above-mentioned proviso, and requesting that for the reasons stated the same may be withdrawn.

The said letter to Mr. Grant was then read and approved. (See No. CXLIV.)

The draft of a letter to the Right Honourable Charles Grant, requesting that he will be pleased to take measures with the view to the third reading of the Bill being postponed until after the General Court, which the Court propose to convene for Tuesday next, shall have decided whether or not they will place their commercial rights in abeyance, under the arrangements embodied in the Bill now before the House of Lords, was also read and approved. (See No. CXLV.)

It was then

Resolved, That the Chairman and Deputy Chairman be authorized to issue an advertisement convening a General Court of Proprietors for such day as the future state of the Bill may appear to them to render necessary.

No. CXLIV.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

East-India House, 6th August 1833.

SIR :

The Court of Directors of the East-India Company observe that whilst the East-India Bill was passing through its last stage in the House of Commons, an addition was made to the sixth clause which prevents the grant of any compensation, superannuation, or allowance, to persons whose interests may be affected by the discontinuance of the Company's trade, from taking effect "until the expiration of two calendar months after particulars of the compensation, superannuation, or allowance proposed to be so granted shall have been laid before both Houses of Parliament."

Upon this proviso the Court must in the first place submit, that it involves a departure from that part of the agreement between His Majesty's Government and the Company which declared, "that a sufficient power shall be retained over the commercial assets to enable the Court of Directors to propose to the Company, and ultimately to the Board for their confirmation, a plan for making suitable provision for outstanding commercial obligations, and for such of the commercial officers and servants of the Company as may be affected by the proposed arrangement."

The Court can have no objection, on the contrary they are very desirous, that Parliament should be fully informed of all their proceedings, whether relating to compensations or to any other of the matters entrusted to them; and the Court consider that the Company, in applying a portion of those funds to making a provision for servants reduced in consequence of a change of system, ought not to be subjected to any other control than that which exists at present.

We would also suggest to you, that as soon as the Bill shall have passed into a law, certain offices might be reduced; for that purpose, and in order that a uniform principle might be established applicable to all reductions, it would be incumbent on the Court immediately to frame a general plan for making compensations, which plan, when approved by the Board, might be applied to the several cases as they arose, and it would be the Court's object in the plan

No. CXLIV.

Letter to
the Rt. Hon.
Charles Grant,
6 Aug. 1833.

No. CXLIV.

Letter to
the Rt. Hon.
Charles Grant,
6 Aug. 1833.

to encourage exchanges of junior servants from offices which are to be reduced to offices which are to remain, in order that facility might be given for increasing the efficiency of the establishment under the new system.

But if the Board are to give their consent in each case separately, and are to withhold that consent until the case has been two months before Parliament, no reductions can be effected for some time to come, nor any uniform plan adopted, nor the least encouragement given to exchanges with a view to retirement.

For these reasons the Court request that the proviso in question may be withdrawn.

We have the honour to be, Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,
&c. &c. &c.

No. CXLV.

LETTER *from the CHAIRMAN and DEPUTY CHAIRMAN to the Right Honourable CHARLES GRANT.*

No. CXLV.

Letter to
the Rt. Hon.
Charles Grant,
7 Aug. 1833.

SIR :

East-India House, 7th August 1833.

Presuming from the advanced state of the East-India Bill in the House of Lords, that it may be reported this week and printed, the Court of Directors of the East-India Company propose to fix Tuesday next for a meeting of the General Court of Proprietors, to decide whether or not they will place their commercial rights in abeyance under the arrangements embodied in the said Bill, and which decision the Court are advised by Counsel should be passed previously to the third reading of the Bill.

The Court therefore request that you will be pleased to take measures with a view to the third reading being postponed until after the General Court shall have decided the question in reserve.

We have the honour to be, Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,
&c. &c. &c.

No. CXLVI.

AT A

COURT OF DIRECTORS,

Held on Thursday, the 8th August 1833.

No. CXLVI.

Court of Directors,
8 Aug. 1833.

THE Chairman acquainted the Court that, having received information from the Company's Solicitor last evening that the East-India Charter Bill had passed through the Committee in the House of Lords, and that the Report would be received this day, and the third reading take place on Friday, he had summoned the present Court specially for the purpose of considering the course which it would be proper to pursue with the view of enabling the General Court to express their opinion on the measure; that the Deputy Chairman and himself had waited on the President of the Board this morning on the subject, and that having received from Mr. Grant an assurance that the Court of Proprietors should have an opportunity of expressing their opinion on the Bill before the measure is passed into a law, and that the Court of Directors shall be enabled to give the Court of Proprietors forty-eight hours notice for that purpose, it is therefore unnecessary at the present moment to adopt any further proceeding, but await the communication from Mr. Grant.

No. CXLVII.

AT A

COURT OF DIRECTORS,

Held on Monday, the 12th August 1893.

No. CXLVII.

Court of Directors,
12 Aug. 1893.

The Chairman, adverting to the letter addressed by the Deputy Chairman and himself to the Right Honourable Charles Grant on the 7th instant, requesting that the third reading of the East-India Charter Bill in the House of Lords might be postponed until after the General Court shall have decided whether or not they will place their Commercial Rights in abeyance; stated to the Court that he had received a private letter from Mr. Grant on Friday evening, expressing a wish that the General Court should be summoned for Tuesday next; and that in consequence the Deputy Chairman and himself had caused an Advertisement to be issued convening the General Court accordingly.

The Draft of the Advertisement so issued on the 10th instant was then read and approved.

The Court proceeding to take into consideration the Bill as amended on the Report in the House of Lords on Friday last, and having deliberated thereon,

The following motion was submitted, *viz.*

“ That having unfortunately failed in their endeavours to obtain those modifications of the East-India Bill which are essential to enable the Company satisfactorily to conduct the Territorial Government of India, this Court regret that they cannot recommend to the Proprietors to place their Commercial Rights in abeyance, with a view to their being continued in that Government under the arrangements embodied in the said Bill, and must therefore, without expressing any further opinion, refer it to the Proprietors, to exercise their discretion upon this most important occasion.”

No. CXLVII. Whereupon it was proposed to amend the said motion by leaving out all the words after the word "That" for the purpose of inserting the following: *viz.*

"the East-India Bill having arrived at its last stage in the House of Lords, it becomes the duty of the Court of Directors to submit to their Constituents a final opinion regarding that Bill as it now stands, and

"Whilst the Court are still impressed with the belief that the cessation of the Company's Trade will greatly weaken its position in this country, and consequently impair its efficiency in the administration of the Government of India; whilst also they regard with much anxiety the increase of powers given by the said Bill, to the Board of Commissioners for the Affairs of India, and greatly regret that Parliament has not provided some rule of publicity, to act as a salutary check both upon the Board and the Court; and whilst, further, the Court entertain the most serious apprehensions of the injurious effect upon the Finances of India which must result from the loss of the Trade as a source of direct profit, and as a safe and beneficial channel of remittance, and from the new charges which the Bill imposes, yet reviewing all the correspondence which has passed with His Majesty's Ministers upon this subject, trusting that the extensive powers of the Board will be exercised with moderation, and so as not to interfere with the independence of the Company, as a body acting intermediately between the King's Government and the Government of India, which independence all parties have admitted to be of vital importance to maintain, and relying with confidence that Parliament will interpose for the relief of any financial difficulties into which the Company may unavoidably be cast through the operation of the extensive changes which the Bill proposes to effect, the Court of Directors cannot do otherwise than recommend to the Proprietors to defer to the pleasure expressed by both Houses of Parliament, and to consent to place their right to trade for their own profit in abeyance, in order that they may continue to exercise the government of India for the further term of twenty years upon the conditions and under the arrangements embodied in the said Bill."

And the question that the words proposed to be left out stand part of the question, being put by the Ballot,

It passed in the negative.

The question that the words proposed by way of amendment stand part of the question being then put by the Ballot,

The same passed in the affirmative.

It was then on the main question,

No. CXLVII.

Resolved, That the East-India Bill having arrived at its last stage in the House of Lords, it becomes the duty of the Court of Directors to submit to their Constituents a final opinion regarding that Bill as it now stands; and

Court of Directors,
12 Aug. 1833.

Whilst the Court are still impressed with the belief that the cessation of the Company's Trade will greatly weaken its position in this country; and consequently impair its efficiency in the administration of the Government of India; whilst also they regard with much anxiety the increase of powers given by the said Bill to the Board of Commissioners for the Affairs of India, and greatly regret that Parliament has not provided some rule of publicity to act as a salutary check, both upon the Board and the Court; and whilst, further, the Court entertain the most serious apprehensions of the injurious effect upon the Finances of India which must result from the loss of the Trade as a source of direct profit, and as a safe and beneficial channel of remittance, and from the new charges which the Bill imposes; yet reviewing all the correspondence which has passed with His Majesty's Ministers upon this subject, trusting that the extensive powers of the Board will be exercised with moderation, and so as not to interfere with the independence of the Company as a body acting intermediately between the King's Government and the Government of India, which independence all parties have admitted it to be of vital importance to maintain, and relying with confidence that Parliament will interpose for the relief of any financial difficulties into which the Company may unavoidably be cast through the operation of the extensive changes which the Bill proposes to effect, the Court of Directors cannot do otherwise than recommend to the Proprietors to defer to the pleasure expressed by both Houses of Parliament, and to consent to place their right to trade for their own profit in abeyance, in order that they may continue to exercise the Government of India for the further term of twenty years, upon the conditions and under the arrangements embodied in the said Bill.

Campbell Marjoribanks, Esq. (Chairman), and William Wigram, Esq. (Député Chairman), then delivered in their Dissent from the foregoing Resolution, which was read, the same being as follows.—(See No. CXLVIII.)

No. CXLVIII.

DISENT *by the* CHAIRMAN (CAMPBELL MARJORIBANKS, Esq.),
 No. CXLVIII. *and the* DEPUTY CHAIRMAN (WILLIAM WIGRAM, Esq.).

Dissent by the
 Chairman and
 Deputy Chairman.

Differing from the majority of the Court of Directors who have this day passed a Resolution recommending the Proprietors to place their Charter in abeyance, we record our Dissent from that proceeding, and shall briefly state our reasons for doing so.

It is impossible for us to contemplate the annihilation of the basis upon which the East-India Company was originally incorporated, without reflecting that Great Britain owes to their exertions the valuable trade with India and China, as well as its maintenance during two centuries, amidst great embarrassment at home and the powerful opposition of European and Native enemies abroad, and that in its prosecution the Company laid the foundation of the British Empire in India.

The extension of the Company's Territorial Possessions became matter of great national interest, and led to political power under Parliamentary regulation being engrafted upon their commercial character.

The union of Government and Trade being thus considered the system best calculated to preserve the stability of our rule in India, and at the same time to secure the greatest benefits to that country and to England.

The opinion of those statesmen who took the leading part in the proceedings of 1793 and 1813 prove that they were governed by the same principles in proposing the arrangements concluded at each of those periods, between the Public and the Company; and the following Extracts from the last Report of the Parliamentary Committee printed in August 1832, appear to us to establish the fact that these joint functions have hitherto produced the most beneficial effects.

“ That the British sway has conferred very considerable benefits on India
 “ can hardly be doubted, since under our government the people enjoy advantages which all history shews they never possessed under their own princes,
 “ protection from external invasion, and the security of life and property.”*

Again,

* Vide page 19 of the Report of the Select Committee on the Affairs of the East-India Company.

Again,

“ The finances of India have derived advantage from their existing connexion with the Commerce of the Company,

“ 1st. Through the direct application of surplus Commercial Profit ;

“ 2d. By the rates of exchange at which the Territorial advances from Commerce in England have been repaid to Commerce in India ;

“ 3d. In consequence, as is alleged, of the remittances from India annually required for the payment of those Territorial charges defrayed in England having been made through the Company's Commerce.”

With these admitted results, we consider that, although deprived of their Monopoly of the China Trade, but at the same time relieved from all the legal obligations by which their transactions have hitherto been fettered, the Company might have continued to trade with great advantage, especially as regards the question of remittance.

It was therefore with much surprise that we first perused the Hints submitted by His Majesty's Government, containing the proposition that the Company should henceforth abandon all Commercial operations, and transfer to Territory the whole of their assets at home and in India.

We nevertheless felt it to be our duty to give our best consideration to the proposed scheme,—we did so with an anxious desire that the Company, who had already secured such great advantages to their country, should not disappoint even its further expectations, but consent to waive the exercise of the Commercial rights which they possess in perpetuity, if the Proprietors were fully secured in the regular receipt of their present Dividend, and in the ultimate payment of their Capital, and provided that such a plan were devised as would enable the Company “ efficiently to administer the Government of “ India for a further term with credit to themselves and with advantage to “ that empire.”

It was with these views that we became parties to the Resolution passed by the Proprietors at the Ballot on the 3d May last, which formed the basis of the proposed compromise.

Two of the points contended for in that Resolution were the extension of the Guarantee Fund to Three Millions, and the provision for publicity as a rule.

To the first we still consider the Proprietors entitled, both in justice and in equity, from the proceeds of their Commercial Assets.

The

No. CXLVIII. The latter provision we deem indispensable to the independence of the Court of Directors.

Dissent by the
Chairman and
Deputy Chairman.

Neither point has been conceded, whilst other provisions have been introduced into the Bill which render the scheme, in our judgment, still more objectionable.

We consider that although some important modifications have been made in the Bill introduced into Parliament subsequently to the Resolution of the Court of Proprietors of the 3d May, particularly as regards the retention of Councils at the subordinate Presidencies, the measure as it stands involves an unnecessary departure from the principles upon which the Governments of those Presidencies have hitherto been conducted, and by which they were made directly responsible to the Authorities at home.

This change, so far from preventing the recurrence of the delay upon which much stress was laid in the late Parliamentary enquiry, will, in point of fact, increase the evil, and instead of relieving the Governor General from a portion of those duties which are now complained of as too multifarious, it will impose upon him additional labour and responsibility. It will, moreover, admit of the existence at the same time of six distinct executive authorities, which may lead to much embarrassment.

We think the provisions of the Bill will create a considerable additional charge upon India without conferring any adequate benefit, whilst that country will by the same measure be deprived of those resources, without which her financial means, as regards both Income and Remittance, will be put to great hazard.

Upon the point of Remittance, we are at a loss to imagine how the same is to be effected to the requisite extent, and if effected we fear it will be at a very unfavourable rate of exchange, and, consequently, at a great loss to the Indian finances.

We are likewise of opinion that the Bill leaves the Assets transferred to Territory to be applied and disposed of in a manner which we much fear will occasion not only a serious deterioration of property, but great disappointment and distrust; and lastly,

We consider that the Court of Directors, instead of being placed by the present Bill in the position in which alone they can independently, and consequently advantageously discharge their duties, will be converted into little else than a mere instrument for the purpose of giving effect to the acts of the controlling Board, and it would consequently have been far better that

His

His Majesty's Government should have openly and avowedly assumed the direct Administration of India, than have attempted to maintain an intermediate body in deference to those constitutional principles which led to its original formation under Parliamentary regulation, but deprived of its authority and rendered inefficient by the present measure, and which will become, in our opinion, a mere useless charge upon the Revenues of India.

In thus stating our sentiments we discharge a painful but at the same time what we feel to be an imperative duty, and with this feeling we cannot consent to incur the responsibility of recommending to our constituents to confirm the compromise, by consenting to place their Chartered Rights in abeyance under the provisions of the present Bill.

East-India House,
the 12th August 1833.

(Signed) C. MARJORIBANKS,

W. WIGRAM.

No. CXLVIII.
Dissent by the
Chairman and
Deputy Chairman.

No. CXLIX.

AT A

COURT OF DIRECTORS,

Held on Tuesday the 18th August 1833.

A letter from Henry St. George Tucker, Esq., a Member of the Court, dated 12th instant, enclosing a paper recording a review of those considerations which prevented him from assenting to the proposition submitted to the Court by the Chairs on that day, for declining to recommend to the Proprietors to put their commercial rights in abeyance under the arrangements embodied in the present East-India Bill, being read; also

No. CXLIX.
Court of Directors,
18 Aug. 1833.

The Paper enclosed by Mr. Tucker, which states at length his opinion upon the Bill, and concludes with recommending to the Proprietors to "accept the Bill with all its defects." (See Nos. CL. and CLI.)

A paper signed by John Thornhill, Esq., a Member of the Court, dated this day, concurring with Mr. Tucker in his objections to the Bill, but nevertheless joining in the recommendation to the Proprietors to accept the Bill; (See No. CLII.) and

A letter signed by the undermentioned Members of the Court, also dated this day, stating the general grounds which induced them to support the Resolution adopted by the majority of the Court yesterday to recommend the Proprietors to make a fair trial of the proposed Charter, viz.

William Astell, Esq.,
William Stanley Clarke, Esq.,
George Raikes, Esq.,
Henry Shank, Esq.,
Sir William Young, Bart.,
Russell Ellice, Esq.,

W. B. Bayley,

No. CXLIX.

Court of Directors,
19 Aug. 1833.W. B. Bayley, Esq.,
Richard Jenkins, Esq.,
George Lyall, Esq.,
John Cotton, Esq.,
J. Petty Muspratt, Esq.,
Henry Alexander, Esq.,
John Masterman, Esq., and

Colonel J. L. Lushington, C. B. (See No. CLIII.)

Ordered, That the said several letters and papers be laid before the General Court to be held this day.*(For further Proceedings of the Court of Directors of this day, See No. CLV.)*

No. CL.

LETTER from HENRY ST. GEORGE TUCKER, Esq. to the
Honourable COURT OF DIRECTORS.

East-India House, 12th August 1833.

No. CL.

Letter from
Mr. Tucker,
12 Aug. 1833.

HONOURABLE SIRS:

I request permission to record on our Proceedings the accompanying Paper, containing a review of those considerations which prevented me from assenting to the proposition of the Chairs, with whom I have generally concurred and co-operated throughout the whole course of our anxious negotiation with His Majesty's Ministers.

I have the honour to be,

Honourable Sirs,

Your faithful servant,

(Signed) HENRY ST. GEO. TUCKER.

The Honourable Court of Directors,
&c. &c. &c.

No. CII.

PAPER by HENRY ST GEORGE TUCKER, Esq. referred to in
the preceding Letter.

No. CII.

Mr. Tucker's
Paper,
12 Aug. 1833.

We are now called upon to decide on the momentous question of accepting or rejecting the plan of His Majesty's Ministers for the future administration of British India, and the decision in favour of either alternative is full of difficulty and embarrassment.

The plan, as a whole, seems to me to be liable to many objections; but we have advanced so far that we cannot now retrace our steps without serious inconvenience.

It is much to be regretted, that the entire plan was not at once submitted to the consideration of those who have so deep an interest in the result. The Proprietors of East-India Stock had, in the first instance, a boon held out to them in the shape of a beneficial annuity. This was accepted, and I fear too eagerly, because from that moment all power of resistance on their part was virtually surrendered. The Public concluded that we were satisfied; that we acted in full concurrence with the views of His Majesty's Government; and the Public itself apparently concurred in the projected changes. Even if circumstances had arisen to excite distrust, the jealous feeling with respect to the British Constitution, which at a former period produced such memorable events, would seem no longer to have existence in this country.

Without insisting that it was intended, or desired, to take any undue advantage of our position, we have been placed, or we have placed ourselves, in a situation of great disadvantage. We have had little time to examine the measure in its rapid progress through its different stages. The plan was framed originally without concert with us. We have urged various objections to it with more or less success. Indeed, it is but fair to admit, that attention has been paid to our representations, and that some very objectionable clauses in the Bill have been modified and amended; but still the leading features of the plan, both commercial and political, remain unchanged; and questions of vast magnitude and importance, have been disposed of, in opposition to the views and opinions of those most interested in their proper solution, and most competent, I may presume to think, to form a correct judgment on their merits.

The plan of the Indian Minister has at length assumed a determinate shape,

No. CLY.

Mr. Tucker's
Paper,
12 Aug. 1833.

and we are now in a condition to pronounce finally on its general character and tendency.

Viewed in its commercial and financial relations and bearings, it impresses me with the most serious apprehension. A more sudden or violent change in the commercial policy of a country has rarely been witnessed; and although it may not be attended with permanent evil, it must produce temporary derangement. The accustomed channel of commerce has been broken up, the stream has been diverted from its course, and those noble establishments which flourished on its banks are now doomed to desolation and ruin. We ought to have made a stand at the threshold, and to have insisted, as a preliminary condition, that time should at least be allowed us to wind up the commercial concerns of the Company, and to prepare for the gradual introduction of those changes in our commercial system, which may have so extensive an influence upon the national interests, and more immediately upon the prosperity of this vast Metropolis.

My objections to the commercial changes now in progress have been repeatedly urged and recorded; but without adverting again to their probable effect on the national revenue and on the interests of the British consumer, without insisting on their tendency to disturb our relations with the Chinese Empire, I will briefly notice those parts of the plan which, directly or indirectly, affect the Proprietors of East-India Stock, who are now called upon to decide whether, on a deliberate review of its provisions, they ought to sanction and accept it.

1st. By the immediate and peremptory suppression of the Company's trade with China a heavy loss must be sustained in the course of realising the commercial assets. This sacrifice will be made *at the expense of India*, whose debt it was proposed to redeem by the application of those assets; and it is quite evident that any pecuniary sacrifice which India is called upon to make must, in a greater or less degree, affect the security of our annuity.

2d. The Guarantee Fund of Two Millions has always appeared to me to be quite inadequate, either as a means of securing the punctual payment of the annuity of £630,000, or of providing for the ultimate redemption of the principal of twelve millions.

3d. It appears to me that no plan has yet been devised, or can easily be had recourse to, for effecting with safety and punctuality the territorial remittance from India for the payment of the annuity to the Proprietors of East-India Stock, for the satisfaction of other obligations, and for defraying the various charges in this country which must be borne by the Indian revenue.

4th.

4th. It appears to me that it would be highly unjust, if it were practicable, to provide for the payment of the annuity of £630,000 *in preference to other demands*, such as bills of exchange drawn for the interest of the territorial debt, military and civil pensions and allowances, bills for military stores and other supplies, the Carnatic and Tanjore debts, and other acknowledged debts and obligations. The Indian creditor has already just ground of complaint, for a doubt has been expressed (most unadvisedly) by the Indian Minister with respect to his holding any security or lien on the territory, and to assign a preference or precedence to any new class of claimants would be a glaring infraction of his pre-existing rights.

5th. It appears to me that a most inconvenient season has been chosen for breaking up our remittance machinery, when the commercial community of Calcutta is known to be in a state of the greatest distress and embarrassment, and when it is quite clear that the Indian Minister is not prepared with any substitute for our agency. Indeed, I cannot persuade myself that Mr. Grant is aware of the extent of the remittance which will be required for the payment of the Carnatic, Tanjore, and other claims, in addition to the ordinary demands upon the Home Treasury, including the annuity of £630,000. I will not, in this place, enter on the subject of the Salt and Opium revenue, although it bears directly upon the present question; but as those monopolies have been denounced in Parliament, and as an intention has been expressed in a high quarter in favour of their abolition, I will just observe, that the same revenue cannot, in my opinion, be raised in India by means less objectionable, and that if these productive taxes be dispensed with, or be rashly tampered with, India will not be able to discharge its pecuniary obligations. We seem ready with one hand to relinquish revenue, while with the other we are imposing new burthens on the finances of India; and in both instances we circumscribe its means of providing for the annuity to the Proprietors of East-India Stock.

I will now proceed to notice those changes in the constitution of the Administrative Body which appear to me likely to have an injurious tendency.

1st. I cannot satisfy myself that the Court of Directors will continue to be an efficient and independent organ of administration. I perceive only two powerful functionaries, the Governor General of India and the President of the Board of Commissioners; and upon these must the fate of India henceforward mainly depend. We may afford useful assistance by our knowledge and experience; but we shall not be the governing power, nor ought the responsibility of governing well to attach to us.

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 Papers,
 12 Aug. 1839.

2d. Although the change in the constitution of the Supreme Government will impart great energy to it, an energy very necessary to counteract the evil which particular provisions of the Bill are calculated to introduce, I cannot admit the necessity for adding so many Members to the Supreme, or Legislative Council of India at a very great expense. Had the Councils at the subordinate Presidencies been dispensed with, some plea might have been found for enlarging the apparatus of the Supreme Government; but it has been most wisely determined, that the Governments of Fort St. George and Bombay should retain their Council, and continue to exercise nearly the same functions as heretofore, and I cannot, therefore, perceive the necessity for so large an addition to the Council of Bengal.

3d. I anticipate much inconvenience from the institution of a Law Commission for the revision of our local Regulations, professedly with a view to introduce greater uniformity in the code. The expense of such a Commission, with its attendant establishments, will be very considerable; and if the inquiry contemplated be necessary, it is quite competent to the local Government to institute it without any legislative enactment in this country. The real object seems to be, to prepare for the introduction of English law; and I am persuaded, that, in the estimation of our native subjects, a greater evil could not well be inflicted on them. "You cannot," observes a writer on Mohammedan Law, "change the law of any country, for that of any other, even for a better, without offering great violence to the people,—to the people of India of all others."

The truth of this remark can scarcely be disputed. It were most unreasonable and extravagant to compel the countless millions of India to acquire a foreign language and to submit to an unknown law, even if their prejudices were not so deep rooted in favour of their own. Their present rulers, few in number, can, from the advantages of education, and the habit of study, acquire without difficulty the languages and laws of the multitude over whom they are placed, but we cannot reast a whole people in a new mould. The Mahomedans did, it is true, enforce their criminal code, and they made use of the Persian language very generally in official correspondence, in their sunnuds or grants, and in other deeds and public documents; but their example is not one which we ought to follow, in this particular; and they were placed in a situation which enabled them to indulge their own prejudices, and to enforce an arbitrary policy with less hazard to their dominion.

The 112th section of the Bill opens the door completely to the influx of English

English lawyers into India: Now there are already sixty-six Attornies upon the register of the Supreme Court of Calcutta; and it is understood that the great body of the profession at the three Presidencies is almost without business, the Natives having learnt by dearly purchased experience that English law may cost too much. Unless, then, it be in contemplation to admit English practitioners into our Provincial Courts, I cannot perceive any reason for encouraging them to repair to India. To admit them into those courts would be virtually to supersede the Vakeels, or native pleaders; at a time when we are professing great solicitude to bring forward our native subjects into public employment; but this wrong to a particular class would be as nothing, when compared with the evils to which the native population at large would be exposed, by the introduction of the lower order of Attornies among them. They are already much too prone to litigation, and are accustomed to resort to a court of justice as an arena in which they can give vent to their bad passions; and, when I perceive a disposition to favour the settlement of Europeans in the provinces, without even the check of a license; when facilities are given to gentlemen of the legal profession of every description, including the Scotch bar, to repair to India, with the same privilege of residence in the interior, I cannot but feel that we are compromising the safety of our native subjects as well as the general peace of the country. We may expatiate on the benefits to be derived from British enterprize, skill, and capital, but each European who goes to India usually imposes a tax upon that country; he carries nothing with him, and he brings away as much as he can, as speedily as he can. The public records, from 1775 to the present day, would furnish me with abundant materials to shew that the natives have suffered grievous injury from the conduct of Europeans in the interior, as well as from the processes of the King's courts; but such details would here be inconvenient and out of place. But section 83 of the Bill goes a step further, and allows Europeans to acquire and hold lands in India without any limitation. I have never objected to the licensed residence of British subjects of good character, even in the more remote districts, for the purpose of carrying on commerce and of establishing manufactures; and with a view to these particular objects they might be permitted to hold or rent land to a limited extent; but in allowing them to become landed proprietors without any restriction

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tion, we abandon our established policy in a way so hazardous and objectionable, that I cannot contemplate the innovation without uneasiness. I may be told that we shall benefit the present Proprietors by creating a competition for land, which must enhance its value; and I may be desired to place full confidence in British justice and in the omnipotency of the law. The law is a powerful auxiliary to the strong, but it is but too often a feeble ally to the weak, the timid, and the ignorant. European energy, intelligence, influence, and intrigue, will be too powerful for the Zemindar, and I already anticipate a struggle for the most cherished possession of our native subjects, for the most valuable property which we have left them, with little expectation that they will long retain it in peace and security. Let me not be told that these are the forebodings of a morbid imagination. Read the preamble to Regulation I. of 1821; see how our Native servants have succeeded in ousting and superseding the rightful owners of the soil, and say if their European superiors, armed with magisterial and fiscal authority, will not have it in their power to countenance and favour their relatives, friends, and dependants, in their views upon the lands of India. Foreigners would scarcely believe that we did not permit British subjects to acquire landed possessions in our territory, but they offered the tribute of respect to this self-denying policy, as wise as it was humane. This tribute we must now be content to forego.

The unrestrained influx of the lower classes of Europeans into the provinces appears to me to be pregnant with such evil to the State, to our Native subjects, and to the individuals themselves, that I must be permitted to enlarge upon the probable consequences.

Such persons will degrade the European character in the eyes of the people by indulging in every kind of low dissipation, disgusting to the Natives and fatal to themselves, in a climate which is scarcely endurable by the European constitution, except under circumstances very favourable to health and comfort.

They will frequently come into collision with the Natives, instigated by intemperance, and by an habitual contempt for the native character. Their violence will provoke resistance and retaliation. Numbers will in the end prevail, and the Natives will learn a lesson not at all conducive to the preservation of peace and good order, nor favourable to the maintenance of our supremacy.

A kind of awe and respect has hitherto surrounded and consecrated the European character in India, but we seem studious to remove the veil. The appearance,

appearance, manners, habits, and demeanour of the lower Europeans in that country are calculated to inspire our Native subjects with disgust and aversion, and a portion of this feeling must by degrees extend itself and attach to the national character.

The very circumstance, too, of our bringing Europeans into our Courts of Justice upon a level with the Natives; and of our employing the native officers of those courts to serve processes upon them (always at some risk of resistance), must tend to lower the European; while the difficulty of constituting a judicature, and of framing a code of laws which shall be alike applicable to Christians of all sects, to Mahomedans and Hindoos, appears to me to be almost insuperable.

The lower classes who will flock to India as mariners, servants, artisans, and mechanics, will soon find the wages of labour in that country, although upon a scale to maintain the frugal Hindoo and industrious Chinese, to be altogether insufficient to afford *them* a bare subsistence, and they will in many instances become a burthen upon the community and the Government. They will be in that country what the Lascars are in this, but in much greater numbers, and the Government will be compelled to send them back, at great expense to Great Britain. It will be said, that experience cannot fail to cure the evil; but does the experience of hardship and suffering by particular individuals prevent others from following the same course? Does it, in this and the neighbouring island, prevent those early and improvident marriages which so often lead to pauperism and wretchedness? It is an imperative duty upon a Government to guard its less-informed subjects, as far as possible, against their own imprudence, and it is most especially the duty of the British Government to protect the Natives of India of every class and degree in their rights, in the free exercise of their religion, in the use of their own laws and institutions, in the undisturbed possession of their property, and in the peaceful enjoyment of personal liberty. For these great benefits I have been contending, and must contend.

Section 85 of the Bill, which originally required the peremptory abolition of slavery, has been modified and very much improved; but it ought to have been expunged altogether, for legislation on this subject can only take place with safety on the spot. The local Governments are quite competent to enact laws for the regulation and gradual extinction of slavery, whenever this can be done with a prudent regard to the public interests and the safety and welfare of the community; and the emancipation, here, of an intention to make so great an alteration in the state and relations of society, can only tend

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to create alarm, and to interpose difficulties in the way of accomplishing the desired object. The subject was considered in Bengal to be one of such extreme delicacy, that although very able minutes were written some years previously by Mr. Henry Colebrooke and other Members of the Government, it was not judged prudent to place them upon the public records until 1826. To these documents,* and to an essay on the subject by Professor H. Wilson, published in 1825,† I must beg to refer, as strongly corroborating the view which I took of the question in a former dissent, and as containing very useful information on a question of high interest.

Feeling, as I do, such weighty objections to parts of the Bill before me, what is the duty which I owe to my Constituents and to the Public? Ought I to advise the Proprietors of East-India Stock to reject the plan of the King's Ministers and to stand upon their chartered rights? This is a question which must not be lightly treated, and we must look forward to the probable consequences of such a decision with that deliberation and forecast which become men who have valuable interests at stake. We must examine cautiously and carefully our situation, to determine in what scale the good or evil may be expected to preponderate.

1st. By rejecting the plan, our stock, which at present bears a value approaching to fifteen millions sterling, would probably fall back to twelve millions, and it is not difficult to foresee that all arrangements connected with India must be thrown into a state of utter confusion.

2d. We should be exposed to a destructive competition in the course of conducting the Company's trade, and the eager adventurers who would instantly rush into the tea trade, would soon render it the source of loss to both parties.

3d. However unjustly, we should probably be burthened with the Home Bond Debt, without having any means of relief against the King's Government.

4th. That Government might even interpose difficulties, in the way of our obtaining reimbursement of the large sum which has been advanced from our commercial funds for territorial purposes.

5th. A question might be raised as to our right to appropriate heretofore any commercial profits to the augmentation of our commercial capital.

6th.

* See Proceedings of Supreme Government in December 1826.

† See Oriental Magazine for 1825, vol. iv. page 113, *et seq.*

6th: The King's Ministers might demur to the admission of our just claims to our lands and estates, our forts, factories, and other buildings on the territory and islands of India; and although such a proceeding would be unjust in the extreme, we must not conceal from ourselves, that such a contingency may occur, and that, if these and other arbitrary proceedings of the kind should be resorted to, the value of our Commercial property must be materially affected, and it might be found difficult to realize for the Proprietors even their capital of twelve millions.

Let us not forget, moreover, that although the Court of Directors will be very inefficient as an administrative body, they will still retain powers which may be beneficially exerted for the good of India.

We shall retain, under section 37 of the Bill, the power of appointing the Members of Council at the different Presidencies, and we shall continue to exercise, concurrently with the Board, the power of appointing, and the absolute power of recalling, the Governors of India and other high functionaries. This must give us influence, and it will constitute an important security against mal-administration.

Under section 41 we shall be invested with the power to repeal, alter, and amend the Laws and Regulations enacted by the local Legislature; and this is unquestionably a very salutary provision for securing to the population of India the benefit of good laws. There are other judicious and useful provisions in the Bill (that, for instance, in section 44) which ought not to be overlooked or undervalued by us.

And if we throw up and withdraw, what will be the result? It is to be apprehended that the administration of our Eastern possessions will fall into less experienced hands, that India will be over-run and disturbed by commercial and political adventurers, and that the integrity of the British Constitution will exist only by the sufferance of the Minister who should hold an uncontrolled sway over twenty-two millions of annual revenue. If (I must repeat) we should determine to abdicate our functions, those evils to India which are most to be deprecated and dreaded will probably be aggravated; for the Ministers will be justified in assuming the entire administration and patronage of that vast empire, to gratify their political adherents and to strengthen their Parliamentary influence.

Upon the whole, then, after long and anxious reflection, I am compelled to say to our constituents (not with perfect confidence I own), accept the Bill with all its defects; and let us, by our prudence and firmness, remedy, as far

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Mr. Tucker's
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12 Aug. 1838.

NO. CLII.
Mr. Tucker's
Paper,
12 Aug. 1833.

as we can, the disadvantages of our situation, and by the faithful and zealous fulfilment of our duties, promote to the utmost the prosperity and happiness of the people of India.

(Signed) H. ST. GEO. TUCKER.

East-India House,
12th August 1833.

No. CLII.

No. CLII.
Mr. Thornhill's
Paper,
13 August 1833.

PAPER by JOHN THORNHILL, Esq.

I CONCUR with Mr. Tucker in the objections to the East-India Bill, which he has very forcibly stated in the foregoing Minute. I regret, even more strongly than he has expressed, the serious encroachment made by the Bill upon the authority of the Court of Directors. Every independent power which they now possess, excepting certain appointments to office, is taken away; so that, instead of meeting, as they now do, to decide absolutely upon multifarious details arising out of the administration of India, they will meet only to address the Board on every such detail and to register its edicts.

The servants who now look to the Court only to decide their several claims and applications, will transfer their regard to the Board.

Nevertheless, I consider it my first duty to attend to the interests of the Proprietors. In doing so, I am prepared to sacrifice my feelings as a Member of the Executive, and I therefore join the majority of my Colleagues in recommending the acceptance of the Bill.

(Signed) J. THORNHILL.

13th August 1833.

LETTER from

WILLIAM ASTELL, Esq.
 WM. S. CLARKE, Esq.
 GEORGE RAIKES, Esq.
 HENRY SHANK, Esq.
 SIR WILLIAM YOUNG, Bart.
 RUSSELL ELLICE, Esq.
 WM. B. BAYLEY, Esq.

RICHARD JENKINS, Esq.
 GEORGE LYALL, Esq.
 JOHN COTTON, Esq.
 J. P. MUSPRATT, Esq.
 HENRY ALEXANDER, Esq.
 JOHN MASTERMAN, Esq.
 J. L. LUSHINGTON, Esq.

To the Honourable COURT of DIRECTORS.

GENTLEMEN:

We feel called upon, in consequence of the dissent of the Chairs, to state the general grounds which induced us to support the resolution adopted by the majority of this Court yesterday:

It is at all times matter of regret to us, when we find ourselves on any measure opposed to the opinion of the Chairs; and that regret is much increased, when the difference arises on a question of such moment as that which at present divides us. We feel it the more, because we think the Chairs have succeeded, since the opening of the present negotiation, in obtaining important modifications in the plan as originally proposed, as well as in the Bill now before Parliament.

We concur in many of the views entertained by the Chairs; and were we to consult only our personal feelings, we might possibly arrive at the same conclusion; but in deciding on a question involving such various interests, and encompassed on all sides with much difficulty, we feel bound to pursue that course which, upon the whole, appears to us to be most conducive to the interest of the Proprietors and to the welfare of India.

We sincerely wish that the scheme proposed by His Majesty's Ministers had been based on established principles, the soundness of which had been proved by the result of long experience, rather than upon untried theories; but we cannot forget that the basis of the present compromise was agreed to by the Company on the motion of the late Sir John Malcolm, not hastily, but after seven days' discussion; not by a shew of hands, but by the Ballot on the 3d May last, and by a majority of 425 Proprietors out of 477.*

On that occasion the Company adverted to the long and intimate connexion which had existed between them and India, and declared "that, if Parliament

No. CLIII.

Letter from
 Wm. Astell, Esq.,
 W. S. Clarke, Esq.,
 Geo. Raikes, Esq.,
 H. Shank, Esq.,
 Sir W. Young, Bart.,
 Russ. Ellice, Esq.,
 W. B. Bayley, Esq.,
 R. Jenkins, Esq.,
 Geo. Lyall, Esq.,
 John Cotton, Esq.,
 J. P. Muspratt, Esq.,
 H. Alexander, Esq.,
 J. Masterman, Esq.,
 and
 J. L. Lushington,
 Esq.

* Vide page 181, Negotiation Papers.

No. CLIII.

Letter from
 W. Astell, Esq.,
 W. S. Clarke, Esq.,
 Geo. Raikes, Esq.,
 H. Shank, Esq.,
 Sir W. Young, Bart.,
 Russ. Ellice, Esq.,
 W. B. Bayley, Esq.,
 R. Jenkins, Esq.,
 Geo. Lyall, Esq.,
 John Cotton, Esq.,
 J. P. Muspratt, Esq.,
 H. Alexander, Esq.,
 J. Masterman, Esq.,
 and
 J. L. Lushington,
 Esq.

“ in its wisdom should consider, as His Majesty’s Ministers have declared, that
 “ the advancement of the happiness and prosperity of our Native subjects
 “ may be best promoted by the administration being continued in the hands
 “ of the Company, but divested of their commercial character; the Court of
 “ Directors, having suggested, as it was their duty to do, the difficulties and
 “ dangers, political as well as financial, which beset the dissolution of the
 “ connexion between the territorial and the commercial branches of their
 “ affairs, will not shrink from the undertaking even at the sacrifices required,
 “ provided that powers be reserved to enable the Company efficiently to admi-
 “ nister the Government, and that their pecuniary rights and claims be
 “ adjusted upon the principle of fair and liberal compromise.”*

Power was also claimed to enable the Company to make suitable provision for outstanding commercial obligations, and for such of the commercial officers and servants of the Company as may be affected by the proposed arrangements.

The resolution having been communicated to Mr. Grant, that gentleman, in his letter of 27th May, declared it to be the anxious wish of His Majesty’s Government “ to accommodate themselves, as far as it be practicable, to the
 “ views and feelings of the Company,”† and pointed out the modifications which had been made.

The Court of Directors, on the 29th May,‡ acknowledged with much satisfaction the several modifications of the plan of Government which that letter announced, and were persuaded that their Constituents, equally with themselves, would appreciate the spirit of frankness and conciliation in which those modifications had been conceded. They expressed themselves satisfied with the manner in which the dividends were to be regularly paid,§ but re-urged the fair claim of the Proprietors to an increase of the Guarantee Fund, and likewise provision for a rule of publicity to Parliament.

Upon the reply from His Majesty’s Ministers of the 4th June, in which explanations were made as to the Guarantee Fund, and the redemption of the annuities, and reasons assigned for withholding concurrence in the establishment of a rule for publicity before Parliament, the Court of Directors came to a resolution, “ that they were prepared to recommend, that if it should be the
 “ pleasure of Parliament to limit the sum to be set apart to two millions, the
 “ Proprietors

* Page 183, printed Charter Papers.

† Ibid. page 185.

‡ Ibid. page 191.

§ Ibid. page 193.

“ Proprietors should defer thereto;” and that the question of publicity should be left to the decision of Parliament, the Court confidently expecting that Parliament would view the importance of such a provision in the same light as the Court.

The General Court of Proprietors, on the 10th June, concurred in opinion with the Court, and adopted their recommendation.†

The principles of the basis of the compromise were thus virtually ratified by the Company, leaving the two points, as to the increase of the Guarantee Fund, and the enacting a rule of publicity, to the pleasure of Parliament.

On the 25th June, Mr. Grant transmitted to the Court a Summary, containing the main provisions of the intended Bill, and, on the 29th a copy of the Bill as it had been introduced into the House of Commons.

It is unnecessary for us to enter at length into a review of its provisions.

The Court's objections to the measure have been fully stated in their Correspondence with His Majesty's Government, and some of the principal points have been urged in the Company's Petition to the House of Commons, and subsequently to the House of Lords, and both Houses have had before them the whole of the Papers connected with the present negotiation.

In the Petition to the House of Lords, presented so late as the 5th instant, it is declared, that “ Your Petitioners are seriously desirous that no obstacle should arise on their part to the arrangement which Parliament, in its wisdom, shall deem to be best calculated to promote the welfare of India and the commercial prosperity of the United Kingdom;” but the Court prayed to be heard by Counsel on the following points:

For establishing a rule of publicity;

Against the establishment of a fourth Presidency instead of a Lieutenant Governor at Agra;

Against the abolition of Councils at Madras and Bombay;

Against the maintenance of Haileybury College; and

On the increase of expense likely to arise from an extension of the Ecclesiastical Establishment.

Both Houses have declined to entertain the question of publicity, and both have resolved to maintain Haileybury College and to increase the Ecclesiastical Establishment, as well as to authorize a Government at Agra; but, at the same time, concessions had been made in the import and provisions regarding the Councils, which are to be maintained as at present, reserving power to the Company to abolish them at a future period, should it be thought expedient.

A very

No. CLIII.

Letter from

W. Astell, Esq.,
W. S. Clarke, Esq.,
Geo. Raikes, Esq.,

H. Shank, Esq.,
Sh. W. Young, Bart.,
Russ. Ellice, Esq.,

W. B. Bayley, Esq.,
R. Jenkins, Esq.,
Geo. Lyall, Esq.,

John Cotton, Esq.,
J. P. Muspratt, Esq.,
H. Alexander, Esq.,

J. Masterman, Esq.,
and
J. L. Lushington,
Esq.

* Charter Papers, p. 208.

† Ibid. p. 213.

No. CLIII.

Letter from
 W. Astell, Esq.,
 W. S. Clarke, Esq.,
 Geo. Raikes, Esq.,
 H. Shank, Esq.,
 Sir W. Young, Bart.,
 Russ. Ellice, Esq.,
 W. B. Bayley, Esq.,
 R. Jenkins, Esq.,
 Geo. Lyall, Esq.,
 John Cotton, Esq.,
 J. P. Muspratt, Esq.,
 H. Alexander, Esq.,
 J. Masterman, Esq.,
 and
 J. L. Lushington,
 Esq.

A very important alteration has likewise been made in the clause as to Slavery, and the declaration that it should cease throughout the Indian territories is omitted.

The question therefore was, whether the points which have not been conceded, form sufficient grounds to induce us to withhold a recommendation to the General Court, or whether, under all circumstances, we should not best discharge our duty to the Proprietors and to India, by recommending the General Court to confirm the compromise, and to place their chartered right of trade in abeyance under the provisions of the present Bill.

It should be recollected, that immediately before the acceptance of the Charter of 1813, a Committee of the whole Court recorded it as their opinion, that the general powers of superintendence and control of the Board were, even at that time, such that, if "exercised illiberally or vexatiously, it would be difficult for the Court of Directors to perform their functions." Much, therefore, must depend upon the spirit in which those powers are in future administered. If, as was then observed, liberally, it may be practicable for the Court of Directors to carry on the trust reposed in them satisfactorily; but if otherwise, then it is impossible to expect that men of character and liberal feelings will retain their seats in the Direction.

With this explanation of our sentiments, and with reference to the declaration of Mr. Grant, that it is the intention of His Majesty's Government that the Company, in their political capacity, "shall commence the exercise of their resumed functions in the utmost possible state of efficiency,"* we have resolved to recommend to the Proprietors to make a fair trial of the proposed Charter; and should obstacles arise, or unforeseen causes prevent or impede the execution of it by the Company, after their best endeavours have been used for the purpose, the responsibility of the failure will not attach to them.

(Signed)

RD. JENKINS,
 GEORGE LYALL,
 JOHN COTTON,
 J. PETTY MUSPRATT,
 HY. ALEXANDER,
 JOHN MASTERMAN,
 J. L. LUSHINGTON.

W. ASTELL,
 W. S. CLARKE,
 G. RAIKES,
 H. SHANK,
 WM. YOUNG,
 RUSSELL ELLICE,
 W. B. BAYLEY.

East-India House,
 Aug. 13th, 1833.

No. CLIV.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,
Held on Tuesday, the 13th August 1833.

No. CLIV.

General Court,
13 Aug. 1833.

THE Chairman acquainted the Court that the proceedings which have taken place since their last meeting, including the Bill, as amended on the Report in the House of Lords, have been printed for the Proprietors, and that the Court is now met for the purpose of determining whether the Company will consent to place their Commercial Charter in abeyance, under the provisions contained in the Bill now before the House of Lords "for effecting an Arrangement with the East-India Company, and for the better Government of His Majesty's Indian Territories;" and

That the proceedings of the Court of Directors which took place yesterday on this subject would be read.

The following papers were, then read, *viz.*

Minute of the Court of Directors held on Monday, the 12th August 1833.

Dissent by the Chairman and Deputy Chairman, dated the same day.

A letter from Henry St. George Tucker, Esq. dated the 12th instant, with a paper containing a review of the considerations which prevented him from assenting to the proposition made by the Chairs in the Court of Directors on the same day, respecting the Bill now before Parliament.

The paper enclosed by Mr. Tucker, which concludes with a recommendation to the Proprietors to accept the proposed Bill.

A letter, addressed by John Thornhill, Esq. this day to the Court of Directors; and

A letter signed by the following Members of the Court of Directors, stating their reasons for supporting the Resolution recommending the acceptance of the Bill, *viz.*

No. CLIV.

General Court,
13 Aug. 1853.

William Astell, Esq.
 William Stanley Clarke, Esq.
 George Raikes, Esq.
 Henry Shank, Esq.
 Sir William Young, Bart.
 Russell Ellice, Esq.
 William Butterworth Bayley, Esq.
 Richard Jenkins, Esq.
 George Lyall, Esq.
 John Cotton, Esq.
 John Petty Muspratt, Esq.
 Henry Alexander, Esq.
 John Masterman, Esq. and
 James Law Lushington, Esq.

A Proprietor then submitted the following motion :

“ That this Court cannot contemplate without apprehension and alarm, the
 “ great and important change about to be introduced in the system which
 “ has been so long and so advantageously acted upon, as regards the admi-
 “ nistration of the government of India through the instrumentality of
 “ the East-India Company, whilst exercising the joint functions of govern-
 “ ment and commerce, or view the provisions of the Bill now before Parlia-
 “ ment, intituled ‘ An Act for effecting an Arrangement with the East-India
 “ Company, and for the better Government of His Majesty’s Indian
 “ Territories till the 30th day of April 1854,’ without fully participating in
 “ the sentiments and apprehensions expressed by the Court of Directors
 “ in their Resolution of the 12th instant, and throughout their correspondence
 “ with His Majesty’s Ministers. But referring to the Resolution of the
 “ General Court of the 3d May and to that of the 10th June last, and to the
 “ various modifications which have been consented to on the part of Govern-
 “ ment, and since introduced into the Bill in the course of its progress through
 “ both Houses of Parliament, and fully aware of the difficult circumstances in
 “ which the Company is placed, this Court thinks it expedient to defer to the
 “ determination of the Legislature, relying on its wisdom and justice, in the
 “ event of the expectations held out in the Correspondence alluded to being
 “ disappointed, for such further Legislative measures as the interests of
 “ India and those of the East-India Company may require. Having thus
 “ recorded

“ recorded their sentiments with regard to the Bill before the Court, and
 “ confirmed the compromise contained therein, this Court desires solemnly to
 “ assure His Majesty’s Government and the Country, that they will, to the utmost
 “ extent of the functions with which they are about to be invested, contribute
 “ to give effect to the Bill when it shall become law, and promote, to the best
 “ of their ability, the happiness of India, and the honour and prosperity of
 “ the East-India Company.”

Whereupon it was proposed to amend the said Motion by leaving out all the words after the word “That,” for the purpose of substituting the following, *viz.*

“ the Court of Directors be instructed to intimate to His Majesty’s
 “ Ministers, that the Court of Proprietors cannot, with justice to themselves
 “ and to the people of India, consent to place their commercial charter in
 “ abeyance, under the provisions of the Bill now before Parliament for effect-
 “ ing an Arrangement with the East-India Company and for the better Govern-
 “ ment of His Majesty’s Indian Territories.

“ Because, whilst by the provisions of the said Bill, the Proprietors of India
 “ Stock are to receive only the same yearly income, and the same amount of
 “ capital at the expiration of their proposed Charter, as they were entitled to
 “ under the present and former Charters, their security will be greatly
 “ lessened, by the withdrawal of their commercial assets and their exclusion
 “ from the trade with China, and they will be made wholly dependent for
 “ their dividends on the Indian revenue, in which there is a growing
 “ deficiency at a period of profound peace, after pushing retrenchment to the
 “ utmost, although taxation has been carried to an extreme length, and ought
 “ to be diminished instead of being increased, which cannot be attempted
 “ without great danger to British supremacy and great misery to the natives
 “ of India, already the most heavily taxed people upon the face of the earth;
 “ but which increase of taxation must inevitably take place, in order to meet
 “ the heavy additional political charges arising out of the proposed plan for
 “ the future government of India, if unhappily it shall be persevered in; a
 “ plan by which despotic power will be placed in the hands of one man over
 “ a hundred millions of British subjects, and over every authority in India, not
 “ excepting His Majesty’s Courts of Justice.”

And the question, “ That the words proposed to be left out stand part of
 “ the question,” being put,

No. CLIV.

General Court,
13 Aug. 1833.

A division was demanded, and Tellers were appointed, who reported that there were

39 votes for the Question.

10 votes against the Question.

—
29 Majority in favour of the Question.
—

The main Question, being as follows, was then put, *viz.*

“ That the Court cannot contemplate without apprehension and alarm, the great and important change about to be introduced in the system which has been so long and so advantageously acted upon, as regards the administration of the government of India through the instrumentality of the East-India Company, whilst exercising the joint functions of government and commerce, or view the provisions of the Bill now before Parliament, intituled ‘ An Act for effecting an Arrangement with the East-India Company, and for the better Government of His Majesty’s Indian Territories ’ till the 30th day of April 1854, ’ without fully participating in the sentiments and apprehensions expressed by the Court of Directors in their Resolution of the 12th instant, and throughout their correspondence with His Majesty’s Ministers. But referring to the Resolution of the General Court of the 8d May, and to that of the 10th June last, and to the various modifications which have been consented to on the part of Government, and since introduced into the Bill in the course of its progress through both Houses of Parliament, and fully aware of the difficult circumstances in which the Company is placed, this Court thinks it expedient to defer to the determination of the Legislature, relying on its wisdom and justice, in the event of the expectations held out in the Correspondence alluded to being disappointed, for such further Legislative measures as the interests of India and those of the East-India Company may require. Having thus recorded their sentiments with regard to the Bill before the Court, and confirmed the compromise contained therein, this Court desires solemnly to assure His Majesty’s Government and the Country, that they will, to the utmost extent of the functions with which they are about to be invested, contribute to give effect to the Bill when it shall become law, and promote, to the best of their ability, the happiness of India, and the honour and prosperity of the East-India Company.”

Whereupon

Whereupon a Ballot was demanded by the undermentioned Proprietors, viz.

No. CLIV.

Sir Charles Forbes, Bart.

General Court,
13 Aug. 1833.

Thomas Fielder, Esq.

William Burnis, Esq.

John B. Gilchrist, Esq.

Henry Alsager, Esq.

A. Hogg, Esq.

M. Lewin, Esq.

John Addinell, Esq.

George Arbuthnot, Esq.

George B. Nixon, Esq.

Thomas McTaggart, Esq.

J. C. Carpus, Esq. and

George Forbes, Esq.

and Friday the 16th instant was fixed for the decision of the said question by the Ballot, accordingly

No. CLV.

AT A

COURT OF DIRECTORS,

Held on Tuesday, the 13th August 1833.

No. CLV.

Court of Directors,
13 Aug. 1833.

THE Court adverting to the proceedings of the General Court this day on the East-India Charter Bill, approved the draft of an Advertisement giving notice that a Ballot will be taken at this House on Friday next the 16th instant, to determine the propriety of placing the Chartered Rights of the Company in abeyance, under the arrangements provided in the said Bill.

The draft of a Letter to the Right Honourable Charles Grant at the India Board, requesting that he would be pleased to take the necessary measures, with the view to obtain a postponement by the House of Lords of the third reading of the Bill until the result of the Ballot on Friday shall be known, was likewise read and approved. (See No. CLVI.)

No. CLVI.

Letter from the CHAIRMAN and DEPUTY CHAIRMAN to the Right Honourable CHARLES GRANT.

East-India House, 13th August 1833.

No. CLVI.

Letter to
the Rt. Hon.
Charles Grant,
13 Aug. 1833.

SIR:

We have the honour to acquaint you, that the General Court of Proprietors met this day to consider the propriety of placing the Chartered Rights of the Company in abeyance, under the arrangements provided in the East-India Bill; and that a requisition having been made by nine Proprietors, qualified agreeably to law, for a Ballot to be taken for the decision of that important question, a Ballot has been accordingly fixed to be taken on Friday next, the earliest day which could be properly named for that purpose.

The Court therefore request, that you will be pleased to take the necessary measures, with a view to obtain a postponement by the House of Lords of the third reading of the Bill, until the result of the Ballot shall be known.

We have the honour to be,

Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CLVII.

AT A

COURT OF DIRECTORS.

Held on Wednesday, the 14th August 1833.

A LETTER from the Right Honourable Charles Grant, dated at the India Board the 12th instant, acknowledging the receipt of the letter from the Chairman and Deputy Chairman of the 6th instant, urging an objection to the addition made to the 6th clause of the East-India Bill, relative to the grant of compensations or superannuations to persons affected by the discontinuance of the Company's trade, and stating that the subject is now under the consideration of His Majesty's Government; also stating, with reference to the request contained in the Chairman and Deputy Chairman's letter of the 7th instant, that the third reading of the Bill in the House of Lords has been postponed till Wednesday (this day), being read; (See No. CLVIII.) also

Another letter from Mr. Grant dated the 13th instant, stating, with reference to the letter from the Chairman and Deputy Chairman of the 1st instant, which expressed the Court's wish that the Company should be in future exonerated from so much of the existing laws as subjects them to the care and expense of Chinese seamen; that an alteration to that effect has been made in the Bill to regulate the trade to China and India; but observing, with respect to the desire expressed that ships engaged in the country trade from India may be exempted from the tonnage-duty intended to be imposed in China with a view to meet the expense of superintending the trade there, that it is now proposed that the duty should be levied both upon tonnages and goods, and that he does not see upon what principle the trade in question could in fairness be exempted from a burden to which all other trade of British subjects carried on with China will be subjected. (See No. CLIX.)

Ordered, That the said letters be referred to the consideration of the Committee of Correspondence.

The Chairman from the Committee of Correspondence laid before the Court the Draft of a letter to the Right Honourable Charles Grant which had been agreed to by the Committee, requesting that he will bring under the consideration of His Majesty's Ministers the propriety of equalizing the duties

No. CLVII.

Court of Directors,
14 Aug. 1833.

No. CLVII. duties levied in Great Britain upon the produce and manufactures of India with those of other parts of His Majesty's dominions; and stating that if that is done the Court will abandon their objection to the proposed duty in China upon tonnage and goods; whereupon

Court of Directors,
14 Aug. 1833.

The said Draft of a letter was read and approved. (See No. CLX.)

The Chairman then laid before the Court the Draft of another letter to the Right Honourable Charles Grant, also agreed to in the Committee of Correspondence, calling his notice to, and earnestly pressing upon his immediate attention certain parts of the East-India Charter Bill respecting the constitution, powers, &c. of the Governments and Councils in India, which appear to the Court to involve doubtful construction, and which it may therefore be desirable should be modified and made clear and explicit.

And the said Draft of a letter having been read, was, on the question, approved. (See No. CLXI.)

No. CLVIII. *

LETTER from the Right Honourable CHARLES GRANT to the
CHAIRMAN and DEPUTY CHAIRMAN.

No. CLVIII.

Letter from
the Rt. Hon.
Charles Grant,
12 Aug. 1833.

GENTLEMEN :

India Board, 12th August 1833.

I have to acknowledge the receipt of your letter of the 6th instant, urging an objection to the addition made to the 6th clause of the East-India Bill, relative to the postponement till after they have been laid before Parliament for two months, of the sanction of grants of compensations or superannuations to persons affected by the discontinuance of the Company's trade, and I beg to inform you that the subject is now under the consideration of His Majesty's Government.

With reference to the request contained in your letter of the 7th instant, that the third reading of the Bill in the House of Lords may be postponed until after the General Court has had an opportunity of passing a decision upon the question in reserve, you will have learnt that the request of the Court has been complied with, and the third reading postponed till Wednesday next.

I have the honour to be, Gentlemen,

Your most obedient humble servants,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. CLIX.

LETTER from the Right Honourable CHARLES GRANT to the
CHAIRMAN and DEPUTY CHAIRMAN.

India Board, 13th August 1833.

GENTLEMEN:

With reference to your letter dated the 1st instant, expressing the wish of the Court of Directors that the Company should be in future exonerated from so much of the existing laws as subjects them to the care and expense of Chinese Seamen, I have the pleasure to inform you that an alteration to that effect has been made in the Bill to regulate the trade to China and India.

With respect to the desire expressed, that ships engaged in the country trade from India may be exempted from the tonnage duty intended to be imposed in China with a view to meet the expense of superintending the trade there, I have to observe, that it is now proposed that the duty should be levied both upon tonnage and goods, and I do not see upon what principle the trade in question could, in fairness, be exempted from a burden to which all other trade of British subjects carried on with China will be subjected.

I have the honour to be,

Gentlemen,

Your most obedient humble servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. CLX.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

East-India House, 14th August 1833.

SIR:

We are requested by the Court of Directors of the East-India Company to acknowledge the receipt of your letter dated the 13th instant, and to express to you their thanks for the attention which you have paid to their

S U

representation

No. CLIX.

Letter from
the Rt. Hon.
Charles Grant,
14 Aug. 1833.

No. CLX.

Letter to
the Rt. Hon.
Charles Grant,
14 Aug. 1833.

No. CLX.

Letter to
the Rt. Hon.
Charles Grant,
14 Aug. 1833.

representation upon that part of the China Trade Bill which relates to the care and expense of Chinese Seamen.

With respect to the tonnage duty, if the trade of His Majesty's subjects in India were upon a footing of equality with the trade of other British subjects, the Court would at once admit the justness of the principle upon which, as appears from your letter, the India trade is to be charged with that duty, viz. that it is a "burden to which all other trade of British subjects carried on with China will be subjected."

But when the Court consider that the people of India now labour under peculiar disadvantage, in respect both of their Sugar and their Piece Goods, when compared with all other British subjects, the Court cannot but think that so long as that inequality exists, the argument in favour of subjecting the country trade to the new charge in question is altogether inapplicable.

The Court earnestly entreat that you will be pleased to bring under the consideration of the King's Ministers the propriety of equalizing the duties levied in Great Britain upon the produce and manufactures of India with those of other parts of His Majesty's dominions.

If that is done, the Court will at once abandon the objection which they have taken to the duty in China upon tonnage and goods as applicable to the country trade of India.

We have the honour to be,

Sir,

Your most obedient humble servants,

(Signed) C. MAJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CLXI.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

No. CLXI.

Letter to
the Rt. Hon.
Charles Grant,
14 Aug. 1833.

SIR:

East-India House, 14th August 1833.

We have the honour, at the request of the Court of Directors of the East-India Company, to call your notice to certain parts of the East-India Bill which appear to the Court to involve doubtful construction, and which therefore

fore you may perhaps deem it desirable should be modified and made clear and explicit.

The 36th and 37th clauses vest, the Civil and Military Government of, all India in a Supreme Council, composed of the Governor General, four ordinary Members of Council, and, if the Court think fit, the Commander-in-chief as an extraordinary Member; there may thus be six members of the Supreme Council.

By the 53d clause of the Bill the executive government of Fort William is vested in a Governor and three Councillors, and the Governor-general is constituted the governor of that presidency.

The doubt which arises upon these clauses is, whether a Council is to be appointed for Fort William independently of the Supreme Council. If not, in whom is the executive of Fort William to be vested, when under the 47th clause the Supreme Council quits that presidency?

The Quorum for purposes of legislation is, by the 45th clause fixed at a Governor-general and three ordinary Members; there will then remain only one ordinary Member; he may be constituted deputy governor. The Commander-in-chief may be in the field, and then there will be no council.

If, again, it be intended that the members of the Executive Council at Fort William shall also be members of the Supreme Council, such members might, under the 73d clause, claim the salaries both of ordinary members of the Supreme Council and members of the Executive Council.

By the 67th clause of the Bill, authority is given for the Governor General visiting any part of India without his Council; and by the 52d clause of the Act of the 33d Geo. III. cap. 52, the Governor General, when he visits the subordinate presidencies, becomes Governor thereof.

If it be intended that this power should be continued to the Governor General, that intention appears inconsistent with the clause 64 of the present Bill, which declares that when the Governor General visits Madras, Bombay, or Agra, the powers of those subordinate Governments shall not be suspended.

By the 60th clause of the Bill, the office of Governor of the subordinate presidencies will in case of vacancy devolve on the Member of Council next in rank, that is, on the Commander-in-chief, if in Council; but by the present law, 33d Geo. III. cap. 52, sec. 30, the senior Civil Councillor succeeds, and the Commander-in-chief is precluded from succeeding as Governor unless he hold a provisional appointment for that purpose.

No. CLXI.

Letter to
the Rt. Hon.
Charles Grant,
19 Aug. 1833.

No. CLXI.

Letter to
the Rt. Hon.
Charles Grant,
14 Aug. 1833.

If it be intended to alter this practice, which the Court believe to be most salutary, that intention is not, we think, consistent with the 59th clause of the Bill, which vests the succession to the office of Governor General in case of vacancy in the first *ordinary* Member, who by the same clause cannot be the Commander-in-chief.

It appears to be very desirable that the system should be uniform, and that the provision upon this point should be explicit, and free from doubt; and with this view we would suggest, that in the event of the Court's appointing the Commander-in-chief at the subordinate presidencies to a seat in Council, then he should be denominated an extraordinary Member thereof; and that in case of vacancy in the office of Governor, the Senior ordinary Member should succeed.

The 66th clause of the Bill provides that the Governor General in Council may appoint one of the ordinary Members of the Supreme Council to be Deputy-governor of Fort William, who is vested with all the powers of Governor of that presidency.

The 37th clause restricts the powers of *one* of the ordinary Members of the Supreme Council to legislative matters. The Court submit that the Governor General should be precluded from selecting such member to be Deputy-governor or Vice-president of the Supreme Council.

The Court would only further remark, that although the 37th clause contemplates the appointment of the Commander-in-chief to be an extraordinary Member of the Supreme Council, the 73d clause makes no provision for the salary of such extraordinary Member: a point which it is obviously desirable should not be left unsettled.

The importance of these suggestions will, we are persuaded, be a sufficient apology to you for the earnestness with which the Court press them upon your immediate attention. In the hope of being favoured with an early communication from you upon the subject,

We have the honour to be,

Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,
&c. &c. &c.

No. CLXII.

LETTER from the Right Honourable CHARLES GRANT.

George Street, August 14, 1833, past 11; P. M.

MY DEAR SIR :

I have just received the enclosed from Mr. Courtenay, the Clerk of the House of Lords, and think it best to transmit it to you without delay.

I am, my dear Sir,

Your's very truly,

(Signed) CHARLES GRANT.

C. Marjoribanks, Esq.

&c. &c. &c.

No. CLXIII.

LETTER from W. COURTENAY, Esq. to the Right Honourable CHARLES GRANT, (referred to in the preceding.)

House of Lords, August 14, 1833.

MY DEAR GRANT :

I am much vexed to find that owing to an error, either on my part or on the part of my clerk, an amendment has found its way into the last print of the East-India Bill, which was in fact negatived and not carried. I allude to that which relates to the qualification of Commissioners, and it is in the clause 52 of the last printed Bill. The words which are thus improperly introduced are scored under in the print which I now send; and in order to prevent the possibility of further mistake, I have spoken this evening to the Duke of Wellington who moved the Amendment, and I have his concurrence in saying that it was negatived. It has not been introduced into the Bill itself, or the Paper of Amendments, although it did get into print by a mistake, such as cannot always be avoided in the hurry and confusion of business.

I am,

Your's very truly,

(Signed) W. COURTENAY.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CLXII.

Letter from
the Right Hon.
Charles Grant,
14 Aug. 1833.

No. CLXIII.

Letter to
the Right Hon.
Charles Grant,
14 Aug. 1833.

No. CLXIV.

MEMORANDUM.

No. CLXIV.
Memorandum.

Under the explanation contained in Mr. Courtenay's letter, the Clause respecting the Law Commission should now be read as printed below, omitting the words run through in *Red Ink*.

Clause LII. of the
Charter Bill.

LII. And whereas it is expedient, that, subject to such special arrangements, as local circumstances may require, a general system of Judicial Establishments and Police, to which all persons whatsoever, as well Europeans as Natives, may be subject, should be established in the said Territories at an early period : and that such laws as may be applicable in common to all classes of the Inhabitants of the said Territories, due regard being had to the rights, feelings, and peculiar usages of the people, should be enacted, and that all Laws and Customs having the force of law within the same Territories, should be ascertained and consolidated, and as occasion may require amended ; be it therefore Enacted, that the said Governor General of *India* in Council shall, as soon as conveniently may be after the passing of this Act, issue a Commission, and from time to time Commissions, to such persons, ~~being covenanted servants of the East India Company,~~ as the said Court of Directors with the approbation of the said Board of Commissioners shall recommend for that purpose, and to such other persons, ~~being likewise covenanted servants of the Company or the Company's Advocate or any practising Barrister who shall have resided five years in Bengal,~~ if necessary, as the said Governor General in Council shall think fit, all such persons not exceeding in the whole at any one time Five in number, and to be styled "The Indian Law Commissioners," with all such powers as shall be necessary for the purposes hereinafter mentioned ; and the said Commissioners shall fully enquire into the Jurisdiction, Powers, and Rules of the existing Courts of Justice and Police Establishments in the said Territories, and all existing forms of judicial procedure, and into the nature and operation of all laws, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, are now subject ; and the said Commissioners shall from time to time make reports, in which they shall fully set forth the result of their said inquiries, and

and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said Courts of Justice and Police Establishments, forms of Judicial Procedure and Laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said territories.

No. CLXIV.

Clause LII. of the
Charter Bill.

No. CLXV.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Friday, the 16th August 1833.

THE Court being met to receive the votes that may be brought in this day for the determination of the question agreed on the 13th Instant to be put this day by the Ballot,

No. CLXV.

General Court,
16 Aug. 1833.

The undermentioned Proprietors were appointed Scrutineers to examine the votes delivered in, and to report the determination of the said Question, viz.

John Shore, Esq.

Captain R. M. Grindlay,

William Burnie, Esq.

William Hammond, Esq.

At six o'clock the glasses being finally closed were delivered to the Scrutineers; and

At about half past six o'clock the same Evening,

William Butterworth Bayley, Esq. in the Chair,

The Report of the Scrutineers was delivered in and read, being as follows, viz.

“ East-India House, the 16th August 1833.

“ We, whose names are hereunto subscribed, being appointed by the
“ General Court of the United Company of Merchants of England trading to
“ the East-Indies to examine the votes delivered in this day, for the de-
“ termination by Ballot of the following Question, viz. (See No. CLXVII.)

“ 3 X

“ And

No. CLXV. " And being also appointed to report the number of votes for and against
 General Court, " the said Question, have accordingly examined the same, and find,
 16 Aug. 1833.

" Votes for the Question 173
 " Votes against the Question 64

Majority for the Question..... 109

(Signed) " J. SHORE,
 " WILLIAM HAMMOND, JUN.
 " WILLIAM BURNIE,
 " R. M. GRINDLAY."

It was then declared from the Chair, that the Question this day put by the
 Ballot had passed in the Affirmative.

The Court then, on the Question,

Adjourned.

No. CLXVI.

*LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
 Right Honourable CHARLES GRANT.*

No. CLXVI.

Letter to
 the Rt. Hon.
 Charles Grant,
 16 Aug. 1833.

SIR:

East-India House, 16th August 1833.

In reference to our letter dated the 13th Instant, we have the honour to
 forward the accompanying copy of a Resolution which has this day been
 passed by the Ballot at a General Court of Proprietors of East-India Stock.
 (See No. CLXVII.)

We have the honour to be,

Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,

W. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CLXVII.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Friday, the 16th August 1833.

Resolved by the Ballot, That this Court cannot contemplate without apprehension and alarm, the great and important change about to be introduced in the system which has been so long and so advantageously acted upon, as regards the administration of the Government of India through the instrumentality of the East-India Company, whilst exercising the joint functions of government and commerce, or view the provisions of the Bill now before Parliament, intituled "An Act for effecting an Arrangement with the East-India Company, and for the better Government of His Majesty's Indian Territories, till the 30th day of April 1854," without fully participating in the sentiments and apprehensions expressed by the Court of Directors in their Resolution of the 12th instant, and throughout their correspondence with His Majesty's Ministers; but referring to the Resolution of the General Court of the 3d May, and to that of the 10th June last, and to the various modifications which have been consented to on the part of Government, and since introduced into the Bill in the course of its progress through both Houses of Parliament, and fully aware of the difficult circumstances in which the Company is placed, this Court thinks it expedient to defer to the determination of the Legislature, relying on its wisdom and justice, in the event of the expectations held out in the correspondence alluded to being disappointed, for such further legislative measures as the interests of India and those of the East-India Company may require. Having thus recorded their sentiments with regard to the Bill before the Court, and confirmed the compromise contained therein, this Court desires solemnly to assure His Majesty's Government and the Country, that they will, to the utmost extent of the functions with which they are about to be invested, contribute to give effect to the Bill when it shall become law; and promote to the best of their ability the happiness of India, and the honour and prosperity of the East-India Company.

No. CLXVII.

General Court,
16 Aug. 1833.

No. CLXVIII.

LETTER from EDWARD LAWFORD, *Esq.* (*Company's Solicitor*) to WILLIAM CARTER, *Esq.*, *Assistant Secretary to the East-India Company.*

No. CLXVIII.

Letter from
Mr. Lawford,
21 Aug. 1833.

Drapers' Hall, 21st August 1833.

SIR :

I have the honour to acquaint you, that the East-India Bill was read a third time in the House of Lords on Friday last, when the further amendments which appear in the accompanying copy of the Bill were made. The motion, "That the Bill do pass," was postponed till Monday evening; when, upon the motion of the Marquis of Lansdowne, it passed without debate or observation.

The Bill so amended was sent down last night to the House of Commons, where it still is, the amendments made by the Lords not having yet been considered.

I am, Sir,

Your most obedient servant,

(Signed) EDWARD LAWFORD.

William Carter, Esq.
&c. &c. &c.

No. CLXIX.

LETTER from EDWARD LAWFORD, *Esq.* (*Company's Solicitor*) to WILLIAM CARTER, *Esq.*, *Assistant Secretary to the East-India Company.*

No. CLXIX.

Letter from
Mr. Lawford,
21 Aug. 1833.

Drapers' Hall, 21st August 1833.

SIR :

I beg to acquaint you, that on Friday last the House of Lords discharged the order for the second reading of the China Trade Bill, which stood for that evening, and referred the Bill to a Select Committee, under the Standing Order No. 198, relative to Bills for regulating Trade. The Select Committee met on

on the following morning, and reported to the House, on the same day, that it was expedient to proceed with the Bill. No. CLXIX.

The Bill was accordingly read a second time on Monday, and passed last night through the Committee, who made several amendments. Their report will be brought up this day.

Letter from
Mr. Lawford,
21 Aug. 1833.

I have the honour to send you herewith a copy of the Bill as amended by the Committee.

I am, Sir,

Your most obedient servant,

(Signed) EDWARD LAWFORD,

William Carter, Esq.

&c. &c. &c.

No. CLXX.

LETTER from EDWARD LAWFORD, Esq. (Company's Solicitor) to WILLIAM CARTER Esq., Assistant Secretary to the East-India Company.

Drapers' Hall, 26th August 1833.

SIR:

With reference to my letter of the 21st Instant, transmitting to you a Copy of the East-India Bill as finally amended in the House of Lords, I have the honour to acquaint you, that on Saturday last, the 24th Instant, the House of Commons agreed to the Lords' amendments without alteration, and the Bill now awaits only the Royal Assent. No. CLXX.

Letter from
Mr. Lawford,
26 Aug. 1833.

I am, Sir,

Your most obedient servant,

(Signed) EDWARD LAWFORD,

William Carter, Esq.

&c. &c. &c.

No. CLXXI.

LETTER from EDWARD LAW FORD, Esq. (*Company's Solicitor*) to WILLIAM CARTER, Esq., *Assistant Secretary to the East-India Company.*

Drapers' Hall, 26th August 1833.

SIR:

No. CLXXI.

Letter from
Mr. Lawford,
26 Aug. 1833.

With reference to my letter of Wednesday last the 21st instant, forwarding a copy of the China Trade Bill as amended on the preceding evening by the Committee of the House of Lords, I have the honour to acquaint you, that the House having agreed to the amendments of the Committee, the Bill was read a third time on Thursday and passed; and the House of Commons having on Saturday last agreed to the Lords' amendments without alteration, that Bill now only awaits the Royal Assent.

I am, Sir,

Your most obedient servant,

(Signed) EDWARD LAW FORD.

William Carter, Esq.

&c. &c. &c.

No. CLXXII.

LETTER from EDWARD LAW FORD, Esq. (*Company's Solicitor*) to WILLIAM CARTER, Esq., *Assistant Secretary to the East-India Company.*

Drapers' Hall, Wednesday, 28th August 1833.

SIR:

No. CLXXII.

Letter from
Mr. Lawford,
28 Aug. 1833.

I have the honour to inform you, that the Royal Assent has been given this day, by Commission, to the East-India Bill, and also to the China Trade Bill.

I am, Sir,

Your most obedient servant,

(Signed) EDWARD LAW FORD.

William Carter, Esq.

&c. &c. &c.

No. CLXXIII.

3rd 10th h. c. 85.
28th Aug 1833.

A B I L L

(As passed by the Honourable the House of Commons and the Right Honourable the House of Lords), intituled "An Act for effecting an Arrangement with the *East-India* Company, and for the better Government of His Majesty's *Indian* Territories, till the Thirtieth Day of *April* One thousand eight hundred and fifty-four."

WHEREAS by an Act passed in the fifty-third year of the reign of His Majesty King *George* the Third, intituled *An Act for continuing in the East-India Company for a further term the possession of the British Territories in India, together with certain exclusive privileges; for establishing further Regulations for the Government of the said Territories, and the better administration of Justice within the same, and for regulating the Trade to and from the Places within the limits of the said Company's Charter*, the Possession and Government of the *British* Territories in *India* were continued in the *United* Company of Merchants of *England* trading to the *East-Indies* for a term therein mentioned: And whereas the said Company are entitled to or claim the Lordships and Islands of *Saint Helena* and *Bombay*, under Grants from the Crown, and other Property to a large amount in value; and also certain Rights and Privileges, not affected by the determination of the term granted by the said recited Act: And whereas the said Company have consented that all their rights and interests to or in the said territories, and all their territorial and commercial, real and personal Assets and Property, whatsoever, shall, subject to the debts and liabilities now affecting the same, be placed at the disposal of Parliament, in consideration of certain provisions hereinafter mentioned, and have also consented that their right to trade for their own profit in common with other His Majesty's subjects be suspended during such time as the Government of the said territories shall be confided to them: And whereas it is expedient, that the said territories, now under the government of the said Company, be continued under such government, but in trust for the Crown of the *United Kingdom of Great Britain* and *Ireland*, and discharged of all claims of the said Company to any profit therefrom to their own use, except the dividend hereinafter secured to them, and that the property of the said Company be continued in their possession and

and at their disposal, in trust for the Crown, for the service of the said Government, and for the purposes in this 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 from and after the Twenty-second day of *April* One thousand eight hundred and thirty-four, the Territorial Acquisitions and Revenues mentioned or referred to in the said Act of the fifty-third year of His late Majesty King *George* the Third, together with the Port and Island of *Bombay*, and all other Territories now in the Possession and under the Government of the said Company, except the Island of *Saint Helena*, shall remain and continue under such Government until the Thirtieth day of *April* One thousand eight hundred and fifty-four; and that all the lands and hereditaments, revenues, rents, and profits of the said Company, and all the stores, merchandize, chattels, monies, debts, and real and personal estate whatsoever, except the said Island of *St. Helena*, and the stores and property thereon hereinafter mentioned, subject to the debts and liabilities now affecting the same, respectively, and the benefit of all contracts, covenants, and engagements, and all rights to fines, penalties, and forfeitures, and other emoluments whatsoever, which the said Company shall be seised or possessed of, or entitled unto, on the said Twenty-second day of *April* One thousand eight hundred and thirty-four, shall remain and be vested in, and be held, received, and exercised, respectively, according to the nature and quality, estate and interest of and in the same respectively, by the said Company, in trust for His Majesty, his Heirs and Successors, for the service of the Government of *India*, discharged of all claims of the said Company to any profit or advantage therefrom to their own use, except the Dividend on their Capital Stock, secured to them as hereinafter is mentioned, subject to such powers and authorities for the superintendence, direction, and control over the acts, operations, and concerns of the said Company, as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made or provided by this Act.

II. And be it Enacted, That all and singular the privileges, franchises, abilities, capacities, powers, authorities, whether military or civil, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters, and things whatsoever, granted to or continued in the said United Company by the said Act of the fifty-third year of King *George* the Third for and during the term limited by the said Act, and all other the enactments, provisions, matters, and things contained in the said Act, or in any other Act or Acts whatsoever,

The British Territories in India to remain under the government of the Company till 30th April 1854.

Real and personal property of the Company to be held in trust for the Crown for the service of India.

All privileges, powers, &c. granted by 53 Geo. III, c. 155, for the term thereby limited,

and all enactments not repugnant to this

whatsoever, which are limited, or may be construed to be limited to continue for and during the term granted to the said Company by the said Act of the fifty-third year of King George the Third, so far as the same, or any of them, are in force, and not repealed by or repugnant to the enactments hereinafter contained; and all powers of alienation and disposition, rights, franchises, and immunities, which the said United Company now have, shall continue and be in force, and may be exercised and enjoyed as against all persons whomsoever, subject to the superintendence, direction, and control hereinbefore mentioned, until the Thirtieth day of *April* One thousand eight hundred and fifty-four.

Act, to be in force until April 1854;

as also all powers of alienation, rights, and immunities of the Company, subject to control.

III. Provided always and be it Enacted, That from and after the said Twenty-second day of *April* One thousand eight hundred and thirty-four, the exclusive right of trading with the Dominions of the Emperor of *China*, and of trading in Tea, continued to the said Company by the said Act of the fifty-third year of King George the Third, shall cease.

From 22d April 1834, China and Tea Trade of Company to cease.

IV. And be it Enacted, That the said Company shall, with all convenient speed after the said Twenty-second day of *April* One thousand eight hundred and thirty-four, close their Commercial Business, and make sale of all their merchandize, stores, and effects, at home and abroad, distinguished in their account books as Commercial Assets, and all their warehouses, lands, tenements, hereditaments, and property whatsoever, which may not be retained for the purposes of the Government of the said Territories, and get in all debts due to them on account of the Commercial Branch of their Affairs, and reduce their Commercial Establishments as the same shall become unnecessary, and discontinue and abstain from all Commercial Business which shall not be incident to the closing of their actual concerns, and to the conversion into money of the property hereinbefore directed to be sold, or which shall not be carried on for the purposes of the said Government.

The Company to close their Commercial Business, and to sell their property not retained for Government.

V. Provided always and be it Enacted, That nothing herein contained shall prevent the said Company from selling at the Sales of their own Goods and Merchandize by this Act directed or authorized to be made, such Goods and Merchandize, the property of other Persons, as they may now lawfully sell at their Public Sales.

Company not prevented selling goods the property of other persons.

VI. And be it Enacted, That the Board of Commissioners for the Affairs of *India* shall have full Power to superintend, direct, and control the Sale of the said Merchandize, Stores, and Effects, and other Property hereinbefore directed to be sold, and to determine from time to time, until the said property shall be converted into money, what parts of the said Commercial Establishments

Board of Control to superintend the Sale of the property, the reduction of the Commercial Establishments, payment of Commercial Claims, &c.

Board to appoint Officers to attend them during the winding-up of the Commercial Business.

shall be continued and reduced, respectively, and to control the allowance and payment of all Claims upon the said Company connected with the Commercial Branch of their affairs, and generally to superintend and control all acts and operations whatsoever of the said Company, whereby the value of the property of the said Company may be affected; and the said Board shall and may appoint such Officers as shall be necessary to attend upon the said Board during the winding up of the Commercial Business of the said Company, and that the charge of such Salaries or Allowances as His Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct to be paid to such Officers, shall be defrayed by the said Company as hereinafter mentioned, in addition to the ordinary charges of the said Board.

The Company may consider claims of Commercial Officers reduced, and, under the control of the Board, grant compensations.

VII. And be it Enacted, That it shall be lawful for the said Company to take into consideration the claims of any persons now or heretofore employed by or under the said Company, or the widows and children of any such persons, whose interests may be affected by the discontinuance of the said Company's Trade, or who may from time to time be reduced, and, under the control of the said Board, to grant such Compensations, Superannuations, or Allowances (the charge thereof to be defrayed by the said Company as hereinafter mentioned) as shall appear reasonable. Provided always, That no such compensations, superannuations, or allowances shall be granted until the expiration of two calendar months after particulars of the compensation, superannuation, or allowance proposed to be so granted shall have been laid before both Houses of Parliament.

The particulars thereof to be laid before Parliament every year.

VIII. Provided always and be it Enacted, That within the first fourteen sitting days after the first meeting of Parliament in every year, there be laid before both Houses of Parliament the particulars of all Compensations, Superannuations, and Allowances so granted, and of the salaries and allowances directed to be paid to such officers as may be appointed by the said Board as aforesaid during the preceding year.

Company's Debts and Liabilities charged on India.

IX. And be it Enacted, That from and after the said Twenty-second day of *April* One thousand eight hundred and thirty-four, all the Bond Debt of the said Company in *Great Britain*, and all the Territorial Debt of the said Company in *India*, and all other Debts which shall on that day be owing by the said Company, and all sums of money, costs, charges, and expenses, which, after the said Twenty-second day of *April* One thousand eight hundred and thirty-four, may become payable by the said Company, in respect or by reason

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son of any covenants, contracts, or liabilities then existing, and all debts, expences, and liabilities whatever, which after the same day shall be lawfully contracted and incurred on account of the Government of the said Territories, and all payments by this Act directed to be made, shall be charged, and chargeable upon the Revenues of the said Territories; and that neither any Stock or Effects which the said Company may hereafter have to their own use, nor the Dividend by this Act secured to them, nor the Directors or Proprietors of the said Company, shall be liable to or chargeable with any of the said debts, payments, or liabilities.

X. Provided always and be it Enacted, That so long as the possession and Government of the said Territories shall be continued to the said Company, all persons and bodies politic shall and may have and take the same suits, remedies, and proceedings, legal and equitable, against the said Company, in respect of such debts and liabilities as aforesaid, and the property vested in the said Company in Trust, as aforesaid, shall be subject and liable to the same judgments and executions, in the same manner and form, respectively, as if the said property were hereby continued to the said Company to their own use.

XI. And be it Enacted, That out of the Revenues of the said Territories, there shall be paid to or retained by the said Company to their own use, a yearly Dividend after the rate of Ten Pounds Ten Shillings *per centum per annum* on the present amount of their Capital Stock: the said Dividend to be payable in *Great Britain* by equal half-yearly payments, on the Sixth day of *January* and the Sixth day of *July* in every year: the first half-yearly payment to be made on the Sixth day of *July* One thousand eight hundred and thirty-four.

XII. Provided always and be it Enacted, That the said Dividend shall be subject to Redemption by Parliament upon and at any time after the Thirtieth day of *April* One thousand eight hundred and seventy-four, on payment to the Company of Two hundred pounds sterling for every One hundred pounds of the said Capital Stock, together with a proportionate part of the same Dividend if the Redemption shall take place on any other day than one of the said half-yearly days of payment: Provided also, That Twelve months' notice in writing, signified by the Speaker of the House of Commons, by the order of the House, shall be given to the said Company of the intention of Parliament to redeem the said Dividend.

XIII. Provided always and be it Enacted, That if on or at any time after the said Thirtieth day of *April* One thousand eight hundred and fifty-

While India is under Government of the Company, their property to continue subject to execution.

A Dividend of £10. 10s. per cent. per annum to be paid on Company's Stock by half-yearly payments in Great Britain.

The Dividend subject to redemption by Parliament after April 1874, on payment of £200 for £100 Stock.

Notice of redemption.

If Company deprived of the Government of India,

they may demand redemption of the Dividend.

Company to pay to Commissioners for Reduction of National Debt £2,000,000;

to be placed to account of Security Fund of the Company.

Monies and Dividends to be laid out in Securities, and Dividends placed to same account until the whole amounts to Twelve Millions.

Commissioners for reduction of National Debt, upon requisition of Court, may raise money for paying the Dividend in case of failure or delay of remittance of proper funds;

four, the said Company shall, by the expiration of the term hereby granted, cease to retain, or shall by the authority of Parliament be deprived of the Possession and Government of the said Territories, it shall be lawful for the said Company, within one year thereafter, to demand the Redemption of the said Dividend, and provision shall be made for redeeming the said Dividend, after the rate aforesaid, within Three years after such demand.

XIV. And be it Enacted, That there shall be paid by the said Company into the Bank of *England*, to the account of the Commissioners for the Reduction of the National Debt, such sums of money as shall in the whole amount to the sum of Two millions sterling, with compound interest after the rate of Three pounds Ten shillings *per Centum per Annum*, computed half-yearly from the said Twenty-second day of *April* One thousand eight hundred and thirty-four, on so much of the said sums as shall from time to time remain unpaid: And the Cashiers of the said Bank shall receive all such sums of Money, and place the same to a separate account with the said Commissioners, to be intituled "The Account of the Security Fund of the *India* Company:" And that as well the Monies so paid into the said Bank, as the Dividends or Interest which shall arise therefrom, shall from time to time be laid out, under the direction of the said Commissioners, in the purchase of Capital Stock in any of the redeemable public Annuities transferable at the Bank of *England*; which Capital Stock so purchased shall be invested in the names of the said Commissioners, on account of the said Security Fund, and the Dividends payable thereon shall be received by the said Cashiers and placed to the said account, until the whole of the sums so received on such account shall have amounted to the sum of Twelve millions sterling: And the said Monies, Stock, and Dividends or Interest, shall be a Security Fund, for better securing to the said Company the redemption of their said Dividend, after the rate hereinbefore appointed for such redemption.

XV. Provided always and be it Enacted, That it shall be lawful for the said Commissioners for the Reduction of the National Debt from time to time, and they are hereby required, upon requisition made for that purpose by the Court of Directors of the said Company, to raise and pay to the said Company such sums of money as may be necessary for the payment of the said Company's Dividend, by reason of any failure or delay of the Remittances of the proper funds for such payment; such sums of money to be raised by sale or transfer or deposit by way of mortgage of a competent part of the said Security Fund, according as the said Directors, with the approbation of the said Board, shall direct;

directly to be repaid into the Bank of *England*, to the account of the Security Fund, with interest, after such rate as the Court of Directors, with the approbation of the said Court, shall fix, out of the Remittances which shall be made for answering such Dividend, as and when such Remittances shall be received in *England*.

XVI. Provided always and be it Enacted, That all Dividends on the Capital Stock forming the said Security Fund accruing after the monies received by the said Bank to the account of such Fund shall have amounted to the sum of Twelve millions sterling, until the said Fund shall be applied to the Redemption of the said Company's Dividend, and also all the said Security Fund, or so much thereof as shall remain after the said Dividend shall be wholly redeemed after the rate aforesaid, shall be applied in aid of the Revenues of the said Territories.

XVII. And be it Enacted, That the said Dividend on the Company's Capital Stock shall be paid or retained, as aforesaid, out of such part of the Revenues of the said Territories as shall be remitted to *Great Britain*, in preference to all other charges payable thereout in *Great Britain*; and that the said sum of Two millions sterling shall be paid, in manner aforesaid, out of any sums which shall on the said Twenty-second day of *April* One thousand eight hundred and thirty-four be due to the said Company from the Public, as and when the same shall be received, and out of any monies which shall arise from the sale of any Government Stock on that day belonging to the said Company, in preference to all other payments thereout; and that, subject to such provisions for priority of charge, the revenues of the said Territories, and all monies which shall belong to the said Company on the said Twenty-second day of *April* One thousand eight hundred and thirty-four, and all monies which shall be thereafter received by the said Company from and in respect of the property and rights vested in them, in trust as aforesaid, shall be applied to the service of the Government of the said Territories, and in defraying all charges and payments by this Act created or confirmed and directed to be made, respectively, in such order as the said Court of Directors, under the control of the said Board, shall from time to time direct, anything in any other Act or Acts contained to the contrary notwithstanding.

XVIII. Provided also and be it Enacted, That nothing herein contained shall be construed or operate to the prejudice of any persons claiming or to claim under a Deed of Covenants dated the Tenth day of *July* One thousand eight hundred and five, and made between the said Company of the one part, and

Application of Dividends of Security Fund, and the Fund itself, in aid of Revenues.

Company's Dividends to be paid out of Revenues in preference to other charges; and £22,000,000 to be paid out of debt due from the Public and by sale of Stock;

Subject to such Priorities, Revenues and Monies to be applied to service of India and purposes of this Act, under control.

Not to prejudice Persons claiming under a Covenant between the Company and the Creditors of the Nabobs of Arcot, &c.

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the several persons whose hands should be thereto set and affixed, and who respectively were or claimed to be Creditors of His Highness the Nabob Wallah Jah, formerly Nabob of Arcot and of the Carnatic in the *East-Indies*, and now deceased, and of His Highness the Nabob Omdut ul Omrah, late Nabob of Arcot and of the Carnatic, and now also deceased, and of His Highness the Ameer ul Omrah of the other part.

His Majesty may appoint Commissioners for the Affairs of India.

XIX. And be it Enacted, That it shall and may be lawful for His Majesty by any Letters-Patent, or by any Commission or Commissions to be issued under the Great Seal of *Great Britain*, from time to time, to nominate, constitute, and appoint; during pleasure, such persons as His Majesty shall think fit, to be, and who shall accordingly be and be styled, "Commissioners for the Affairs of *India*;" and every enactment, provision, matter, and thing relating to the Commissioners for the Affairs of *India*, in any other Act or Acts contained, so far as the same are in force and not repealed by or repugnant to this Act, shall be deemed and taken to be applicable to the Commissioners to be nominated as aforesaid.

Ex officio Commissioners.

XX. And be it Enacted, That the Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, the principal Secretaries of State, and the Chancellor of the Exchequer for the time being, shall, by virtue of their respective offices, be, and they are hereby declared to be Commissioners for the Affairs of *India*, in conjunction with the persons to be nominated in any such Commission as aforesaid, and they shall have the same powers respectively as if they had been expressly nominated in such Commission in the order in which they are herein mentioned next after the Commissioner first named therein.

Two Commissioners may form a Board.

XXI. And be it Enacted, That any two or more of the said Commissioners shall and may form a Board for executing the several powers which by this Act, or by any other Act or Acts, are or shall be given to or vested in the Commissioners for the Affairs of *India*; and that the Commissioner first named in any such Letters Patent or Commission, for the time being, shall be the President of the said Board; and that when any Board shall be formed in the absence of the President, the Commissioner next in order of nomination in this Act, or in the said Commission, of those who shall be present, shall for that turn preside at the said Board.

First-named to be President: in his absence the next in order.

President and occasional President to have the casting vote.

XXII. And be it Enacted, That if the Commissioners present at any Board shall be equally divided in opinion with respect to any matter by them discussed, then and on every such occasion, the President, or in his absence the Commissioner acting as such, shall have Two voices or the casting vote.

XXIII. And

XXIII. And be it Enacted, That the said Board shall and may nominate and appoint Two Secretaries, and such 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 each of the said Secretaries shall have the same powers, rights, and privileges, as by any Act or Acts now in force are vested in the Chief Secretary of the Commissioners for the Affairs of *India*; and that the President of the said Board, but no other Commissioner as such, and the said Secretaries and other Officers, shall be paid by the said Company such fixed salaries as His Majesty shall, by any warrant or warrants under his Sign Manual, countersigned by the Chancellor of the Exchequer for the time being, direct.

The Board to appoint two Secretaries and other Officers.

President, Secretaries, and Officers to be paid such Salaries as the Crown shall direct.

XXIV. And be it Enacted, That if at any time the said Board shall deem it expedient to require their Secretaries and other Officers of the said Board, or any of them, to take an oath of secrecy, and for the execution of the duties of their respective stations, it shall be lawful for the said Board to administer such oath as they shall frame for the purpose.

Secretaries and Officers to take Oaths, if required by the Board.

XXV. And be it Enacted, That the said Board shall have and be invested with full power and authority to superintend, direct, and control all acts, operations, and concerns of the said Company, which in anywise relate to or concern the Government or Revenues of the said Territories, or the property hereby vested in the said Company, in trust as aforesaid, and all grants of salaries, gratuities, and allowances, and all other payments and charges whatever, out of or upon the said Revenues and Property respectively, except as hereinafter is mentioned.

The Board of Commissioners to control all acts concerning *India*, and the sale of property.

XXVI. And be it Enacted, That the several Persons who on the said Twenty-second day of *April* One thousand eight hundred and thirty-four shall be Commissioners for the Affairs of *India*, and Secretaries and Officers of such Board of Commissioners, shall continue and be Commissioners for the Affairs of *India*, and Secretaries and Officers of the said Board, respectively, with the same powers, and subject to the same restrictions as to salaries, as if they had been appointed by virtue of this Act until by the issuing of new Patents, Commissions, or otherwise, their appointments shall be respectively revoked.

Commissioners, Secretaries, and Officers on 22d April 1834, to continue until their appointments are revoked.

XXVII. And be it Enacted, That if, upon the occasion of taking any ballot on the election of a Director or Directors of the said Company, any Proprietor, who shall be resident within the United Kingdom, shall, by reason of absence, illness, or otherwise, be desirous of voting by letter of Attorney, he shall be at

Proprietors may vote by Attorney in election of Directors.

liberty

liberty so to do; provided that such letter of Attorney shall, in every case, express the name or names of the Candidate or Candidates for whom such Proprietor shall be so desirous of voting, and shall be executed within Ten days next before such election; And the Attorney constituted for such purpose shall, in every case, deliver the vote he is so directed to give openly to the person or persons who shall be authorized by the said Company to receive the same; And every such vote shall be accompanied by an affidavit or affirmation to be made before a Justice of the Peace by the Proprietor directing the same so to be given, to the same or the like effect as the oath or affirmation now taken by Proprietors voting upon ballots at General Courts of the said Company, and in which such Proprietor shall also state the day of the execution of such letter of attorney; And any person making a false oath or affirmation before a Justice of Peace for the purpose aforesaid, shall be held to have thereby committed wilful perjury; and if any person do unlawfully or corruptly procure or suborn any other person to take the said oath or affirmation before a Justice of the Peace, as aforesaid, whereby he or she shall commit such wilful perjury, and shall thereof be convicted, he, she, or they, for every such offence, shall incur such pains and penalties as are provided by law against subornation of perjury.

Repeal of restriction in 13 Geo. 3, c. 62, with respect to any person employed in the East-Indies being chosen Director.

XXVIII. And be it Enacted, That so much of the Act of the thirteenth year of the reign of King George the Third 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 enacts that no person employed in any Civil or Military Station 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 shall have returned to, and been resident in *England* for the space of two years, shall be, and is hereby repealed: Provided that if the said Court of Directors, with the consent of the said Board, shall declare such person to be an accountant with the said Company, and that his accounts are unsettled, or that a charge against such person is under the consideration of the said Court, such person shall not be capable of being chosen into the office of Director for the term of two years after his return to *England*, unless such accounts shall be settled, or such charge be decided on, before the expiration of the said term.

If such person has unsettled accounts, he shall be ineligible for two years, unless they are sooner settled.

Court to deliver to Board copies of Minutes, &c. of Courts of Proprietors

XXIX. And be it further Enacted, That the said Court of Directors shall, from time to time, deliver to the said Board copies of all Minutes, Orders, Resolutions, and proceedings of all Courts of Proprietors, general or special, and

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of all Courts of Directors, within Eight days after the holding of such Courts, respectively, and also copies of all Letters, Advices, and Dispatches, whatever, which shall at any time or times be received by the said Court of Directors, or any Committee of Directors, and which shall be material to be communicated to the said Board, or which the said Board shall from time to time require,

and Directors, and of all material letters and dispatches.

XXX. And be it Enacted, That no orders, instructions, dispatches, official letters or communications whatever, relating to the said Territories or the Government thereof, or to the property or rights vested in the said Company, in trust as aforesaid, or to any public matters whatever, shall be at any time sent or given by the said Court of Directors, or any Committee of the said Directors, until the same shall have been submitted for the consideration of and approved by the said Board; and for that purpose, that copies of all such orders, instructions, dispatches, official letters or communications, which the said Court of Directors, or any Committee of the said Directors, shall propose to be sent or given; shall be by them previously laid before the said Board, and that within the space of Two months after the receipt of such proposed orders, instructions, dispatches, official letters or communications, the said Board shall either return the same to the said Court of Directors or Committee of Directors, with their approbation thereof, signified under the hand of one of the Secretaries of the said Board by the order of the said Board; or if the said Board shall disapprove, alter, or vary in substance, any of such proposed orders, instructions, dispatches, official letters or communications, in every such case the said Board shall give to the said Directors, in writing, under the hand of one of the Secretaries of the said Board, by order of the said Board, their reason in respect thereof, together with their directions to the said Directors in relation thereto; and the said Directors shall, and they are hereby required forthwith to send the said orders, instructions, dispatches, official letters or communications, in the form approved by the said Board, to their proper destinations: Provided always, That it shall be lawful for the said Board, by Minutes from time to time to be made for that purpose and entered on the Records of the said Board, and to be communicated to the said Court, to allow such classes of orders, instructions, dispatches, official letters or communications as shall in such Minutes be described, to be sent or given by the said Court without having been previously laid before the said Board.

No official communications to be sent by the Court until approved by the Board;

except such classes of Communications as the Board may allow.

XXXI. And be it Enacted, That whenever the said Court of Directors shall omit to prepare and submit for the consideration of the said Board any orders, instructions, dispatches, official letters, or communications, beyond the space

If the Court omit to frame official communications for consideration of Board, they may prepare them.

Court to send them.

of Fourteen days after requisition made to them by order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the said Directors any orders, instructions, dispatches, official letters or communications, together with their directions relating thereto; and the said Directors shall, and they are hereby required forthwith to transmit the same to their proper destinations.

Representations may be made by Court as to official communications; and Board to consider such representations and give final orders.

XXXII. Provided always and be it Enacted, That nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Directors from expressing, within Fourteen Days, by representation in writing to the said Board, such remarks, observations, or explanations, as they shall think fit, touching or concerning any directions which they shall receive from the said Board; and that the said Board shall, and they are hereby required to take every such representation, and the several matters therein contained or alleged, into their consideration, and to give such further Directions thereupon as they shall think fit and expedient, which shall be final and conclusive upon the said Directors.

If Court think the orders of Board contrary to law, the Court of King's Bench may certify their opinion on any case which may be agreed upon; such opinion to be conclusive.

XXXIII. And be it Enacted, That if it shall appear to the said Court of Directors that any orders, instructions, dispatches, official letters, or communications, except such as shall pass through the Secret Committee, upon which directions may be so given by the said Board as aforesaid, are contrary to law, it shall be in the power of the said Board and the said Court of Directors to send a special case, to be agreed upon by and between them, and to be signed by the President of the said Board and the Chairman of the said Company, to three or more of the Judges of His Majesty's Court of King's Bench, for the opinion of the said Judges; and the said Judges are hereby required to certify their opinion upon any case so submitted to them, and to send a certificate thereof to the said President and Chairman, which opinion shall be final and conclusive.

Board not empowered to appoint officers of the Company, or to interfere with home officers.

XXXIV. Provided always, and be it Enacted and Declared, That the said Board shall not have the power of appointing any of the Servants of the said Company, or of directing or interfering with the Officers and Servants of the said Company employed in the Home Establishment; nor shall it be necessary for the said Court of Directors to submit for the consideration of the said Board their communications with the officers or servants employed in their said Home Establishment, or with the Legal Advisers of the said Company.

Directors to appoint

XXXV. And be it Enacted, That the said Court of Directors shall from time

time to time appoint a Secret Committee, to consist of any number not exceeding Three of the said Directors, for the particular purposes in this Act specified; which said Directors so appointed shall, before they or any of them shall act in the execution of the powers and trusts hereby reposed in them, take an Oath of the tenour following (that is to say):—

Secret Committee
who shall take the
following

“ I, (A. B.) do swear, that I will, according to the best of my skill
“ and judgment, 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 *India* Company; I will not disclose
“ or make known any of the secret orders, instructions, dispatches,
“ official letters, or communications, which shall be sent or given to
“ me, by the Commissioners for the Affairs 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 authorized by
“ the said Commissioners to disclose and make known the same.

Oath.

“ So help me GOD.”

which said Oath shall and may be administered by the several and respective Members of the said Secret Committee to each other; and being so by them taken and subscribed, shall be recorded by the Secretary or Deputy Secretary of the said Court of Directors for the time being amongst the acts of the said Court.

XXXVI. Provided also and be it Enacted, That if, the said Board shall be of opinion that the subject-matter of any of their deliberations, concerning the levying war or making peace, or treating or negotiating with any of the Native Princes or States in *India*, or with any other Princes or States, or touching the policy to be observed with respect to such Princes or States, intended to be communicated in orders, dispatches, official letters or communications to any of the Governments or Presidencies in *India*, or to any officers or servants of the said Company, shall be of a nature to require secrecy, it shall and may be lawful for the said Board to send their orders, dispatches, official letters, or communications, to the Secret Committee of the said Court of Directors, to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit the same according to the tenour thereof, or pursuant to the directions of the said Board, to the respective Governments and Presidencies, officers and servants; and that the said Governments and Presidencies, officers and servants, shall be bound to pay a faithful obedience thereto, in like

If the Board are of
opinion that any
matters wherein
Indian or other
states are concerned
require secrecy, the
Board may send
official communica-
tions through Secret
Committee.

manner as if such orders, dispatches, official letters or communications had been sent to them by the said Court of Directors.

The Court to submit to the Board an estimate of Salaries of Directors and other Expenses of the India-House, which shall be subject to reduction.

XXXVII. And be it Enacted, That the said Court of Directors shall before the twenty-second day of April One thousand eight hundred and thirty-four, and afterwards from time to time so often as reductions of the establishment of the said Court or other circumstances may require frame and submit to the said Board an estimate of the gross sum which will be annually required, for the salaries of the Chairman, Deputy Chairman, and Members of the said Court, and the Officers and Secretaries thereof, and all other proper expenses fixed and contingent thereof, and of General Courts of Proprietors, and such estimate shall be subject to reduction by the said Board, so that the reasons for such reduction be given to the said Court of Directors; and any sum not exceeding the sum mentioned in such estimate, or (if the same shall be reduced) in such reduced estimate, shall be annually applicable, at the discretion of the Court of Directors, to the payment of the said salaries and expenses; and it shall not be lawful for the said Board to interfere with, or control the particular application thereof, or to direct what particular salaries or expenses shall from time to time be increased or reduced: Provided always, That such and the same accounts shall be kept and rendered of the sums to be applied in defraying the salaries and expenses aforesaid, as of the other branches of the expenditure of the said Company.

The sum allowed to be applicable to such purposes at the discretion of the Court of Directors.

Accounts of application to be rendered.

Presidency of Fort William, in Bengal, to be divided into two Presidencies; The Court to declare the limits, from time to time, of the several Presidencies.

XXXVIII. And be it Enacted, That the territories now subject to the Government of the Presidency of *Fort William* in *Bengal* shall be divided into two distinct Presidencies; one of such Presidencies, in which shall be included *Fort William* aforesaid, to be styled the Presidency of *Fort William*, in *Bengal*; and the other of such Presidencies to be styled the Presidency of *Agra*; and that it shall be lawful for the said Court of Directors, under the control by this Act provided, and they are hereby required to declare and appoint what part or parts of any of the territories, under the Government of the said Company, shall from time to time be subject to the Government of each of the several Presidencies now subsisting or to be established as aforesaid, and from time to time, as occasion may require, to revoke and alter, in the whole or in part, such appointment, and such new distribution of the same as shall be deemed expedient.

Government of India.

XXXIX. And be it Enacted, That the superintendence, direction, and control of the whole Civil and Military Government of all the said Territories and Revenues in India shall be, and is hereby vested in a Governor General

General and Counsellors, to be styled "The Governor General of India in Council."

XI. And be it Enacted, That there shall be Four ordinary Members of the said Council, Three of whom shall from time to time be appointed by the said Court of Directors from amongst such persons as shall be, or shall have been, Servants of the said Company; and each of the said Three ordinary Members of Council shall, at the time of his appointment, have been in the service of the said Company for at least Ten years; and if he shall be in the Military Service of the said Company, he shall not, during his continuance in office as a Member of Council, hold any Military Command, or be employed in actual Military Duties; and that the fourth ordinary Member of Council shall from time to time be appointed from amongst persons who shall not be Servants of the said Company by the said Court of Directors, subject to the approbation of His Majesty to be signified in writing by his Royal Sign-Manual, countersigned by the President of the said Board: Provided that such last-mentioned Member of Council shall not be entitled to sit or vote in the said Council except at meetings thereof for making laws and regulations; And it shall be lawful for the said Court of Directors to appoint the Commander-in-Chief of the Company's Forces in *India*; and if there shall be no such Commander-in-Chief, or the offices of such Commander-in-Chief and of Governor-General, of *India* shall be vested in the same person, then the Commander-in-Chief of the Forces on the *Bengal* establishment to be an extraordinary Member of the said Council, and such extraordinary Member of Council, shall have rank and precedence at the Council Board next after the Governor General.

There shall be four ordinary Counsellors three of whom shall be servants of the Company.

No military Officer to hold any command whilst a Member.

The fourth Member not to be appointed from the Company's servants.

XII. And be it Enacted, That the person who shall be Governor General of the Presidency of Fort William in *Bengal* on the twenty-second day of April One thousand eight hundred and thirty-four, shall be the first Governor General of *India* under this Act; and such persons as shall be Members of Council of the same Presidency on that day, shall be respectively Members of the Council constituted by this Act.

Governor General and the Members of Council on the 22d April 1834, to be under this Act.

XIII. And be it Enacted, That all vacancies happening in the office of Governor General of *India*, shall from time to time be filled up by the said Court of Directors, subject to the approbation of His Majesty, to be signified in writing by His Royal Sign-Manual, countersigned by the President, of the said Board.

Filling up Vacancies in these offices.

XIV. And be it Enacted, That the said Governor General in Council, shall have power to make Laws and Regulations for repealing, amending, or

The Governor General in Council empowered to legis-

altering

late for India, except as to matters herein mentioned.

altering any Laws or Regulations whatever now in force or hereafter to be in force, in the said Territories or any part thereof, and to make Laws and Regulations for all persons, whether *British* or Native, Foreigners or others, and for all Courts of Justice, whether established by His Majesty's Charters or otherwise, and the jurisdictions thereof, and for all places and things whatsoever, within and throughout the whole and every part of the said Territories, and for all servants of the said Company within the dominions of Princes and States in alliance with the said Company; save and except that the said Governor General in Council shall not have the power of making any Laws or Regulations which shall in any way repeal, vary, suspend, or affect any of the provisions of this Act, or any of the provisions of the Acts for punishing Mutiny and Desertion of Officers and Soldiers, whether in the service of His Majesty, or the said Company, or any provisions of any Act hereafter to be passed, in any wise affecting the said Company or the said Territories or the Inhabitants thereof, or any Laws or Regulations which shall in any way affect any prerogative of the Crown or the authority of Parliament, or the Constitution or Rights of the said Company, or any part of the unwritten Laws or Constitution of the United Kingdom of *Great Britain and Ireland*, whereon may depend, in any degree, the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said Territories,

If the Court of Directors disallow the Laws, Governor in Council to repeal them.

XLIV. Provided always and be it Enacted, That in case the said Court of Directors, under such control as by this Act is provided, shall signify to the said Governor General in Council their disallowance of any Laws or Regulations by the said Governor General in Council made, then and in every such case, upon receipt by the said Governor General in Council of notice of such disallowance, the said Governor General in Council shall forthwith repeal all Laws and Regulations so disallowed.

✓ All such Laws and Regulations to be of the same force as any Act of Parliament.

XLV. Provided also and be it Enacted, That all Laws and Regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect, within and throughout the said Territories, as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of Justice whatsoever within the same Territories, in the same manner as any public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council.

Registration unnecessary.

Restricting the

XLVI. Provided also and be it Enacted, That it shall not be lawful for the said

said Governor General in Council, without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby power shall be given to any Courts of Justice, other than the Courts of Justice established by His Majesty's Charters, to sentence to the punishment of Death any of His Majesty's natural-born Subjects born in Europe, or the children of such Subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters.

power of punishing with death European subjects, &c.

XLVII. And be it Enacted, That the said Court of Directors shall forthwith submit for the approbation of the said Board, such Rules as they shall deem expedient for the procedure of the Governor General in Council, in the discharge and exercise of all powers, functions, and duties imposed on or vested in him by virtue of this Act, or to be imposed or vested in him by any other Act or Acts; which Rules shall prescribe the modes of promulgation of any Laws or Regulations to be made by the said Governor General in Council, and of the authentication of all acts and proceedings whatsoever of the said Governor General in Council; and such Rules, when approved by the said Board of Commissioners, shall be of the same force as if they had been inserted in this Act: Provided always, That such Rules shall be laid before both Houses of Parliament in the Session next after the approval thereof.

The Court to submit to the Board rules for the procedure of the Governor General in Council.

XLVIII. Provided always and be it Enacted, That all Laws and Regulations shall be made at some meeting of the Council, at which the said Governor General and at least Three of the ordinary Members of Council shall be assembled; and that all other functions of the said Governor General in Council may be exercised by the said Governor General and one or more ordinary Member or Members of Council; and that in every case of difference of opinion at Meetings of the said Council, where there shall be an equality of voices, the said Governor General shall have Two Votes or the casting Vote.

Rules to be laid before Parliament.

Quorum of Governor General and Members in Council.

XLIX. Provided always and be it Enacted, That when and so often as any measure shall be proposed before the said Governor General in Council, whereby the safety, tranquillity, or interests of the British Possessions in India, or any part thereof, are or may be, in the judgment of the said Governor General, essentially affected, and the said Governor General shall be of opinion, either that the measure so proposed ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the majority in Council then present shall differ in and dissent from such opinion, the said Governor General and Members of Council are hereby directed forthwith mutually to exchange with and communicate to each other, in writing under their

Manner of proceeding when any measure is proposed, whereby the safety or peace of India may be essentially affected.

thier respective hands, to be recorded at large on their Secret Consultations, the grounds and reasons of their respective opinions; and if, after considering the same, the said Governor General and the majority in Council shall still differ in opinion, it shall be lawful for the said Governor General of his own authority and on his own responsibility to suspend or reject the measure so proposed, in part or in whole, or to adopt and carry the measure so proposed into execution, as the said Governor General shall think fit and expedient.

Council to assemble at any place in India.

L. And be it Enacted, That the said Council shall from time to time assemble, at such place or places as shall be appointed by the said Governor General in Council, within the said territories; And that as often as the said Council shall assemble within any of the Presidencies of *Fort Saint George*, *Bombay*, or *Agra*, the Governor of such Presidency shall act as an extraordinary Member of Council.

Nothing in this Act to affect the right of Parliament to legislate for India.

Express reservation.

LI. Provided always and be it Enacted, That nothing herein contained shall extend to affect in any way the right of Parliament to make Laws for the said Territories and for all the Inhabitants thereof: And it is expressly declared, That a full, complete, and constantly existing right and power is intended to be reserved to Parliament, to control, supersede, or prevent all proceedings and acts whatsoever of the said Governor General in Council, and to repeal and alter, at any time, any Law or Regulation whatsoever made by the said Governor General in Council, and in all respects to legislate for the said Territories and all the Inhabitants thereof, in as full and ample a manner as if this Act had not been passed: And the better to enable Parliament to exercise at all times such right and power, all Laws and Regulations made by the said Governor General in Council shall be transmitted to *England* and laid before both Houses of Parliament, in the same manner as is now by law provided, concerning the Rules and Regulations made by the several Governments in *India*.

Laws and Regulations to be laid before Parliament.

All enactments relating to Supreme Government shall apply to Governor General of India in Council and alone.

LII. And be it Enacted, That all enactments, provisions, matters, and things relating to the Governor General of *Fort William* in *Bengal*, in Council, and the Governor General of *Fort William* in *Bengal* alone respectively; in any other Act or Acts contained, so far as the same are now in force and not repealed by or repugnant to the provisions of this Act, shall continue and be in force, and be applicable to the Governor General of *India* in Council, and to the Governor General of *India* alone respectively.

A Law Commission to be appointed to inquire into the

LIII. And whereas it is expedient that, subject to such special arrangements as local circumstances may require, a general system of Judicial Establishment and

and Police, to which all persons whatsoever, as well Europeans as Natives, may be subject, should be established in the said Territories at an early period; and that such Laws as may be applicable in common to all classes of the Inhabitants of the said Territories, due regard being had to the rights, feelings, and peculiar usages of the People, should be enacted, and that all Laws and Customs having the force of law within the same Territories, should be ascertained and consolidated, and as occasion may require amended; be it therefore Enacted, that the said Governor General of India in Council shall, as soon as conveniently may be after the passing of this Act, issue a Commission, and from time to time Commissions, to such persons, as the said Court of Directors with the approbation of the said Board of Commissioners shall recommend for that purpose, and to such other persons, if necessary, as the said Governor General in Council shall think fit, all such persons, not exceeding in the whole at any one time Five in number, and to be styled "The Indian Law Commissioners," with all such powers as shall be necessary for the purposes hereinafter mentioned; and the said Commissioners, shall fully enquire into the Jurisdiction, Powers, and Rules of the existing Courts of Justice and Police Establishments in the said Territories, and all existing forms of Judicial procedure, and into the nature and operation of all Laws, whether civil or criminal written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, are now subject; And the said Commissioners shall from time to time make reports, in which they shall fully set forth the result of their said inquiries, and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said Courts of Justice and Police Establishments, forms of Judicial procedure and Laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said Territories.

LIV. And be it Enacted, That the said Commissioners shall follow such Instructions, with regard to the researches and inquiries to be made, and the places to be visited by them, and all their transactions with reference to the objects of their Commission, as they shall from time to time receive from the said Governor General of India in Council; and they are hereby required to make to the said Governor General in Council such special reports upon any matters as by such Instructions may from time to time be required; and the said Governor General in Council shall take into consideration the Reports

jurisdiction &c. of existing Courts of Justice and Police establishments, and the operation of the Laws.

Commissioners from time to time to report the result of their inquiries.

Commissioners to follow instructions of Governor General in Council, and to make special reports when required.

Governor General in Council to consider reports, and transmit

them with opinions thereon.

from time to time to be made by the said *Indian* Law Commissioners, and shall transmit the same, together with the opinions or resolutions of the said Governor General in Council thereon, to the said Court of Directors; and which said Reports, together with the said Opinions or Resolutions, shall be laid before both Houses of Parliament, in the same manner as is now by Law provided concerning the Rules and Regulations made by the several Governments in *India*.

Salaries to be granted to Law Commissioners.

LV. And be it Enacted, That it shall and may be lawful for the Governor General of *India* in Council to grant salaries to the said *Indian* Law Commissioners and their necessary officers and attendants, and to defray such other expences as may be incident to the said Commission, and that the salaries of the said Commissioners shall be according to the highest scale of remuneration given to any of the officers or servants of the *India* Company below the rank of Members of Council.

The Executive Government of the Presidencies to be administered by a Governor and three Councillors.

LVI. And be it Enacted, That the Executive Government of each of the several Presidencies of *Fort William* in *Bengal*, *Fort St. George*, *Bombay*, and *Agra* shall be administered by a Governor and Three Councillors, to be styled the Governor in Council of the said Presidencies of *Fort William* in *Bengal*, *Fort St. George*, *Bombay*, and *Agra* respectively, and the said Governor and Councillors respectively of each such Presidency shall have the same rights and voices in their Assemblies, and shall observe the same order and course in their Proceedings, as the Governors in Council of the Presidencies of *Fort St. George* and *Bombay* now have and observe, and that the Governor General of *India* for the time being shall be Governor of the Presidency of *Fort William* in *Bengal*.

Directors empowered to revoke the appointment of Councils, or to reduce the number of Councillors.

LVII. Provided always, and be it Enacted, That it shall and may be lawful for the said Court of Directors, under such control as is by this Act provided, to revoke and suspend, so often and for such periods as the said Court shall in that behalf direct, the appointment of Councils in all or any of the said Presidencies, or to reduce the number of Councillors in all or any of the said Councils, and during such time as a Council shall not be appointed in any such Presidency, the Executive Government thereof shall be administered by a Governor alone.

Governors of Fort St. George and Bombay;

LVIII. And be it Enacted, That the several persons who, on the said Twenty-second day of *April* One thousand eight hundred and thirty-four, shall be Governors of the respective Presidencies of *Fort Saint George* and *Bombay*, shall be the first Governors of the said Presidencies, respectively, under this Act;

and

and that the office of Governor of the said Presidency of *Agra*, and all vacancies happening in the offices of the Governors of the said Presidencies, respectively, shall be filled up by the said Court of Directors, subject to the approbation of His Majesty, to be signified under his Royal Sign-Manual, countersigned by the said President of the said Board of Commissioners.

Governor of *Agra*, and vacancies in Presidencies to be filled up by the Court.

LIX. And be it Enacted, That in the Presidencies in which the appointment of a Council shall be suspended under the provision herein-before contained, and during such time as Councils shall not be appointed therein respectively, the Governors appointed under this Act, and in the Presidencies in which Councils shall from time to time be appointed, the said Governors in their respective Councils shall have all the Rights, Powers, Duties, Functions, and Immunities whatsoever; not in anywise repugnant to this Act; which the Governors of *Fort Saint George* and *Bombay*, in their respective Councils, now have within their respective Presidencies; and that the Governors and Members of Council of Presidencies appointed by or under this Act shall severally have all the Rights, Powers, and Immunities respectively, not in anywise repugnant to this Act, which the Governors and Members of Council of the Presidencies of *Fort Saint George* and *Bombay* respectively now have in their respective Presidencies: Provided, That no Governor or Governor in Council shall have the power of making or suspending any Regulations or Laws in any case whatever, unless in cases of urgent necessity (the burthen of the proof whereof shall be on such Governor or Governor in Council), and then only until the decision of the Governor General of *India* in Council shall be signified thereon; and provided also, that no Governor or Governor in Council shall have the power of creating any new Office, or granting any Salary, Gratuity, or Allowance without the previous sanction of the Governor General of *India* in Council.

The Governors of the Presidencies to have the powers and immunities of the present Governors of *Madras* and *Bombay*; but not to make Laws or grant Money.

LX. Provided always, and be it Enacted, That when and so often as the said Court of Directors shall neglect for the space of Two calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in *India* in the appointment of the said Court shall have been received by the said Court, to supply such Vacancy, then and in every such case it shall be lawful for His Majesty to appoint, by writings under his Sign-Manual, such person as His Majesty shall think proper to supply such Vacancy; and that every person so appointed shall have the same powers, privileges, and authorities, as if he or they had been appointed by the said Court, and shall not be subject to removal or dismissal without the approbation and consent of His Majesty.

If Court of Directors neglect for two months to supply vacancy in any office, the King to appoint.

Power for the Court to make provisional appointments to any offices.

Provisional appointments of certain Officers to be approved by His Majesty.

In case of vacancy in the office of Governor General, and no successor upon the spot, the ordinary Member of Council next in rank to act as Governor General.

In case of a vacancy in the office of Governor of any of the subordinate Presidencies, and no provisional or other successor on the spot.

LXI. And be it Enacted, That it shall be lawful for the said Court of Directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid, for supplying any Vacancy or Vacancies therein, when the same shall happen by the Death or Resignation of the person or persons holding the same office or offices respectively, or on his or their departure from *India*, with intent to return to *Europe*, or on any event or contingency expressed in any such provisional Appointment or Appointments to the same respectively, and such Appointments again to revoke: Provided that every provisional appointment to the several offices of Governor General of *India*, Governor of a Presidency, and the Member of Council of *India* by this Act directed to be appointed from amongst persons who shall not be servants of the said Company, shall be subject to the approbation of His Majesty, to be signified as aforesaid; but that no person so appointed to succeed provisionally to any of the said offices, shall be entitled to any authority, salary, or emolument appertaining thereto, until he shall be in the actual possession of such office.

LXII. And be it Enacted, That if any Vacancy shall happen in the office of Governor General of *India*, when no provisional or other Successor shall be upon the spot to supply such Vacancy, then and in every such case the ordinary Member of Council next in rank to the said Governor General shall hold and execute the said office of Governor General of *India* and Governor of the Presidency of *Fort William* in *Bengal*, until a Successor shall arrive; or until some other person on the spot shall be duly appointed thereto; and that every such acting Governor General shall, during the time of his continuing to act as such, have and exercise all the rights and powers of Governor General of *India*, and shall be entitled to receive the emoluments and advantages appertaining to the office by him supplied, such acting Governor General foregoing his salary and allowance of a Member of Council for the same period.

LXIII. And be it Enacted, That if any Vacancy shall happen in the office of Governor of *Fort Saint George*, *Bombay*, or *Agra*, when no provisional or other Successor shall be upon the spot to supply such Vacancy, then and in every such case, if there shall be a Council in the Presidency in which such Vacancy shall happen, the Member of such Council who shall be next in rank to the Governor, other than the Commander in Chief, or Officer commanding the Forces of such Presidency; and if there shall be no Council, then the Secretary of Government of the said Presidency who shall be senior in the said Office of Secretary, shall hold and execute the said office of Governor until

a successor

a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such Acting Governor shall, during the time of his continuing to act as such, receive and be entitled to the emoluments and advantages appertaining to the Office by him supplied, such Acting Governor foregoing all Salaries and Allowances by him held and enjoyed at the time of his being called to supply such Office.

LXIV. And be it Enacted, That if any Vacancy shall happen in the office of an ordinary Member of Council of *India* when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion, such Vacancy shall be supplied by the appointment of the Governor General in Council; and if any Vacancy shall happen in the office of a Member of Council of any Presidency when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion such vacancy shall be supplied by the appointment of the Governor in Council of the Presidency in which such vacancy shall happen; and, until a successor shall arrive, the person so nominated shall execute the Office by him supplied and shall have all the powers thereof, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said Office during his continuance therein, every such temporary Member of Council foregoing all salaries and allowances by him held and enjoyed at the time of his being appointed to such Office; Provided always, That no person shall be appointed a temporary Member of Council who might not have been appointed by the said Court of Directors to fill the Vacancy supplied by such temporary appointment.

LXV. And be it further Enacted, That the said Governor General in Council shall have and be invested, by virtue of this Act, with full power and authority to superintend and control the Governors and Governors in Council of *Fort William in Bengal, Fort Saint George, Bombay, and Agra*, in all points relating to the Civil or Military Administration of the said Presidencies respectively; and the said Governors and Governors in Council shall be bound to obey such orders and instructions of the said Governor General in Council in all cases whatsoever.

LXVI. And be it Enacted, That it shall and may be lawful for the Governors or Governors in Council of *Fort William in Bengal, Fort Saint George, Bombay, and Agra*, respectively, to propose to the said Governor General in Council drafts or projects of any Laws or Regulations which the said Governors, or Governors in Council respectively, may think expedient together with their

In case of a vacancy in the office of a Member of Council when no provisional or other successor on the spot.

The Governor-General in Council to have the control over the Presidencies.

Drafts of Laws proposed by Governors to be taken into consideration by Governor General in Council.

reasons

reasons for proposing the same; and the said Governor General in Council is hereby required to take the same and such reasons into consideration, and to communicate the resolutions of the said Governor General in Council thereon to the Governor or Governor in Council by whom the same shall have been proposed.

Powers of Governors of Presidencies not to be suspended.

LXVII. And be it Enacted, That when the said Governor General shall visit any of the Presidencies of *Fort Saint George*, *Bombay*, or *Agra*, the powers of the Governors of those Presidencies respectively shall not, by reason of such visit, be suspended.

Communications to be transmitted by Governors to Governor General in Council.

LXVIII. And be it Enacted, That the said Governors and Governors in Council of the said Presidencies of *Fort William in Bengal*, *Fort Saint George*, *Bombay*, and *Agra* respectively, shall, and they are hereby respectively required regularly to transmit to the said Governor General in Council true and exact copies of all such orders and acts of their respective Governments, and also advice and intelligence of all transactions and matters which shall have come to their knowledge, and which they shall deem material to be communicated to the said Governor General in Council as aforesaid, or as the said Governor General in Council shall from time to time require.

The Governor General in Council may appoint a Deputy Governor of Bengal as exigencies may require.

LXIX. And be it Enacted, That it shall be lawful for the said Governor General in Council, as often as the exigencies of the public service may appear to him to require, to appoint such one of the ordinary members of the said Council of *India* as he may think fit, to be Deputy Governor of the said Presidency of *Fort William in Bengal*; and such Deputy Governor shall be invested with all the powers and perform all the duties of the said Governor of the Presidency of *Fort William in Bengal*, but shall receive no additional salary by reason of such appointment.

Provision in case the Governor General in Council shall declare it expedient for the Governor General to visit any part of *India* without his Council.

LXX. And be it Enacted, That whenever the said Governor General in Council shall declare that it is expedient that the said Governor General should visit any part of *India*, unaccompanied by any Member or Members of the Council of *India*, it shall be lawful for the said Governor General in Council, previously to the departure of the said Governor General, to nominate some Member of the Council of *India* to be President of the said Council, in whom, during the absence of the said Governor General from the said Presidency of *Fort William in Bengal*, the powers of the said Governor General in assemblies of the said Council shall be reposed, and it shall be lawful in every such case for the said Governor General in Council, by a Law or Regulation for that purpose to be made, to authorize the Governor General alone to exercise all or any of the

the powers which might be exercised by the said Governor General in Council, except the power of making Laws or Regulations: Provided always, That during the absence of the Governor General, no Law or Regulation shall be made by the said President and Council without the assent in writing of the said Governor General.

LXXI. And be it Enacted, That there shall not, by reason of the division of the Territories now subject to the Government of the Presidency of *Fort William* in *Bengal* into two Presidencies as aforesaid, be any separation between the Establishments and Forces thereof respectively, or any alteration in the course and order of promotion and succession of the Company's servants in the same two Presidencies respectively, but that all the servants, civil and military, of the *Bengal* Establishments and Forces, shall and may succeed and be appointed to all commands and offices within either of the said Presidencies respectively, as if this Act had not been passed.

The new Presidency of *Agra* not to affect the succession to Commands and Offices in *Bengal* and *Agra*.

LXXII. And be it Enacted, That for the purposes of an Act passed in the Fourth year of the reign of his late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and to authorise Soldiers and Sailors in the East Indies to send and receive Letters at a reduced Rate of Postage*, and of any articles of war made or to be made under the same, the Presidency of *Fort William* in *Bengal* shall be taken and deemed to comprise under and within it all the Territories which, by or in virtue of this Act, shall be divided between the Presidencies of *Fort William* in *Bengal* and *Agra* respectively; and shall, for all the purposes aforesaid, be taken to be the Presidency of *Fort William* in *Bengal* in the said Act mentioned.

Presidency of *Fort William* to be entire for the purposes of the Mutiny Act.

LXXIII. And be it Enacted, That it shall be lawful for the said Governor General in Council, from time to time to make Articles of War for the government of the Native Officers and Soldiers in the military service of the Company, and for the administration of justice by courts-martial, to be holden on such officers and soldiers; and such Articles of War from time to time to repeal or vary and amend; And such Articles of War shall be made and taken notice of, in the same manner as all other the Laws and Regulations to be made by the said Governor General in Council under this Act; and shall prevail and be in force, and shall be of exclusive authority over all the Native Officers and Soldiers in the said Military Service, to whatever Presidency such Officers and Soldiers may belong, or wheresoever they may be serving; Provided nevertheless that until such Articles of War shall be made by the said Governor General

Articles of War to be made by Governor-General in Council.

in Council, any Articles of War for or relating to the Government of the Company's Native Forces, which at the time of this Act coming into operation shall be in force and use in any part or parts of the said Territories, shall remain in force.

His Majesty may remove any officer of the Company in India.

LXXIV. And be it Enacted, That it shall be lawful for His Majesty, by any writing under his Sign-Manual, countersigned by the President of the said Board of Commissioners, to remove or dismiss any person holding any Office, Employment, or Commission, Civil or Military, under the said Company in *India*, and to vacate any Appointment or Commission of any person to any such Office or Employment: Provided, that a Copy of every such Writing, attested by the said President, shall, within Eight days after the same shall be signed by His Majesty, be transmitted or delivered to the Chairman or Deputy Chairman of the said Company.

The power of the Directors to remove their servants preserved.

LXXV. Provided always and be it Enacted, That nothing in this Act contained shall take away the power of the said Court of Directors to remove or dismiss any of the Officers or Servants of the said Company, but that the said Court shall and may at all times have full liberty to remove or dismiss any of such Officers or Servants at their will and pleasure: Provided that any Servant of the said Company appointed by His Majesty through the default of appointment by the said Court of Directors, shall not be dismissed or removed without His Majesty's approbation, as hereinbefore is mentioned.

Salaries of Governor General, &c. fixed, to be in lieu of all fees, &c.

LXXVI. And be it Enacted, That there shall be paid to the several Officers hereinafter named the several Salaries set against the names of such Officers, subject to such reduction of the said several Salaries respectively as the said Court of Directors, with the sanction of the said Board, may at any time think fit; (that is to say),

To the Governor General of *India*, Two hundred and forty thousand Sicca Rupees.

To each Ordinary Member of the Council of *India*, Ninety-six thousand Sicca Rupees.

To each Governor of the Presidencies of *Fort St. George, Bombay, and Agra*, One hundred and twenty thousand Sicca Rupees.

To each Member of any Council to be appointed in any Presidency, Sixty thousand Sicca Rupees.

And the Salaries of the said Officers respectively shall commence from their respectively taking upon them the execution of their respective offices; and the said Salaries shall be the whole profit or advantage which the said Officers shall

shall enjoy during their continuance in such offices respectively: And it shall be, and it is hereby declared to be a misdemeanor, for any such Officer to accept for his own use, in the discharge of his office, any Present, Gift, Donation, Gratuity, or Reward, pecuniary or otherwise, whatsoever, or to trade or traffic for his own benefit, or for the benefit of any other person or persons whatsoever: And the said Court of Directors are hereby required to pay to all and singular the Officers and persons hereinafter named, who shall be resident in the United Kingdom at the time of their respective Appointments; for the purpose of defraying the expenses of their Equipment and Voyage, such sums of money as are set against the names of such Officers and persons respectively; (that is to say)

Acceptance of gratuities a misdemeanor.

Passage-money fixed.

To the Governor General, Five thousand pounds.

To each Member of the Council of *India*, One thousand two hundred pounds.

To each Governor of the Presidencies of *Fort. St. George, Bombay, and Agra*, Two thousand five hundred pounds.

Provided also, That any Governor General, Governor, or Member of Council appointed by or by virtue of this Act, who shall, at the time of passing this Act, hold the office of Governor General, Governor, or Member of Council respectively, shall receive the same Salary and Allowances that he would have received if this Act had not been passed.

LXXVII. Provided always and be it Enacted, That if any Governor General, Governor, or ordinary Member of the Council of *India*, or any Member of the Council of any Presidency, shall hold or enjoy any Pension, Salary, or any Place, Office, or Employment of Profit under the Crown, or any Public Office, or the said Company, or any annuity payable out of the Civil or Military Fund of the said Company, the Salary of his office of Governor General of *India*, Governor, or Member of Council, shall be reduced by the amount of the Pension, Salary, Annuity, or Profits of Office, so respectively held or enjoyed by him.

Governor General and Governors to forego pensions and other salaries from the Crown or Company while they hold office.

LXXVIII. And be it Enacted, That the said Court of Directors, with the approbation of the said Board of Commissioners, shall and may from time to time make regulations for the division and distribution of the patronage and power of nomination of and to the Offices, Commands, and Employments in the said Territories, and in all or any of the Presidencies thereof, among the said Governor General in Council, Governor General, Governors in Council, Governors, Commander-in-chief, and other Commanding Officers respectively, appointed or to be appointed under this Act.

Directors to make regulations for the distribution of Patronage in India.

Departure of Governor General for Europe to be a resignation.

Resignation in India to be by deed.

Salary to cease on departure or resignation.

As to Representatives of Officers dying during absence.

Disobedience of orders, and breach of trust by officers or servants of the Company in India, misdemeanors.

Authority for His Majesty's subjects

LXXIX. And be it Enacted, That the return to *Europe*, or the departure from *India* with intent to return to *Europe*, of any Governor General of *India*, Governor, Member of Council, or Commander-in-chief, shall be deemed in Law a Resignation and Avoidance of his Office or Employment, and that no act or declaration of any Governor General, or Governor, or Member of Council, other than as aforesaid, excepting a Declaration in writing under hand and seal, delivered to the Secretary for the Public Department of the Presidency wherein he shall be, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said Office; and that the Salary and other Allowances of any such Governor General or other Officer, respectively, shall cease from the day of such his Departure, Resignation, or Surrender; and that if any such Governor General, or Member of Council of *India*, shall leave the said Territories, or if any Governor or other Officer whatever in the service of the said Company shall leave the Presidency to which he shall belong, other than in the known actual service of the said Company, the Salary and Allowances appertaining to his Office shall not be paid or payable during his absence to any Agent or other person for his use; and in the event of his not returning, or of his coming to *Europe*, his Salary and Allowances shall be deemed to have ceased on the day of his leaving the said Territories, or the Presidency to which he may have belonged: Provided that it shall be lawful for the said Company to make such payment as is now by law permitted to be made to the Representatives of their Officers or Servants, who, having left their stations intending to return thereto, shall die during their absence.

LXXX. And be it Enacted, That every wilful disobeying, and every wilful omitting, forbearing, or neglecting to execute the orders or instructions of the said Court of Directors by any Governor General of *India*, Governor, Member of Council, or Commander-in-chief, or by any other of the Officers or Servants of the said Company, unless in cases of necessity, (the burthen of the proof of which necessity shall be on the person so disobeying, or omitting, forbearing, or neglecting to execute such orders or instructions as aforesaid,) and every wilful breach of the trust and duty of any Office or Employment by any such Governor General, Governor, Member of Council, or Commander-in-chief, or any of the Officers or Servants of the said Company, shall be deemed and taken to be a Misdemeanor at Law, and shall or may be proceeded against and punished as such, by virtue of this Act.

LXXXI. And be it Enacted, That it shall be lawful for any natural-born subjects

subjects of His Majesty to proceed by sea to any port or place having a custom-house establishment within the said Territories, and to reside thereat, or to proceed to and reside in, or pass through any part of such of the said Territories as were under the Government of the said Company on the First day of January One thousand eight hundred, and in any part of the Countries ceded by the Nabob of the *Carnatic*, of the Province of *Cuttack*, and of the Settlements of *Singapore* and *Malacca*, without any License whatever; Provided, That all subjects of His Majesty, not Natives of the said Territories, shall on their arrival in any part of the said Territories from any Port or Place not within the said Territories, make known in writing their names, places of destination, and objects of pursuit in *India*, to the Chief Officer of the Customs or other Officer authorized for that purpose at such Port or Place as aforesaid.

to reside in certain parts of India without License.

LXXXII. Provided always and be it Enacted, That it shall not be lawful for any Subject of His Majesty, except the servants of the said Company and others now lawfully authorized to reside in the said Territories, to enter the same by Land, or to proceed to or reside in any Place or Places in such Parts of the said Territories as are not hereinbefore in that behalf mentioned, without License from the said Board of Commissioners, or the said Court of Directors, or the said Governor General in Council, or a Governor or Governor in Council of any of the said Presidencies for that purpose first obtained: Provided always, that no License given to any natural-born subject of His Majesty to reside in parts of the Territories not open to all such subjects, shall be determined or revoked, unless in accordance with the terms of some express clause of revocation or determination in such License contained.

Subjects of His Majesty not to reside in certain parts of India without License.

LXXXIII. Provided always and be it Enacted, That it shall be lawful for the said Governor General in Council, with the previous consent and approbation of the said Court of Directors for that purpose obtained, to declare any place or places whatever within the said Territories open to all His Majesty's natural-born Subjects, and it shall be thenceforth lawful for any of His Majesty's natural-born Subjects to proceed to, or reside in, or pass through any place or places declared open without any License whatever.

The Governor General in Council, with previous consent of Directors, may declare other places open.

LXXXIV. And be it Enacted, That the said Governor General in Council shall, and he is hereby required, as soon as conveniently may be, to make Laws or Regulations providing for the prevention or punishment of the illicit entrance into or residence in the said Territories of persons not authorized to enter or reside therein.

Laws against illicit residence to be made.

Laws and regulations to be made for protection of Natives.

LXXXV. And whereas the removal of restrictions on the intercourse of Europeans with the said territories will render it necessary to provide against any mischiefs or dangers that may arise therefrom, be it therefore Enacted, That the said Governor General in Council shall, and he is hereby required, by Laws or Regulations, to provide with all convenient speed for the Protection of the Natives of the said Territories from insult and outrage in their persons, religions, or opinions.

Lands within the Indian territories may be purchased.

LXXXVI. And be it Enacted, That it shall be lawful for any natural-born subject of His Majesty authorized to reside in the said Territories, to acquire and hold lands, or any right, interest, or profit in or out of lands, for any term of years, in such part or parts of the said Territories as he shall be so authorized to reside in: Provided always, That nothing herein contained shall be taken to prevent the said Governor General in Council from enabling, by any Laws or Regulations or otherwise, any subjects of His Majesty to acquire or hold any lands or rights, interests or profits in or out of lands, in any part of the said Territories, and for any estates or terms whatever.

No disabilities in respect of religion, colour, or place of birth.

LXXXVII. And be it Enacted, That no Native of the said Territories, nor any natural-born Subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any Place, Office, or Employment under the said Company.

Slavery to be mitigated and abolished as soon as practicable.

LXXXVIII. And be it further Enacted, That the said Governor General in Council shall, and he is hereby required forthwith to take into consideration the means of mitigating the state of Slavery and of ameliorating the condition of Slaves, and of extinguishing Slavery throughout the said Territories, so soon as such extinction shall be practicable and safe, and from time to time to prepare and transmit to the said Court of Directors Drafts of Laws or Regulations for the purposes aforesaid, and that in preparing such Drafts due regard shall be had to the Laws of Marriage, and the rights and authorities of Fathers and Heads of Families, and that such Drafts shall forthwith, after receipt thereof, be taken into consideration by the said Court of Directors, who shall with all convenient speed communicate to the said Governor General in Council their instructions on the Drafts of the said Laws and Regulations; But no such Laws and Regulations shall be promulgated or put in force without the previous consent of the said Court; and the said Court shall, within fourteen days after the first meeting of Parliament in every year, lay before both Houses of Parliament a Report of the Drafts of such Rules and Regulations as shall have been received by them, and of their Resolutions or Proceedings thereon.

LXXXIX. And

LXXXIX. And whereas the present Diocese of the Bishoprick of *Calcutta* is of too great an extent for the Incumbent thereof to perform efficiently all the duties of the office without endangering his health and life, and it is therefore expedient to diminish the labours of the Bishop of the said Diocese, and for that purpose to make provision for assigning new limits to the Diocese of the said Bishop, and for founding and constituting two separate and distinct Bishopricks, but nevertheless the Bishops thereof to be subordinate and subject to the Bishop of *Calcutta* for the time being, and his Successors, as their Metropolitan; be it therefore Enacted, That in case it shall please His Majesty to erect, found, and constitute two Bishopricks, one to be styled the Bishoprick of *Madras*, and the other the Bishoprick of *Bombay*, and from time to time to nominate and appoint Bishops to such Bishopricks, under the style and title of Bishops of *Madras* and *Bombay* respectively, there shall be paid from and out of the Revenues of the said Territories to such Bishops respectively the Sum of Twenty-four thousand Sicca Rupees by the year.

Respecting the inconvenient extent of Diocese of *Calcutta*.

If the King erects Bishopricks of *Madras* and *Bombay*, certain salaries to be paid to the Bishops.

XC. And be it Enacted, That the said Salaries shall commence from the time at which such persons as shall be appointed to the said office of Bishop shall take upon them the execution of their respective Offices, and that such Salaries shall be in lieu of all Fees of Office, Perquisites, Emoluments, or Advantages whatsoever, and that no Fees of Office, Perquisites, Emoluments, or Advantages whatsoever shall be accepted, received, or taken by such Bishop, or either of them, in any manner, or on any account or pretence whatsoever, other than the Salaries aforesaid; and that such Bishops, respectively, shall be entitled to such Salaries, so long as they shall respectively exercise the functions of their several offices in the *British* Territories aforesaid.

Such salaries to commence from time of taking office, and to be in lieu of all fees, &c.

XCL. And be it Enacted, That the said Court of Directors shall, and they are required to pay to the Bishops so from time to time to be appointed to the said Bishopricks of *Madras* and *Bombay*, in case they shall be resident in the United Kingdom at the time of their respective appointments, the sum of Five hundred pounds each, for the purpose of defraying the expenses of their equipments and voyage.

Passage-money for such Bishop.

XCII. Provided always and be it Enacted, That such Bishops shall not have or use any Jurisdiction, or exercise any Episcopal Functions whatsoever, either in the said territories or elsewhere, but only such jurisdiction and functions as shall or may from time to time be limited to them respectively by his Majesty, by his Royal Letters-Patent under the Great Seal of the said United Kingdom.

As to jurisdiction of such Bishops.

XCIII. And

The King empowered by Letters-Patent to limit jurisdiction and functions.

XCVI. And be it Enacted, That it shall and may be lawful for His Majesty from time to time, if he shall think fit, by his Royal Letters-Patent under the Great Seal of the said United Kingdom, to assign limits to the Diocese of the Bishoprick of *Calcutta*, and to the Dioceses of the said Bishopricks of *Madras* and *Bombay* respectively, and from time to time to alter and vary the same limits respectively, as to His Majesty shall seem fit, and to grant to such Bishops respectively, within the limits of their respective Dioceses, the exercise of Episcopal Functions, and of such Ecclesiastical Jurisdiction as his Majesty shall think necessary for the superintendence and good government of the Ministers of the United Church of *England* and *Ireland* therein.

The Bishop of Calcutta to be Metropolitan in India.

XCV. Provided always and be it Enacted, That the Bishop of *Calcutta* for the time being shall be deemed and taken to be the Metropolitan Bishop in *India*, and as such shall have, enjoy, and exercise all such Ecclesiastical Jurisdiction and Episcopal Functions, for the purposes aforesaid, as His Majesty shall, by his Royal Letters-Patent under the Great Seal of the said United Kingdom, think necessary to direct; subject nevertheless to the general superintendence and revision of the Archbishop of *Canterbury* for the time being; and that the Bishops of *Madras* and *Bombay* for the time being, respectively, shall be subject to the Bishop of *Calcutta* for the time being, as such Metropolitan, and shall, at the time of their respective appointments to such Bishopricks, or at the time of their respective consecrations as Bishop, take an oath of obedience to the said Bishop of *Calcutta*, in such manner as His Majesty, by his said Royal Letters-Patent, shall be pleased to direct.

Warrants for Bills on Letters-patent appointing Bishops to be countersigned by the President.

XCV. And be it Enacted, That when and as often as it shall please His Majesty to issue any Letters-Patent respecting the Bishoprick of *Calcutta*, *Madras*, or *Bombay*, or for the nomination or appointment of any person thereto respectively, the Warrant for the Bill, in every such case, shall be countersigned by the President of the Board of Commissioners for the Affairs of *India*, and by no other person.

The King may grant certain pensions to Bishops of Madras or Bombay.

XCVI. And be it Enacted, That it shall and may be lawful for His Majesty, his Heirs and Successors, by Warrant under His Royal Sign Manual, countersigned by the Chancellor of the Exchequer for the time being, to grant to any such Bishop of *Madras* or *Bombay* respectively, who shall have exercised in the *British* territories aforesaid for Fifteen years the office of such Bishop, a pension not exceeding Eight hundred pounds *per annum*, to be paid quarterly by the said Company.

Respecting salary of Bishop of Madras or

XCVII. And be it Enacted, That in all cases when it shall happen the said person

person nominated and appointed to be Bishop of either of the said Bishopricks of *Madras* or *Bombay* shall depart this life within Six calendar months next after the day when he shall have arrived in *India* for the purpose of taking upon him the office of such Bishop, there shall be payable out of the Territorial Revenues from which the salary of such Bishop so dying shall be payable, to the legal personal Representatives of such Bishop, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such Bishop in respect of his Salary, make up the full amount of one year's Salary; and when and so often as it shall happen that any such Bishop shall depart this Life while in possession of such office, and after the expiration of Six calendar months from the time of his arrival in *India* for the purpose of taking upon him such office, then and in every such case there shall be payable out of the Territorial Revenues from which the Salary of the said Bishop so dying shall be payable, to his legal Personal Representatives, over and above what may have been due to him at the time of his death, a sum equal to the full amount of the salary of such Bishop for Six calendar months.

Bombay dying within six months after arrival;

Or after six months holding office in India.

XCVIII. And be it Enacted, That if it shall happen that either of the Bishops of *Madras* or *Bombay* shall be translated to the Bishoprick of *Calcutta*, the period of Residence of such person as Bishop of *Madras* or *Bombay* shall be accounted for and taken as a residence as Bishop of *Calcutta*; and if any person now an Archdeacon in the said Territories shall be appointed Bishop of *Madras* or *Bombay*, the period of his residence in *India* as such Archdeacon shall for all the purposes of this Act be accounted for and taken as a residence as such Bishop.

As to residence of Bishop of Madras or Bombay if translated to Calcutta.

XCIX. Provided also and be it Enacted, That if any person under the degree of a Bishop shall be appointed to either of the Bishopricks of *Calcutta*, *Madras*, or *Bombay*, who at the time of such Appointment shall be resident in *India*, then and in such case it shall and may be lawful for the Archbishop of *Canterbury*, when and as he shall be required so to do by His Majesty, by his Royal Letters-Patent under the Great Seal of the said United Kingdom, to issue a Commission under his hand and seal, to be directed to the two remaining Bishops, authorizing and charging them to perform all such requisite ceremonies for the consecration of the person so to be appointed to the degree and office of a Bishop.

As to consecration of any person under the degree of a Bishop, if resident in India, appointed to a Bishoprick.

C. And be it Enacted, That the expenses of Visitations to be made from time to time by the said Bishops of *Madras* and *Bombay* respectively, shall be paid, by the said Company out of the revenues of the said Territories:

Provision for expenses of visitations.

Provided

Provided, that no greater sum on account of such Visitations be at any time issued, than shall from time to time be defined and settled by the Court of Directors of the said Company, with the approbation of the Commissioners for the Affairs of *India*.

No Archdeacon in India to have a Salary exceeding 3,000 sicca rupees.

CI. And be it Enacted, That no Archdeacon hereafter to be appointed for the Archdeaconry of the Presidency of *Fort William* in *Bengal*, or the Archdeaconry of the Presidency of *Fort Saint George*, or the Archdeaconry of the Presidency and Island of *Bombay*, shall receive in respect of his Archdeaconry, any Salary exceeding Three thousand Sicca Rupees *per annum*: Provided always, that the whole expense incurred in respect of the said Bishops and Archdeacons shall not exceed One hundred and twenty thousand Sicca Rupees *per annum*.

Two Chaplains of the Church of Scotland to be on the establishment of each Presidency.

CII. And be it Enacted, That of the establishment of Chaplains maintained by the said Company at each of the Presidencies of the said Territories, Two Chaplains shall always be Ministers of the Church of *Scotland*, and shall have and enjoy from the said Company such Salary as shall from time to time be allotted to the Military Chaplains at the several Presidencies: Provided always, That the Ministers of the Church of *Scotland* to be appointed Chaplains at the said Presidencies as aforesaid, shall be ordained and inducted by the Presbytery of *Edinburgh*, according to the forms and solemnities used in the Church of *Scotland*, and shall be subject to the Spiritual and Ecclesiastical Jurisdiction, in all things, of the Presbytery of *Edinburgh*, whose judgments shall be subject to dissent, protest, and appeal to the Provincial Synod of *Lothian* and *Tweeddale*, and to the General Assembly of the Church of *Scotland*; Provided always, That nothing herein contained shall be so construed as to prevent the Governor General in Council from granting from time to time, with the sanction of the Court of Directors and of the Commissioners for the Affairs of *India*, to any sect, persuasion, or community of Christians not being of the United Church of *England* and *Ireland* or of the Church of *Scotland*, such sums of money as may be expedient for the purpose of Instruction or for the maintenance of Places of Worship.

The Governor General in Council annually to make a prospective estimate of the number of vacancies in Indian establishments.

CIII. And whereas it is expedient to provide for the due qualification of persons to be employed in the civil service of the said Company in the said territories, be it therefore Enacted, That the said Governor General of *India* in Council shall, as soon as may be after the First day of *January* in every year, make and transmit to the said Court of Directors a prospective estimate of the number of persons who, in the opinion of the said Governor General

in

in Council, will be necessary, in addition to those already in *India* or likely to return from *Europe*, to supply the expected Vacancies in the Civil Establishments of the respective Governments in *India*, in such one of the subsequent years as shall be fixed in the Rules and Regulations hereinafter mentioned; and it shall be lawful for the said Board of Commissioners to reduce such estimate, so that the reasons for such reduction be given to the said Court of Directors: And in the month of *June* in every year, if the said estimate shall have been then received by the said Board, and if not, then within One month after such estimate shall have been received, the said Board of Commissioners shall certify to the said Court of Directors what number of persons shall be nominated as Candidates for Admission, and what number of Students shall be admitted to the College of the said Company at *Haileybury*, in the then current year, but so that at least Four such Candidates, no one of whom shall be under the age of Seventeen or above the age of Twenty years, be nominated, and no more than One Student admitted for every such expected Vacancy in the said Civil Establishments, according to such Estimate or reduced Estimate as aforesaid: and it shall be lawful for the said Court of Directors to nominate such a number of Candidates for admission to the said College as shall be mentioned in the Certificate of the said Board; and if the said Court of Directors shall not, within One month after the receipt of such Certificate, nominate the whole number mentioned therein, it shall be lawful for the said Board of Commissioners to nominate so many as shall be necessary to supply the deficiency.

Board to certify what number of persons shall be candidates for admission to *Haileybury College*, and what number shall be admitted students.

CIV. And be it Enacted, That when and so often as any Vacancy shall happen in the number of Students in the said College, by death, expulsion, or resignation, it shall be lawful for the said Board of Commissioners to add, in respect of every such Vacancy, One to the number of Students to be admitted, and Four to the number of Candidates for admission to be nominated by the said Court, in the following year.

Additional students to be admitted to fill up vacancies.

CV. And be it Enacted, That the said Candidates for admission to the said College shall be subjected to an Examination in such branches of knowledge, and by such Examiners as the said Board shall direct, and shall be classed in a List to be prepared by the Examiners, and the Candidates whose names shall stand highest in such List shall be admitted by the said Court as Students in the said College, until the number to be admitted for that year, according to the Certificate of the said Board, be supplied.

The candidates for admission to be subjected to an examination and classed.

CVI. And be it further Enacted, That it shall be lawful for the said Board

The Board to frame

rules for the govern-
ment of the college
and the examination
and qualification of
candidates.

of Commissioners, and they are hereby required forthwith after the passing of this Act, to form such Rules, Regulations, and Provisions for the guidance of the said Governor General in Council in the formation of the Estimate herein before mentioned, and for the good Government of the said College, as in their judgment shall appear best adapted to secure fit Candidates for Admission into the same, and for the Examination and Qualifications of such Candidates, and of the Students of the said College, after they shall have completed their residence there, and for the appointment and remuneration of proper Examiners: and such Plan, Rules; and Regulations and Provisions respectively, shall be submitted to His Majesty in Council for his revision and approbation; and when the same shall have been so revised and approved by His Majesty in Council, the same shall not afterwards be altered or repealed, except by the said Board of Commissioners, with the approbation of His Majesty in Council.

Students to be ex-
amined and classed.

CVII. And be it Enacted, That at the expiration of such time as shall be fixed by such Rules, Regulations, and Provisions made as aforesaid, so many of the said Students as shall have a Certificate from the said College of good Conduct during the term of their residence therein, shall be subjected to an Examination in the studies prosecuted in the said College, and so many of the said Students as shall appear duly qualified, shall be classed according to merit in a List to be prepared by the Examiners; and shall be nominated to supply the Vacancies in the Civil Establishments in *India*, and have seniority therein according to their priority in the said List; and if there shall be at the same time Vacancies in the Establishments of more than one of the said Presidencies, the Students on the said List shall, according to such priority, have the right of electing to which of the said Establishments they will be appointed.

The Students
to supply the
vacancies in the
services according to
priority on the list,
and to choose their
Presidencies.

Sanction of Ap-
pointment of Pro-
fessors.

CVIII. And be it Enacted, That no appointment of any Professor or Teacher at the said College shall be valid or effectual until the same shall have been approved by the Board of Commissioners.

All powers of Court
of Directors to be
subject to the control
of the Board except
Patronage.

CIX. And be it Enacted, That every Power, Authority, and Function, by this or any other Act or Acts given to and vested in the said Court of Directors, shall be deemed and taken to be subject to such control of the said Board of Commissioners as in this Act is mentioned, unless there shall be something in the enactments conferring such powers, authorities, or functions, inconsistent with such construction, and except as to any Patronage or right of appointing to Office vested in or reserved to the said Court.

CX. Provided

CX. Provided always and be it Enacted, That nothing herein contained shall be construed to enable the said Board of Commissioners to give or cause to be given directions, ordering or authorizing the payment of any extraordinary Allowance or Gratuity, or the increase of any established Salary, Allowance, or Emolument, unless in the cases and subject to the provisions in, and subject to which such directions may now be given by the said Board, or to increase the sum now payable by the said Company on account of the said Board, except only by such Salaries or Allowances as shall be payable to the Officers to be appointed, as hereinbefore is mentioned, to attend upon the said Board during the winding up of the commercial business of the said Company.

Board of Control prohibited from directing the grant of allowances.

CXI. And be it Enacted, That whenever in this Act, or in any Act hereafter to be passed, the term *East-India* Company is or shall be used, it shall be held to apply to the United Company of Merchants of *England* trading to the *East-Indies*: and that the said United Company of Merchants of *England* trading to the *East-Indies* may, in all suits, proceedings, and transactions whatsoever, after the passing of this Act, be called by the name of the *East-India* Company.

The Company to be called the *East-India* Company.

CXII. And be it Enacted, That the Island of *Saint Helena*, and all Forts, Factories, Public Edifices, and hereditaments whatsoever in the said Island, and all Stores and Property thereon, fit or used for the service of the Government thereof, shall be vested in His Majesty, his Heirs and Successors: and the said Island shall be governed by such orders as His Majesty in Council shall from time to time issue in that behalf.

Saint Helena vested in the Crown.

CXIII. And be it further Enacted, That every Supercargo and other Civil Servant of the said Company, now employed by the said Company in the Factory at *Canton* or in the Island of *Saint Helena*, shall be capable of taking and holding any Office in any Presidency or Establishment of the said Territories which he would have been capable of taking and holding if he had been a Civil Servant in such Presidency or on such Establishment during the same time as he shall have been in the service of the said Company.

Servants of the Company in *China* and *St. Helena* to be eligible to Offices in any Presidency.

CXIV. And be it Enacted, That from and after the passing of this Act, all Enactments and Provisions directing the said Company to provide for keeping a Stock of Tea shall be repealed.

Repeal of Enactments for keeping a Stock of Tea.

CXV. And be it Enacted, That it shall be lawful for any Court of Justice established by His Majesty's Charters in the said Territories to approve, admit, and enrol Persons as Barristers, Advocates, and Attornies in such Court, without any License from the said Company, any thing in any such Charter contained

King's Courts authorized to admit Advocates and Attornies without the Company's License.

to the contrary notwithstanding: Provided always, that the being entitled to practise as an Advocate in the principal Courts of Scotland, is and shall be deemed and taken to be a qualification for admission as an Advocate in any Court in India, equal to that of having been called to the Bar in England or Ireland.

Accounts to be annually laid before Parliament.

CXVI. And be it further Enacted, That the Court of Directors of the said Company shall, within the first Fourteen sitting Days next after the First day of *May* in every year, lay before both Houses of Parliament, an Account made up according to the latest Advices which shall have been received, of the Annual Produce of the Revenues of the said Territories in *India*, distinguishing the same and the respective heads thereof at each of their several Presidencies or Settlements, and of all their Annual Receipts and Disbursements at Home and Abroad, distinguishing the same under the respective heads thereof, together with the latest Estimate of the same; and also the Amount of their Debts, with the Rates of Interest they respectively carry, and the annual Amount of such Interest, the State of their Effects and Credits at each Presidency or Settlement, and in *England* or elsewhere, according to the latest Advices which shall have been received thereof; and also a List of their several Establishments, and the Salaries and Allowances payable by the said Court of Directors in respect thereof; and the said Court of Directors, under the direction and control of the said Board of Commissioners, shall forthwith prepare Forms of the said Accounts and Estimates in such manner as to exhibit a complete and accurate View of the Financial Affairs of the said Company; and if any new or increased Salaries, Establishments or Pensions, shall have been granted or created within any year, the Particulars thereof shall be specially stated and explained at the foot of the Account of the said year.

Commencement of Act.

CXVII. And be it Enacted, That this Act shall commence and take effect from and after the passing thereof, so far as to authorize the appointment or prospective or provisional appointment of the Governor General of *India*, Governors, Members of Council, or other Officers, under the provisions herein contained, and so far as hereinbefore in that behalf mentioned, and as to all other matters and things, from and after the Twenty-second day of *April* next.

No. CLXXIV.

A BILL

As passed by the Honourable the House of Commons, and the Right Honourable the House of Lords, intituled "An Act to regulate the Trade to China and India."

WHEREAS the exclusive Right of trading with the Dominions of the Emperor of *China*, and of trading in Tea, now enjoyed by the United Company of Merchants of *England* trading to the *East-Indies*, will cease from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four: And whereas it is expedient that the Trade with *China*, and the Trade in Tea, should be open to all His Majesty's Subjects, and that the Restrictions imposed on the Trade of His Majesty's Subjects with Places beyond the *Cape of Good Hope* to the *Streights of Magellan*, for the Purpose of protecting the exclusive Rights of Trade heretofore enjoyed by the said Company, should be removed: 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 said Twenty-second Day of *April* One thousand eight hundred and thirty-four; an Act passed in the Fourth Year of the Reigu of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the Limits of the Charter of the East-India Company, and to make further Provisions with respect to such Trade, and to amend an Act of the present Session of Parliament, for the registering of Vessels so far as it relates to Vessels registered in India*, shall be repealed, except such Parts thereof as relate to *Asiatic* Sailors, *Lascars* being Natives of the Territories under the Government of the *East-India* Company, but so as not to revive any Acts or Parts of Acts by the said Act repealed; and except also as to such Voyages and Adventures as shall have been actually commenced under the Authority of the said Act; and except as to any Suits and Proceedings which may have been commenced, and shall be depending on the said Twenty-second Day of *April* One thousand eight hundred and thirty-four; and from and after the said Twenty-second Day of *April* One thousand eight hundred

Repeal of the Act 4
Geo. IV. c. 80, ex-
cept as herein men-
tioned.

hundred, and thirty four the Enactments herein-after contained shall come into operation.

Repeal of Prohibitions upon the Importation of Tea and Goods from China, imposed by 6 Geo. IV. c. 107, and 6 Geo. IV. c. 114.

II. And be it further Enacted, That so much of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the general Regulation of the Customs*, as prohibits the Importation of Tea, unless from the Place of its Growth, and by the *East-India* Company, and into the Port of *London*; and also so much of the said Act as prohibits the Importation into the United Kingdom of Goods from *China*, unless by the *East-India* Company, and into the Port of *London*; and also so much of the said Act as requires that the Manifests of Ships departing from Places in *China* shall be authenticated by the Chief Supercargo of the *East-India* Company; and also that so much of another Act passed in the said Sixth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to regulate the Trade of the British Possessions Abroad*, as prohibits the Importation of Tea into any of the *British* Possessions in *America*, and into the Island of *Mauritius*, except from the United Kingdom, or from some other *British* Possessions in *America*, and unless by the *East-India* Company or with their License, shall be, from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four, repealed; and thenceforth (notwithstanding any Provision, Enactment, Matter, or Thing made for the Purpose of protecting the exclusive Rights of Trade heretofore enjoyed by the said Company, in any Charter of the said Company, in the said Act or any other Act of Parliament contained) it shall be lawful for any of His Majesty's Subjects to carry on Trade with any Countries beyond the *Cape of Good Hope* to the *Streights of Magellan*.

All British Subjects may carry on Trade beyond the Cape of Good Hope to the Streights of Magellan.

List of Persons on board any Ship arriving in India to be delivered to Officers of Customs.

Penalty for neglect, £100.

III. Provided always and be it Enacted, That the Person having the Command of any Ship or Vessel arriving at any Place in the Possession of or under the Government of the said Company shall make out, sign, and deliver to the principal Officer of the Customs, or other Person thereunto lawfully authorized, a true and perfect List, specifying the Names, Capacities, and Description of all Persons who shall have been on board such Ship or Vessel at the Time of its Arrival; and if any Person having the Command of such Ship or Vessel shall not make out, sign, and deliver such List, he shall forfeit One 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 Part to the said Company; and if the said Company shall inform or sue for the same, then the Whole of the said Penalty shall belong to the said Company.

And

IV. And be it Enacted, That the Penalty or Forfeiture aforesaid shall be recoverable by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record in the United Kingdom of *Great Britain and Ireland*, and in *India* or elsewhere, or in any Courts in *India* to which Jurisdiction may hereafter be given by the Governor General of *India* in Council in that behalf, to be commenced in the County, Presidency, Colony, or Settlement where the Offender may happen to be; or by Conviction in a summary Way before Two Justices of the Peace in the United Kingdom, or in *India*, of the County or Presidency where such Offender may happen to be; and upon such Conviction the Penalty or Forfeiture aforesaid shall and may be levied by Distress and Sale of the Goods and Chattels of the Offender; and for Want of such sufficient Distress every such Offender may be committed to the Common Goal or House of Correction for the Space of Three Calendar Months.

Penalties how recoverable.

V. And whereas it is expedient for the Objects of Trade and amicable Intercourse with the Dominions of the Emperor of *China* that Provision be made for the Establishment of a *British* Authority in the said Dominions: be it therefore Enacted, That it shall and may be lawful for His Majesty, by any Commission or Commissions or Warrant or Warrants under His Royal Sign Manual, to appoint not exceeding Three of His Majesty's Subjects to be Superintendents of the Trade of His Majesty's Subjects to and from the said Dominions, for the Purpose of protecting and promoting such Trade, and by any such Commission or Warrant as aforesaid to settle such Gradation and Subordination among the said Superintendents (One of whom shall be styled the Chief Superintendent), and to appoint such Officers to assist them in the Execution of their Duties, and to grant such Salaries to such Superintendents and Officers, as His Majesty shall from Time to Time deem expedient.

Three Superintendents of the China Trade to be appointed.

VI. And be it Enacted, That it shall and may be lawful for His Majesty, by any such Order or Orders, Commission or Commissions, as to His Majesty in Council shall appear expedient and salutary, to give to the said Superintendents, or any of them, Powers and Authorities over and in respect of the Trade and Commerce of His Majesty's Subjects within any Part of the said Dominions; and to make and issue Directions and Regulations touching the said Trade and Commerce, and for the Government of His Majesty's Subjects within the said Dominions; and to impose Penalties, Forfeitures, or Imprisonments for the Breach of any such Directions or Regulations, to be enforced in such Manner as in the said Order or Orders shall be specified; and to create a Court of Justice with Criminal and Admiralty Jurisdiction for the Trial of

His Majesty in Council may issue Orders and Commissions to have force in *China*.

And issue Regulations touching the Trade;

and create a Court of Justice for trial of offences in that part.

Offences

Offences committed by His Majesty's Subjects within the said Dominions, and the Ports and Havens thereof, and on the High Seas within One hundred Miles of the Coast of *China*, and to appoint one of the Superintendents hereinbefore mentioned, to be the officer to hold such Court, and other Officers for executing the Process thereof; and to grant such Salaries to such Officers as to His Majesty in Council shall appear reasonable.

Superintendents, &c.
not to accept Gifts,
or to trade.

VII. And be it Enacted, That no Superintendent or Commissioner appointed under the Authority of this Act shall accept for or in discharge of his Duties any Gift, Donation, Gratuity, or Reward, other than the Salary which may be granted to him as aforesaid, or be engaged in any Trade or Traffic for his own Benefit, or for the Benefit of any other Person or Persons.

A Tonnage Duty to
be imposed, to be
appropriated to-
wards defraying the
Expense of Esta-
blishments in China.

VIII. And be it Enacted, That it shall be lawful for His Majesty, by and with the Advice of His Privy Council, by any Order or Orders to be issued from Time to Time, to impose, and to empower such Persons as His Majesty in Council shall think fit to collect and levy from or on account of any Ship or Vessel belonging to any of the Subjects of His Majesty entering any Port or Place where the said Superintendents or any of them shall be stationed, such Duty on Tonnage and Goods as shall from Time to Time be specified in such Order or Orders, not exceeding in respect of Tonnage the sum of Five shillings for every ton, and not exceeding in respect of goods the sum of Ten shillings for every One hundred Pounds of the value of the same; the Fund arising from the Collection of which Duties shall be appropriated, in such Manner as His Majesty in Council shall direct, towards defraying the Expenses of the Establishments by this Act authorized within the said Dominions: Provided always, that every Order in Council issued by Authority of this Act shall be published in the *London Gazette*, and that every such order in Council, and the amount of expense incurred, and of duties raised under this Act, shall be annually laid before both Houses of Parliament.

Limitation of
Actions.

IX. And be it Enacted, That if any Suit or Action shall be brought against any Person or Persons for any thing done in pursuance of this Act, then and in every such Case such Action or Suit shall be commenced or prosecuted within Six Months after the Fact committed, and not afterwards, except where the Cause of Action shall have arisen in any Place not within the Jurisdiction of any of His Majesty's Courts having Civil Jurisdiction, and then within Six Months after the Plaintiff or Plaintiffs and Defendant or Defendants shall have been within the Jurisdiction of any such Court; and the same and every such Action or Suit shall be brought in the County or Place where the Cause of Action shall

shall have arisen, and not elsewhere, except where the Cause of Action shall have arisen in any Place not within the Jurisdiction of any of His Majesty's Courts having Civil Jurisdiction; and the Defendant or Defendants shall be entitled to the like Notice, and shall have the like Privilege of tendering Amends to the Plaintiff or Plaintiffs, or their Agent or Attorney, as is provided in Actions brought against any Justice of the Peace for Acts done in the Execution of his Office by an Act passed in the Twenty-fourth Year of the Reign King George the Second, intituled *An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables, and others acting in obedience to their Warrants*; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give the special Matter in Evidence; and if the Matter or Thing complained of shall appear to have been done under the authority and in execution of this Act, or if any such Action or Suit shall be brought after the Time limited for bringing the same, or be brought and laid in any other County or Place than the same ought to have been brought or laid in as aforesaid, then the Jury shall find for the Defendant or Defendants; and if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue any Action after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgment shall be taken against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for Recovery thereof as any Defendant or Defendants hath or have in any Cases of Law.

24 Geo. II. c. 44.

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TO

THE INDIA BILL,

As passed by the Honourable the House of Commons and the Right Honourable the House of Lords, intituled "An Act for effecting an Arrangement with the East-India Company, and for the better Government of His Majesty's Indian Territories; till the Thirtieth Day of April One thousand eight hundred and fifty-four."

[28th August 1833.]

* * * The Roman Numerals refer to the numbers of the sections in the Act as it received the Royal Assent; the Arabic Figures to the pages of this Volume.

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As passed by the Honourable the House of Commons, and the Right Honourable the House of Lords, intituled "An Act to regulate the Trade to China and "India."

[28th August 1833.]

* The Roman Numerals refer to the numbers of the section in the Act as it received the Royal Assent; the Arabic Figures to the Pages of this Volume.

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Every order in council issued by authority of this act, and expenses incurred by establishments in China, and amount of duties raised to defray them, to be laid before . . (viii) 546

PERSONS ARRIVING in INDIA :

- 1. Commanders of vessels arriving at any place under government of Company, to deliver to officers of Customs a list of persons on board such vessels (iii) 544
- 2. Penalty for neglect £100 (iii) 544

PENALTIES :

- 1. Penalty of £100 for omitting to deliver list of persons on board vessels arriving in India, how to be recovered (iv) 545
- 2. May be imposed by his Majesty in Council for breach of regulations in China . . (vi) 545

PROHIBITIONS :

See TRADE.

R.**REGULATIONS :**

His Majesty may, by order in Council, make regulations touching trade and commerce of His Majesty's subjects in China . . (vi) 545

S.

SUPERINTENDENTS:

1. Expedient for objects of trade and amicable intercourse with China to establish a British authority there . . . (v) page 545
2. His Majesty may sign manual, appoint three Superintendents of British trade in China, to protect and promote such trade . . . (v) 545
3. One to be chief Superintendent . . . (v) 545
4. His Majesty may appoint officers to assist them . . . (v) 545
5. And grant salaries . . . (v) 545
6. And may, by order in council, give powers to Superintendents over such trade . . . (vi) 545
7. King in Council may appoint one of them to be the officer to hold court of justice created by his Majesty in China, (vi) 545
8. No Superintendent to accept any gratuity, other than salary, or engage in trade, (vii) 546

T.

TEA:

See CHINA TRADE.

TONNAGE DUTY in CHINA:

See DUTIES.

TRADE with INDIA and CHINA:

1. Company's, exclusive, right to trade with China and in tea ceases after 22d April 1834 . . . (i) 543
2. Expedient that the trade with India and China

- should be open to all His Majesty's subjects, and that restrictions on their trading with places beyond the Cape to the Straights of Magellan should be removed, (i) page 543
3. From 22d April 1834, act of 4 Geo. IV. c. 80., repealed . . . (i) 543
4. Except as to Asiatic sailors, natives of British India (so as not to revive acts repealed) . . . (i) 543
5. And as to voyages actually commenced under authority of this act . . . (i) 543
6. And as to suits depending on 22d April 1834 . . . (ii) 543
7. Provisions in 6 Geo. IV. cc. 107 and 114, prohibiting importation of tea unless from place of its growth, and by the Company, and into London; and prohibiting the importation of China goods, unless by Company, and into London; and requiring manifests of ships from China to be authenticated by Company's supra-cargo, and prohibiting importation of tea into British America or Mauritius, except from United Kingdom or British America, and unless by the Company or with their license, repealed after 22d April 1834 . . . (ii) 544
8. All British subjects may after that date carry on trade with any countries beyond the Cape of Good Hope to the Straights of Magellan . . . (ii) 544

SUPERINTENDENTS OF CHINA TRADE.

See SUPERINTENDENTS.

THE END.