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T H E L A W

RELATING TO

INDIA,

AND

THE EAST-INDIA COMPANY.

T H E L A W

RELATING TO

I N D I A,

AND

T H E E A S T - I N D I A C O M P A N Y ;

WITH

N O T E S A N D A N A P P E N D I X .

F O U R T H E D I T I O N .



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W M . H . A L L E N & C O . , L E A D E N H A L L S T R E E T .

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PREFACE TO THE FOURTH EDITION.

IN presenting to public notice another edition of “The Law relating to India and the East-India Company,” the duty of the Editor is brief and gratifying. He has only to announce that, with regard to the enactments of the British Parliament, the corrections have been brought down to the end of the last Session; that the Acts of the Government of India to the latest period to which they have been received have been examined, and where required by the object of the work inserted; and that with a very grateful sense of the liberal patronage with which he has been honoured, and the indulgence with which his labours have been received, he commits to the press the results of a very patient and careful revision of his work, in the hope that the present will not be less fortunate than preceding editions in securing the approbation of those for whose use the publication is intended.

London, December, 1842.

PREFACE TO THE THIRD EDITION.

THE Third Edition of this volume has been corrected to the end of the First Session of the Second Parliament of Her present Majesty. It comprehends the new By-Law, substituting a Declaration for the Oath, Affidavit, or Affirmation, formerly required to be made by Proprietors of East-India Stock, at any Election of Directors or Ballot; and a continuation of the Acts of the Government of India (as far as required by the object of the work) to the latest period to which they have been received. The nature and intent of the work having already been sufficiently explained, little remains for the Editor but to express his gratitude for the encouragement which he has received to continue his labour.

While, however, in this country the work has been honoured with a degree of approbation, for which the Editor could scarcely have permitted himself to hope, some remarks of a contrary tendency have been made in India, and to these he feels called upon to offer some reply. They occur in the Preface to a publication entitled "The Rules of the Supreme Court of Judicature at Fort William in Bengal, and the Court for the Relief of Insolvent Debtors. Edited by W. H. Smoult and E. B. Ryan, Esqrs." The

writer of these remarks observes, indeed, that it “is evident that great labour and industry have been bestowed upon the work;” but he complains that all notice is omitted of the Charters granted by the Crown in 1726 and 1753, under which Courts of Justice were erected at the Company’s principal Settlements, and that subsequent Charters of similar character are only casually referred to. The latter part of the objection does not apply to the Second Edition of this Volume, which the writer of the remarks had not seen. In answer to the former, it is only necessary to state, that the Charter of 1726 was devoted solely to the creation of certain Courts of Justice which have long since been superseded, and that the Charter itself was surrendered on the grant of the subsequent Charter of 1753. The main object of this Charter was the same with that of the former, and so far it is now inoperative. It is true, as stated, that it “contains other provisions affecting the Company only, and confirms some of their most extensive powers, which to this day are in full force; and of vast importance to their political existence, though their commercial character is gone; namely, the power to appoint Generals, to raise and maintain standing Forces, Seamen, and Ships of defence, and to repel Invasions,” &c.* But these powers were not then first conveyed. By the Charter of William the Third, the Company were empowered to “name and appoint Governors and Officers from time to time, in and for” their “Forts, Factories, and Plantations;” which “Governors and Officers,” it is declared, “shall and may, according to the direction of the said Company, raise, train, and muster such Military Forces as shall or may be necessary for the defence of the said Forts, Places, and Plantations.” How far these powers were confirmed or modified by the Charter of Justice of 1753, is a question rather of curious inquiry than practical importance; and it is certain, that their exercise has since been subjected to regulation in various respects by Act of Parliament.

* Preface, page xxiv.

The reason for retaining in force those provisions of the Charter of 1753, when the remainder was about to be abrogated, is obvious. To rescind them might have seemed to imply an intention of diminishing the powers of the Company for war and defence; which, although those powers would not, in fact, have been affected, it was desirable to avoid. On these grounds, it is submitted, that the omission complained of affords no just cause of objection.

Three other grounds of complaint are alleged. First, that the work “contains, for the most part, certain sections only of the statutes relating to India and the East-India Company, omitting repealed or altered sections.” This is inaccurately, although it is hoped not uncandidly, stated. By the plan of the work repealed sections are excluded, but sections merely altered are retained, accompanied by a note pointing out the alterations. The second ground of complaint is, the omission of “some of the statutes given in former collections, and forming part of the law [introduced by the Charter of 1726 and]* still in force.” The bearing of this objection is not perfectly clear. All, therefore, that can be said in answer is, that no statutes or parts of statutes still in force have been knowingly omitted, and that the object of the work was not to exhibit the history of the law, but to afford a view of its present state. The third of this series of objections is, that the collection contains statutes not peculiarly or specially affecting the East-India Company. This is undoubtedly true; and if the Editor has erred in giving too much, he must rest his defence upon his desire to render the work practically and generally useful to those for whom it was intended.

The liberal reception of the work in this country has already been noticed; but the Editor feels too deeply on the subject to refrain from recurring to it. In avowing his gratitude, more especially to those members of the various branches of the legal profession to whom he stands indebted, he feels bound

* The brackets are contained in the original, and copied into the quotation.

expressly to advert to the generous interest taken by Edward Lawford, Esq., Solicitor to the East-India Company, both in the improvement and success of the compilation. The extensive practical knowledge of the subject possessed by that gentleman, the result of long experience and of the unremitting application of a vigorous mind, gives a peculiar value to his approbation; and the flattering opinion which he has expressed of the work is one of the most gratifying circumstances accompanying its completion.

London, January, 1842.

PREFACE TO THE SECOND EDITION.

THE Second Edition of this work has been undertaken under circumstances to which it will be proper briefly to refer.

At the General Court of Proprietors of East-India Stock, held on the 17th of June last, the work was noticed in terms of warm commendation, and several Members of the Court having expressed a wish that copies should be supplied to the Proprietors, the Chairman intimated that measures would be taken for the purpose. The Court of Directors, with the concurrence of the President of the Board of Commissioners for the Affairs of India, having thereupon been pleased to extend their approbation to the design, the present revised and enlarged edition of the work was forthwith commenced. The greatest care has been taken to render it not altogether unworthy of the distinguished favour which it has obtained. Every part of the work has been carefully examined with a view to the total exclusion of error; many new notes have been introduced; the Acts of the British Parliament are brought down to the close of the last Session, and those of the Government of India to the latest period to which they have been received. Many other additions have been made, tending greatly to increase the value of the work. Among the more important may be mentioned the introduction, at the suggestion of an influential Proprietor, of the By-Laws of the Company. It will also be observed, that the Statutes affecting the Queen's Courts in India, and the

Ecclesiastical Establishment in that country, are now illustrated by the insertion of the necessary portions of various Letters Patent from the Crown, under which their respective authorities are exercised.

The practical utility of a work like the present must greatly depend upon the facilities of reference which it offers. Under this impression, a new Index has been prepared for the present Edition, which, whether in regard to accuracy, copiousness, or convenient arrangement, will, it is confidently hoped, be found entirely satisfactory to all who may have occasion to consult the work.

London, 9th December, 1840

PREFACE TO THE FIRST EDITION.

THE present work was undertaken from a conviction, the result of experience, of the necessity of such a publication.

The laws affecting India and the East-India Company are dispersed through more than a hundred volumes of the Statutes: they are to be found, in some cases, in entire Acts of Parliament of great length, especially devoted to the subjects; in others, in scattered provisions, surrounded by enactments applying to objects and interests totally unconnected with India. A very large portion of what once was law has ceased to be so, either from having been directly repealed, or being substantially at variance with subsequent Acts of the Legislature. Of that which still remains in force, much has been limited, extended, and in various respects, modified by later provisions. No one, therefore, referring to any one enactment relating to the point upon which he sought information, could rely upon that which he found until he had collated the provision before him with all others existing on the subject, and from a comparison of the whole deduced the present state of the law.

Many years have elapsed since any collection of the laws relating to the East-India Company appeared, and in the period that has succeeded since the publication of the latest work on the subject, changes greater and more important than any which the Company had previously experienced, have taken place. On this account, little assistance could be derived from preceding works in preparing the present. A careful search throughout the whole of the Statutes was indispensable, as well as a careful comparison of such parts as bore on the subject. The time, labour, and thought, demanded by the task, were great, and the duties imposed by the undertaking were not unfrequently of considerable delicacy. Its execution, however, will, it is

hoped, afford what was previously wanting—a guide to the state of the Law relating to India and the East-India Company. The necessity of seeking through the Statutes at large for the various provisions on any subject will be removed, and the inquirer will here find the entire law presented to his view. A reference to the Index will afford a direction to every Act and Section relating to any given point, while the illustrative notes which are attached to the more important enactments will answer the purpose of a Digest of the Law upon the subjects to which they relate. A few of the more recent Acts of the Government of India, to which the opportunity of reference might be desirable, have been placed in an Appendix.

After adverting to the magnitude of the labour necessary to the completion of this volume, it would be unjust to refrain from noticing the means by which that labour has been lightened and its ends facilitated. Access has been afforded to a series of valuable legal opinions given by Mr. Lawford, Solicitor to the East-India Company, and by their present and former standing Counsel; as well as by other distinguished members of the profession, some of whom now occupy the highest judicial stations in her Majesty's Courts at Westminster.

The assistance afforded by Mr. Melvill, the Secretary of the East-India Company, calls for distinct and grateful acknowledgment. The interest which he has taken in the progress of the work, and the valuable suggestions made by him for its improvement, have greatly added to its comprehensiveness and utility.

Under these circumstances the work is submitted, in full confidence that, upon all material points, entire reliance may be placed on its accuracy and completeness.

London, 9th March, 1840.

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- BRITISH SUBJECTS, residing in the Company's possessions amenable to the Courts of Justice therein; and such who reside in the Company's possessions on the coast of Coromandel, in the Carnatic, in the five Northern Circars, including the parts thereof in Orissa, the dominions of the Soubah of the Deccan, the Nabob of Arcot, or the Rajah of Tanjore, to be subject to the Courts of Oyer, &c., Supreme Court at Madras, &c.
- 26 G. 3, c. 57, s. 29 & 30 72
- appointed to collect, manage, control, &c. rents, duties, or revenues, belonging to the Company; to take oath before acting, not to receive any presents, &c., and to render a just account of all monies received. British subjects in the King's or Company's services receiving or demanding presents &c., deemed extortion, and to be punished as a misdemeanor.
- 33 G. 3, c. 52, s. 61 to 64 99, 100
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- Not to be concerned in the inland trade in salt, beetle-nut, tobacco, or rice, except on account of or with the Company's permission, on pain of forfeiture of goods and treble the value thereof; one moiety to the Company, and one to party suing s. 137 104
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— not to have any jurisdiction in any matter concerning the revenue s. 8	49
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—	Each of the Puisne Judges there	...	1,000	53 G. 3, c. 155, s. 89	185
—	Bishop of Madras	500	3 & 4 W. 4, c. 85, s. 91	432
—	Archdeacon of Madras	... ..	500	53 G. 3, c. 155, s. 89	185
—	Governor of Bombay	... ..	2,500	...	<i>ib.</i>
				3 & 4 W. 4, c. 85, s. 76	428
—	Each Member of Council there	...	1,000	53 G. 3, c. 155, s. 89	185
—	Commander-in-chief there	... ..	1,500	...	<i>ib.</i>
—	Chief Justice of the Supreme Court there	...	1,200	4 G. 4, c. 71, s. 12	244
—	Each of the Puisne Judges there	...	1,000	...	<i>ib.</i>
—	Bishop of Bombay	... ..	500	3 & 4 W. 4, c. 85, s. 91	432
—	Archdeacon	... ..	500	53 G. 3, c. 155, s. 89	185
—	Governor of Agra	... ..	2,500	3 & 4 W. 4, c. 85, s. 76	428
—	Governor of Prince of Wales' Island	...	1,200	53 G. 3, c. 155, s. 89	185
—	Recorder there	... ..	1,000	...	<i>ib.</i>
					<i>ib.</i>
PATRONAGE.	Directors, with the approbation of the Board, from time to time to make regulations for the division and distribution of the patronage and power of nomination of and to the offices, commands, and employments in India among the Governor-general in Council, Governor-general, Governors in Council, Governors, Commander-in-chief, and other commanding officers appointed or to be appointed under this Act				
				3 & 4 W. 4, c. 85, s. 78	429
	(See Appointments.)				
—	Abuse of (<i>see</i> Sale and Brokerage of Offices).				
PEACE	(<i>see</i> War, Peace, &c.)				
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				33 G. 3, c. 52, s. 125	102
	(<i>See also</i> By-Law)	c. 9, s. 3	655
—	All grants to be subject to the Board of Control	3 & 4 W. 4, c. 85, s. 25	415
—	Competent yearly sum, out of revenues of India, may be applied for the use of Chief Justice or Judge returning to Europe	...	...	37 G. 3, c. 142, s. 2	120
—	And although he shall not return to Europe; payment to cease on re-appointment to any such judicial office	...	...	55 G. 3, c. 84, s. 8	207
—	To Chief Justice and Judges of Supreme Courts in India, granted previously to passing of 4 G. 4, c. 71, or to be subsequently granted, in favour of persons then exercising office, not affected by provisions of this Act	...	...	4 G. 4, c. 71, s. 18	245
—	to Chief Justice, Judges, or Recorder of Prince of Wales' Island, not to be granted till after five years' residence	...	...	6 G. 4, c. 85, s. 7	266
—	to Chief Justice of Calcutta, who has served seven years, partly as Judge or Chief Justice, £1,000 per annum; seven to ten years, £1,300; above ten years, £2,000 per annum	...	...	...	s. 8
—	to Chief Justices of Madras and Bombay, under same limitations, of £800, £1,000, and £1,600 per annum	s. 9
					<i>ib.</i>

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— Governments of India not to authorize residence without lawful authority; but for extraordinary causes, to be entered upon minutes, may grant special licence until pleasure of Court of Directors known ... s. 37	<i>ib.</i>
— On information exhibited by Advocate-general, or other principal law officer of the Company, that any subject of the Crown not licensed or duly authorized, has been found within its jurisdiction, Court may order such person to be arrested and brought before it, and upon non-production or want of proof of licence or authority, or if upon production of such licence or proof it shall appear that his residence, resort, or remaining, comes not within its true intent and meaning, Court may summarily convict, inflict fine, not exceeding two thousand rupees, and commit offender to gaol for period not exceeding two months, unless the fine shall be sooner paid; on second conviction, before same or any other Court, offender may be fined not exceeding four thousand rupees, and committed for a term not exceeding four months, unless fine sooner paid; not to affect other enactments making unlawful residence a misdemeanor, or subjecting offender to be sent home; but no persons convicted as above to be prosecuted for misdemeanor, or sent home in respect of residence previously to such conviction ... s. 101	190
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- (*See also* Acts of Government of India, Nos. VIII., XI., and XXIV. of 1836 in Appendix.)
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- (other than appeal) in any Court until attested copy of certificate be filed in such Court, or an affidavit accounting satisfactorily for not-filing it. Unauthorized residence to subject party to be non-suited 53 G. 3, c. 155, s. 108 195
- Governor-general in Council, or Governor in Council, or chief officer of any Presidency, or place subordinate to any Presidency, may give notice to any person not being a Native of any part of the British territories, within the limits of the Charter, other than natural-born subjects of the Crown, lawfully resorting to, or residing in India, to remove from the Presidency, or from all or any part of the British territories in India within a time to be limited. In default of obedience, such person may be apprehended and brought before Court of civil or criminal judicature, and it being proved on oath of credible witnesses, to the satisfaction of the Court, that such person is an alien and subject of a foreign state, together with service of notice, such person, unless proving the contrary, for which time shall be allowed, shall be remanded into custody of Governor-general, Governor or chief officer, to be removed either to his own country, or if he be unwilling to return there, to such other place as shall be determined, and to be detained in custody until removed; any person thus removed, returning without permission, may be apprehended and detained until discharged on such terms and conditions as Government shall decree sufficient 55 G. 3, c. 84, s. 6 206
- Warrant or authority for apprehension, detention, or removal, may be carried into effect, although person in custody, or delivered to bail, or in execution on civil process; and notwithstanding any licence, privilege, or protection—no British subject, nor Native of British territories within limits of the Charter, to be so removed—no law under which the resort of British subjects to India as settlers permitted or restrained to be affected hereby; no subject of any foreign power to be apprehended, detained, or removed in any way inconsistent with any treaty s. 7 207
- Any natural-born subjects of the Crown may proceed by sea to any port or place in British India having a Custom-house establishment, and pass through and reside in such parts as were under government of Company on 1st January, 1800, in any part of the country ceded by the Nabob of the Carnatic, of the province of Cuttack, and of the settlements of Singapore and Malacca, without licence; but if not Natives, and arriving from any port or place beyond the territories of the Company, are to make known in writing their names, places of destination, and objects of pursuit, to the chief officer of Customs, or other officer appointed for the purpose; none but servants of Company, and others lawfully authorized, to enter by land, nor to proceed to or reside in any parts but those above mentioned, without licence from the Board or Court of Directors, or the Governor-general in Council, or Governor in Council of one of the Presidencies; but no licence to be revoked, except in accordance with the terms of such licence. Governor-general in Council, with previous

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— Commander of ship or vessel arriving at any place under the Government of the Company, to make out, sign, and deliver to the principal officer of Customs, or other person duly authorized, a list of names, capacities, and descriptions of all persons who shall have been on board of such ship at time of arrival; penalty for neglect £100, half to informer, half to Company, or if Company informs, whole to Company; to be recoverable in his Majesty's Courts of Record in Great Britain, Ireland, India, or elsewhere, or in any Court in India to which Governor-general in Council may give jurisdiction, or by summary conviction before two Justices of the Peace in the United Kingdom or in India; penalty may be levied by distress and sale of goods, and for want of sufficient distress, offender may be committed to gaol for three months	
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— Company empowered to increase their capital stock by an addition of £1,000,000; and provision granted to receive subscriptions for the increased amount at the rate of £170 per cent. 29 <i>G.</i> 3, c. 65 76
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— Company empowered to enlarge their capital stock by £2,000,000	37 <i>G.</i> 3, c. 31 117

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- (No increase took place under Act 37 G. 3, c. 31, and the Company were permitted by 47 G. 3, c. 41, to raise the required sum on bond; *see note, page 411.*)
- Court of Equity may order transfer of stock, or payment of dividends to parties in a suit, and issue injunction to restrain transfer or payment, although Company not party to suit; certificate signed by proper officer, stating amount of stock or dividend, and in whose name standing, and (if required, but not otherwise) when any part of it was transferred, to be delivered on due application, for which payment of 2s. 6d. shall be made; Act not to extend to any case where any further discovery is wanted, nor to any case in which Company claim an interest, but in such cases Company to be made party to suit; if special matter shall arise which may affect interests of Company, or which may be objected against any such transfer or payment; it may be stated by motion or petition, and process to be suspended until final order; in suits previously depending, when Company may have put in answer not claiming any interest, no further proceedings to be had against them, as party and costs may be taxed, subject to further orders as to final payment
39 & 40 G. 3, c. 36, s. 1 to 4 131—133
- Stock taken by direction of the Court of Exchequer, or Lord Chief Baron, to be in name of Accountant-general, and the particular trust to be specified in the security; on death or resignation of Accountant-general, property to vest in his successor; when money is ordered by Court of Exchequer to be invested, the security shall be specified; if East-India stock, it shall be transferred into name of Accountant-general, transfer to contain an entry or declaration of trust in the books, and Accountant-general shall take a certificate from the proper officer of the Company for delivering to the Bank; one of the cashiers of the Bank to receive interests and dividends; when Court order sale or transfer of stock, a certificate of the decree or order, to be signed by the clerk of the reports, shall be delivered to the proper officer of the Company, which shall be a sufficient authority for the transfer. If Accountant-general incapacitated from acting, Court may direct the other Master of the Court, either generally or specially, to perform his duties. Forgery of handwriting of Accountant-general, or other officers of Court of Exchequer, or of cashier of Bank, or of any officer of Company, body politic or corporation, whom it may concern, punishable by law 1 G. 4, c. 35 222—228
- Stock of any public Company standing in the name of trustee becoming bankrupt, Lord Chancellor may order to be conveyed to other persons on the same trusts, or such of them as may be then subsisting, and profits, interests, dividends, &c., to be paid over as the Lord Chancellor shall direct 6 G. 4, c. 16, s. 79 259
- Stock in which bankrupt is beneficially interested, Commissioners may order to be transferred to assignees, and dividends to be paid to them, which order shall be an indemnification for such transfer and payment s. 80 *ib.*

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— When standing in name of an infant beneficially entitled thereto, Lord Chancellor may direct dividends to be paid to any person for benefit of infant; the person to whom payment is directed to be made being named in the order, and the receipt of such person to be effectual 11 G. 4 & 1 W. 4, c. 65, s. 32	353
— Where standing in name of, or vested in person of lunatic, or of Committee of estate of lunatic; Lord Chancellor may direct such person as he may appoint to transfer stock into name of new Committee, or of Accountant-general of Court or otherwise, and to receive and pay over dividends, such transfer and payments to be valid ... s. 33 & 34	353, 354
— Powers given to Court of Chancery and Lord Chancellor of England to extend to all his Majesty's dominions except Scotland, and may be exercised by Lord Keeper, or Commissioners of Great Seal s. 36, 39, 42	354
— Power given to Court of Chancery by this Act may be exercised by Court of Exchequer s. 37	<i>ib.</i>
— In all orders for transfer of stock, the person to be named shall be some Officer of the Company in whose books such transfer shall be made s. 43	355
— Act to be an indemnity and discharge to all Companies, their officers, and servants s. 44	<i>ib.</i>
— Forgery (<i>see</i> Forgery).	
— Court of Chancery may summarily restrain Bank of England or other public Company from permitting the transfer of stock or from paying dividends thereon 5 V. c. 5, s. 4	525
— Writ of Distringas to be issued from the Court of Chancery, according to the form in the first schedule to Act, instead of the Writ of Distringas heretofore issued from Court of Exchequer s. 5	526
— Stock &c. in the name of the Accountant-General of the Court of Exchequer to be transferred into the name of the Accountant-General of the Court of Chancery, to be applied to such purposes as the same were respectively applicable to, unless otherwise directed by Act; transfer to be made by Officers of Bank or Company s. 7	<i>ib.</i>
— Accountant-General of the Court of Exchequer to make up accounts with Accountant-General of Court of Chancery of all stock, &c., standing in the name of the former s. 8	527
— Dividend of £10. 10s. per cent. per annum on the existing amount of capital stock to be paid out of Indian revenues; to be payable half-yearly, on 6th January and 6th July ... 3 & 4 W. 4, c. 85, s. 11	411
— Dividend to be redeemable by Parliament after 30th April, 1874, at the rate of £200 per cent., together with proportionable part of dividend if redemption take place, except on one of the half-yearly days of payment; twelve months' notice in writing to be given by the Speaker of the House of Commons of the intention to redeem; if Company cease to retain territory and government after 30th April, 1854, they may within one year thereafter demand the redemption of the dividend,	

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and provision for the redemption at the above rate shall be made within three years 3 & 4 W. 4, c. 85, s. 12 & 13	412
— Security for redemption of dividend (<i>see</i> Security Fund).	
— Dividend to be paid in preference to all other charges payable in Great Britain s. 17	413
— Stock belonging to an insolvent debtor, standing in his own name, may be charged by order of a Judge with the payment of the amount for which judgment may have been entered up in any of her Majesty's Superior Courts at Westminster; order of Judge to be made in first instance <i>ex parte</i> , and on notice to Company, to operate as a <i>distringas</i> 1 & 2 V. c. 110, s. 14 & 15	475
— Court for Relief of Insolvent Debtors may order transfer to assignee of insolvent, of stock standing in his name in his own right ... s. 54	476
3 & 4 V. c. 107, s. 42	521
— Provisions of Act 1 & 2 V. c. 110, as to property of judgment debtors, extended to the interest of such debtor in stock, whether in possession, remainder, or reversion, and whether vested or contingent 3 & 4 V. c. 82	509
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SUDDER AMEENS. From 31st March, 1836, no person incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, by reason of place of birth or descent; liability of British-born subjects of the Crown, or their descendants, who shall be appointed Principal Sudder Ameens, Sudder Ameens, or Moonsiffs, and the tribunals to which they are amenable (Regulation Government of India, No. VIII. of 1836, in Appendix.)	660
— Native Judicial functionaries at Madras and Bombay to be in future called Principal Sudder Ameens, Sudder Ameens, and Moonsiffs; from 1 Nov. 1836, no person incapable of being appointed by reason of place of birth or descent; no person to be exempt in any civil proceeding from the jurisdiction of the Assistant Judges under Bombay Presidency (Act of Government of India, No. XXIV. of 1836, in Appendix).	663
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— register of average prices of, to be kept by clerk of Grocers' Company s. 3	<i>ib.</i>
— penalties on clerk and broker for neglect of duty ... s. 4, 5	343, 344
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SUPERANNUATION allowances to officers of the Board of Control. His Majesty may grant allowances, compensations, remunerations to officers of the Board, in conformity with 50 G. 3, c. 117, s. 12, to be paid by the Company; previous service under the Company to be reckoned in computing period of service 53 G. 3, c. 155, s. 91 & 92	186
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— to officers of Company in England disqualified by age or infirmity may be granted by Court of Directors; to any officer under sixty years of age disabled by age or infirmity, and having served ten years, any annual sum not exceeding one-third of his salary and allowed emoluments; above ten years and less than twenty, one-half; above twenty years, two-thirds; an officer above sixty years having served fifteen years (without proof of infirmity) two-thirds; sixty-five years of age and having served forty years, three-fourths; sixty-five years of age, and having served fifty years, the whole ...	53 G. 3, c. 155, s. 93 18
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	7 G. 3, c. 57, s. 1 & 2 2
— Period extended to 1st February, 1774, on payment of a like annual sum during such extended period ...	9 G. 3, c. 24, s. 1 & 2 2
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— Debt of £1,400,000 having been repaid, the period extended till 5th April, 1780 ...	19 G. 3, c. 61, s. 1 4
— to remain with the Company till 5th April, 1781	20 G. 3, c. 56, s. 1 4
— Secured to the Company till three years' notice after 1st March, 1791	21 G. 3, c. 65, s. 8 4
— Further continued till 1st March, 1814 ...	33 G. 3, c. 52, s. 1 7
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— Subject to certain priorities of charge, revenues to be applied to service of Government, and to defraying charges sanctioned by Act ... <i>s. 17</i> (See also Security Fund and Stock.)	<i>ib.</i>
TRADE. No Governor-general, Governor, or Member of Council, nor any person engaged in the collection of revenues, or administration of justice in Bengal, Behar, or Orissa, nor their agents nor servants, nor any person in trust for them, nor any Judge of the Supreme Court of Judicature, to be concerned in trade ... 33 <i>G. 3, c. 52, s. 137</i>	104
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— Trading by Governor-general, Governor, or Member of Council, for his own benefit or that of any other person, a misdemeanor ... 3 & 4 <i>W. 4, c. 85, s. 76</i>	428
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— Board to appoint officers to attend them during winding up of Company's commercial business <i>ib.</i>	<i>ib.</i>
— EXTERNAL. Vessels of countries in amity with the British Crown may import into, and export from, British possessions in India, such goods as may be permitted by the Court of Directors, who are to frame regulations for the trade. No vessel as above to be liable to seizure, confiscation, or forfeiture, for carrying on trade in conformity with regulations. Directors not to frame regulations inconsistent with treaties or Acts of Parliament which have been passed ... 37 <i>G. 3, c. 117, s. 1</i>	118
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VAGRANCY.	Asiatic sailors convicted of vagrancy may be shipped on board any vessel bound to the place from which they were brought, the commander of which vessel may be willing to take charge of them, at the expense of the person liable under the rules, or of any other person willing to defray it 4 G. 4, c. 80, s. 31	248
—	If Asiatic sailors, Natives of the territories within the limits of the Charter, and brought into the United Kingdom on board any ship, not being a ship of war in the service of the Crown, be found in the streets in distress, Company to afford relief, and advance money for their passage home, to be recovered with costs of suit in any Courts of the United Kingdom, or in the East-Indies, if the owners shall reside there s. 34	249
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WAR, PEACE, TREATIES, AND NEGOTIATIONS. Board of Commissioners may send orders relating to levying war or making peace, or treating or negotiating with any of the Native Princes or States of India, to the Secret Committee, who, without disclosure, shall transmit them as directed—obedience to be paid thereto 33 G. 3, c. 52, s. 19 84
— Directions concerning the levying of war, making of peace, or treaties, or negotiation with any Native Princes or States of India, or any other Princes or States, or touching the policy to be observed with respect to such Princes or States, may be sent through the Secret Committee to any of the Governments or Presidencies of India, or to any officers or servants of the Company, who are required to pay obedience thereto	3 & 4 W. 4, c. 85, s. 36 418
— The Governor-general and Council of Fort William not to declare war, nor commence hostilities, nor enter into any treaty for making war, nor guaranteeing possessions (except hostilities be commenced or in preparation against the British nation, its dependants or allies) without authority of the Court of Directors or Secret Committee; nor to declare war, commence hostilities, nor enter into treaty for the purpose against any Prince or State not actually committing hostilities, or making preparations for committing them; not to guarantee possessions of Prince or State, but upon consideration of receiving actual assistance against hostilities; and in all cases of hostilities commenced or treaty made, communication to be made to the Court of Directors or Secret Committee by the most expeditious means, with full information and motives and reasons at large ...	... 33 G. 3, c. 52, s. 42 92
— The subordinate Governments not to make war, or peace, nor conclude a treaty, except in cases of emergency or danger, but under orders from the Governor-general in Council of Fort William, or Court of Directors, or Secret Committee; every treaty, if possible, to contain a clause subjecting it to ratification or rejection, by Governor-general in Council of Fort William; to obey orders of Governor-general in Council concerning such matters; in case of refusal or neglect, Governors, Councillors, and other-officers to be liable to be removed or suspended by	

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Governor-general in Council, and sent to England, and to be subject to the further pains and penalties as shall be provided by law ?

33 G. 3, c. 52, s.

- On difference of opinion between Governor-general and Council, or between Governor and Council, on measures proposed, whereby the safety, tranquillity, or interests of British possessions in India may in their judgment be essentially affected, power given to Governor-general Governor to act without Council s. 47 & 51

3 & 4 W. 4, c. 85, s.

(See Governments, India, generally, also Governor-general & Council of India.)

WIDOWS AND CHILDREN OF REDUCED COMMERCIAL OFFICERS (*see* Compensation WILL 9 G. 4, c. 74, s. 32 & 94 to 96

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WITNESSES IN INDIA (*see* Courts of Judicature, Criminal Justice in India, Mandar and Parliament).

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WRITERS. No more to be sent out than necessary 33 G. 3, c. 52, s.

— None to be sent out under fifteen years of age s.

— Nor above twenty-three years 7 W. 4 & 1 V. c. 70, s.

— No person to be appointed a Writer except after due entry and residence at the Company's College in England according to the rules, and on production of a certificate from the Principal 53 G. 3, c. 155, s.

— Students having resided at College the number of terms prescribed by rules to be framed by the Board, and producing certificate of conformity to the rules under the hand of the Principal, may be appointed Writers

1 & 2 V. c. 22, s.

— All Writers sent out between 10th April, 1834, and 10th April, 1839, a receiving certificate from Principal of College, to be deemed appointed, although not having resided four terms

7 W. 4 & 1 V. c. 70, s.

(See also Civil Service and College.)

THE END.