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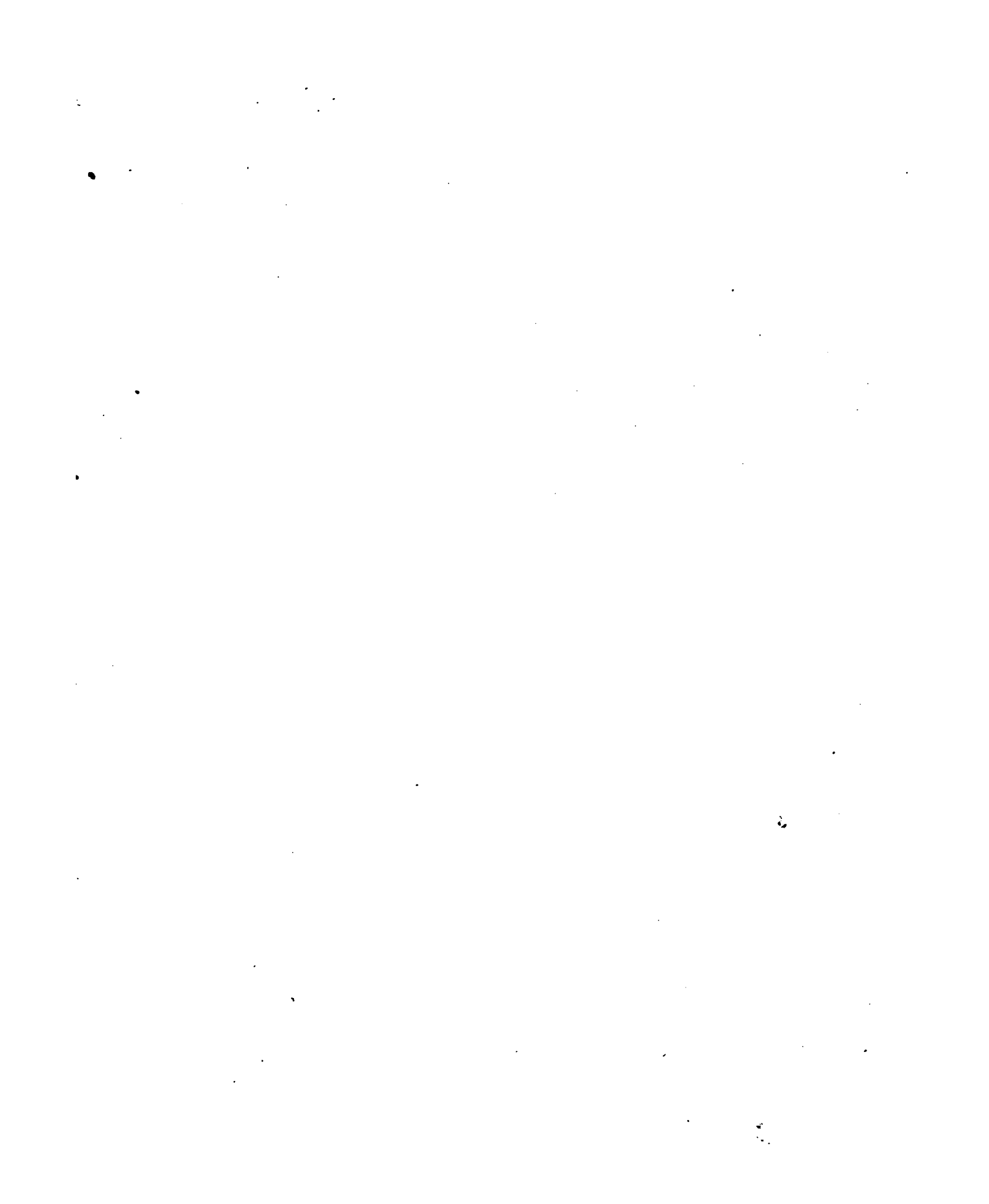
Indian Law

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Very Rare Presentation Copy

in the Brit. Museum

Ed. 1/2

Dr
Sart

Private

J. H.
July 20th 1845

Dear Sir -

I find that it is not possible for me to send you more than one copy of the dies Patent of 1774 - That I now forward, & hope it will answer your purpose - If you can favor me with more than one copy of the Ceylon dies Patent, I shall be obliged to you; but pray don't inconvenience yourself to oblige me -

Yours truly

J. Hart

Wm. P. C. C.
Per Secy

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Presentations

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LETTERS PATENT,

ESTABLISHING A

SUPREME COURT of JUDICATURE,

AT

F O R T - W I L L I A M,

I N

B E N G A L,

Bearing Date the Twenty-sixth Day of *March*, in the
Fourteenth Year of the Reign of *GEORGE III.*

Anno Domini, One Thousand Seven Hundred and Seventy-four.

L O N D O N:

PRINTED in the Year MDCCLXXIV.



LETTERS PATENT,

ESTABLISHING A

SUPREME COURT OF JUDICATURE,

A T

FORT-WILLIAM in *BENGAL*,

Bearing Date the Twenty-sixth Day of *March*, in the
Fourteenth Year of the Reign of *GEORGE III*.

Anno Domini, One Thousand Seven Hundred and Seventy-four.

GEOERGE the Third, by the Grace of God, of *Great-Britain, France, and
Ireland*, King, Defender of the Faith, and so forth: To all to whom these
Presents shall come, Greeting. WHEREAS by an Act of Parliament, passed in
the Thirteenth Year of Our Reign, reciting a Charter, bearing Date, at
Westminster, the Eighth Day of *January*, in the Twenty-sixth Year of the Reign
of Our Royal Grandfather, King *George* the Second, of glorious Memory, by
him granted to The *United Company of Merchants of England, Trading to the East-
Indies*; thereby, amongst other Things, constituting and establishing Courts of
Civil, Criminal, and Ecclesiastical Jurisdiction, at the said *United Company's*
Settlements, at *Madraspatnam, Bombay, and Fort-William* in *Bengal*; and that
the said Charter does not sufficiently provide for the due Administration of
Justice, in such Manner as the State and Condition of the Company's Pre-

Recital of Act
13 George III.

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fidency

Agency of *Fort-William* in *Bengal*, so long as the said Company shall remain in the Possession of the Territorial Acquisitions, therein before-mentioned, do and must require : It is among other Things Enacted, that it shall and may be lawful, for Us, by Charter or Letters Patent, under the Great Seal of *Great-Britain*, to erect and establish a Supreme Court of Judicature, at *Fort-William* in *Bengal* aforesaid, to consist of a Chief Justice, and Three other Judges, being Barristers of *England*, or *Ireland*, of not less than Five Years standing, with Power to exercise and perform all Civil, Criminal, Admiralty, and Ecclesiastical Jurisdiction, and to appoint such Clerks, and other Ministerial Officers of the Supreme Court of Judicature, at *Fort-William* in *Bengal*, with such reasonable Salaries as shall be approved of by the Governor and Council, therein for that Purpose mentioned : And it was therein further Enacted, that so much of the said Charter, granted by His said late Majesty, Our Royal Grandfather, as respects or relates to the Establishment of the Mayor's Court at *Calcutta* aforesaid, in *Bengal*, or to the Civil, Criminal, or Ecclesiastical Jurisdiction thereof, in the said *United Company's* Settlement there, or the Subordinates thereto belonging, in case a New Charter shall be granted by Us, in pursuance of this Act, and shall be openly published, at *Fort-William* aforesaid, from and immediately after such Publication shall cease, determine, and be utterly void, to all Intents and Purposes : And it was further Enacted, that during such Time as the said Territorial Acquisitions shall remain in the Possession of the said Company, the *Court of Directors* of the said *United Company* shall, and they are hereby required to direct, and cause to be paid certain and established Salaries, to the said Chief Justice, and each of the Judges of such Supreme Court of Judicature, at *Fort-William* in *Bengal*, as shall be by the said New Charter established, that is to say, to the Chief Justice Eight Thousand Pounds by the Year, and to each of the Judges of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, Six Thousand Pounds by the Year, and that such Salaries shall be paid and payable to each and every of them respectively, for the Time being, out of the said Territorial Acquisitions,

in

in the Kingdoms of *Bengal*, *Babar*, and *Orissa*; such Salaries to take place and commence, in respect of all such Persons, who shall be resident in *Great-Britain*, at the Time of their Appointment, from the Day on which such Persons shall embark from *Great-Britain*; and such Salaries to be in lieu of all Fees of Office, Perquisites, Emoluments, and Advantages whatsoever, as by the said Act may more plainly and largely appear.

Now know ye, that We, upon full Consideration of the Premises, and of Our especial Grace, certain Knowledge and mere Motion, have thought fit to grant, direct, ordain and appoint, and by these Presents, We do accordingly, for Us, Our Heirs and Successors, grant, direct, ordain and appoint, that there shall be, within the Factory of *Fort-William* at *Calcutta*, in *Bengal*, a Court of Record, which shall be called *The Supreme Court of Judicature, at Fort-William in Bengal*: And We do hereby create, direct and constitute, the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to be a Court of Record.

A Court of Record to be called the Supreme Court of Judicature.

AND We do further will, ordain and appoint, that the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall consist of, and be holden by and before One principal Judge, who shall be, and be called, the Chief Justice of the Supreme Court of Judicature, at *Fort-William* in *Bengal*, and Three other Judges, who shall be, and be called, the Puisne Justices of the Supreme Court of Judicature, at *Fort-William* in *Bengal*; which said Chief Justice and Puisne Justices shall be Barristers in *England*, or *Ireland*, of not less than Five Years standing, to be named and appointed, from Time to Time, by Us, Our Heirs and Successors, by Letters Patent, under Our and their Great Seal of *Great-Britain*; and they shall all and every of them hold their said Offices, severally and respectively, during the Pleasure of Us, Our Heirs and Successors, and not otherwise.

To consist of a Chief Justice and 3 Puisne Justices;

their Qualification; to be appointed by the King, under the Great Seal. To act during Pleasure.

AND

To be Justices
of the Peace,
and Coroners,
in Bengal,
Bahar, and
Orissa;

and to have
such Authority
as the Justices
of the
King's-Bench
in England;

the Four, or
the Majority,
to concur.

Chief to have
a casting
Voice.

To have a
Seal, to be
kept by the
Chief Justice,
or by the
Senior Puisne
Judge.

AND it is Our further Will and Pleasure, that the said Chief Justice, and the said Puisne Justices, shall severally and respectively be, and they are all and every of them hereby appointed, to be Justices and Conservators of the Peace, and Coroners, within and throughout the said Provinces, Districts, and Countries of *Bengal, Bahar, and Orissa*, and every Part thereof; and to have such Jurisdiction, and Authority, as Our Justices of Our Court of *King's-Bench* have and may lawfully exercise, within that Part of *Great-Britain*, called *England*, by the common Law thereof; and We further will and ordain, that all Judgments, Rules, Orders, and Acts of Authority or Power whatsoever, to be made or done by the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall be made or done, by and with the Concurrence of the said Four Judges, or so many, or such One of them, as shall be on such Occasions respectively assembled, or sitting as a Court, or of the major Part of them, so assembled and sitting: Provided always, that in case they shall be equally divided, the Chief Justice, or, in his Absence, the Senior Judge present, shall have a double or casting Voice.

AND We do further grant, ordain and appoint, that the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall have and use, as Occasion may require, a Seal, bearing a Device and Impression of Our Royal Arms, within an Exergue or Label surrounding the same, with this Inscription, *The Seal of the Supreme Court*: And We do hereby grant, ordain and appoint, that the said Seal shall be delivered to, and kept in the Custody of the said Chief Justice; and in case of Vacancy of the Office of Chief Justice, the same shall be delivered over, and kept in the Custody of such Person, who shall then be Senior Puisne Judge, during such Vacancy; and We do hereby grant, ordain and appoint, that whensoever it shall happen that the Office of Chief Justice, or of the Judge, to whom the Custody of the said Seal be committed, shall be vacant, the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall be, and is hereby authorized and empowered, to demand, seize; and take the said Seal, from
any

any Person or Persons whomsoever, by what Ways and Means soever the same may have come to his, her, or their Possession.

AND We do hereby further grant, ordain and appoint, that all Writs, Summons, Precepts, Rules, Orders, and other Mandatory Procefs, to be used, issued, or awarded, by the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall run, and be in the Name and Stile of Us, or of Our Heirs and Succéssors, and shall be sealed with the Seal of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, and shall have and bear the Attestation of the Chief Justice, or, in the Vacancy of the said Office, of the Senior of the Three Puisne Justices, and shall be signed by the proper Officer, whose Duty it shall be, according to the Arrangement hereinafter provided, to prepare and make out such Procefs.

All Writs, &c. issued by the Court, to be in the King's Name.

AND We do further grant, ordain, appoint and declare, that the said Chief Justice, and the said Puisne Justices, shall and may, and so long as they hold the said Offices respectively, shall be entitled to have, and receive respectively, the Salaries, in and by the said recited Act of Parliament, provided for that Purpose, that is to say, the Chief Justice Eight Thousand Pounds by the Year, and the Three Puisne Justices Six Thousand Pounds by the Year, each of them to be paid and payable, in Manner and Form as is therein specified and directed: And We do hereby give and grant, to Our said Chief Justice, Rank and Precedence, above and before all Our Subjects whomsoever, within the Provinces of *Bengal*, *Babar*, and *Orissa*, excepting the Governor General, for the Time being, of the Presidency of *Fort-William* in *Bengal*, and excepting all such Persons as by Law and Usage take place in *England*, before Our Chief Justice of Our Court of *King's-Bench*: And We do hereby also give and grant, to each of Our said Puisne Justices respectively, according to their respective Priority of Nomination, Rank and Precedence, above and before all Our Subjects whomsoever, within the said Provinces of *Bengal*, *Babar*, and *Orissa*,

Chief Justice and Puisne Justices Salaries.

Their Rank.

Orissa, excepting the said Governor General, Our said Chief Justice of Our said Supreme Court of Judicature, at *Fort-William* in *Bengal*, and all and every such Member, or Members, of the Supreme Council there, as shall respectively, by Priority of Nomination, be Senior or Seniors to such respective Puisne Justice or Justices, and also excepting all such Persons as by Law and Usage take place in *England*, before Our Justices of the Court of *King's-Bench*.

AND We do hereby constitute and appoint *Elijah Impey*, of *Lincoln's-Inn*, *Esq.*, First Chief Justice; *Robert Chambers*, of the *Middle-Temple*, *Stephen Caesar Le Maistre*, of the *Inner-Temple*, *John Hyde*, of *Lincoln's-Inn*, *Esqrs.*; to be the First Puisne Justices of Our said Supreme Court of Judicature, at *Fort-William* in *Bengal*; the said *Elijah Impey*, *Robert Chambers*, *Stephen Caesar Le Maistre*, and *John Hyde*, and every of them, being Barristers in *England*, of Five Years standing, and upwards.

AND We do further, for Us, Our Heirs and Successors, grant, ordain and appoint, that the Person, who shall be the Sheriff at *Fort-William* in *Bengal*, at the Time of the Publication of this Our Charter, in Manner hereinafter directed, shall be and continue the Sheriff, until another shall be duly appointed and sworn into the said Office: And We do further, for Us, Our Heirs and Successors, grant, direct and appoint, that the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall, upon the First *Tuesday* of *December*, in every Year, nominate Three Persons, resident in the Town of *Calcutta*, or the Precincts thereof, to the Governor General and Council, or the major Part of them, who, within Three Days after such Nomination, shall appoint One of the said Three Persons to serve the Office of Sheriff, for the Year ensuing, to be computed from the Twentieth Day of *December* next after such Appointment; which Sheriff shall, as soon as conveniently may be, and before he shall enter upon his said Office, take an Oath, faithfully to execute his Office, and the Oath of Allegiance, before the Governor General, or, in his

Sheriff at Fort William, to continue such, until Appointment of another.

Mode of such in future Appointment.

Sheriff's Oath.

his Absence, the Senior Member of the Council there present, who are hereby respectively authorized to administer the same; and shall continue in such Office, during the Space of One Whole Year, to be computed from the said Twentieth Day of *December*, and until another shall be duly appointed and sworn into the said Office; and in case such Sheriff shall die in his Office, or depart from the Provinces of *Bengal*, *Babar*, and *Orissa*, then another Person shall and may, as soon as conveniently may be, after the Death or Departure of such Sheriff, be in like Manner nominated, appointed, and sworn in as aforesaid, and shall continue in his Office for the Remainder of the Year, or until another Sheriff shall be duly appointed and sworn into the said Office; and We do further order, direct and appoint, that the said Sheriff, and his Successors, shall by themselves, or their sufficient Deputies, to be by them appointed, and duly authorized, under their respective Hands and Seals, and for whom he and they shall be responsible, during his or their Continuance in such Office and he and they are hereby authorized to execute all the Writs, Summons, Rules, Orders, Warrants, Commands and Process of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, and make Return of the same, together with the Execution thereof, to the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, and to receive and detain in Prison such Persons as shall be committed to him for that Purpose, by the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, and by the Chief Justice and Justices respectively: And We further direct, ordain and appoint, that whenever the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall direct, or award any Process against the said Sheriff, or award any Process, in any Cause, Matter or Thing, wherein the said Sheriff, on Account of his being related to the Parties, or any of them, or by Reason of any good Cause of Challenge, which would be allowed against any Sheriff, in that Part of *Great-Britain*, called *England*, cannot by Law execute the same, in every such case, the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall name and appoint some other fit Person to execute and return the same; and
the

Provision in
case of Death,
&c. while in
his Office.

Sheriff's
Duty.

Mode of Pro-
ceeding when
the Sheriff
shall be a
Party.

the said Process shall be directed to the said Person, so named for that Purpose; and the Cause of such special Proceeding shall be suggested, and entered on the Records of the same.

Court to appoint Clerks and Officers, with such reasonable Salaries as shall be approved of by the Governor General and Council.

AND We do further authorize and empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, from Time to Time, as Occasion may require, to appoint so many and such Clerks, and other Ministerial Officers, as shall be found necessary, for the Administration of Justice, and the due Execution of all the Powers, and Authorities, which are and shall be granted, and committed, to the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, by these Our Letters Patent: And it is Our further Will and Pleasure, and We do hereby, for Us, Our Heirs and Successors, give, grant, direct and appoint, that all and every the Officers and Clerks, to be appointed as aforesaid, shall have and receive respectively such reasonable Salaries as the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall appoint, for each Office and Place respectively, and as the Governor General and Council appointed, constituted and created, by the Act of Parliament, herein before mentioned, shall approve of: Provided always, and it is Our Will and Pleasure, that all and every the Officers and Clerks, to be appointed as aforesaid, shall be resident within the Limits of the Jurisdiction of the said Court, so long as they shall hold their respective Offices.

Such Officers to reside within the Jurisdiction of the Court.

Court to approve Advocates and Attornies at Law, who are to plead and act for the Suitors; and be removeable on reasonable Cause.

AND We do hereby further authorize and empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to approve, admit, and enrol such and so many Advocates, and Attornies at Law, as to the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall seem meet, who shall be Attornies of Record, and shall be, and are hereby authorized to appear and plead, and act for the Suitors of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*; and the said Advocates and Attornies, on reasonable Cause, to remove; and no other Person or Persons whatsoever, but such Advocates

cates or Attornies, so admitted and enrolled, shall be allowed to appear and plead, or act in the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, for or on the Behalf of such Suitors, or any of them.

AND We do hereby further authorize and empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to settle a Table of the Fees, to be allowed to such Sheriff, and all other the Officers, Clerks, and Attornies aforesaid, for all and every Part of the Business, to be done by them respectively; which Fees, when approved by the said Governor and Council, to whom We hereby give Authority to review the same, the said Sheriff and other Officers, Clerks and Attornies, shall and may lawfully demand and receive: And We do further authorize the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, with the like Concurrence of the said Governor and Council, from Time to Time, to vary the said Table of Fees, as there shall be Occasion: And it is Our further Will and Pleasure, and We do hereby require and enjoin the said Chief Justice, and the said Puisne Justices, and each of them respectively, within One Year after these Our Letters Patent shall have been published, at *Fort-William* in *Bengal* aforesaid, and within One Month from the said settling, and Allowance of the said Table of Fees, to certify, under their several Hands and Seals, and to transmit to Us, Our Heirs and Successors, a full and true Account of the several Offices and Places, and Officers and Clerks, and of their Salaries, severally and respectively, and a true Copy of the said Table of Fees; together with the Approbation of the said Governor and Council, and also any Variation of the said Table, to be made as aforesaid, within One Month after the same shall have been so varied: And We further direct, ordain and appoint, that the said Table, and the said Alteration and Variations thereof, if any Alteration or Variation shall be made, shall be hung up in some conspicuous Part of the Hall, or Place where the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall be publickly holden.

Fees to be settled by the Court, and approved by the Governor General and Council:

Copy thereof to be sent to Europe, with a List of Officers, Clerks, &c.

Table of Fees to be hung up in Court.

D

AND

Court's Power and Jurisdiction, in Bengal, &c. in all Trespases, against the Company, Mayor's Court of Calcutta, or others, in Bengal, &c. or others who have resided there, or who have Effects there, or are or have been in the Company's Service, or of the Mayor's Court, or of others, but not against such who have never resided there, or against such who reside in Great-Britain, &c.

AND We do further direct, ordain and appoint, that the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, may and shall have Power and Jurisdiction, and is hereby authorized to hear, examine, try and determine, in Manner hereinafter mentioned, all Actions and Suits, which shall or may arise, happen, be brought, or promoted, upon or concerning any Trespases or Injuries, of what Nature or Kind soever, or any Debts, Duties, Demands, Interests or Concerns, of what Nature or Kind soever, or any Rights, Titles, Claims or Demands, of, in, or to any Houses, Lands, or other Things, real or personal, in the several Provinces or Districts, called *Bengal*, *Babar*, and *Orissa*, or touching the Possession, or any Interest or Lien, in or upon the same, and all Pleas, real, personal or mixt, the Causes of which shall or may hereafter arise, accrue and grow, or shall have heretofore arisen, accrued and grown, against The said *United Company of Merchants, Trading to the East-Indies*, and against the said Mayor and Aldermen of *Calcutta*, at *Fort-William* in *Bengal*, and against any other of Our Subjects, who shall be resident within the said Provinces, Districts or Countries, called *Bengal*, *Babar*, and *Orissa*, or who shall have resided there, or who shall have any Debts, Effects or Estate, real or personal, within the same, and against the Executors and Administrators of such Our Subjects, and against any other Person, who shall, at the Time of such Action being brought, or at the Time when any such Cause of Action shall have accrued, be or have been employed by, or be or have been, directly or indirectly, in the Service of the said *United Company*, or of the said Mayor and Aldermen, or of any other of Our Subjects: Provided always, that it shall not be competent to the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to try or determine any Suit or Action, against any Person, who shall never have been resident in the Provinces of *Bengal*, *Babar*, and *Orissa*, or any One of them, nor against any Person then resident in *Great-Britain*, or *Ireland*, unless such Suit or Action, against such Person, so then resident in *Great-Britain*, or *Ireland*, shall be commenced within Two Years after the Cause of Action arose, and the

the Sum to be recovered be not of greater Value than Thirty Thousand Rupees; and the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall have the like Power and Jurisdiction, and is hereby authorized to hear, examine, try and determine, all such Causes, Actions, and Suits as aforesaid, arising, growing, and to be brought or promoted against every other Person or Persons whatsoever, Inhabitants of *India*, residing in the said Provinces, Districts, or Countries of *Bengal*, *Babar*, and *Orissa*, upon any Contract or Agreement in Writing, entered into by any of the said Inhabitants, with any of His Majesty's Subjects, where the Cause of Action shall exceed the Sum of Five Hundred current Rupees, and when such Inhabitant shall have agreed in the said Contract, that, in case of Dispute, the Matter shall be determined in the said Supreme Court of Judicature, at *Fort-William* in *Bengal*; and to the end that Justice may be administered in the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, with all convenient Speed and certain Effect, Our Will and Pleasure is, and We do hereby further grant, ordain and appoint, that upon any such Cause of Action, as aforesaid, it shall be lawful and competent, for any Person whatsoever, by himself or his lawful Attorney, admitted and enrolled as aforesaid, to prefer, to the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, and file of Record, in the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, a Complaint or Bill in Writing, containing the Cause of Action, or Complaint, whereupon the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall, and is hereby authorized to award and issue a Summons, or Precept in Nature of a Summons, in Writing, to be prepared in Manner above-mentioned, directed to the said Sheriff, and containing a short Notice of the Cause of Action set forth in the said Complaint, and commanding the said Sheriff to summon the Person, against whom the said Complaint shall have been filed, to appear at some certain Time and Place, therein to be specified, to answer the said Complaint which said Precept, and the Execution thereof, the said Sheriff shall duly return to the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, and the Person or Persons, so summoned, shall accordingly appear, and may plead such Matter
in

Court's Power to try Causes, &c. of Indian Inhabitants, within Bengal, &c. where the Cause shall exceed 500 Current Rupees:

Mode of Proceeding in such Actions:

The Examination of Witnesses on Oath;

to summon Witnesses;

reasonable Expenses to be allowed them;

Payment thereof compelled;

Witnesses to be sworn;

in Abatement, Bar, or other Avoidance of the said *Plaint*, or otherwise, as he or they shall be advised; and after such Appearance, the Supreme Court of Judicature, at *Fort-William in Bengal*, shall proceed, from Time to Time, giving reasonable Days to the Parties, to hear their respective Allegations, as Justice may require, and examine the Truth thereof, upon the Oath or Oaths of such competent and credible Witnesses as they shall produce respectively; to which End, We hereby authorize and empower the said Supreme Court of Judicature, at *Fort-William in Bengal*, at the Request of either of the said Parties, to award and issue a Summons, or Precept in the Nature of a Summons, to be prepared in Manner before-mentioned, directed to every One of such Witnesses, commanding him or her to appear, at a Time and Place to be specified in such Summons, to depose his or her Knowledge, touching the Suit so depending between the Parties, naming them, and specifying at whose Request such Summons shall have issued; and upon the Appearance of the said Witnesses, or any of them, the said Supreme Court of Judicature, at *Fort-William in Bengal*, may and is hereby required to order and award to them, and each of them, such reasonable Sum of Money, for his, her, or their Expenses, as the said Supreme Court of Judicature, at *Fort-William in Bengal*, shall think fit, whether such Witnesses shall be examined or not, the same to be paid forthwith by the Party, at whose Request the said Summons shall have issued; and if the said Sum of Money, so ordered and awarded, shall not be forthwith paid or secured to such Witness, to the Satisfaction of the Supreme Court of Judicature, at *Fort-William in Bengal*, the Party, to whom it shall belong to pay the same, shall not only lose the Benefit of such Witness's Testimony, but shall be compelled to pay him or her the Money, so ordered and awarded, by such Ways and Process as are hereinafter provided, for levying and enforcing the Payment and Satisfaction of Money, recovered by Judgments of the said Court; and the said Supreme Court of Judicature, at *Fort-William in Bengal*, is hereby authorized and empowered to administer, to such Witnesses and others, whom they may see Occasion to examine, proper Oaths and Affirmations, that is to say,

to such Persons as profess the Christian Religion Oath upon the Holy Evangelists of God, and to Quakers Affirmations, according to the Form used in *England*, for that Purpose; and to others Oaths, in such Manner and Form as the Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall esteem most binding upon their Consciences respectively; and the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, is hereby authorized and required to reduce, or cause the said Depositions to be reduced into Writing, and subscribed by the several Witnesses, with their Name or other Mark, and to file the same of Record; and in case any Person or Persons, so summoned shall refuse or wilfully neglect to appear, and be sworn, or, being Quakers, to affirm, and be examined, and subscribe their Depositions, as the Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall appoint, the Supreme Court of Judicature, at *Fort-William* in *Bengal*, is hereby empowered to punish such Person or Persons, so refusing or wilfully neglecting, as for a Contempt, by Fine, Imprisonment, or other corporal Punishment, not affecting Life or Limb.

Quakers to affirm;

Witnesses, refusing to be sworn, or affirm, to be punished.

AND We do further give the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, full Power and Authority, upon examining and considering the several Allegations of the said Parties to such Suit, or of the Complainant alone, in case the Defendant should make default after Appearance, or say nothing, or confess the Plaint, and the Depositions of the Witnesses produced, sworn and examined, in Manner above-mentioned, to give Judgment and Sentence, according to Justice and Right; and also to award and order such Costs to be paid, by either or any of the Parties, to the other or others, as they the said Court shall think just.

The Court to give Judgment, on hearing the Parties, in case Defendant should make default after Appearance, or refuse to make a Defence; Court to award Costs.

AND We do further authorize and empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to award and issue a Writ or Writs of Execution, to be prepared in Manner before-mentioned, and directed to the said Sheriff, for the Time being, commanding him to seize and deliver the Posses-

And may issue Writs of Execution, for seizing Effects:

E

sion

tion of Houses, Land, or other Things, recovered in and by such Judgment, or to levy any Sum of Money, which shall be so recovered, or any Costs, which shall be so awarded, as the Case may require, by seizing and selling so much of the Houses, Lands, Debts, or other Effects, real and personal, of the Party, against whom such Writs shall be awarded, as will be sufficient to answer and satisfy the said Judgment or Award, or to take and imprison the Body of such Party or Parties, until he or they shall make such Satisfaction, or to do both as the Case shall require: And We do further order, direct and appoint, that the several Debts, to be seized as aforesaid, shall, from the Time the same shall be extended and returned into the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, be paid and payable, in such Manner and Form as the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall appoint, and no other; and such Payment, and no other, shall from thenceforth be an absolute and effective Discharge for the said Debts, and every of them respectively: And We do hereby further authorize and empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to make such further, and other Interlocutory Rules and Orders, as the Justice of the Proceeding may seem to require; and in case the Party, so summoned as aforesaid, shall not appear upon the Return of such Summons, or Precept as aforesaid, according to the Exigence thereof, We do further authorize and empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to award and issue a Writ or Warrant, to be prepared in Manner above-mentioned, and directed to the said Sheriff, commanding him to arrest and seize the Body of such Person, so making default, and to have his said Body, at such Time and Place as shall be specified in the said Writ for that Purpose, before the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to answer the said Plaintiff; and the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, may, if it should be thought proper, by the said Writ, authorize the said Sheriff to take such Bail, for the Appearance of the said Defendant, as the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall think fit to direct; and upon such Appearance, the

Debts, so seized, to be paid as the Court shall appoint:

Such Interlocutory Orders to be made as they shall see fit; in failure of Appearance, the Court may order the Party to be arrested:

Sheriff may take Bail for Appearance:

the said Defendant may plead; in such Manner as if he had appeared upon the Return of the Summons; and if the Cause of Action, contained in such Plaintiff, shall be personal, and of more Value than One Hundred current Rupees, and the Plaintiff, by Affidavit, or, being a Quaker, by Affirmation in Writing, to be filed of Record, shall satisfy the said Supreme Court of Judicature, at *Fort-William in Bengal*, that the Defendant is justly and truly indebted to him, in a greater Sum than One Hundred current Rupees, or if he shall, by like Affidavit, or Affirmation, to be filed as aforesaid, verify, to the Satisfaction of the said Supreme Court of Judicature, at *Fort-William in Bengal*, a Case of such enormous personal Wrong as in the Judgment of the said Supreme Court of Judicature, at *Fort-William in Bengal*, requires such Security, the said Supreme Court of Judicature, at *Fort-William in Bengal*, shall and is hereby authorized and empowered to award and issue, in lieu of the Summons aforesaid, a Writ or Warrant, to be prepared in Manner above-mentioned, and directed to the said Sheriff, commanding him to arrest and seize the Body of such Defendant, and to have his said Body, at a Time and Place, in the said Writ to be specified, before the said Court, to answer the said Plaintiff; and to give sufficient Security, to be approved of by the said Supreme Court of Judicature, at *Fort-William in Bengal*, that he will stand to, and perform the Judgment of the said Supreme Court of Judicature, at *Fort-William in Bengal*, upon the Premises, and pay all such Sum or Sums of Money as shall thereby be awarded; and the said Supreme Court of Judicature, at *Fort-William in Bengal*, may, in and by the said Writ or Warrant, authorize the said Sheriff to deliver the Body of such Defendant, so arrested, to sufficient Bail, upon their sufficient Recognizance and Security given, that such Defendant shall appear, at a Time and Place mentioned in such Writ or Warrant, and in all Things perform and fulfil the Exigence thereof; and upon the Appearance of such Defendant, in and before the said Supreme Court of Judicature, at *Fort-William in Bengal*, We do hereby authorize and empower the said Supreme Court of Judicature, at *Fort-William in Bengal*, to commit

him

Proceedings
thereon.

him to Prison, to the said Sheriff, unless or until he shall give Security, to the Satisfaction of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to perform the Judgment thereof, and pay all such Sum or Sums of Money as shall be awarded thereby; which Security, We hereby empower the said Court to take, and thereupon to deliver the Body of the said Defendant upon Bail; and if the said Sheriff shall return to either of the said Writs of Summons, or *Capias*, that the Defendant is not to be found within the Jurisdiction of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, and the Plaintiff shall, by Affidavit, or, being a Quaker, by Affirmation in Writing, or otherwise, to the Satisfaction of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, make Proof, verifying his Demand, We do hereby grant, ordain and appoint, that the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall and may award and issue a Writ of Sequestration, to be prepared in Manner above-mentioned, and directed to the said Sheriff, commanding him to seize and sequester the Houses, Lands, Goods, Effects and Debts of such Defendant, to such Value as the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall think reasonable and adequate to the said Cause of Action, so verified as aforesaid, and the same to detain till such Defendant shall appear, and abide such Order of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, as if he had appeared on the former Process; and the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall and is hereby authorized and empowered, according to their Discretion, either to cause the said Goods to be detained *in Specie*, or to be sold, and to give Day to such Defendant, by Proclamation in open Court, from Time to Time, not exceeding Two Years in the whole; and if such Defendant shall not appear on the last Day, which the said Court in their Discretion shall think proper to give, it shall be lawful, and the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, is hereby authorized to proceed, *ex Parte*, to hear, examine and determine the said Plaint and Cause, and give such Judgment therein, and award and
order

order such Costs as aforesaid; and if Judgment shall in such Case pass for the Plaintiff, the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, is hereby authorized and empowered to award and issue a Writ to the said Sheriff, to be prepared in Manner above-mentioned, commanding him to sell the said Houses, Lands, Goods, Effects and Debts, so seized and sequestered, and to make Satisfaction, out of the Produce thereof, to the Plaintiff, for the Duty so recovered, and his Costs, and to return the Overplus, if any there be, after satisfying the said Judgment and Costs, and the Expences of the said Sequestration, to such Person, in whose Possession the said Effects were seized, or otherwise to reserve them for the said Defendant, as Occasion shall require; and if such Effects shall not be sufficient to produce the Sum so to be recovered, and the said Costs, the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, is further empowered to award and issue such Process of Execution, for the Deficiency, as is heretofore provided, for levying Money recovered by Judgment and Costs; and if Judgment shall, in such last mentioned Case, pass for the Defendant, the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, is authorized and empowered to award and order the Costs of the said Suit, and the Expence of the said Sequestration, and all the Damages occasioned thereby, to be paid by the said Plaintiff to the said Defendant, or his Attorney, or the Person in whose Possession the said Effects were seized, and the same shall be levied by such Process as is herein provided, for levying Costs, and the said Debts, from the Time of their being so seized and extended, and returned into Court, shall be payable, in such Manner as the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall direct, and no other.

AND Whereas, in and by the said Charter, made and granted by Our said Royal Grandfather, King George the Second, on the Eighth Day of *January*, in the Twenty-sixth Year of His Reign, it is among other Things provided, that in case of Actions or Suits against the said *United Company*, it should be lawful, for the Court thereby established, to issue their Summons to the

Recital of former Proceedings, either where the Company are Plaintiffs or Defendants:

F

Governor,

Company to
appoint an
Attorney to
act on their
Behalf:

Form of Pro-
ceedings:

Governor, or President and Council, at *Fort-William* in *Bengal*, to appear for the said *United Company*, with further Power to issue such Process, against the said Company, and their Estate and Effects, as should be necessary to compel the Appearance of the said Company, and to raise and levy upon their Goods, Estate or Effects, the Debt or Damages, together with such Costs of Suit as should be awarded by the said Court; and that in case of any Action or Suit, to be brought by the said Company, against any other Person, it should be lawful for the said Governor, or President and Council, to appear and act for the said Company; and in case of Judgment given against the said Company, and Costs awarded, the same should be levied by the said Court, upon the Goods and Effects of the said Company, as by the said Charter may more fully appear: Now We meaning also to extend the Powers and Authorities, hereby given and granted, for the due Administration of Justice, in the most beneficial Manner, to all Our loving Subjects, in the said Provinces, Districts, or Countries, of *Bengal*, *Babar*, and *Orissa*, do grant, ordain and appoint, that the said Governor and Council, or their Successors, shall and may, from Time to Time, by their sufficient Warrant, to be filed of Record, name and appoint some sufficient Person, resident in the said Town of *Calcutta*, to be the Attorney of the said *United Company*, who shall remain and act as Attorney to the said *United Company*, so long as he shall reside in *Calcutta*, or until some other fit Person, there resident, shall be appointed in his Place, in Manner above-mentioned; and if any such Complaint as aforesaid shall be filed in the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, against the said *United Company*, the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, may and is hereby empowered to award and issue such Summons, or Precept as aforesaid, directed to the said Sheriff, commanding him to summons the said *United Company*, by their said Attorney, to appear at a Time and Place therein to be specified, to answer the said Complaint, and the said Sheriff shall serve the same upon the said Attorney, and the said Attorney shall thereupon appear for the said Company; and if the said *United Company* shall not appear in Manner aforesaid,

aforesaid, upon the Return of the said Writ, the said Supreme Court of
 Judicature, at *Fort-William* in *Bengal*, may and is hereby authorized, upon
 such Default, to award and issue a Writ, to be prepared in Manner before-
 mentioned, and directed to the said Sheriff, commanding him to seize and
 sequester such, and so much of the Estate and Effects of the said Company,
 as upon the Circumstances, the said Supreme Court of Judicature, at *Fort-
 William* in *Bengal*, shall think fit, to compel the Appearance of the said Com-
 pany, at the Time and Place, which shall be specified for that Purpose in
 such Writ of Sequestration; and for Default of Appearance, upon the Return
 of such last mentioned Writ, the said Supreme Court of Judicature, at *Fort-
 William* in *Bengal*, may and is hereby empowered to issue other such Writ or
 Writs of Sequestration, from Time to Time, till the said Company shall
 duly appear; and after such Appearance, the said Supreme Court of Judicature,
 at *Fort-William* in *Bengal*, shall and may proceed to hear, examine, try, and
 determine the said Action and Suits, in Manner before-mentioned; and if
 Judgment shall be given in such Action or Suit, against the said Company,
 the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, may and is
 hereby empowered to award and order reasonable Costs, to be paid by the said
 Company, and to cause the Debt, or Damages and Costs, so awarded, to be
 raised and levied of the Estates, Goods and Chattels of the said Company, in
 such Manner as is herein before provided, for Execution to be had in other
 Actions and Suits; and if the said Governor and Council shall refuse or neglect,
 at any Time, to make such Attorney, the said Supreme Court of Judicature, at
Fort-William in *Bengal*, are hereby empowered and authorized to name an
 Attorney for the said *United Company*, against whom Process shall in like Man-
 ner be awarded; and the said *United Company* may also sue in the said Supreme
 Court of Judicature, at *Fort-William* in *Bengal*, in the same Manner, and to the
 same Effect, as other Persons herein before-mentioned; and if Judgment should
 be given against the said *United Company*, the said Supreme Court of Judicature,
 at *Fort-William* in *Bengal*, may order reasonable Costs to be paid by them to the
 Defendant,

And if the
 Company re-
 fuse to ap-
 point an At-
 torney, the
 Court may
 appoint one.
 Form of Pro-
 ceedings.

Defendant, and to be raised and levied of their Lands, Houses, Debts, Estates, Goods and Chattels, in such Manner as is herein provided, for Execution of Judgments on other Occasions; and if the said *United Company*, after Four Sequestrations, and after the Expiration of Two Years, from the Service of the Summons above-mentioned, shall not appear, then the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, may and is hereby required, if the Plaintiff shall, by Affidavit, or, being a Quaker, by Affirmation in Writing, or otherwise, to the Satisfaction of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, make Proof, verifying his Demand, to proceed, hear, examine, try, and determine the said Plaintiff and Cause, and to give such Judgment therein, and award such Costs as aforesaid; and in case the said Judgment shall pass for the Plaintiff, the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, is hereby authorized and empowered to award and issue a Writ to the said Sheriff, to be prepared in Manner before-mentioned, commanding him to sell the Goods and Effects, so seized and sequestered, and to make Satisfaction, out of the Produce thereof, to the Plaintiff, for the Duty so recovered, and his Costs, and to return the Overplus, if any there be, after satisfying the said Judgment and Costs, and the Expences of the said Sequestration, to such Person in whose Possession the said Effects were so seized, to and for the Use of the said *United Company*; and if such Effects are not sufficient to produce the Sum, so to be recovered, and the said Costs, the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, is further empowered to award and issue such Process of Execution, for the Deficiency, as is heretofore provided, for levying Money recovered by Judgment and Costs; and if Judgment shall, in any Case, pass for the said *United Company*, the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, is hereby authorized and empowered to award and order Costs of the said Suit, and the Expence of the said Sequestration, and all the Damages occasioned thereby, being first taxed, ascertained and assessed by the proper Officer, to be paid, by the said Plaintiff, to the Person in whose Possession the said Effects were seized, to and for the

Use

Use of the *United Company*, and the same shall be levied by such Process as is herein before provided, for levying Costs.

AND Whereas Contracts, or Agreements in Writing, may be entered into, by some of the Inhabitants of *India*, residing in the said Provinces or Districts of *Bengal*, *Babar*, and *Orissa*, or some of them, or some Part thereof, with Our British Subjects, or some of them, wherein such Inhabitant or Inhabitants may agree, that, in case of Dispute, the Matter should be heard and determined in the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, and whereupon a Cause or Causes of Action may arise, exceeding in Value respectively the Sum of Five Hundred current Rupees, and Suits may be brought thereupon, in some of the Courts of Justice, already established in the said Provinces or Districts, We do hereby further grant, ordain, establish and appoint, that in such Cases, it shall be lawful for either Party, before or after Sentence or Judgment pronounced therein, by his, her, or their humble Petition, suggesting such Agreement in Writing as aforesaid, and verifying the same upon Oath, to appeal to the said Court of Judicature, at *Fort-William* in *Bengal*, and upon such Petition preferred, and filed of Record, in the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, may, and is hereby authorized to award and issue a Writ, or Precept, to be prepared in Manner and Form above-mentioned, directed to the other Party or Parties, commanding him, her, or them, immediately to surcease proceeding further in such Suit or Suits, and thereupon such Supreme Court shall determine thereupon, according to Right and Justice, in like Manner as if no Proceedings had been in such other Court of Justice.

Disputes between Indian Natives and British Subjects, may, by Agreement, be determined in the Supreme Court; and Causes of Action, exceeding 500 current Rupees, and Suits brought in other Courts, either Party may appeal to the Supreme Court, which is to cause Proceedings in other Courts to surcease, and Supreme Court to determine thereupon.

AND it is Our further Will and Pleasure, and We do hereby, for Us, Our Heirs and Successors, grant, ordain and establish, that the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, should also be a Court of Equity, and shall and may have full Power and Authority to administer Justice, in a summary Manner, as nearly as may, according to the Rules and Proceedings

Supreme Court to be a Court of Equity, as the Court of Chancery in Great-Britain, and to

compel Ap-
pearance, &c.
accordingly.

of Our High Court of Chancery, in *Great-Britain*, and upon a Bill filed, to issue Subpœnas, and other Procefs, under the Seal of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to compel the Appearance and Answer, upon Oath of the Parties therein complained against, and Obedience to the Decrees and Orders of the said Court of Equity, in such Manner and Form, and to such Effect, as Our High Chancellor of *Great-Britain* doth, or lawfully may, under Our Great Seal of *Great-Britain*.

Supreme
Court to be a
Court of Oyer
and Terminer,
and Gaol
Delivery.

AND it is Our further Will and Pleasure, and We do hereby grant, ordain and appoint, that the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall also be a Court of Oyer and Terminer, and Gaol Delivery, in and for the Town of *Calcutta*, and Factory of *Fort-William* in *Bengal* afore said, and the Limits thereof, and the Factories subordinate thereunto; and shall have the like Power, and Authority, as Commissioners or Justices of Oyer and Terminer, and Gaol Delivery, have or may exercise, in that Part of *Great-Britain*, call'd *England*, to enquire, by the Oaths of good and sufficient Men, of all Treasons, Murders, and other Felonies, Forgeries, Perjuries, Trespaffes and other Crimes, and Misdemeanors heretofore had, done or committed, or which shall hereafter be had, done or committed, within the said Town or Factory, and the Limits afore said, and the Factories subordinate thereto; and for that Purpose to issue their Warrant, or Precept, to be prepared in Manner above-mentioned, and directed to the said Sheriff, commanding him to summon a convenient Number, therein to be specified, of the principal Inhabitants, resident in the said Town of *Calcutta*, being Subjects of *Great-Britain*, of Us, Our Heirs and Successors, to attend and serve, at a Time and Place therein also to be specified, as a Grand Jury or Inquest, for Us, Our Heirs and Successors, and present to the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, such Crimes as shall come to their Knowledge, and the said Crimes and Offences to hear and determine, by the Oaths of other good and sufficient Men, being Subjects of *Great-Britain*, of Us, Our Heirs or Successors, and resident in the

Sheriff to
summon
Grand Juries.

said

faid Town of *Calcutta*, and for that Purpose to issue a Summons, or Precept, prepared in such Manner as is before-mentioned, and directed to the said Sheriff, commanding him to summon a convenient Number, to be therein specified, of such British Subjects as aforesaid, to be and appear, at a Time and Place therein to be specified, and to try the said Indictment or Inquest; and if any such Grand or Petit Jury, so summoned as aforesaid, shall refuse or neglect to attend, according to such Summons, and be sworn upon Inquest, We do hereby further empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to punish the said Contempt, by Fine or Imprisonment, or both: And We do further empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, in like Manner; and under the like Penalties, to cause all such Witnesses as Justice shall require to be summoned, and to administer to them, and each of them, the proper Oaths, that is to say, an Oath upon the Holy Evangelists of God, to such as profess the Christian Religion; and to others, such Oaths, and in such Manner, as the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall esteem to be most binding upon their Consciences; and to proceed to hear; examine, try and determine, the said Indictments and Offences, and to give Judgment thereupon, and award Execution thereof; and in all Respects to administer Criminal Justice; in such or the like Manner and Form, or as nearly as the Condition and Circumstance of the Place, and the Persons will admit of, as Our Courts of Oyer and Terminer, and Gaol Delivery, do or may; in that Part of *Great-Britain*, called *England*: And We do further authorize and empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, in like Manner, to enquire, hear and determine, and to award Judgment and Execution of, upon and against all Treasons, Murders, Felonies, Forgeries, Perjuries, Trespases, Crimes, Misdemeanors and Oppressions, had, done or committed, or which shall hereafter be had, done or committed, in the Districts, Provinces or Countries, called *Bengal*, *Babar*, and *Orissa*, by any of the Subjects of Us, Our Heirs or Successors, or any other Person or Persons,

who

Sheriff to
summon
Petit Juries.
Punishment
for Non-At-
tendance of
Juries.

Witnesses to
be summoned
and sworn.

Criminal
Justice to be
administered,
as in the
Courts of
Oyer and
Terminer, in
Great-
Britain.

who shall, at the Time of committing the same, have been employed by, or shall have been, directly or indirectly, in the Service of the said *United Company*, or of any of the Subjects of Us, Our Heirs or Successors, and for that Purpose to award and issue a Writ or Writs, to the said Sheriff, prepared in Manner before-mentioned, commanding him to arrest and seize the Body or Bodies of such Offenders, and bring him or them to *Fort-William* aforesaid, and him or them to keep, until he or they shall be delivered, by due Course of Law, and to do all other Acts, which shall be necessary for the due Administration of Criminal Justice, in such Manner and Form, or as nearly as the Circumstances and Condition of the Case will admit of, as Our Courts of Oyer and Terminer, and Gaol Delivery, may do, in that Part of *Great-Britain*, called *England*: And We do further ordain and establish, that in such Case, it shall not be lawful, for such Offender, to object to the Locality of the Jurisdiction of the Court, or the Grand or Petit Jury; but he shall be indicted, arraigned, tried, convicted and punished, or acquitted and demeaned, in all Respects, as if the Crime had been committed within the said Town of *Calcutta*, or Factory of *Fort-William*, or the Limits thereof.

Unlawful for Offenders to object to Locality of the Court's Jurisdiction, or to the Juries. Offenders to be tried, &c. as if their Crimes had been committed in Calcutta.

Supreme Court may reprieve or suspend Execution of Sentence, until the King's Pleasure is known, to whom a State of the Case, &c. is to be sent; in the mean Time the Offenders may be detained, or delivered on Bail.

AND Whereas Cases may arise, wherein it may be proper to remit the general Severity of the Law, We do hereby authorize and empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to reprieve and suspend the Execution of any Capital Sentence, wherein there shall appear, in their Judgment, a proper Occasion for Mercy, until Our Pleasure shall be known, and they shall in such Case transmit to Us, under the Seal of the Supreme Court of Judicature, at *Fort-William* in *Bengal*, a State of the said Case, and of the Evidence, and of their Reasons for recommending the Criminal to Our Mercy; and in the mean Time, they shall cause such Offender to be kept in strict Custody, or deliver him or her out to sufficient Mainprize or Bail, as the Circumstances shall seem to require.

AND

AND to the end that the said Court of Requests, and the said Court of Quarter-Sessions, erected and established at *Fort-William* in *Bengal*, by the said Charter of Our said Royal Grandfather, made in the Twenty-sixth Year of his Reign, and the Justices, Sheriffs and other Magistrates, thereby appointed for the said Districts, may better answer the Ends of their respective Institutions, and act more conformably to Law and Justice, it is Our further Will and Pleasure, and We do hereby further grant, ordain and establish, that all and every the said Courts and Magistrates shall be subject to the Order and Control of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, in such Sort, Manner and Form, as the inferior Courts and Magistrates of and in that Part of *Great-Britain*, called *England*, are, by Law, subject to the Order and Control of Our Court of *King's-Bench*; to which End, the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, is hereby empowered and authorized to award and issue a Writ or Writs of *Mandamus certiorari procedendo*, or Error, to be prepared in Manner above-mentioned, and directed to such Courts, or Magistrates, as the Case may require, and to punish any Contempt of a wilful Disobedience thereunto, by Fine and Imprisonment.

Court of Requests and Quarter-Sessions, established by the late Charter, and Justices, Sheriffs and other Magistrates, to be subject to the Order and Control of the Supreme Court, as the lower Courts of *Great-Britain* are to the Court of *King's-Bench*; and may issue Writs of *Mandamus certiorari*, &c. and punish Contempt, by Fine and Imprisonment.

AND it is Our further Will and Pleasure, and We do hereby grant, ordain, establish and appoint, that the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall be a Court of Ecclesiastical Jurisdiction, and shall have full Power and Authority to administer and execute, within and throughout the said Provinces, Districts or Countries, called *Bengal*, *Babar*, and *Orissa*, and towards and upon our British Subjects there residing, the Ecclesiastical Law, as the same is now used and exercised in the Diocese of *London*, in *Great-Britain*, so far as the Circumstances and Occasions of the said Provinces and People shall admit, or require: And to that Purpose, We give and grant to the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, full Power and Authority to take Cognizance of, and proceed in all Causes, Suits and Business, belonging and appertaining to the Ecclesiastical Court, before the said Supreme Court of

Supreme Court to exercise Ecclesiastical Jurisdiction, in *Bengal*, *Babar* and *Orissa*, on British Subjects, as is exercised in the Diocese of *London*.

Power to proceed in all Causes, Suits, &c. against British Subjects of Ecclesiastical Cognizance:

Judicature, at *Fort-William* in *Bengal*, in whatsoever Manner to be moved, as well at the Instance or Promotion of Parties as of Office, more or mixed, against any of Our British Subjects, residing at the said Provinces, Countries or Districts, and which, by the Law and Customs of the said Diocese of *London*, are of Ecclesiastical Cognizance; and the said Causes, Suits and Business, with their Incidents, Emergents and Dependents, and whatsoever is thereto annexed, and therewith connected, to hear, dispatch, discuss, determine; and also to grant Probates, under same Seal of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, of the last Wills and Testaments of all or any of the said British Subjects, of Us, Our Heirs and Successors, dying within the said Three Provinces, Countries or Districts, of *Bengal*, *Babar*, and *Orissa*; and to commit Letters of Administration, under some Seal, of the Goods, Chattels, Credits, and all other Effects whatsoever, of such British Subjects as aforesaid, who shall die intestate, within the said Three Provinces, Countries or Districts, or who shall not have named an Executor, resident in such Districts, or where the Executor, being duly cited, according to the Form now used for that Purpose, in the said Diocese of *London*, shall not appear, and sue forth such Probate, annexing the Will to the said Letters of Administration, where such Person shall have left a Will, without naming any Executor, or any Person for Executor, who shall then be alive, and resident within the said Three Provinces, Countries or Districts, and who, being duly cited thereunto, will appear, and sue forth a Probate thereof; and to sequester the Goods, Chattels, Credits and other Effects whatsoever, of such Persons so dying, in Cases allowed by Law, as the same is and may now be used in the said Diocese of *London*, and to demand, require, take, hear, examine and allow, and, if Occasion require, to disallow and reject the Account of them, in such Manner and Form as is now used, or may be used, in the said Diocese of *London*, and to do all other Things whatsoever, needful and necessary, in that Behalf: Provided always, and We do hereby authorize and require the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, in such Cases as aforesaid, where Letters of Administration shall be committed,

To grant Probates of last Wills of British Subjects, dying within Bengal, Bahar and Orissa; to commit Letters of Administration of Intestates;

Form of Proceedings therein as in the Diocese of London;

to sequester Estates of deceased Persons;

to allow and reject Accounts.

Provido,

committed,

committed, with the Will annexed, for want of an Executor appearing in due Time to sue forth the Probate, to reserve in such Letters of Administration full Power and Authority to revoke the same, and to grant Probate of the said Will, to such Executor, whenever he shall duly appear, and sue forth the same: And We do hereby further authorize and require the said Supreme Court of Judicature, at Fort-William in Bengal, to grant and commit such Letters of Administration, according to the Course now used, or which lawfully may be used, in the said Diocese of London, to the lawful next of Kin of such Person so dying as aforesaid, and in case no such Person then be residing within the Jurisdiction of the said Supreme Court of Judicature, at Fort-William in Bengal; or, being duly cited, shall not appear, and pray the same, to the principal Creditor of such Person, or such other Creditor as shall be willing, or desirous, to obtain the same; and for want of any Creditor appearing, then to such other Person or Persons who shall be thought proper by the said Supreme Court of Judicature, at Fort-William in Bengal.

if an Executor appears after Letters of Administration are granted.

To whom Letters of Administration are to be granted.

AND We do hereby further enjoin and require, that every Person, to whom such Letters of Administration shall be committed, shall, before the granting thereof, give sufficient Security, by Bond, to the Junior Justice of the said Supreme Court of Judicature, at Fort-William in Bengal, for the Payment of a competent Sum of Money, with two or more able Sureties, Respects being had in the Sum therein to be contained, and in the Ability of the Sureties, to the Value of the Estate, Credits and Effects of the deceased; which Bond shall be deposited in the said Supreme Court of Judicature, at Fort-William in Bengal, among the Records thereof, and there safely kept, and a Copy thereof shall also be recorded among the Proceedings of the said Supreme Court of Judicature, at Fort-William in Bengal; and the Condition of the said Bond shall be to the following Effect: "That if the above-bounded Administrator of the Goods, Chattels and Effects of the deceased, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Credits and Effects of

Administrators to give Security to the Junior Justice, to the Value of the Estate:

How Bond to be kept and recorded;

Form of the Condition of the Bond.

" the

“ the said deceased, which have or shall come to the Hands, Possession or
“ Knowledge of him the said Administrator, or the Hands or Possession of any
“ other Person or Persons for him, and the same, so made, do exhibit, or cause
“ to be exhibited, into the Supreme Court of Judicature, at *Fort-William* in *Bengal*,
“ at or before a Day therein to be specified, and the same Goods, Chattels,
“ Credits and Effects, and all other the Goods, Chattels, Credits and Effects of
“ the said deceased, at the Time of his Death, or which, at any Time afterwards,
“ shall come to the Hands or Possession, or to the Hands and Possession of any
“ other Person or Persons for him, shall well and truly administer, according to
“ Law, and further shall make, or cause to be made, a true and just Account of
“ his said Administration, at or before a Time therein to be specified, and all the
“ Rest and Residue of the said Goods, Chattels, Credits and Effects, which shall
“ be found remaining upon the said Administration Account, the same being first
“ examined and allowed of, by the said Supreme Court of Judicature, at *Fort-*
“ *William* in *Bengal*, shall deliver and pay unto such Person or Persons respectively
“ as shall be lawfully entitled to such Residue, then this Obligation to be void,
“ and of none Effect, or else to remain in full Force and Virtue :” And in case it
“ shall be necessary to put the said Bond in Suit, for the Sake of obtaining the
“ Effect thereof, for the Benefit of such Person or Persons as shall appear to the said
“ Supreme Court of Judicature, at *Fort-William* in *Bengal*, to be principally
“ interested therein, such Person and Persons, from Time to Time, paying all
“ such Costs as shall arise from the said Suit, or any Part thereof, such Person or
“ Persons shall, by Order of the said Supreme Court, be allowed to sue the same,
“ in the Name of the said Obligee, and the said Bond shall not be sued in any other
“ Manner : And We do hereby authorize and empower the said Supreme Court of
“ Judicature, at *Fort-William* in *Bengal*, to order that the said Bond shall be put
“ in Suit, in the Name of the said Junior Judge, or of his Executor, whom We
“ also authorize the said Supreme Court of Judicature, at *Fort-William* in *Bengal*,
“ so name and appoint for that special Purpose.

Directions if
it shall be ne-
cessary to put
the said Bond
in Suit.

AND

AND We do hereby authorize the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to constitute and appoint such, and so many Registers, Proctors, Apparitors, and other Officers, as from Time to Time there shall be Occasion for, and to do and perform all other Matters and Things, needful and necessary, in or concerning the Premises, although, by their own Nature, they may require a more special Warrant or Mandate.

Court to appoint Registers, Proctors, &c.

AND We do hereby authorize and empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to appoint Guardians and Keepers for Infants, and their Estates, according to the Order and Course observed in that Part of *Great-Britain*, called *England*, and also Guardians and Keepers of the Persons and Estates of natural Fools; and of such as are or shall be deprived of their Understanding or Reason, by the Act of God, so as to be unable to govern themselves and their Estates, which We hereby authorize and empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to enquire, hear and determine; by Inspection of the Person, or by such other Ways and Means, by which the Truth may best be discovered and known.

Court to appoint Guardians of Infants, and of Infane, &c. Persons, and of their Estates.

AND it is Our further Will and Pleasure, and We do hereby grant, ordain, establish and appoint, that the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall be a Court of Admiralty, in and for the said Provinces, Countries or Districts, of *Bengal*, *Babar*, and *Orissa*, and all other Territories and Islands adjacent thereunto, and which now are or ought to be dependent thereupon: And We do hereby commit and grant to the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, full Power and Authority to take Cognizance of, hear, examine, try and determine, all Causes, Civil and Maritime; and all Pleas of Contracts, Debts, Exchanges, Policies of Assurance, Accounts, Charter-Parties, Agreements, Loading of Ships; and all Matters and Contracts, which in any Manner whatsoever relate to Freight or Money due for Ships, hired

Supreme Court to be a Court of Admiralty:

Their Power, and in what Causes to proceed:

and let out, Transport-Money, Maritime Usury or Bottomry, or to Extortions, Trespasses, Injuries, Complaints, Demands and Matters, Civil and Maritime, whatsoever, between Merchants, Owners, and Proprietors of Ships and Vessels, employed or used within the Jurisdiction aforesaid, or between others, contracted, done, had or commenced, in, upon, or by the Sea or publick Rivers, or Ports, Creeks, Harbours and Places overflown, within the ebbing and flowing of the Sea and High-Water Mark, within, about and throughout the said Three Provinces, Countries or Districts, of *Bengal, Bahar, and Orissa*, and all the said Territories or Islands adjacent thereunto, and dependent thereupon, the Cognizance whereof doth belong to the Jurisdiction of the Admiralty, as the same is used and exercised, in that Part of *Great-Britain*, called *England*, together with all and singular their Incidents, Emergents, and Dependencies, annexed and connexed Causes whatsoever, and to proceed summarily therein, with all possible Dispatch, according to the Course of Our Admiralty of that Part of *Great-Britain*, called *England*, without the strict Formalities of Law, considering only the Truth of the Fact, and the Equity of the Case.

Extent of Jurisdiction, which is to be exercised as in Great-Britain, without the strict Formalities of Law.

Further Power in regard to Crimes Maritime;

to punish Offenders;

AND We do further commit to the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, full Power and Authority, to enquire, hear, try, examine and determine, by the Oaths of honest and lawful Men, being Our British Subjects, resident in the said Town of *Calcutta*, and not otherwise, all Treasons, Murders, Piracies, Robberies, Felonies, Maimings, Forestalling, Extortions, Trespasses, Misdemeanors, Offences, Excesses and Enormities, and Maritime Crimes whatsoever, according to the Laws and Customs of the Admiralty, in that Part of *Great-Britain*, called *England*, done, perpetrated or committed upon the High Seas, within the Limits and Jurisdiction aforesaid; and to fine, imprison, correct, punish, chastise and reform Parties guilty, and all Violators of the Law, Usurpers, Delinquents, contumacious Absenters, Masters of Ships, Mariners, Rowers, Fishers, Shipwrights, and other Workmen, exercising any Kind of Maritime Affairs, according to the said Civil and Maritime Laws,

Laws, Ordinances, and Customs, and their respective Demerits; and to deliver and discharge Persons imprisoned in that Behalf, who ought to be delivered, and to take Recognizances, Obligations, Stipulations and Cautions, as well to Our Use as at the Instance of other Parties, and to put the same in Execution, or to cause or command them to be executed; and also to arrest, or cause or command to be arrested, according to the Civil Law, and the ancient Customs of Our High Court of Admiralty, in that Part of *Great-Britain*, called *England*, all Ships, Persons, Things, Goods, Wares and Merchandizes, for the Premises, and every of them, and for other Causes whatsoever, concerning the same, wheresoever they shall be met with or found, in or throughout the said Districts, and Jurisdictions aforesaid; and to compel all Manner of Persons in that Behalf, as the Case shall require, to appear and answer in the said Court, with Power of using any temporal Coercion, and inflicting Mulcts and Penalties, according to the Laws and Customs aforesaid; and moreover to compel Witnesses, in case they should withdraw themselves for Interest, Fear, Favour, or Ill-Will, or other Cause whatsoever, to give Evidence to the Truth, in all and every the Cause or Causes above-mentioned, according to the Exigencies of the Law, and to proceed in such Cause or Causes, according to the Civil and Maritime Laws and Customs, as well as of mere Office mixed, or promoted, at the Instance of any Party, as the Case may require, and to promulge and interpose all Manner of Sentences and Decrees, and put the same in Execution, according to the Course and Order of the Admiralty, as the same is now used in that Part of *Great-Britain*, called *England*.

and to deliver and discharge them;

may arrest Ships, &c.

to compel Persons to appear, under Penalties;

Witnesses to answer according to the Law Civil and Maritime, as is now used in *Great-Britain*.

AND We do hereby ordain and appoint, that all Affidavits, taken in the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, or before any Justice thereof, shall be made on Oaths administered in such Form and Manner as is before directed in the Case of Witnesses, to be examined before the said Supreme Court of Judicature, at *Fort-William* in *Bengal*; and that in all Civil Cases, the Affirmation in Writing of a Quaker, which the said Court, or any Justice

Affidavits and Affirmations in the Court of Admiralty.

Justice

Justice of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, as the Case may require, are hereby authorized and empowered to take, shall be of the same Weight, Authority and Effect, as an Affidavit upon Oath: Provided always, that the several Powers and Authorities, hereby to proceed in Maritime Causes, and according to the Laws of the Admiralty, shall extend, and be construed to extend only to the Subjects of Us, Our Heirs or Successors, who shall reside in the Kingdoms or Provinces of *Bengal*, *Babar*, and *Orissa*, or some of them, and to Persons who shall, when the Cause of Suit or Complaint shall have arisen, have been employed by, or shall then have been, directly or indirectly, in the Service of the said *United Company*, or of any of Our Subjects.

Fines, &c. reserved to the King.

Satisfaction to be made to Prosecutors, out of Fines set by the Court.

AND We do hereby reserve to Ourselves, Our Heirs and Successors, all Amerciements, Fines, Ransoms and Forfeitures, to be set and imposed by the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, or otherwise incurred: Provided always, that it shall be lawful, and We hereby authorize and empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to make such Satisfaction to Prosecutors of Informations, or Indictments, as to the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall seem reasonable and fit, out of any Fine, to be by them set or imposed, upon any Person or Persons, who shall be convicted on such Prosecutions.

Appeal allowed to the King in Council, from the Supreme Court, in Civil Causes, by Petition to that Court.

AND it is Our further Will and Pleasure, and We do hereby direct, establish and ordain, that if any Person shall find him, her, or themselves aggrieved, by any Judgment, Decree, Order or Rule, of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, in any Case whatsoever, it shall and may be lawful, for him and them to appeal to Us, Our Heirs or Successors, in Our or their Privy Council, in such Manner, and under such Restrictions and Qualifications, as are hereinafter mentioned, that is to say, in all Judgments, Decrees, or Decretal Orders, made by the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, in any Civil Cause, the Party and Parties, against whom

whom, or to whose immediate Prejudice the said Judgment, Decree or Decretal Order, shall be or tend, may, by his or their humble Petition, to be preferred for that Purpose to the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, pray Leave to appeal to Us, Our Heirs or Successors, in Our or their Privy Council, stating in such Petition the Cause or Causes of Appeal; and in case such Leave to appeal shall be prayed by the Party or Parties, who is or are directed to pay any Sum of Money, or to perform any Duty, the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall and is hereby empowered to award, that such Judgment, Decree, Rule or Order, shall be carried into Execution, or that sufficient Security shall be given, for the Performance of the said Judgment, Decree, Rule or Order, as shall be most expedient to real and substantial Justice; provided always, that where the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall think fit to order the Judgment, Decree, Rule or Order, to be executed, Security shall be taken from the other Party or Parties; for the due Performance of such Order or Decree, as We, Our Heirs or Successors, shall think fit to make thereupon; and in all Cases We will and require, that Security should also be given, to the Satisfaction of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, for the Payment of all such Costs as the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, may think likely to be incurred by the said Appeal, and also for the Performance of such Judgment, or Order, as We, Our Heirs or Successors, shall think fit to give, or make thereupon; and upon such Order or Orders of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, thereupon made, being performed to their Satisfaction, the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall allow the Appeal, and the Party or Parties, so thinking him, her, or themselves aggrieved, shall be at Liberty to prefer and prosecute his, her, or their Appeal, to Us, Our Heirs or Successors, in Our or their Privy Council, in such Manner and Form, and under such Rules, as are observed in Appeals made to Us, from Our Plantations or Colonies, or from Our Islands of *Guernsey*, *Jersey*, *Sarke*, and *Alderney*.

Security on such Appeal, for Costs, and for Performance of Judgment.

Supreme Court on such Appeal to transmit a Copy of all Evidence.

AND it is Our further Will and Pleasure, and We do hereby direct and ordain, that, in all such Cases, the said Supreme Court of Judicature, at *Fort-William in Bengal*, shall certify and transmit, under the Seal of the said Supreme Court of Judicature, at *Fort-William in Bengal*, to Us, or Our Heirs or Successors, Our or their Privy Council, a true and exact Copy of all the Evidence, Proceedings, Judgments, Decrees and Orders, had or made in such Causes appealed.

In Criminal Suits the Court may allow or deny Appeal, and regulate the Terms.

AND it is Our further Will and Pleasure, that in all Indictments, Informations, and Criminal Suits and Causes whatsoever, the said Supreme Court of Judicature, at *Fort-William in Bengal*, shall have the full and absolute Power and Authority to allow, or deny, the Appeal of the Party pretending to be aggrieved, and also to award, order and regulate, the Terms upon which such Appeals shall be allowed in such Cases, in which the said Supreme Court of Judicature, at *Fort William in Bengal*, may think fit to allow such Appeal.

Reservation of Power to the King to refuse an Appeal:

AND We do hereby also reserve to Ourselves, Our Heirs and Successors, in Our or their Privy Council, full Power and Authority, upon the humble Petition of any Person or Persons aggrieved by a Judgment, Decree or Decretal, or other Order or Rule, of the said Supreme Court of Judicature, at *Fort-William in Bengal*, to refuse or admit his, her, or their Appeal therefrom, upon such Terms, and under such Limitations, Restrictions and Regulations, as We or they shall think fit, and to reform, correct or vary such Judgment, Decree or Orders, as to Us or them shall seem meet; And We do further direct and ordain, that the said Supreme Court of Judicature, at *Fort-William in Bengal*, shall in all such Cases conform and execute, or cause to be executed, such Judgments, and Orders, as We shall think fit to make in the Premises, in such Manner as any Original Judgment, Decree or Decretal, or other Order or Rule, by the said Supreme Court of Judicature, at *Fort-William in Bengal*, should

Court to execute Judgments and Orders of His Majesty.

should or might have been executed: Provided always, that no Appeal shall be allowed by the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, unless the Petition for that Purpose shall be preferred within Six Months, from the Day of pronouncing the Judgment, Decree or Decretal Order complained of, and unless the Value of the Matter in Dispute shall exceed the Sum of One Thousand Pagodas.

No Appeals to be allowed, except the Petition shall be preferred within 6 Months, and unless the Matter shall exceed 1000 Pagodas.

PROVIDED also, and We do hereby limit and declare, that the Person or Persons of the Governor-General, or of any of the Council, appointed in and by the above recited Act of Parliament, or of the Chief Justice, or any of the Justices of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, hereby erected and created, shall not, nor shall any of them respectively, be subject or liable to be arrested, or imprisoned, upon any Action, Suit, or Proceeding in the said Court, except in Cases of Treason or Felony; nor shall the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, be competent to hear, try and determine, any Indictment or Information, against the said Governor-General, or any of the said Council, for the Time being, for any Offence, not being Treason or Felony, which the said Governor-General, or any of the said Council, shall or may be charged with having committed, in *Bengal*, *Babar*, or *Orissa*, any Thing herein before contained to the contrary notwithstanding; but in all such Cases above-mentioned, wherein a *Capias*, or Process, for arresting the Body is hereby given and provided, it shall and may be lawful, for the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to order the Goods and Estate of such Persons to be seized and sequestered, until he or they respectively shall appear, and yield Obedience to the Judgment, Decree, Decretal, or other Order or Rule of the said Court.

Governor-General and Council, Chief and other Justices, not to be arrested, except for Treason or Felony;

their Goods and Estates may be seized and sequestered.

AND it is Our further Will and Pleasure, and We do hereby direct, ordain and appoint, that the said Chief Justice, and other Justices, shall respectively assemble themselves, in a proper Court or Room, to be by them appointed for that

Court Room for holding Supreme Court to be provided:

Chief Justice
to be sworn:

that Purpose, forthwith after their respective Arrivals, at the said Town of *Calcutta*, in *Bengal* aforesaid; and before they shall proceed to execute the above-mentioned Powers or Authorities, or any of them, the said Chief Justice shall then and there take an Oath, in the most solemn Manner, that he will, to the best of his Knowledge, Skill and Judgment, duly and justly execute the Office of Chief Justice, of the said Supreme Court of Judicature; at *Fort-William* in *Bengal*, and impartially administer Justice in every Cause, Matter or Thing, which shall come before him, and shall also take the Oath of Allegiance and Supremacy, and make and subscribe the Declaration against Transubstantiation, in such Manner and Form as the same are by Law appointed to be taken or made in *Great-Britain*, of which Oaths a Record shall be forthwith made: And We do hereby authorize the said Puisne Justices, or so many of them as shall be so assembled, to administer the said Oaths and Declarations, and make such Record thereof accordingly; after which the said Puisne Justices, or so many of them as shall then and there be present, shall take the like Oaths, and make and subscribe the like Declarations, only changing what ought to be changed for that Purpose, before the said Chief Justice, of which Oaths also a Record shall be forthwith made: And We do hereby authorize the said Chief Justice to administer the said Oaths and Declarations, and record the same accordingly; or if the said Chief Justice, or any other of the said Justices, shall be dead, or unavoidably absent, by Sicknes or otherwise, We do hereby authorize the next Justice of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, who shall be there present, to take and administer the said Oaths, and act, in all Respects, as the Chief Justice should have done: And We do hereby further ordain and establish, that all and every succeeding Chief Justice and Puisne Justices shall, before he or they be capable of exercising the said Office, respectively take, in open Court, the like Oaths, and make and subscribe the like Declaration, only changing what ought to be changed for that Purpose, whereof Records shall be made and filed among the other Records of the Court, from Time to Time; and after the said Chief Justice and Puisne Justices,

Puisne Jus-
tices to be
sworn:

All future
Justices to be
sworn before
they can act.

Justices, or so many of them as shall then and there assemble, and be present, shall have taken the said Oaths, and made and subscribed the like Declaration, the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall be proclaimed and published in due Manner, and proceed forthwith to the Execution of the several Authorities hereby vested in it.

AND it is Our further Will and Pleasure, that from and after such publishing and proclaiming of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, the said Mayor's Court of *Calcutta*; at *Fort-William* in *Bengal* aforesaid, granted, erected and created, by and in the above-mentioned Charter, made in the Twenty-sixth Year of Our said Royal Grandfather, and also the Court of Record, in Nature of a Court of Oyer and Terminer, and Gaol Delivery, erected and created by the said Charter, and all the Authority thereby given to the President, or Governor or Council, of *Fort-William* in *Bengal*, to be or act as Commissioners of Oyer and Terminer, and Gaol Delivery; and every Clause and Article in the said Charter, which extends or relates to the Establishment of the said Mayor's Court of *Calcutta*, at *Fort-William* in *Bengal*, or the said Court of Oyer and Terminer, and Gaol Delivery, or to the Civil, Criminal, or Ecclesiastical Jurisdiction of the said Courts; or any of them, shall cease, determine, and be utterly void, to all Intents and Purposes whatsoever: Provided always, that no Judgment, Decree, Decretal, or other Order, Rule or Act, of the said Mayor's Court of *Calcutta*, at *Fort-William* in *Bengal*, or the said Courts of Oyer and Terminer, and Gaol Delivery respectively, theretofore legally pronounced, given, had or done, shall be thereby avoided, but shall remain in full Force and Virtue, as if these Presents had not been made; nor shall any Indictment, Information, Action, Suit, Cause or Proceeding, depending in the said Mayor's Court of *Calcutta*, at *Fort-William* in *Bengal*, or in the said Courts of Oyer and Terminer, and Gaol Delivery, be abated or annihilated, but the same shall be transferred, in their then present Condition, respectively to, and subsist and depend in the said Supreme Court of Judicature, at *Fort-William*, to all Intents and Purposes, as if they had been respectively commenced in the last men-

Former Charter of 26th George II. to be void after Publication of the Supreme Court

Judgments pronounced by the Mayor's Court to be in Force;

Proceedings depending in the Mayor's Court, &c. not to be abated, but transferred to the Supreme Court:

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tioned Court: And We do hereby authorize and empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to proceed accordingly in all such Indictments, Informations, Actions, Suits, Causes and Proceedings, and to make such Orders respecting the same, and also respecting any Sum or Sums of Money belonging to the Suitors, at the said Mayor's Court of *Calcutta*, at *Fort-William* in *Bengal*, as the said Mayor's Court of *Calcutta*, at *Fort-William* in *Bengal*, or the said Court of Oyer and Terminer, and Gaol Delivery, might have made, or as the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, is hereby empowered to make, in Causes commenced or depending before the said Supreme Court of Judicature, at *Fort-William* in *Bengal*; for which Purpose, it is Our further Will and Pleasure, that all the Records, Muniments and Proceedings whatsoever, of or belonging to the said Mayor's Court of *Calcutta*, at *Fort-William* in *Bengal*, or to the said Courts of Oyer and Terminer, and Gaol Delivery, shall be delivered over, deposited, and preserved among the Records of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*.

Records of the Mayor's Court, &c. to be delivered over to the Supreme Court.

Four Terms, and Sittings after Term, to be appointed in each Year;

Duration of Terms, and Sittings;

Two Sessions to be held every Year.

AND We do hereby authorize and empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal* (Respect being had to the Seasons of the Year, and the Convenience of the Suitors) to settle and appoint proper Terms and Law Days, and Days for Sittings after Term, and to proclaim, hold, and adjourn the Sessions of Oyer and Terminer, and Gaol Delivery, and Admiralty Sessions, as to them shall seem most expedient; provided nevertheless, that the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall, and they are hereby required to appoint not less than Four Terms in the Year, each Term consisting of Four Weeks at the least, in each Year, and Sittings after each Term, each Sitting to consist of Fourteen Days, if the Business of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, be not sooner dispatched; and that the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, do in each Year hold Two Sessions of Oyer and Terminer, and Gaol Delivery.

AND

AND We do hereby authorize and empower the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, to frame such Rules of Practice, and make such standing Orders, for Administration of Justice, and the due Exercise of the Civil, Criminal, Admiralty and Ecclesiastical Jurisdiction, hereby created, and to do all such other Things as shall be found necessary thereunto, so as the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, shall, from Time to Time transmit the same, under the Seal thereof, to Us, Our Heirs or Successors, in Our Privy Council, for Our Approbation, Control or Alteration : And We do hereby reserve, to Us, Our Heirs and Successors, with the Advice of Our or their Privy Council, full Power and Authority to approve, reject, control, or vary the same, and to make such new and other Rules of Practice, and Rules and Orders, for the Process of the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, as to Us or them shall appear fit and convenient, which We will and ordain shall be in Force, from such Time or Times as the same shall be respectively transmitted to the said Supreme Court of Judicature, at *Fort-William* in *Bengal*.

Court to
frame Rules of
Practice, &c.
and transmit
them to the
Privy Council
for Approval.

AND We do further hereby strictly charge and command all Our Governors, Commanders, Magistrates, Officers and Ministers, Civil and Military, and all Our faithful and liege Subjects whatsoever, in and throughout the said Provinces, Countries or Districts, of *Bengal*, *Babar*, and *Orissa*, and all other Lands, Islands, or Territories, adjacent thereunto, and which are or ought to be dependent thereupon, that in the Execution of the several Powers, Jurisdictions and Authorities, hereby erected, created and made, they be aiding, assisting, and obedient in all Things, unto the said Supreme Court of Judicature, at *Fort-William* in *Bengal*, as they will answer the contrary at their Peril.

All the King's
Officers and
Subjects to be
obedient to
the Supreme
Court.

IN Witness whereof, We have caused these Our Letters to be made Patent. Witness Ourselves, at *Westminster*, this Twenty-sixth Day of *March*, in the Fourteenth Year of Our Reign.

26th March,
14th Year of
the Reign.

By Writ of Privy Seal.

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