

PREFACE TO THE THIRD EDITION.

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

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

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that the Charter of 1726 was devoted solely to the creation of certain Courts of Justice which have long since been superseded, and that the Charter itself was surrendered on the grant of the subsequent Charter of 1753.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

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

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

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

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

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

London, January, 1842.