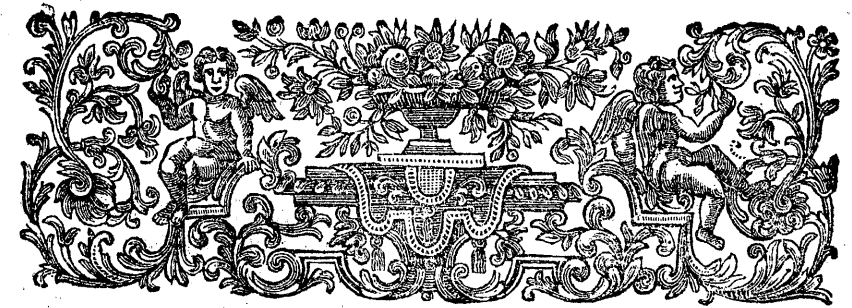
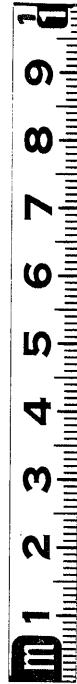


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# B Y - L A W S,

*Constitutions, Orders and Rules, for the Good Government of the Corporation of the United Company of Merchants of England, Trading to the East-Indies, and for the better carrying on, and managing the Trade of the said Company.*

1st By-Law.

**I**t is Ordained, That the Common Seal of this Corporation shall be kept under Three Locks, by such Three of the Directors, as the Court of Directors shall from Time to Time appoint; and that the said Seal shall not be set to any Writing, or Instrument, but by an Order of the Court of Directors first had, and that in the Presence of the said Three Directors, or any Two of them, and that the Court of Directors do cause a particular Register of all Bonds for Money borrowed at Interest, and another Register for all other Bonds and Instruments of what Kind soever, that shall pass under the Company's Seal, to be entered, and kept under the Inspection of those that have the Custody of the Seal, who are hereby required to see, that the said Register Books be regularly kept up, and laid before the Court of Directors at the first Court in every Calendar Month, or oftener if they shall call for the same.

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## 2d By-Law.

*Item,* It is Ordained, That upon all Transfers to be made of any Interest in the Stock, or Fund, of this Corporation, Eleven Shillings and Nine Pence shall be paid for each Transfer, by the Person Transferring, for the Use of this Corporation, including the Stamp Duties of Seven Shillings and Nine Pence.

## 3d By-Law.

*Item,* It is Ordained, That a Court of Directors shall be Summoned and Held once in every Week at the least.

## 4th By-Law.

*Item,* It is Ordained, That an Account of the Money Received, and Paid, for the Annuity, be kept distinct from the Trade; and that the said Annuity be Paid Half-yearly, to the Persons interested, viz. at *Midsummer* and *Christmas*, or so soon after as the same shall come in.

## 5th By-Law.

*Item,* It is hereby further Ordained, That in all Cases whatsoever, where any Director, or any other Officer of this Company, shall have any Dealing, or Business, with this Company, upon their own Account separately, or in Conjunction with any other, for or in Respect of Buying for, or Selling to this Company any Bullion, or other Goods whatsoever, or in the making any other Bargain or Contract whatsoever, by, to, or with this Corporation, That then, in such Case, such Director or Officer, so having any Business with this Corporation, as aforesaid, shall at the Time at his or their negotiating the same, or being present of such Negotiation, declare and publish to the Court of Directors, whether he is directly, or indirectly, concerned in the Goods proposed to be Sold, or other Matters then negotiating, or in any other Matter, wherein he shall be directly or indirectly interested, or concerned: And if any Debate shall thereupon

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upon arise, the Person concerned having first been heard, shall afterwards withdraw during such Debate, and when the Question is put; provided that nothing in this By-Law shall be understood to oblige any Director to declare, whether he is concerned in Goods bought by himself, or others for him, at any publick Sale by the Company's Candle. And it is also hereby Ordained, That no Director shall give his Vote, for any Lot of Goods bought at the Company's Candle, or for making any Allowance for any Goods so bought, wherein he is directly or indirectly concerned: And if any such Director, or other Officer whatsoever, shall at any Time wittingly or willingly offend, contrary to this By-Law, such Person or Persons so offending, and being declared guilty thereof by a General Court, shall immediately become, and be deemed and reputed incapable of holding or enjoying, or being chosen again into the Office of Director, or any other Office of, or belonging to, the said Company.

## 6th By-Law.

*Item,* It is Ordained, That no Director shall take any Fee, Present, or Reward, directly or indirectly, upon any Account whatsoever, relating to the Business or Affairs of the Company.

## 7th By-Law.

*Item,* It is Ordained, That no Officer or Servant belonging to this Company shall, directly or indirectly, take any Fee, Reward, or Present, other than such as shall be allowed and established by the Court of Directors, and contained in a Table or Tables of Fees, to be provided by them for that Purpose, and exposed to publick View: And that no Officer or Servant, being or taking upon him the Office of a Broker, shall be capable of continuing in the Service of this Company.

## 8th By-Law.

*Item,* It is Ordained, That the Court of Directors shall not invest any of the Company's Money, or Effects

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Effects whatsoever, in Shipping (except such small Ships as they may have Occasion to employ in the *East-Indies*) or in the purchasing any Part or Share in the Capital or Additional Fund, or Stock of this Company, without the Consent of the General Court first had.

9th By-Law.

*Item*, It is Ordained, That from and after *Michaelmas*, which shall be in the Year of our Lord, 1709, no Ship or Vessel shall be hired or freighted by the Court of Directors, wherein any Director is, directly or indirectly, concerned, or interested as an Owner, or a Part Owner: And all Ships to be hired by this Company shall be Taken up, and their respective Voyages Agreed in a Court of Directors, by the Ballot, and not otherwise: And the Court of Directors shall not accept the Tender of any Ship, but what shall be first made by the Commander, and Two of the Owners in Writing, wherein shall be expressed the Names of all the Owners.

10th By-Law.

*Item*, It is Ordained, That all Goods and Merchandizes whatsoever, that shall hereafter be Licensed to be sent in any of the Company's Ships to the *East-Indies*, by the Court of Directors for the Time being, or by any Committee empowered by them, shall be brought for that Purpose to or near the *East-India-House*, and be there viewed by the Committee of Shipping, in order to the Tonnaging and Registering of such Goods.

That all Bullion, which shall be so Licensed, shall be brought to the *Treasury-Office*, and there viewed, weighed, and packed up.

That before any Warrant, or Order, shall be given for Shipping such Goods, Merchandizes or Bullion, the Freight, and other Duties chargeable thereon, shall be first paid to the Company's Treasurer, or Cashier, for the Time being; for which he shall give a Receipt, therein mentioning the Sum, and for what paid, which Receipt shall be produced to the Committee,

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Committee, or Officers who sign the said Warrant or Order.

That the Company's Mark shall be put upon all such Goods, Merchandizes, and Bullion, either by burning or deep cutting in, if the Package will bear it, or else by stamping, before the same are removed from the Place of View; with such further additional Marks or Numbers, as the Parties concerned, and the Committee of Shipping, or of the Treasury, shall direct.

That a due Register shall be kept, in Books for that Purpose, of all the Goods, Merchandizes, and Bullion to be Licensed as aforesaid, together with the Quantity and Tonnage of the same; and that the Husband at the Water-side, or his Assistant, do, from Time to Time, within Fourteen Days, after any Ship or Ships belonging to this Company are sailed from the *Downs*, transmit to the Court of Directors, an Account of all Goods and Merchandizes shipped on such Ship or Ships respectively, together with the Marks and Numbers, and Quantity of the Tonnage of the same.

That all Goods, Merchandizes and Bullion, which shall be found on board any of the Company's Outward-bound Ships, not Licensed and Marked, or Stamped with the Company's Mark, shall be forfeited, according to the Directions of the Act of Parliament; except only in such Cases, where the Court of Directors for the Time being shall think fit, on the Necessity of the Case, to dispense with the examining and marking of such Goods, and declare the same under the Hands of Thirteen or more of them.

That Notice in Writing be given to the Commanders of all Ships, to be employed in the Company's Service, of this By-Law, at the Time of Entertaining their Ships, to the End, they may forbid any Goods being taken on board their respective Ships, that are not Licensed and Marked, or have not a particular Order under the Hands of Thirteen or more of the Court of Directors, for the Time being, for their being shipped as aforesaid.

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11th By-Law.

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## 11th By-Law.

*Item,* It is Ordained, That in all Charter-Parties for the future, there be inserted a Clause, whereby the Commander and Owners shall Lose and Forfeit to the Use of the Company, all their Goods brought Home in Private Trade, which shall not be duly Registered in *India*, at the Factory where such Goods shall be taken on board, and in case any of their Goods shall be taken on board, where the Company have no Factors, then to be Registered in the Supra-cargoes Book; and where there is no Supra-cargo, then to be Registered in the Commander's Book, and Witnessed by the next Superior Officer aboard: And that there be a proper Instrument prepared for the same Purpose, for the Officers and Ship's Company to sign to, at the Time of receiving their Imprest-Money: And that a Return of all such Registers be constantly made by the Factors, Supra-cargoes or Commander on each Ship, under their Hands respectively, and Duplicates thereof transmitted to the Company by some other Ship.

And that all Goods in Private Trade (prohibited Goods excepted) be immediately, after Landing, brought up from the Water-side, and lodged in a particular Warehouse, to be provided by the Court of Directors for that Purpose, and not housed in any Warehouse at the Water-side, on any Pretence whatsoever, unless otherwise Ordered by the Court of Directors.

## 12th By-Law.

*Item,* It is Ordained, That when any Director goes to reside beyond Sea, it shall make a Vacancy of his Directorship, and that whenever there shall be a Vacancy of the Place of a Director by Death, Resignation, Incapacity, or otherwise, another shall be chosen in his Room, within a convenient Time after every such Vacancy, and that Ten Days publick Notice shall be given of the Day upon which such Choice shall be made.

## 13th By-Law.

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## 13th By-Law.

*Item,* It is hereby Ordained, That no Commander, Owner, or Part-Owner, of any Ship freighted by the Court of Directors, shall sell any Office of Mate, Purser, Gunner, Boatswain, or any inferior Office, or take any Fee or Reward whatsoever, directly or indirectly, for any of the said Offices or Employments, on board any Ship so Freightied: And that upon Proof made thereof to the Court of Directors, such Commander, Mate, Purser, Gunner, Boatswain, or other inferior Officer, shall be discharged the Service of this Company: And that any Owner, Part-Owner, or Commander of any Ship, freighted as aforesaid, who shall sell any such Office as aforesaid, upon Proof made thereof to the said Court of Directors, shall forfeit to this Company, for every such Offence, double the Sum for which any such Office shall be sold, to be deducted out of the Freight and Demorage to grow due for the said Ship: And that a proper Clause be inserted in all Charter-Parties for this Purpose.

That no Supra-cargo, Commander, Mate, or other Officer of any Ship, freighted by the Court of Directors, shall be allowed to take up or borrow, or become bound for any Money upon Bottomree, on the Goods on board, or the Bottom of any Ship outward-bound to the *East-Indies*, or other Parts within the Limits of the Company's Charter, more than their respective Proportions of the Indulgence granted by the Company to the Supra-cargoes, Commander, Officers, and Ship's Company, which said Money so allowed shall be taken up of the Company at such Rates and Values, and on such Security as the Court of Directors shall think fit: And that the said Supra-cargoes, Captains and Officers, shall give Bond accordingly, and upon Proof made to the Court of Directors of the Breach of this By-Law, by any Supra-cargo, Commander, or other Officer of any Ship, freighted as aforesaid, such Supra-cargo, Commander or Officer shall be forthwith discharged from the Service of this Company, and be rendered incapable for ever after of any Employment in the Service of this Company.

## 14th By-Law.

14th By-Law.

Item, It is Ordained, That it shall and may be law-ful for the Court of Directors, to make such Allow-ance for Prompt Payment of Money called in for Trade, as they shall think fit; so as at least ten Days public Notice be given, What, and When any such Allowance is to be made.

15th By-Law.

Item, It is Ordained, That the Books containing the general Accounts of this Company in England, shall be ballanced to the 30th Day of June, which shall be in the Year of our Lord, 1735, and so year-ly, to every 30th Day of June following, and the Ballance drawn out within Three Calendar Months aiter every 30th Day of June; and likewise the Books of this Company's Affairs in India shall once every Year be ballanced in every of the said Company's Factories, and Transcripts or Copies thereof, signed by the Chief and Council of each Factory, sent to England, by the first Conveyance following; under the Penalty of the Persons being dismissed from the Service of the Company, who shall refuse or neglect so to do.

16th By-Law.

Item, It is Ordained, That all Receipts and Pay-ments, ordered by the Court of Directors, shall be made in course, without any undue Preference: And every Officer acting otherwise shall be dismissed the Service of the Company.

17th By-Law.

Item, It is Ordained, That upon every Annual Election of Directors, at least seven Months publick Notice shall be given thereof, and that two Printed Lists of the Names of the Members, who appear qualified to Vote, be ready to be delivered, the first at least five Months, and the second at least fourteen Days before the Day of Election.

18th By-Law

18th By-Law.

Item, It is Ordained, That no Note drawn by any Director, or other Person, or under his or their Hands, shall be taken in any Payment whatsoever to the Company.

19th By-Law.

Item, It is Ordained, That every Person that is a Member of this Company, and shall directly or indi-rectly, under any Colour or Pretence whatsoever, Trade within the Limits of the Company's Charter, otherwise than in the Joint-Stock of the said Company, shall Forfeit and Loie to the Use of the said Company, the Value of such Money, Goods and Merchandizes, so traded for, over and above all other Penalties and Forfeitures appointed by Act of Parliament; and the Person offending herein shall be incapable of serving this Company, in any Office or Place whatsoever.

20th By-Law.

Item, It is Ordained, That no Orders shall be sent by the Directors to, or obey'd by any of the Agents or Factors of this Company in India or any other Parts, at or beyond the Cape of Good Hope, or at St. Helena, but such as shall be signed by Thirteen or more of the Directors for the Time being, except for Signals and Places of Rendezvous of Ships.

21st By-Law.

Item, In Order to avoid Mistakes or Confusions in Elections, It is Ordained,

First, If it shall happen upon making the Scrutiny for Directors, any two or more Persons qualified shall have an equal Number of Votes, the Election, in such case, shall be determined in the General Court, in which such Scrutiny shall be reported.

Secondly, And if on taking the Scrutiny, two or more Persons qualified for the same Office, have the same

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same Christian and Surnames, and are not distinguished by their Additions; or that a wrong Christian Name in any List is placed to a Surname, when but one Person of that Surname is qualified, or that Literal Mistakes be made in Christian or Surnames: In every of the said Cases, such undistinguished, wrong or mistaken Name or Names, shall be kept and not rejected, but the rest of the List shall be allowed: And the Persons appointed to take the Scrutiny may determine the Person or Persons intended by such undistinguished, wrong or mistaken Name or Names, provided the Major Part of them, then present, shall agree in ascertaining the Person or Persons so intended: But in Default thereof, the same shall be determined by the General Court, in which such Scrutiny shall be reported.

*Thirdly,* And if at any Election for Twenty-four Directors, any List shall contain more than Twenty-four, or less than Twenty-two Persons qualified for Directors, then such List, and all the Names therein, shall be totally rejected: And if any List shall contain the Names of any Persons not qualified, such List shall be taken for so many qualified Persons as are therein contain'd, provided they are not more than Twenty-four, or less than Twenty-two.

*Fourthly,* And that no List shall be received for any Election, after the Glafs is finally sealed up, according to the Time prefixed, but such List shall be rejected.

*Fifthly,* And if any Member shall use, or procure to be used, any indirect Means, by Menaces, Promises, or collusive Transfer or Transfers of Stock, or otherwise, to obtain any Vote for Election of himself, or any other, to be a Director, and be thereof declared guilty at a General Court, to be called for that Purpose, such Person shall for ever be incapable of being elected into any such Office.

*Sixthly,* And that in all Elections of Committees to be made by a General Court, the same Method (or so near as the Case will admit) be observed, under such Penalties as are before prescribed, concerning the Election of Directors.

*Seventhly,* And that the third, fourth, and fifth Clauses of this By-Law shall be inserted at the End of every Printed List, that shall be given out, at or before the Annual Election, to the End, the Members of this Corporation may be directed in giving their Votes.

22d By-Law.

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22d By-Law.

*Item,* It is Ordained, That at the next Annual Election, which is to be between the 25th Day of March, and the 25th of April, 1735, and thence forward at every Annual Election for ever, every Person who has served the Office of a Director the four preceding Years successively, shall be excluded from the Directorship for one Year: And every List that shall contain the Name of any such Person, shall be deemed as no Vote; and the said List and all the Names therein, shall be totally Rejected.

And that after the 25th of March, 1735, in the printed Lists of Proprietors to be delivered out, before every Annual Election, the Number 1, 2, 3, or 4, be inserted to the Name of each Director, according to the Years he has served, that the Members may be thereby directed in conforming their Lists to this By-Law.

23d By-Law.

*Item,* It is Ordained, That the Cash of this Corporation, consisting in Ready Money, Exchequer Bills, or Bank Notes, shall, from Time to Time, be kept under three several Locks, by such three of the Court of Directors, as the said Court shall from Time to Time appoint; except such Sums as the said Court shall think necessary to trust with their Cashier: And that the Cash of this Corporation in the *Bank of England*, shall be kept in such Method as the Court of Directors shall appoint: And that no Money, relating to the Trade, or Affairs of the said Company, shall be disposed of, without an Order of the said Court of Directors: And that the Interest, and all other Advantages, arising and growing upon the Cash of the said Company, be brought to the Account of the said Company.

And that the Book, containing the State of the Cash, be laid before the Court of Directors once in every Week by the Cashier, and that he sign the same: And that the said three Directors, or any two of them, do once a Month, or oftener, examine the several Species whereof the Ballance of the Cash consists, and certify the same under their Hands: And that the  
Accomptant,

Accomptant, with the next Person under him, do, within fourteen Days after the End of every Month, examine all the particular Entries of Receipts and Payments of that Month by the respective Vouchers, and likewise the Additions and Ballance thereof, and certify under their Hands upon the Cash Book that they have so done, and how they find the same.

24th By-Law.

*Item,* It is Ordained, That the Court of Directors shall not permit any Person or Persons to export or import, any Money, Goods, or Merchandizes, in any Ship belonging to, or freighted by this Company, other than such as shall be first licensed by the said Court of Directors, or such as shall be by them empowered to grant such Licence.

25th By-Law.

*Item,* It is Ordained, That all Questions (except for Adjournment) that shall be proposed in a General Court, shall, if required, be first stated in Writing by the Chairman, before the same shall be put; and that the Chairman, in a General Court, shall not adjourn or dissolve the Court, without a Question.

26th By-Law.

*Item,* It is Ordained, That at the General Court to be held Yearly in the Month of June, a Committee of Seven shall be chosen, whereof Four to be a Quorum, who shall be, and they are hereby authorized and empower'd to inspect the By-Laws, and to make Enquiry into the Observance and Execution of them, and to consider what Alterations and Additions may be proper to be made, and to report their Opinion, from Time to Time to the General Court.

27th By-Law.

*Item,* It is Ordained, That at the first Court of Directors after every Annual Election, a Chairman and Deputy Chairman be chosen for the Year by the Ballot, and that each of them be allowed two Hundred Pounds

Pounds a Year; and every other Director be allowed One Hundred and Fifty Pounds a Year, for his Attendance upon the Business of this Company.

28th By-Law.

*Item,* It is hereby Ordained, That if at any General Court of this Company, any Nine of the Members present shall demand a Ballot for determining any Question proposed, such Question shall be put by the Ballot, and not otherwise.

29th By-Law.

*Item,* It is Ordained, That the Court of Directors shall Annually, in the Month of June, cause a General State of the Company's Affairs to be drawn out, and laid before them for their Observation.

30th By-Law.

*Item,* It is Ordained, That whoever shall be in the Service of this Company, and shall be wittingly guilty of the Breach of any of the By-Laws of this Corporation, and shall be so adjudged by a General Court, he shall be incapable of any Employment in this Company.

31st By-Law.

*Item,* It is Ordained, That none of the present By-Laws, or any other that shall hereafter be made, shall be Altered, Repealed or Suspended, without the Consent and Approbation of two General Courts, to be called for that Purpose.

32d By-Law.

*Item,* It is Ordained, That if any Doubt shall hereafter arise in the General Court, upon, or relating to any Declaration which shall be made from the Chair, upon the Question for Adjournment, or the previous Question; such Question shall be determined by a  
D Division



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Division of the Proprietors then present, provided a Motion be made for such Division and Seconded, and that four Tellers be immediately Appointed, two by the Chairman, and two by the Persons who have moved and seconded such Question.

## 33d By-Law.

*Item,* It is Ordained, That these By-Laws shall be read in the first Court of Directors, and first General Court, after every Annual Election.

## 34th By-Law.

*Item,* It is Ordained, That no new Ship (except those now building) shall be built for the Service of this Company, until the Tonnage of all the Ships employed, or to be employed in the Trade of this Company, on Freight to and from the *East-Indies*, shall be reduced to 45000 Tons Builders Measurement.

## 35th By-Law.

*Item,* It is Ordained, That every Director shall have Liberty to inspect, and take Copies of such Accounts, Letters and Papers, relating to the Company's Affairs, as he shall think fit, except such as are before the Secret Committee.

## 36th By-Law.

*Item,* It is Ordained, That the proper Matters of Reference to the Committee of Secrecy, be the soliciting and settling with the Admiralty, in the Name of the Court of Directors, all Matters relative to the Convoys, for the outward and homeward bound Shipping.

## 37th By-Law.

*Item,* It is Ordained, That no unlimited Vote of Credit shall be given by the Court of Directors to the Com-

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Committee of Treasury, on the Company's Account, and that the Quorum of the Committee of Treasury, shall never consist of less than Three Members.

## 38th By-Law.

*Item,* It is Ordained, That the Report of every Committee be signed, and laid before the Court of Directors next following.

## 39th By-Law.

*Item,* It is Ordained, That any Director who shall dissent from any Resolution of the Court of Directors, shall have the Liberty of entering his Dissent, with the Reasons thereof, on the Minutes of the said Court, within Fourteen Days.

## 40th By-Law.

*Item,* It is Ordained, That no new Office, either at Home or Abroad, shall be created by the Directors, with any Salary, exceeding the Sum of £100 per Annum, without the Approbation of the Court of Proprietors.

## 41st By-Law.

*Item,* It is Ordained, That no Salary, exceeding £100 per Annum, shall be appointed to any Office that shall be hereafter created, without the Approbation of Two General Courts, to be summoned for that Purpose.

## 42d By-Law.

*Item,* It is Ordained, That a List shall be published Fourteen Days, before the Annual Election of Directors, containing the Names of such Proprietors qualified agreeable to Law, as shall signify in Writing to the Secretary, their Desire of becoming Candidates for the Election, Sixteen Days before such Annual Election.

## 43d By-Law.



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## 43d By-Law.

*Item,* It is Ordained, That no Ship in the Company's Service shall be repaired for going more than Four Voyages, except there should be a Want of Ships for the outward-bound Freight, and such Ships to be sold in *India*.

## 44th By-Law.

*Item,* It is Ordained, That after the Quantity of Shipping in the Company's Service shall be reduced to 45000 Tons, the Ship that has been first worn out, or condemned, shall be the first rebuilt and employed, and so in Rotation, the Owners of each Ship tendering the same on as low Terms as any other.

## 45th By-Law.

*Item,* It is Ordained, That if after the Quantity of Shipping in the Company's Service shall be reduced to 45000 Tons, a Ship shall be unavoidably either taken or lost, the Owners of such Ship shall have the Preference of building a new one, without waiting her Turn in Rotation, but in case of the Death of the Commander, on her Fourth Voyage, then the Bottom to drop.

## 46th By-Law.

*Item,* It is Ordained, That the Committees of Buying, Shipping, and Warehouses, shall report to the Court of Directors, Ten Days before the Ships are taken up, the Quantity of Tonnage necessary for the Service of the current Year, and that the Tonnage to be contracted for shall be proportioned to those Reports: Provided the Court of Directors shall have received the proper Indents, from their several Settlements in Time.

## 47th By-Law.

( 17 )

## 47th By-Law.

*Item,* It is Ordained, That the Company's Warehouse-keepers shall keep a regular Account of the receiving in, and Sale of each Species of Goods, and that an Account of the Quantities, and an Estimate of the Value of the Goods remaining in each Warehouse, shall be made up to every First of *March*, in such a Manner as to shew the same at one View.

## 48th By-Law.

*Item,* It is Ordained, That there shall be kept, by the Clerk to the Committee of Shipping, a separate Account of all Goods contracted for, and delivered in that Department for Export, and of all Payments made thereon.

## 49th By-Law.

*Item,* It is Ordained, That the Clerk to the Committee of Buying shall keep a similar Account, respecting the Goods contracted for in his Department.

## 50th By-Law.

*Item,* It is Ordained, That there shall be kept in the Freight-Office, a Book, containing a separate Account of the Freight and Demorage of each Ship, to be made out as soon as convenient, and debiting for Cash and other Disbursements, as the same shall be paid.

## 51st By-Law.

*Item,* It is Ordained, That all Accounts shall be examined by the respective Committees, and pass the Court of Directors quarterly, and that no Money shall be advanced to any Clerk or Warehouse-keeper after Quarter-Day, until his last Quarter's Accounts are passed.

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