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CHARTERED RIGHTS.

(On the East India Company)



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## CHARTERED RIGHTS.

**T**HE great interest in preventing all reformation in the affairs of the East India Company, which the very persons have, through whose mismanagement and delinquency the necessity of such a reformation has arisen, readily accounts for the extraordinary industry and activity used by their agents to throw impediments in the way of every plan, offered for that purpose. Delusion and deception are the readiest, and indeed the only means of defence for a bad cause. No wonder then that the emissaries of these persons should exert all their industry, to blend together as one and the same, things that are as separate and distinct as light from darkness;---that they should attempt to confound together the chartered mono-

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polies of the East India Company, with the sacred rights of Magna Charta, and bruit about that the Chartered Rights of men are invaded and infringed, when the exclusive privileges of the Company are to be reconsidered or resumed. As an alarm upon this subject has been sounded through the country, very universally and industriously, we offer to the public a short Abstract from Mr. Burke's celebrated Speech upon the East India Bill, in which the line of distinction between the different sorts of Charters is drawn with great truth and great precision. After stating the different grounds of objection taken against the Bill, he proceeds to examine the first, viz.---That the Bill is an attack on the Chartered Rights of men.

“The phrase of ‘the Chartered Rights of *men*,’ is full of affectation; and very unusual in the discussion of privileges conferred by Charters of the present description. But it is not difficult to discover what end that ambiguous mode of expression, so often reiterated, is meant to answer.

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“The rights of *men*, that is to say the natural rights of mankind, are indeed sacred things ; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure, even if no Charter at all could be set up against it. If these natural rights are further affirmed and declared by express covenants, if they are clearly defined and secured against chicanè, against power, and authority, by written instruments and positive engagements, they are in a still better condition: they partake not only of the sanctity of the object so secured, but of that solemn public faith itself, which secures an object of such importance. Indeed this formal recognition, by the sovereign power, of an original right in the subject, can never be subverted, but by rooting up the holding radical principles of government, and even of society itself. The charters, which we call by distinction *great*, are public instruments of this nature; I mean the charters of King John and King Henry the Third. The things secured by these instruments may, without any deceitful ambiguity,

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biguity, be very fitly called the *chartered rights of men*.

“These Charters have made the very name of a Charter dear to the heart of every Englishman. But, Sir, there may be, and there are Charters, not only different in nature, but formed on principles the *very reverse* of those of the great Charter. Of this kind is the Charter of the East-India Company. *Magna Charta* is a Charter to restrain power, and to destroy monopoly: the East India Charter is a Charter to establish monopoly, and to create power. Political power and commercial monopoly are *not* the rights of men; and the rights to them derived from Charters, it is fallacious and sophistical to call “the Chartered Rights of men.” These Chartered Rights, (to speak of such Charters and of their effects in terms of the greatest possible moderation) do at least suspend the natural rights of mankind at large; and in their very frame and constitution are liable to fall into a direct violation of them.

“It is a Charter of this latter description (that is to say a Charter of Power and Monopoly

monopoly) which is affected by the Bill before you. The Bill, Sir, does, without question, affect it; it does affect it essentially and substantially. But, having stated to you of what description the Chartered Rights are which this Bill touches, I feel no difficulty at all in acknowledging the existence of those Chartered Rights, in their fullest extent. They belong to the Company in the surest manner; and they are secured to that body by every sort of public sanction. They are stamped by the faith of the King; they are stamped by the faith of Parliament; they have been bought for money, for money honestly and fairly paid; they have been bought for valuable consideration, over and over again.

“ I therefore freely admit to the East India Company their claim to exclude their fellow subjects from the commerce of half the globe. I admit their claim to administer an annual territorial revenue of seven millions sterling; to command an army of sixty thousand men; and to dispose (under the controul of a sovereign imperial discretion, and with the due observance of a natural and local law) of the lives and fortunes

tunes of thirty millions of their fellow creatures. All this they possess by Charter and by Acts of Parliament (in my opinion) without a shadow of controversy.

“ Those who carry the rights and claims of the Company the furthest do not contend for more than this; and all this I freely grant. But granting all this, they must grant to me in my turn, that all political power which is set over men, and that all privilege claimed or exercised in exclusion of them, being wholly artificial, and for so much, a derogation from the natural equality of mankind at large, ought to be some way or other exercised ultimately for their benefit.

“ If this is true with regard to every species of political dominion, and every description of commercial privilege, none of which can be original self-derived rights, or grants for the mere private benefit of the holders, then such rights or privileges, or whatever else you chuse to call them, are all in the strictest sense a *trust*; and it is of the very essence of every trust to be rendered *accountable*; and even totally to *cease*, when it substantially varies from the purposes for which



which alone it could have a lawful existence.

“ This I conceive, Sir, to be true of trusts of power vested in the highest hands, and of such as seem to hold of no human creature. But about the application of this principle to subordinate *derivative* trusts, I do not see how a controversy can be maintained. To whom then would I make the East India Company accountable? Why, to Parliament to be sure; to Parliament, from whom their trust was derived; to Parliament, which alone is capable of comprehending the magnitude of its object, and its abuse; and alone capable of an effectual legislative remedy. The very Charter, which is held out to exclude Parliament from correcting malversation with regard to the high trust vested in the Company, is the very thing which at once gives a title and imposes a duty on us to interfere with effect, wherever power and authority originating from ourselves are perverted from their purposes, and become instruments of wrong and violence.

If Parliament, Sir, had nothing to do

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with this Charter, we might have some sort of Epicurean excuse to stand aloof, indifferent spectators of what passes in the Company's name in India and in London. But if we are the very cause of the evil, we are in a special manner engaged to the redress; and for us passively to bear with oppressions committed under the sanction of our own authority, is in truth and reason for this House to be an active accomplice in the abuse.

“That the power notoriously, grossly abused has been brought from us is very certain. But this circumstance, which is urged against the Bill, becomes an additional motive for our interference; lest we should be thought to have sold the blood of millions of men, for the base consideration of money. We sold, I admit, all that we had to sell; that is our authority, not our controul. We had not a right to make a market of our duties.

“I ground myself therefore on this principle---that if the abuse is proved, the contract is broken; and we re-enter into all our rights; that is, into the exercise of all  
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our duties. Our own authority is indeed as much a trust originally, as the Company's authority is a trust derivatively; and it is the use we make of the resumed power that must justify or condemn us in the resumption of it. When we have perfected the plan laid before us by the Right Honourable Mover, the world will then see what it is we destroy, and what it is we create. By that test we stand or fall; and by that test I trust that it will be found in the issue, that we are going to supersede a Charter abused to the full extent of all the powers which it could abuse, and exercised in the plenitude of despotism, tyranny, and corruption; and that, in one and the same plan, we provide a real Chartered Security for the *rights of men* cruelly violated under that Charter.

This bill, and those connected with it, are intended to form the *Magna Charta* of Hindostan. Whatever the treaty of Westphalia is to the liberty of the princes and free cities of the empire, and to the three religions there professed----Whatever the great Charter, the statute of tallage, the peti-

tion of right, and the declaration of right, are to Great Britain, these Bills are to the people of India. Of this benefit, I am certain, their condition is capable; and when I know that they are capable of more, my vote shall most assuredly be for our giving to the full extent of their capacity of receiving; and no Charter of dominion shall stand as a bar in my way to their Charter of safety and protection."

The force of reasoning, and the precise clearness of argument of the foregoing Abstract, is not more conspicuous than the generous love of every part of the human race, which pervades the whole, and which gives the author so just a title to the respect, admiration, and love of every human being. It would be superfluous to make any observations with respect to the subject matter; but precedent often gives additional weight to the soundest argument.

That it has been the constant practice of Parliament to resume, and even to annihilate, the privileges of Charters, in cases of abuse, is easily brought to the recollection

tion of every man, (without recurring to the more ancient cases of the South Sea Company) by the recent instances of Shoreham and Cricklade; the Chartered Rights, and ancient, valuable privileges of these boroughs were resumed and taken from them, upon proof, that they had been used to evil and corrupt purposes. Does any one pretend to assert, that these cases were the cause or subject of alarm, even to other corporations? Were they esteemed such by the public? The very reverse:--the voice of the public was unanimous and loud, in applauding these exertions of legislative authority, as acts of necessary attention to general good, and, at the same time, of exemplary justice against delinquent corporations. What then is the present question with respect to the East India Company? It is shortly this---Do the circumstances of the Company call for parliamentary interference, or do they not? Is the Company delinquent, or is it not? Should any doubt arise upon these questions in the mind of a single individual, he is referred for a larger view of the case to the

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the numerous and authentic Reports of the Secret and Select Committees, which have employed, during a course of some years, the zeal and labours of men of the first and most discriminative abilities, and, at the same time, of every political description. If a shorter sketch of the enormity of the proceedings of the East India Company is likely to satisfy such a doubt, he is referred to the other parts of that excellent Speech, from which the above Abstract has been taken. That alone contains the most authentic detail of facts of the most serious and alarming nature, and ample proof of the necessity of parliamentary interference at the present moment.

This once admitted,--whoever attempts to remedy these evils, does that, which is laudable in itself, because it tends to public benefit.

Mr. Dundas must therefore stand exculpated from every censure, for having proposed a very essential alteration in the Chartered Rights of the Company by his Bill of last session. Upon the same ground Mr. Fox must stand exculpated on account  
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of his Bill of this session. And Mr. Pitt must also stand exculpated on account of his Bill.

The only difference between the three plans is, which of the three would have carried the more certain and effectual remedy to the existing evils.

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