

THE  
DEBATE  
AT THE  
GENERAL QUARTERLY COURT  
HELD AT  
THE EAST INDIA HOUSE,  
ON

WEDNESDAY, JUNE 19, 1799,

TO TAKE INTO CONSIDERATION THE PAPERS RESPECTING  
*ILLICIT TRADE,*

Which were printed in consequence of a Resolution of the GENERAL COURT on the 20th of March last; and other purposes, for which the Court was made Special.

At which Court a Motion was made, and after Debate carried *unanimously* as follows :

RESOLVED, That it does not appear to the satisfaction of this Court, from the Papers printed for their consideration, that it was necessary to include the name of David Scott, senior, in any Bill of Discovery; but as the Court of Directors have thought proper, at the request of Mr. Scott himself (although not consistent with the Resolution of the last General Court), to prepare a Bill including his name, and to submit the same to his Majesty's Attorney General, this Court do acquiesce therein: but they think it incumbent upon them at the same time to declare, that they do not see from these papers the smallest reason to suspect Mr. Scott of having betrayed any confidential knowledge which he possessed as a Member of the Secret Committee, or any part of his duty as a Director of this Company, or of having any personal knowledge of the Ship *Helsingoer*, or of transactions relative to the Trade of the House of David Scott and Company, and that they entirely concur with the Court of Directors in acquitting him of all personal imputation.

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REPORTED  
BY WILLIAM WOODFALL.

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1799.

LONDON :

PRINTED FOR THE REPORTER,

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*Of whom may be had,*

Mr. Woodfall's Reports of East India House Debates within the last five years.

[Price Two Shillings.]

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# EAST INDIA HOUSE.

## QUARTERLY GENERAL COURT.

WEDNESDAY, JUNE 19, 1799.

**T**HE proceedings of the last General Court, recommending the consideration of Lord Nelson's services to the Court of Directors, and also, recommending the not including Mr. David Scott, senior's name in a Bill of Discovery, were read by the Clerk.

The CHAIRMAN informed the Court, that this being a Quarterly General Court, it was necessary to declare the dividend on the Company's stock, from the 5th of January last to the 5th of July next, he therefore moved, that the resolution of the Court of Directors that the same should be five and a quarter *per cent.* be confirmed; which was unanimously agreed to.

The CHAIRMAN then stated, that by the third Chapter of the seventh Section of the By Laws, a Committee of By Laws was to be annually chosen at this time, he should therefore desire that the names of those Gentlemen who had served last year should be read, and it would be necessary that they should be put in nomination separately. He was sorry to inform them, that one of the committee (Mr. Blackburn) was dead, and it would be necessary to fill up the vacancy.

The six following Gentlemen, being the former members of the Committee, were then separately named and re-elected, viz :

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John Cornwall, Esq.

Robert Hunter, Esq.

Robert Holford, Esq.

Henry Strachey, Esq.

Samuel Wegg, Esq. and

George Wilson, Esq.

And in the room of Mr. Blackburn, William Drew, Esq.

The CHAIRMAN also informed the Court, that by the 11th Sect. of the third Chapter of the By-Laws, it was necessary that the whole of the By-Laws should be read at the present Quarterly Court. He should therefore move, *pro forma*, that they should be read in the abstract; which being done, the Chairman said, he had now to communicate to the Court the unanimous resolution of the Court of Directors conveying the thanks of the Company to Lord Nelson, and that in consequence of the Court of Proprietors having referred it to their Executive Body to consider of a suitable reward for those services, they had taken the same into their consideration and had come to an unanimous resolution which he begged might be read. The Clerk then read the following resolution :

*At a COURT of DIRECTORS, held 24th April, 1799.*

*Resolved Unanimously*, That the thanks of this Court be given to the Right Honourable Rear Admiral Lord NELSON, for the very great and important services he has rendered to the East India Company, by the ever-memorable victory obtained over the French fleet, near the Mouth of the Nile, on the 1st, 2d, and 3d of August, 1798.

*Resolved Unanimously*, That in further testimony of the high sense this Court entertain of the very great and important benefits arising to the East India Company from his Lordship's magnanimous conduct on that glorious occasion, this Court request his Lordship's acceptance of the sum of Ten Thousand Pounds.

The CHAIRMAN said, he had the satisfaction to acquaint the Court, that this resolution had been submitted to the Board of Commissioners who had agreed to it, and he would beg that the intimation of their concurrence might be read, in order to shew the opinion the Board entertained on this occasion. The same was read as follows :

*Whitehall, 7th May, 1799.*

The Board most highly approve, and with the greatest pleasure confirm, the resolution of the Court of Directors, requesting the Right Honourable

Rear

Rear Admiral Lord NELSON's acceptance of the sum of 10,000*l.* as a token of the just sense they entertain of the very important services rendered the East India Company, by his Lordship's glorious victory over the French fleet off the Mouth of the Nile, on the first, second and third of August last; and the Board do not conceive how the Court could have done less than they have proposed.

HENRY DUNDAS.

W. PITT.

W. DUNDAS.

The CHAIRMAN informed the Court, that these resolutions had been forwarded to Lord Nelson, through the medium of the Admiralty, the Court having conceived that to be the best way of communicating to his Lordship the sentiments of the East India Company.

Sir *John Cox Hippisley* rose and said, that as the Court was expressly and originally called for the consideration of Lord Nelson's services, those services had been fully recognized, and there was but one opinion of their magnitude and importance to the interests of the Company, he should therefore confine himself, on the present occasion, to simply moving, that this Court do agree with the resolution of the Court of Directors, in favour of Lord Nelson, as reported by the Chairman.

This motion being seconded by Mr. W. Lushington,

The CHAIRMAN observed, that the motion was not necessary, as the General Court had referred the business of remunerating Lord Nelson to the Court of Directors. He then proceeded to state to the Court, that the Directors had come to a resolution of placing the Company's marine forces at Bombay on the same footing as their army in India, for which purpose it would be necessary to bring a bill into Parliament, subjecting that branch of their service to marine law. He believed also, it had never been formally announced to the Court, that in the present exigency of affairs the Company had thought it right to add a third regiment of their labourers for the protection of their warehouses.

The CHAIRMAN then stated, that the Court of Directors having taken into their consideration the services rendered to the Company by the late Mr. Edward Hay, who

who had for many years acted as Secretary to the Government General of Bengal, and had died in distressed circumstances, they had been induced, in consideration of his long and eminent services, to grant an annuity of three hundred pounds per annum to his widow, who was left with a family unprovided for, the resolution to which effect would now be submitted to the Court for their consideration.

The Clerk then read the proceedings of the Committee of Correspondence upon the petition of Elizabeth Hay, and their resolution confirmed by the Court of Directors, to recommend it to the General Court, to concur in the grant of an annuity of 300l. per annum to Mrs. Hay, during her widowhood, to commence from May last.

The CHAIRMAN spoke in the highest terms of the long and faithful services of Mr. Hay, whose very extraordinary merits had been confirmed to the Directors by the testimony of four different Governors General, under whom he had served, namely, Mr. Hastings, Marquis Cornwallis, Sir John Macpherson, and Lord Teinmouth, it having also appeared to them that he died in very indigent circumstances, they had from the peculiar nature of the case been induced to agree to the application of Mrs. Hay, for a pension, the resolution to which effect was now submitted to the General Court, according to the By-laws, for their sanction.

The CHAIRMAN then moved, that the Court do agree to this resolution, which passed unanimously.

The CHAIRMAN communicated to the Court an application which had been made to the Directors by Mr. George Patterson to return to India, with his rank in the service, with which they had, from the particular hardships of Mr. Patterson's case, been induced to comply. As this gentleman had been at home more than five years, it was necessary that his leave to return should be confirmed by the Proprietors. He believed Mr. Patterson's case was well known to most gentlemen in that Court, he had been reduced to a state of indigence by circumstances which it would not be proper to state in so public an assembly. The objections to Gentlemen returning to situations in the service after a long absence was, that it was injurious to the interest of those servants who were at present discharging their duty to the Company in India, but in this case, such was the peculiar good character of the gentleman,

gentleman, that his re-appointment would give satisfaction to every member of the settlement to which he belonged, and his return would be welcomed with open arms. Without entering into the particular circumstances which had occasioned this application, he could assure the Court that Mr. Patterson was no party to the occurrences which had occasioned the misfortune of the house he was connected with.

The Clerk then read the resolution of the Directors for restoring Mr. Patterson to the Company's service.

The CHAIRMAN said, he would not make any motion upon it, as by the act of Parliament, the confirmation required, which was that of two thirds of the Proprietors, must be by ballot.

Mr. *Chisholme* begged leave to make one observation on the subject. He did not know Mr. Patterson, nor did he rise to oppose his being restored to the service. He thought it however a matter of justice to the Company's servants abroad to take some notice of this measure. If it had been a new case, he should make no observation upon it, but of late these sort of applications had come so much into practice that they passed almost as a matter of course. He should wave any discussion of the subject in the present instance, but he gave notice that on the next occasion that occurred, he should rise in his place, and state his objections to the principle upon which these sort of applications were founded.

The CHAIRMAN observed, that it did not frequently happen that the Directors brought forward any such recommendation; there were only three instances of Company's servants being restored since the passing of the act which gave a discretionary power to that effect.

Mr. *Chisholme* said, the instances had followed each other very closely, and he thought the practice highly injurious to the service.

The CHAIRMAN proposed Tuesday the 2d of July for the ballot on Mr. Patterson's appointment, which was agreed to.

## ILLICIT TRADE,

MR. DAVID SCOTT.

The CHAIRMAN then stated to the Court, that a part of the business for which they had been convened, was for considering a recommendation of the Court of Directors to dispense with the present By-laws respecting shipping, and to permit two ships to be built upon the bottoms of the Ocean and Henry Addington; and also for considering a Bill proposed to be brought into Parliament for regulating in future the manner in which the Company shall hire and take up ships for their service; but as the fourteen days notice required by the By-laws had not been given, he would propose to fix a general Court for the consideration of those subjects, on the 28th June next, which was the earliest day possible, and included the time which had elapsed since the advertisement.

Mr. *Henchman* said, he did not rise to make any objection to what the Chairman had proposed, but to offer an observation, which he hoped he would be admitted to do, respecting a subject of great consequence, which he thought ought to make a part of that Bill—he meant the General Trade of India, which, by the Papers that would be before the Court this day, it was evident, was in a state that required immediate and very serious attention. The Bill went to provide for the carrying of that trade, but it did not go into any other regulations, which were most imperiously called for. A very wise principle was laid down by the regulating India Act of 1793; but there was the clearest proof at hand, that merchants had not the necessary facilities given them under that act, so as to enable them or the public to benefit to the extent which was intended: the Minister for India was well aware of this, and would he trusted interpose; all, Mr. *Henchman* said, that he meant to do at present, was to give notice, that he or some of the friends near him would, whenever this Bill came forward, bring the subject of the General Trade of India into discussion, and offer such a motion to the Court as should tend to assure the Court of Directors and his Majesty's Minister for India, that they felt the necessity of some more effectual regulations being adopted than what at present existed, and that they would most readily and cordially concur in such further encouragement as should, after due deliberation, be thought requisite in the present state of affairs.

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The CHAIRMAN stated that in what he had just before mentioned, "that the specific approbation of the Court of Proprietors was not essential to the validity of the grant to Lord Nelson," as it now stood, he by no means wished to be understood as having considered their approbation and previous recommendation of the measure of no importance. He was persuaded that Lord Nelson would feel himself highly obliged to the Proprietors for the part they had taken in the business; all he meant was, that after the Resolution of the Directors had been confirmed by the Board of Controul, it was not regular or necessary to renew the discussion.

Sir *John Cox Hippisley* expressed himself perfectly satisfied by this explanation, and withdrew his motion.

The CHAIRMAN informed the Court that the notice for taking into their consideration the printed papers on the Illicit Trade of the Company, had been made special at the request of an honourable Director, whose name was alluded to in those papers.

Mr. *Scott* said, that as the honourable Chairman had just acquainted them, this Court had been made special at Mr. Scott's particular desire, for the discussion of a subject in which he was so deeply interested, he would state his reasons for having made this request, but would not detain them more than a few minutes. The Proprietors had long been in possession of the charges made against him, and were well acquainted with the enormity of the crimes of which he had been accused. They had also read the Papers on which these charges were said to have been grounded. The whole of these Papers had been several weeks before them; it was therefore unnecessary for him to comment upon them at all. The Proprietors had likewise been furnished with the minutes of his defence; these minutes he had only delivered in to the Court of Directors a few days ago, having been prevented from sending them sooner by bad health: he stooped not to recrimination, for he stood on higher ground. Neither the measures, nor the motives of his accuser were at present in his view. The Papers had no sooner been read in the Court of Directors, on which the charges were founded, than he, Mr. Scott, was exculpated to the complete satisfaction of the Court, who had acquitted him by an almost unanimous decision of every shadow of imputation.

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tation. But, Mr. Scott added, he felt something farther due to the Proprietors, to the public, and to himself: this had occasioned the minutes of defence, and led him this day before them, to request their decision on the subject. He sought no favour, he only claimed their justice, and conscious rectitude gave him no anxiety for the result. He flattered himself, that after the heavy imputations cast upon him from such a quarter, Gentlemen would think with him, that his calling upon his Constituents to determine upon his conduct, was as natural as it was right.

Mr. *Chisholme* said, it was customary on questions of this kind, to preface any resolution that was brought forward by a long introductory speech. He should not observe this method, for it was not his practice to take up for any length of time the attention of the Court. The papers had been printed, and he presumed, perused by the Proprietors; he hoped they would think them voluminous enough; he had read them with the utmost attention, and after he had so done, he was thoroughly convinced that there was not the least foundation for the charges brought forward against Mr. Scott; he thoroughly acquitted him of every imputation. In saying this, he spoke from the conviction of his own mind, uninfluenced by any sollicitation whatever. When he was thus fully convinced of the innocence of the character of the honourable Director, he felt it to be his duty to bring forward a declaration to that effect; he thought his acquittal ought to be as public and as general as the charge against him had been made. He felt the time of the Court to be of too much importance to prolong his observations, he should, therefore, conclude with a short resolution, in framing which, he had endeavoured to avoid every thing that might lead to any personalty; but should the debate take any turn which might make it necessary for him so to do, he begged leave to claim the privilege of being heard in reply.

Mr. *Chisholme* then moved the following Resolution:

*Resolved*, That it does not appear to the satisfaction of this Court from the papers printed for their consideration, that it was necessary to include the name of David Scott, senior, in any Bill of Discovery; but as the Court of Directors have thought proper, at the request of Mr. Scott himself, (although not consistent with the resolution of the last General

general

neral Court) to prepare a bill including his name, and to submit the same to his Majesty's Attorney General, this Court do acquiesce therein; but they think it incumbent upon them at the same time to declare, that they do not see from these papers the smallest reason to suspect Mr. Scott of having betrayed any confidential knowledge, which he possessed, as a Member of the Secret Committee, or any part of his duty as a Director of this Company, or of having any personal knowledge of the ship *Helsingoer*, or of transactions relative to the trade of the house of David Scott and Co. and that they entirely concur with the Court of Directors, in acquitting him of all personal imputation.

Mr. *William Lushington* rose to second the motion; he wished, in common, with every other Proprietor, to contribute to retrieve an highly honourable and respectable character from the unjust imputations to which it had been subjected. He did not mean to arraign the sense of duty which had brought forward the charges, but highly as he respected the author of them, and much as he approved of his general conduct, he could not help expressing, on this occasion, his astonishment that he should have entertained and brought forward suspicions so unwarranted and unjust. His only objection to the motion which had been made by his honourable Friend was, that it did not go far enough; he had risen to second it, because so far as it did proceed, he entirely approved of it, but he regretted that it had not gone farther, for in his opinion, there was not only no grounds of suspicion against Mr. Scott, but that there was no foundation for a Bill of Discovery against any of the parties implicated in the accusation. The charges, so far as the honourable Director was concerned in them, presented three principal and striking points, and he had attentively gone through the mass of papers on which they were founded, without having been able to discover any solid grounds by which any one of them could be supported. The first charge was of a most serious nature, that of making public the secrets of the Company and the State. Mr. Scott and his friends must necessarily be anxious to have so serious an imputation done away.

The second pretends to include Mr. Scott as a partner in the house of David Scott, junior, and Co.

The third is an attack upon the house of David Scott and Co. disconnected from the name of David Scott, senior.

In looking over the papers, Mr. Lushington said, it was perfectly clear to

his mind, that there was not a single act imputed to the house of David Scott and Co. which was not simply and fairly an act of agency. If in the transactions alluded to, the house of David Scott and Co. acted on commission, it was perfectly fair so to do, even though the articles purchased by them for the house at Copenhagen might be intended to supply the enemies of this country. While Government allow imports and exports, it is strictly justifiable in any house of agency to act in behalf of foreign neutral nations, on commission. The ship *Helsingoer* proceeds from hence to Copenhagen; what did her cargo consist of? Articles of British manufacture; such articles as it is the business of Government to protect and encourage the disposal of; she afterwards sailed to Manilla, and because the Captain is charged with having said that he expected to find the place in the hands of the English, it is imputed to Mr. Scott to have given him information of the intention of this country to attack it! And this, though it appears upon the face of the proceedings from whence the charge is made, that the Captain collected his information from a newspaper put on board his ship as he passed through the channel. Mr. Lushington said it was unnecessary to dwell on this frivolous charge, which was abandoned by those who had brought it forward; he would only add that the suspicion was most rashly adopted. He meant to impute no improper motive to the late Chairman, but he could not help thinking that he had suffered this groundless suspicion to lay such fast hold of his mind that it had perverted his judgment throughout the whole of his investigation of the transaction. This it was which afterwards led him to convert an act of agency into an act of trading as principal, his mind having once gone the length of suspecting Mr. Scott of a greater offence, it became easy to believe him guilty of a lesser; but Mr. Lushington said, if, as he had contended, that the transactions respecting the *Helsingoer* were mere acts of agency, what grounds of imputation were there either against Mr. Scott, or the House of David Scott, junior, and Co? That the ship and cargo belonged to the house of David Scott and Co. rested solely upon one testimony, and that one, the evidence of a man, one of the national guards under Roberespierre; he did not mean to reject his testimony on this account, but he mentioned it to shew of what description he was, and thence to account for his subsequent conduct. What had been the conduct of this man, (Rahling)? First, he charges his Captain with having been guilty of gross violence during the voyage, which occasioned the death of two of the seamen. What declaration does he make at this time respecting the ship and cargo? He deliberately declares them to be Danish property;

erty; had they not been so, his avowed hostility to the Captain would *then* have led him to have denounced the ship and cargo British property, and at once to have gratified his revenge and promoted his interest. But on the contrary, with the same breath that he complains of the Captain, he declares the ship and cargo to be Danish. Afterwards finding he had failed in the serious charge he had brought forward, of murder, he endeavours by the threat of getting the ship and cargo condemned as British property, to extort money from the Captain: he says, in plain terms, give me money and I will abandon the charge. Mr. Lushington said, he should be glad to know if the oath, the single, uncorroborated oath of such a man was deserving of any credit? A man, who when disappointed of his object, and after his mind had insensibly attained a higher pitch of moral guilt, scruples not to swear in opposition to his own previous and deliberate declaration, that the property of the ship and cargo was in the house of David Scott and Co.

Mr. Lushington said, he would now proceed to consider, 1st. whether it could be imputed to Mr. Scott that he had violated his oath of secrecy to the Company?

2. Whether he could be considered as a partner in the house of David Scott and Co.?

3. Whether any act was made out against the house of David Scott, and Co. (setting aside the perjured evidence of Rabling) except acts of agency? He must repeat that he did not think the motion went far enough; it ought entirely to have annihilated the proceedings for filing a Bill of Discovery; if they are persisted in, they will disgrace the Proprietors and the Company in another quarter. Is it probable that the Attorney General (who in this case must be the public prosecutor) will act upon resolutions ill understood and hastily adopted? It cannot escape him that to discourage foreign agency is to act against the true interests of the country. As long as Government permits the exportation of stores, it is allowable for British merchants to purchase them for foreigners on commission; if they ultimately go to Brest, the Agent in this country is not answerable; he sends them to his Principal at Copenhagen. He submitted to the Court of Directors whether, in order to avoid the disgrace that would attach, if the Attorney General refused to act upon the grounds hastily adopted by them, it would not be better and wiser to proceed no farther; it was for this reason he intended to have risen to make a motion, if his honourable Friend had not. He was satisfied too, that in justice to the parties, the prosecution ought not to be proceeded on. The Papers which had been printed plainly shewed, that there was no rational foundation for any imputation either against Mr. David Scott, senior, or the House of

David Scott and Co. Mr. Lushington said, he had recently had occasion as one of a Committee of West India merchants, to apply to Ministers for a licence to send stores to the Spanish West India Islands, and his application had been readily granted on the ground of its giving additional vent to the manufactures of Great Britain. He did not wish to defend any man whose conduct was culpable, but he could not but consider Mr. Scott to be wholly unimpeachable, and that the house of David Scott and Co. had acted as any other merchant's house would, and might have done under the same circumstances. If there was any doubt as to the right of trading directly with the Spanish settlements in the East Indies, he hoped that doubt would speedily be removed, and the right established. He would say of this trade as Lord Mansfield had said of ensuring enemy's ships, that if it was not law it ought to be; so, if during the war the Dutch and Spanish settlements in India will trade with us, and their government will permit the intercourse, he thought it ought to be sanctioned; it was better such a trade should centre in Great Britain than with neutral powers. He should say more on this subject when his hon. Friend (Mr. Henchman) brought forward the discussion he had given notice of, and he trusted some public application would be the result of it. It should never be forgotten that we were not engaged in a common war, on the common motives of hostility, and that there is a superior and imperious policy by which we must be guided, till the enemy we have to contend with is subverted and crushed.

Mr. *Elphinstone* declared, that he rose under circumstances of great discouragement. If such doctrines as had been laid down by the last speaker were to be adopted, it were better to lock the doors of the India-house, and to shut up their warehouses, for not a shadow of their exclusive trade would be left. The honourable Proprietor has told them, that every merchant may act as an agent for sending out goods to the East Indies: he was sorry to hear such a doctrine admitted in that court to be law. No man in this country could act as an agent in sending out goods intended for India, nor could he legally send goods to a neutral country, knowing they were afterwards to be sent to India. This was the opinion of the first lawyers in the kingdom; and if it was not the law, there did not remain a shadow of the Company's exclusive trade. He wished gentlemen would look at the American treaty. He wished the Proprietors would go to the Admiralty Court, as he had done, and hear the decisions of the learned and able Judge, who, happily for the country, sat at the head

of that court. There they would find respectable merchants covering their ships with direct and positive perjury. They had only to write to neutral powers, and for a little money they were instantly furnished with proper papers. A dozen such cases had been proved in the Court of Admiralty in the course of the last month. He did not say this lightly; but if trade with India was to be carried on under this masked battery, there would soon be an end of the Company's exclusive privileges. Neutral captains and supercargoes were always ready at hand, and merchants, to swear. It was very likely, that during the war the Company might not be so able to bring home all the produce of India; but we ought not, for that reason alone, to be in haste to connive at a trade which went to exclude the fair and honest merchant, and to encourage persons of a contrary description; persons who carry on a clandestine trade, by the medium of foreign flags. Attend to the benefits which are held out to you, as an inducement for supporting this trade. Who supported and protected the enemies trade in India? These respectable traders, you are told. Who helped to fit out the enemy's fleets there? These respectable traders. Who had drained our settlements of specie? The honourable Gentleman's honourable agents. It was not possible to conceive a trade more injurious to the interests of the Company. He begged the Proprietors would pause, and consider a little the nature and tendency of this trade, and not be led away by fine speeches, to do that in an hour which they may repent of for years. The prosperity of the Company solely depended on its trade: was that to be parted with for fine speeches? If you part with your trade, there is an end to the prosperity of the Company.

Mr. *William Lushington* rose to explain. He said the honourable Director had mistated his argument. He had supposed him to have contended for the right of British subjects to trade to India as principals. If they purchase papers of neutral powers, it must be with a view of covering such a trade. There could be no doubt of the illegality of such a transaction; and of this complexion he believed the cases had been, of which the honourable Director alluded to in the Admiralty Courts. As to naval stores being sent from Great Britain to neutral ports, which ultimately reached the enemy and supplied their fleets, if Government thought such a trade injurious to the country, why did not they stop it? The truth is, we cannot monopolize all the military and naval stores of Europe; and that being the case, if the enemy do not obtain them from us, they will get them else-

where. He agreed indeed with the honourable Director, that if they were not attainable but through us, it would be sound policy to forbid their exportation; but as foreign nations would be supplied at all events, he saw no reason why we should not preferably supply them.

Mr. *Impey* expressed his regret, that the question of general policy had been introduced into the discussion, and so largely gone into. He thought it would have been more advisable, not to have fettered the particular transaction before the Court with any consideration of that general question, which was independent of its merits. In the accusation that had been made, the reputation of a great commercial house in the City, and the character and fortune of an honourable Director, had been deeply implicated; and every Gentleman who thought the charge unjust and unsupported, must necessarily feel that some remuneration was due to those who had suffered under it. In delivering his opinion, he should consider himself as entering upon a regular judicial enquiry, and as if acting under the sanction of an oath. He meant to make no reflection on the honourable Gentleman with whom the charge had originated. He was persuaded that the honourable Gentleman himself would not now be inclined to support the charges he had made, after the light which had, since he brought them forward, been thrown upon the subject. He should proceed to state the evidence as it appeared from the printed papers, so far as it was connected with the honourable Director (Mr. Scott); from the consideration of which he had been induced to conclude, as the Directors had already done, that there was not the smallest reason to believe the honourable Director implicated in any degree.

The Papers which had been printed were indeed voluminous; but all that related to the subject now before the Court was contained in a very small compass. The whole charge, as had been well observed by an honourable Proprietor (Mr. Lushington), resolves itself into the unsupported evidence of Rahling, not only unsupported, but contradicted, by as respectable men as could be collected to concur in their testimony of any transaction, and contradicted by the only circumstance adduced in its support. The charge is this:—That the property of the whole ship and cargo of the *Helsingoer* is in David Scott and Co.; not of a *part only*, but the ship and the *whole* cargo. If, then, there is not a pretence for saying, that the house of David Scott and Co. was *concerned in the ship*; if Rahling is perjured in this part of his evidence, we cannot believe him as to the rest. In opposition to the oath of Rahling, you have, in the first place, the ship's Papers,  
admitted

admitted on all hands to be regular and authentic, and comprising the deposition on oath of Mr. Duntzfeldt, (as respectable a merchant as any in Copenhagen,) who swears positively, that both the ship and cargo are his property. You have the oath of Mr. Lennox, a gentleman of unimpeached character, to the same effect. You have also the bill of sale of the ship, regularly attested by a Notary Public in London, as executed in his presence. It appears that this ship was originally a French prize; that it belonged to an American house; was purchased at Liverpool, by a Mr. Thompson of Hamburgh, for the house of Duntzfeldt, and dispatched from thence to Copenhagen in ballast. Unless these papers are forged from the beginning to the end, there can be no doubt of the reality of this transaction, and that the house of David Scott, junior, and Co. never had any thing to do with the ship, either as principals or agents. You have also the corroboration of the Captain's oath; and with whatever allowance you may accept it, from his interest in the question, it is at least equal to Rahling's. But you have also Rahling himself, who, when solemnly examined before the Governor of Manilla, declares the property of the ship and cargo to be in Duntzfeldt and Co. The transaction resting upon the evidence of Rahling alone, the house of David Scott and Co. would stand acquitted by that declaration in any court in Europe.

There is another circumstance in the evidence of Rahling, of such a nature as would of itself be completely decisive to invalidate his testimony. When at last he declares upon oath the property of the ship and cargo to be in David Scott and Co. he is asked why he did not make this declaration before? his answer is, *he did not think of it*,—an answer too much in the usual style of false witnesses to need any comment. But putting the evidence on the other side, and the prevarications of Rahling entirely out of the question, the only circumstance introduced by him into the cause in support of his testimony is sufficient to destroy it all. He is asked, how he knew the property of the ship and cargo to be in David Scott and Co. his answer is, he knows it, because he was employed to make out the Danish invoice from several small English bills of parcels containing the prices of the articles, the title to which was, “David Scott and Co. Dr.” But is it not most clear from this very circumstance, that the house of David Scott and Co. were agents, and not principals. Mr. Impey said, he spoke in the presence of merchants who would correct him, if he drew a wrong conclusion from this fact; but it appeared to him that there would be no end answered by sending these bills of parcels



parcels to Copenhagen, but to convince the House there that they had executed the commission they were employed upon faithfully.

When the history of the voyage is added to the history of the transactions at Manilla, it makes one of the clearest cases that ever occurred in a court of justice. The Captain and Rahling were on terms of hostility during the whole voyage. During the course of it the Captain accuses Rahling of mutiny; on its conclusion Rahling accuses the Captain of murder. Thus the safety of Rahling and the Captain had become incompatible, and the former tries what he can do to get rid of the latter. First he tries to do this by accusing him of cruelty and even murder; when this would not do, he endeavours to ruin him and his own employers by the confiscation of the ship and cargo. Had he contented himself with bringing forward a probable accusation, had he merely said, that a part of the cargo was British property, for which there might have been some colour, as part of the cargo is admitted to have been purchased in London, by the House of David Scott and Co. as agents for Duntzfeldt, he might possibly have succeeded; but a part only would not satisfy his appetite for plunder, and by grasping at the whole, he has luckily for the house of David Scott and Co. furnished the means of confuting himself. But in no way whatever, Mr. Impey said, was the guilt or innocence of the honourable Director connected with that of the House of David Scott, junior, and Co. except in this, that if they were innocent, it was impossible for him to be guilty; for admitting Rahling's evidence to be true, for the sake of argument, in its fullest extent, he would defy any gentleman not acquainted with the charge itself, from the Papers which had been printed, as the ground-work of it, to connect Mr. David Scott, the Director, in any manner whatever, with the ship *Helsingoer*, the cargo, or the Captain. As to the manner in which Mr. Scott's name had been introduced into the transaction, by connecting him with the expectations expressed by the Captain, he should find Manilla in possession of the English, he never heard of so extraordinary and groundless a suspicion. He could not imagine how such an idea could enter into the mind of any man, as to bring forward an accusation on so slight and frivolous a ground. He meant to impute no improper motive to the late Chairman, but his conduct on this occasion was most extraordinary. The expedition against Manilla had been projected here, and orders sent out to India in the Summer of 1796. In the Summer of 1797, the preparations that had been made for it, were known in this country, and all over the world. It was the subject of daily discussion in the newspapers at that time, and it appears upon the proceedings at the trial, that this very ship had a newspaper on board which mentioned the circumstance.

cumſtance. In June 1797, a month before the Helfingoer left Europe, the Governor of Manilla had direct advice from China of the expedition, and was prepared to repel it. Mr. Impey asked whether any fact was brought forward to prove that the communication had been made to the Captain by Mr. Scott. Is there any evidence of his having ever correſponded with, or been perſonally known to Murray the Captain? At the time the Captain left England, Mr. Scott was then in a diſtant part of the kingdom, five hundred miles from the capital. There is not the ſmalleſt ground for this moſt extraordinary charge of Mr. Scott's having betrayed the Company and his country; and yet, unleſs you do believe this ſuſpicion, you cannot implicate him in the trade, for it is the only fact charged againſt him. As to the proceedings on the Bill of Diſcovery, he could not go ſo far as the worthy Alderman, and agree to put a ſtop to that meaſure, as matters now ſtood. If indeed, the Houſe of David Scott and Co. were to apply to the Court of Proprietors, as he perfectly concurred in opinion, that there was not the ſmalleſt ground for entertaining ſuſpicion, he ſhould, when ſo applied to, think it right to ſtop the proceedings. It ſometimes happened, that there was a balance of imputation againſt the acquitted, but in this caſe, after having attentively gone through all the proceedings relative to the ſhip Helfingoer, he was clearly and decidedly of opinion that there was not the ſmalleſt reaſon to impute blame either to the honourable Director or to the Houſe of David Scott and Co. upon the face of thoſe proceedings.

Mr. *Twining* ſaid, that having called for the printing of the Papers, it would naturally be expected that he ſhould deliver an opinion upon them. He had declared at the laſt General Court, that his only motive for printing the papers had been to enable the Proprietors to poſſeſs themſelves of the full'eſt information on the ſubject. They were now produced, and voluminous as they were, he had gone through the whole of them with the utmoſt attention. Before he delivered the opinion he had formed, he could not help taking notice of the conduct of the laſt General Court, in interpoſing a haſty Reſolution to prevent Mr. Scott's name being included in the Bill of Diſcovery. It was both injudicious and indecorous; injudicious as to the honourable Director himſelf, indecorous as to the Court of Directors. The honourable Director was well acquainted with the hiſtory of mankind, and he would aſk him, what conduct an innocent man would have purſued, who was unjuſtly accuſed? Such a man, ſo far from ſhrinking from enquiry,

qu'ry, courts it; so far from flying from prosecution, he seeks it. But on the contrary that person, who fears that investigation may lead to something of which he dreads the discovery, what conduct does such a man pursue? He avoids enquiry, he recedes from prosecution. If he cannot do it by his own means, he calls in the aid of friends. Such had been the conduct of the honourable Gentleman's friends at the last General Court, who had been disposed to think favourably of him, had disapproved so entirely of the proceeding, as to withdraw their support. A learned Gentleman had complained of the Bill of Enquiry as restraining the honourable Director in the exercise of his duty; but by the very same breath in which he enlarges on the hardship of restraining a single Director, he makes a motion restrictive upon the whole Court. The very same Directors, on the same day that they cleared the character of Mr. Scott from personal imputation, decided on the propriety of including his name in the Bill of Discovery. If one of these Resolutions was to be made invalid, the other ought to have been so likewise. Mr. Twining asked what the conduct of the Court of Directors would have been, if a Gentleman not concerned with the Direction had been supposed to be connected with Illicit Trade? Whether, instead of its occupying days, weeks, and months in discussing what was proper to be done, measures would not at once have been taken to discover the truth and the whole truth? If so, it surely was more necessary, when the character of an East India Director and Merchant was implicated. Of a stranger we could only complain, that he had injured our commerce. He was not bound to protect it, but a Director is bound, not only not to injure the Company, but to protect and advance its interests. He must consider the Resolution of the last General Court as injurious to the Court of Directors, because it restrained them from doing what by the tenor of their duty they were bound to do.

Mr. Twining said, before he observed upon the printed Papers, he must notice an expression made use of by the honourable Director (Mr. Scott) at the last General Court. He had said that now there must be an end either of his own honour or of that of his accuser. He hoped he should have the concurrence of the Court of Proprietors when he said, that he saw no reason for so harsh and uncharitable a conclusion. For his part he was perfectly convinced of the pure motives of the late Chairman, though he should be reduced to the necessity of blaming some part of his conduct, and if he heard it asserted that the honourable Director (Mr. Scott) had no honour, he should be as ready to contradict it as any man.

man. When he thought that hon. Director acted in a manner injurious to the interests of the Company, he was free to say so; but never without giving the grounds of his opinion. As far as he thought his conduct wrong, he would condemn him; but he would not go one jot further. When the Papers upon Illicit Commerce had been referred by his Majesty's Ministers to the late Chairman, he could not do less than promote the enquiry. The alarm given by the Illicit Commerce, which they noticed, had spread itself not only through Europe, but to Asia, Africa, and America. If so called upon he had refused to institute the enquiry, he would justly have deserved to have been reprehended. Having said this he was frank to confess, that in his opinion the late Chairman did not conduct the enquiry in the way that was the most proper. He wished he had not kept it to himself, but had called in the aid of those Directors most calculated from their experience and intelligence to have given him assistance. If indeed the honourable Gentleman had sufficient ground to apprehend that by so doing he should have been over-ruled, and the enquiry suppressed, which he could not suppose would have been the case, he might be justified. If for this or any other motive he had thought proper to conduct the enquiry in his own name, he wished he had made it without bringing forward, in the first instance, such serious and heavy charges, for which there did not appear to be sufficient evidence. He thought he would have acted better, if he had contented himself with merely setting on foot the enquiry. Having said thus much, we ought to recollect, that our situation at this time is different from that in which the late Chairman was placed. We have the result of the enquiries of the Directors, and he dared say, of their well-founded opinion. When the late Chairman first read the Papers, he could not but be extremely struck by the magnitude of the mischief they displayed. He felt, perhaps, a little too much, but we should recollect it was for our interests that he felt, and should not judge him severely. The first branch of the charge accuses the house of David Scott and Co. (which he should always consider the same as David Scott, for a father's interest and his son's was the same) with trading to different parts of Europe and Asia, under the character of Agents, though in fact they were Principals. Before this charge had been made he wished the honourable Gentleman had availed himself of the information of the Members of the Committee to whom the information was referred. Nothing gave him greater satisfaction than being able to say, that so far as it respected the honourable Director's house of commerce, the charge had not in his opinion been

made.

made out. On the contrary it appeared from the Papers, that the house of David Scott and Co. did really act as Agents and not as Principals. He also thought it was most clearly shewn, that the honourable Director had made no such communication respecting the intended expedition against Manilla, as had been imputed to him. He expressed this opinion with the more satisfaction, as he feared the honourable Director or his friends conceived he had some personal ill-will towards him. He solemnly declared, that from the year 1793, when he had first brought forward a motion affecting the honourable Director, he had never entertained the slightest ill-will against him. This he must add, that he could not but disapprove of the trade, which it was evident had been carrying on for some time past. There was nothing more clear than that the property of the enemy had been brought home to Europe by neutral flags, nor than that the house of David Scott and Co. (which he considered the same as David Scott) did act as Agents to a house in Copenhagen, engaged in bringing home that property, nor than that another house in Bengal, connected, if not with the house of David Scott and Co. was materially concerned in promoting that trade. It was impossible for him to approve of the honourable Director's interference in that trade; he even thought lending the influence of his name to such transactions highly improper; he had been told that in judging of the conduct of others, we should place ourselves in the same situation with those whom we arraign. He hoped he should be excused the momentary presumption of imagining himself to be placed behind that Bar, entrusted with the management of the Company's trade, and carrying on at the same time a separate commerce of his own of the same nature; that after having pretty strenuously endeavoured to preserve both his situation as a Director, and his commerce as a merchant, he had been compelled to relinquish either the one or the other, and in so doing and abiding by his seat in the Direction, he had placed his infant son at the head of his house of Commerce. He then asked himself if he had done so, what he should have thought of his own conduct, and what he should have expected the world to think of it? What could he have thought, or what could the world have thought, but that his withdrawing his name and substituting that of his infant son, was a mere subterfuge. *Multum interest qui a quo fiat.* He may have thought right. The time would come when he himself and the honourable Director would be no more. If there was enmity on either side, that enmity would be at an end; if the influence of friendship or power had operated upon the enquiry, that friendship would have

ceased

ceased, that power would be annihilated. Whenever this period should arrive he would venture to say that there would be but one opinion upon the subject, and it would become a matter of astonishment to future Proprietors, that there ever had been a General Court, who would countenance a Director carrying on at once the concerns of the Company, and engaged either in his own person, or his son's, it mattered not which, in a house of extensive East India agency. Mr. Twining said, with respect to that part of the resolution which had been moved, and which went to confirm the resolution of the Directors, acquitting Mr. Scott of personal imputation, he had not the slightest objection to it. As to that part which alluded to withdrawing the hon. Director's name from the Bill of Discovery, he must object to that, and he begged leave to support his objection by alluding to the opinion of the Attorney and Solicitor General on the papers referred to them. They had stated, that though they did not contain precise grounds for a prosecution, they excited strong suspicions, which due diligence might bring to light. With this opinion before us, said Mr. Twining, shall we stop enquiry? It would be most impolitic to do so. Nor is it necessary; for the honourable Director himself has, since the last General Court, desired that his name may be included in the Bill of Discovery. The motion therefore goes unnecessarily far. If however it is to be suffered to pass in its present form, he should think it right immediately after to move another, similar to that which had passed the Court of Directors, expressing the sense of the Court of the integrity of their late Chairman, and thanking him for his conduct.

Mr. *Impey* asked, whether the opinion to which the honourable Proprietor had alluded was not given upon the Papers generally, and not upon Mr. Scott's case, which was the matter now before the Court?

Mr. *Twining* said, it was enough for his argument if it was given on the Papers generally, which included Mr. Scott's case.

Mr. *Watson* said, the candour and liberality with which the honourable Proprietor, who had just sat down, had conducted himself that day must meet with the concurrence and approbation of every body. As an individual wholly unconnected with any party, he could not give a silent vote on this occasion. He did not entirely agree with the motion as it now stood. The honourable Gen-

tleman who brought it forward had properly observed that the acquittal ought to be as public and as general as the accusation. After his learned Friend had gone so completely and ably through the evidence, there could not be a doubt as to the innocence of David Scott, senior. That being the case, he could not agree to the suggestion which fell from the learned Alderman. He thought it not right to go through the whole of the Papers, and that part of his observations was irrelevant to the question. He had said that he thought some disgrace would attach on the Court of Proprietors if the King's Attorney General did not agree with them in opinion, and had urged this as a reason for coming to an immediate decision against the Bill of Discovery. He felt the greatest respect for the Proprietors of India Stock, but he submitted whether, after the Attorney General had been furnished with the documents, after the honourable Director had requested that he might be made a party to the Bill, when an appeal was about to be made to one of the highest tribunals in the country, would it be decorous in the Court to decide judicially upon the question? He was persuaded the late Chairman, in the conduct he had pursued, had been actuated by zeal for the credit of the Company. There might have been *prima facie* evidence to ground his charge upon. Thinking there was, he had manfully stepped forward. He would not now enquire whether the mode he had pursued was such as he approved. The honourable Proprietor, who had called for the printing of the Papers, had candidly admitted, after sifting the matter to the bran, that there was no ground of imputation against the honourable Director, except for having placed his infant Son in his house of agency. From this act Mr. Watson drew a different conclusion from the honourable Proprietor, and thought it proved to demonstration that it was an actual change of property, and not a colourable relinquishment privately fabricated in the closet for sinister purposes; that the honourable Director in the face of the world had divested himself, and vested in trustees all his property in the house, beyond the power of redemption, intending fairly and honourably to have done with the house altogether. Having answered that part of the argument he should only observe as to the words of the motion, that he thought it would be better to confine it to what went to approve of the Resolution of the Directors acquitting Mr. Scott.

Mr. *W. Lushington* said, that the learned Gentleman had misunderstood the first part of the motion, and begged it might be read, which being done,

Mr.

Mr. *Watson* said, his only objection was removed, and he perfectly concurred.

Mr. *Randle Jackson* said, he could not concur in the thanks that had been lavished by his learned Friend on the hon. Proprietor, who had originally moved for the printing of the Papers, for his extraordinary candour and liberal line of conduct. Feeling himself compelled, by the force of truth, to acquit the honourable Director of the heavy and unfounded charges brought against him, he had thought fit to accompany his acquittal with much dark and dangerous insinuation. He had so interwoven it with heavy imputations on the character of the honourable Director, that he stood almost as much affected by those insinuations as by the imputations which he professed to exonerate him from. If the honourable Director was innocent, let him be declared so unequivocally. If he thought him guilty, it was the honourable Gentleman's duty, who had called for the Papers, to move for his dismissal; but surely it was not candid to accompany his acquittal by such insinuations. Would this sort of acquittal satisfy Mr. Scott's mind? Would it satisfy his friends? Every newspaper contained paragraphs goading him to a step, which Mr. Jackson regretted that he had taken, that of desiring to have his name included in the Bill of Discovery. This he had endeavoured at the last General Court to prevent, because he thought it vexatious and oppressive. He was astonished that the hon. Proprietor had treated the conduct of the last General Court as unjust and indecorous; as if a motion, which had been founded in truth and justice, had been carried by the mere influence of private friendship. It was not the object of that motion, nor the terms of it, to prevent prosecution, where prosecution could be made the medium of discovery. All that had been said to the Directors, by that motion, was, "While you confess, on your own records, that Mr. Scott is innocent, do not treat him as if he was guilty. So long as you declare that Mr. Scott knows nothing, why file a Bill against him for discovery?" The words of the motion gave a latitude to the Directors, if they saw reason to revoke the opinion, to proceed accordingly; but the honourable Proprietor had uncandidly argued as if avoiding a Bill in Chancery was of itself a decisive proof of guilt. Any man, who knew the delay and vexations of a court of law, might dread a suit impending over him, and yet be perfectly innocent of the subject of that suit. There were other modes of proving innocence besides that of voluntarily becoming a defendant to a Chancery suit. How had Mr. Scott conducted himself? Had he shrunk from enquiry? No. He had always promoted it; it was he who

had



had supported a general investigation of the Illicit Trade said to be carried on, before it was known whom it might implicate. He had repeatedly challenged and intreated publicity, as soon as it was hinted that himself was a party; he had met the charge by a most solemn and instant denial upon oath before God and the magistracy; he had since refuted it article by article; he had professed his readiness to answer any question which courts or committees might propound to him; to produce to them any papers which they might require, or to reveal to them every particular of his arrangement with his late house, of however private or delicate a nature; but both himself and his friends had seen the drift of the proposed Bill of Discovery. They saw it was to restrain, if not suspend, his directorial functions, and prevent him from being a Candidate for the Chair. The last General Court had seen it in the same light; they had detected the secret purpose of Mr. Scott's adversaries, and, having detected it, were determined to prevent it. But how had they prevented it? Not by coming down to Court as the honourable Proprietor had insinuated, like a mob of hirelings, to screen Mr. Scott from enquiry; but a large majority of a most respectable General Court had, after eight hours discussion, said to the Directors, in terms consonant to truth and justice: "We are averse to making a prosecution the medium of persecution. You declare, by a great majority, that Mr. Scott is innocent; and yet several of you propose to prosecute him as if he were guilty. You declare your conviction that he is totally ignorant of the transactions in question; and yet you propose to file a Bill against him to compel a discovery of those very transactions. We desire you not to harass Mr. Scott in courts of law, till you shall see reason to revoke your resolutions of acquittal, or at least till we have perused the Papers proposed to be printed, and enabled ourselves to judge of the premises." Those Papers were now before the Court; the honourable Proprietor had been allowed time sufficient to make himself master of their contents, and he was now called upon for his verdict of guilt or acquittal; but it should be unequivocally one or the other; it should be no cold acquittal; it should be a verdict that the world could understand, and that as publicly delivered as the charges had been made. If the Directors had changed their opinions since their resolution of acquittal, let them declare it. If cause of suspicion had subsequently arisen, let them show it; and he would now consent to a Bill being filed, but he would not without cause being shewn. It was true that Mr. Scott had, since their last meeting, of himself desired to be included in the Bill; and now this very concession was argued as a proof

of

of guilt, and a mere anticipation of what he would otherwise have been forced to submit to! He thought Mr. Scott ought not to have made this concession; he honoured, however, his sensibility, while he took the liberty to condemn what appeared to him a want of prudence; it was notorious that the honourable Director had been goaded into this measure; when other artifices had failed, he had been goaded by paragraphs in newspapers, which imputed Mr. Scott's acceptance of the protection of the General Court to his fear of investigation; he had been goaded by such arguments as the honourable Proprietor had that day used; such as, that guilt flies from enquiry, and innocence courts it! Could the honourable Proprietor conceive no other criterion of innocence than its courting a Bill in Chancery, which Mr. Scott (whose life he hoped, for the sake of the Public, would be a long one) might not live to see an end to? Was it no proof of innocence to challenge publicity, and tender himself to personal interrogatory, as the honourable Director had done? Some symptoms of what he had to expect from a Bill in Chancery had already discovered themselves; for only since Mr. Scott had expressed his consent to be included in one, it had been sought to add other subjects of discovery, and so it might go on to the end of the longest life. Since, however, Mr. Scott (unable to exist under the calumnies that had been heaped upon him) had requested to have a Bill of Discovery filed against him, in order to remove them; Mr. Jackson said he saw no alternative for the Court but to agree to it. But he could not help calling upon the Directors, individually and generally, as men of honour, to take care that no unnecessary delay should be suffered to interpose itself; and since they had not thought proper to interpose between Mr. Scott and his sensibility, (as he thought they should have done) he hoped they would be mindful how essential it was to Mr. Scott's peace, that the business should be brought to a speedy issue. He repeated his regret at the step which Mr. Scott had taken, he thought the General Court had furnished him with an answer, that ought to satisfy every liberal mind, namely, that the Directors were only enjoined to be consistent, but were at liberty to file a Bill against him the moment they would declare there was ground for suspicion. Accusation was of itself a serious thing, and it might have occurred to the honourable Proprietor, that it was possible for a man to be repeatedly accused, and yet be innocent—that a Director might be charged with perjury and mutilation of oaths, and yet be declared innocent by his very accuser. The honourable Proprietor surely could not have forgotten the very serious charges which he

himself had brought, at different times, against Mr. Scott. In the year 1794, the honourable Gentleman had charged him, in terms impossible to misunderstand, not only with having traded contrary to his oath as a Director, but with having clandestinely altered the terms of an oath, in its way from the General Court to Parliament, in order to accommodate it to the trade, which he supposed the honourable Director to carry on. The honourable Gentleman had printed the speech which contained this charge, and circulated it from one end of the land to the other, while the honourable Director was in a distant part of Britain, and before he could have time to explain the circumstance. When the honourable Director returned to town, and enquiry was made as to the fact, it turned out, that Mr. Scott did not even know that the oath had been altered, but that the Directors themselves had desired the Solicitor to the Company and his honourable Friend, Mr. Henchman, to shape the words of the oath to meet what was believed to be the sense of a previous resolution of a General Court. He had the pleasure afterwards to hear the honourable Proprietor, in his place, admit his mistake, and regret that he had wounded the honourable Director's feelings. —Wounded them, indeed, said Mr. Jackson!—A charge so generally published; and sanctioned by a name so respectable, as was that of the honourable Proprietor, must have sunk and destroyed any man, the worth of whose character was less known than Mr. Scott's.

The ill success of this charge had not, however, discouraged the honourable Proprietor, who, some time after, brought another charge against Mr. Scott, as continuing to be indirectly concerned in a house of Indian agency, contrary to a recent By-Law. It was known that in 1795, a By-Law had passed, prohibiting Directors from trading to India, as principals or agents. This, though a wise and salutary law, and one that had his warm support, was, as to the then Directors, an *ex post facto* law.

Mr. Scott was, at that time, as were several other Directors, concerned (as lawfully they then might be) in houses of East India agency; and they had to choose between relinquishing their seats in the direction, or their agency concerns. Mr. Scott's, as being the largest concern, was of course the most lucrative; but he chose rather to relinquish it, than to relinquish a seat, of which he was so justly proud, from its having been repeatedly, and in the most flattering way, conferred

ferred upon him by the Proprietors. It was true that Mr. Scott had not given away his valuable concern to a stranger, but to the son for whom he had always intended it, and, who being a minor, Mr. Scott had vested it in trustees for his benefit ; and the only question that could arise was, whether or no this was a *bona fide* relinquishment ? The honourable Proprietor had charged that it was not, and had (as he had a perfect right to do) brought it before the General Court, upon the eve of Mr. Scott's last election ; the question was then solemnly discussed in a crowded Court, when it appeared that Mr. Scott had *irrevocably* alienated all right, title, interest, and control, in and over his late concern ; that he had done so under the guidance of the Attorney and Solicitor General, and other eminent Lawyers ; and that Mr. Rous, the Company's Counsel, had declared his conviction that it was a *bona fide* relinquishment ; and that he knew nothing more which Mr. Scott could do to satisfy the law. The Court were of the same opinion, and declared their entire satisfaction by a great majority ; and their opinion that Mr. Scott had no commercial interest whatever, which affected his eligibility to a seat in the Direction.

One would have expected that a subject so fully and repeatedly canvassed, might at last have found rest ; but the honourable Proprietor had again stirred its embers, and broadly hinted that Mr. Scott still retained an interest in his late commercial house, contrary to law. If the honourable Proprietor still entertained doubts upon that subject, or if he had arrived at further information, would he propose a day for its discussion, and, Mr. Jackson said, he would second the motion ; but he would never suffer the honourable Proprietor, or any other person in that place, to scatter insinuations against the characters of their Directors, without calling on them to make specific charges.

The honourable Gentleman had, indeed, on that day, gone still further, and almost charged Mr. Scott with being cognizant of certain transactions in the house of Fairlie and Co., of Bengal, alledged to be illicit, and this with the same breath that he compulsively pronounced his acquittal upon the present occasion. Either the honourable Gentleman ought to support his accusations, or to forbear his insinuations. If either of them were true, Mr. Scott ought, with all their affection for him, to be driven from his seat. As for the honourable Gentleman's vote of acquittal, Mr. Scott thanked him not for it. Mr. Scott

owed his acquittal to his case ; it was to be found in the documents which had been published ; and, Mr. Jackson said, he desired the whole Court, and the whole Public to understand, that Mr. Scott's friends would enter into no compromise ; but that they dared and defied accusation, as to any part of his conduct.

This, Mr. Jackson said, naturally brought him to consider the charges immediately before them, which, as Mr. Scott had observed in his Minute of Defence, resolved themselves into three distinct heads, viz. High Treason—Traitorous Correspondence—and Illicit Trade.

The first and third charge had been so fully discussed by his honourable Friends, that he should say but little upon them. To the second charge he should still less say, as Mr. Scott's name did not even appear in fact, or by allusion, throughout the voluminous Papers to which that charge could alone be referred. Mr. Jackson said, he desired it to be recollected, that they were distinct and absolute charges. He had seen a Paper lately put in by Mr. Bosanquet, which softened the term down to *opinions*, and which made all the difference. Had the late Chairman, when he laid the Papers before the Court, accompanied them in the usual way, by his verbal opinions, and left his colleagues to deliberate and act upon them, he for one, should have thanked and applauded his vigilance ; but when he found, that instead of so doing he had, in the first instance, placed upon the Records of the Company charges of so heavy a nature against one of their Executive Body, he could not help censuring his conduct, in this instance, as most rash, intemperate, and unjust. He wished to advert as little as possible to the conduct of the late Chairman in this business, for whom he entertained great personal respect. He believed such to be the disposition of his friends, nor would they be induced to depart from that line of conduct, unless an honourable Proprietor (Mr. Twining) should think it discreet to persevere in a motion, which he had intimated his intention to bring forward when that before the Court should be disposed of.

The charge of high treason, Mr. Jackson said, it would have been impossible to treat with gravity, but for the quarter from which it had originated—the whole of it was founded upon the polluted testimony of a set of infamous

famous vagabonds—vagabonds upon their own shewing, vagabonds according to the adjudication of the Spanish Courts, vagabonds according to the opinion of their own standing Counsel, who, with the candour which belonged to his character, had spoken of them as witnesses deserving of reprobation and reproach; and even the evidence of these miscreants was but hearsay evidence, viz. that they had heard Capt. Murray say, that he expected to find Manilla in the hands of the English.—Could one read, without smiling, this speech of Murray's imputed to Mr. Scott's having violated his oath of secrecy, by imparting the intention of the British Government to Captain Murray, in order that he might impart it to the Spanish Governor of Manilla? The charge was extravagant enough in itself, but that had come out in evidence which rendered it perfectly ludicrous; the source of Murray's prognostics had been traced, a common English newspaper found on board, and delivered up among other papers to the Spanish Court of Admiralty, which spoke of the certainty of the capture of Manilla; indeed it was notorious that both Manilla and Batavia had been taken by anticipation from a very early part of the war; so notorious, that the report of the premeditated attempt had reached Manilla, and become stale even there, some months before the arrival of Murray with the ship *Helsingoer*. The *Helsingoer* sailed from Copenhagen for India in July, 1797. In a letter from the Philippine Company at Manilla, dated October, 1797, they speak of a former letter which they had written to Europe, dated August, 1797, in which they spoke of accounts which they had received from Canton in the preceding June, of an intended expedition against their settlement, but which they say is now out of the question, since the monsoons are set in. And yet it was with these papers lying before him, that Mr. Bosanquet had charged the intelligence to have proceeded from Mr. Scott, though it might have occurred to him, that if true, Mr. Scott must be a fool as well as a traitor, if he were interested in the cargo, as he was alledged to be, since he would be sending that and himself into the jaws of seizure and discovery! To enlarge further upon the defence on this head, would be as absurd as the charge.

The second charge of traitorous correspondence, by supplying the enemy with military as well as other stores, was, if possible, still more extravagant and unfounded.—This charge could only apply to what was called the Batavia transactions,

transactions, respecting which a list of very eminent houses had been inserted in the charge, and amongst the rest that of David Scott and Co. How would those who had not read the Papers be astonished to hear, that from one end of those Papers to the other, the name of David Scott, singly, nor even the firm of David Scott, jun. and Co. did not once appear! This fact rendered superfluous all further comment.—A charge was made, certain Papers were referred to in support of it, and in those Papers, the party charged was not even alluded to! To say more upon this part of the subject would be abusing the indulgence of the Court. He must admit indeed that at the present moment Mr. Scott's name did stand connected with the Batavian Papers, and by means, in his humble judgment, not the most ingenuous. A paper (as if to cover the flagrant absurdity of bringing forward papers in support of a charge which bore no allusion to the accused) had been since hitched into the case laid before their Counsel under the grave denomination of "the subsequent examination of Mr. Swinton since his arrival in England," an examination taken the Lord knows where, and by the Lord knows who! And of course an examination altogether *ex parte*, and under no legal obligation as to its truth; this paper had been fastened upon the Batavia papers, though it was no document from India or St. Helena, though it was no document even of the East-India Company's, it had no place upon their records. If the Court of Directors had authorised such an examination, it should seem as if they declined its acknowledgment, for he could find nothing in their minutes which indicated its permission or its acceptance. Mr. Jackson said he reprobated more the manner of obtaining this paper, and the evident intention with which it was obtained, than the matter it contained; for it did not weigh a feather in the scale. Who this Mr. Swinton was, he would not at that moment enquire, but his character as it appeared upon the proceedings in the Court of Admiralty could not altogether have escaped an honourable Director (Mr. Elphinstone) whose business led him to a pretty frequent attendance upon that Court.

The third and last charge, namely, that of Illicit Trade, he admitted, as it had been well described by the Directors in the course of the proceedings to be a charge of a very popular nature—cry out Contraband Trade! and an instant confusion of ideas seemed to take place in the minds of many persons; it was a key that artful men seldom had or would fail to touch with advantage. To talk  
with

with people out of doors upon this subject, one would suppose that no European Power but the British had a foot of land in India: they seemed to confound and huddle together the principles of national and municipal law, and to forget that English merchants might not only lawfully but laudably export British manufactures, and imports, either as principals or agents, to Copenhagen, Lisbon, or to the European territories of any other Power with whom we are at peace—and that the foreign merchant might again as lawfully export those same commodities to their own Indian settlements, or to those of their friends and allies; and yet this proposition comprized the whole of the case even against the house of David Scott, ~~jun.~~ and Co.

Mr. Jackson said he had given the Papers most serious attention; and he protested he could not see the grounds which justified the Directors proceeding even against the house, and he was happy to find himself supported in that opinion not only by his honourable Friends (Mr. Lushington and Mr. Impey) but by the honourable Proprietor himself, to whom he had had occasion to allude. He should not enlarge on this topic, as it was not the house of David Scott, jun. and Co. but David Scott, sen. who stood accused before them. He could not however help assuring himself, that the Directors would pause and seriously consider before they added to the discredit which had been prematurely brought upon that eminent and highly respectable house, without they indeed saw most unequivocal grounds for suspicion. But even admitting, for argument's sake, that David Scott, jun. and Co. had been guilty of contraband trade, the single question before the Court under this head of charge was, whether or no David Scott, sen. was interested in, or cognizant of, those transactions?—The General Court had upon a former occasion, solemnly declared their conviction that he did not retain the smallest connection with, or interest in, his former concern: The Court of Directors had recently, repeatedly, and almost unanimously, declared that he had no knowledge of, or interest in, the transactions of that house, and that therefore they acquitted Mr. Scott from all personal imputation.—The answer which the motion before the Court required from the Proprietors, was, did they or not agree with their Directors? In other words, was Mr. Scott innocent or guilty? If, after having perused and attended to the discussion of the Papers, the Court thought him guilty, let there be no blinking of the question, let them boldly declare so, and act upon that declaration!—But if, on the contrary, they

thought



thought him innocent, he conjured them as men of honour, he called upon them by all the sympathies which men of character should feel for each other, men that knew the high value of unfulfilled reputation to themselves and to their posterity, and who could feel for the poignant sufferings, and measure the calamity which attended its impeachment, to pronounce Mr. Scott's acquittal publicly, decidedly, and unanimously!

Mr. Twining said, the learned Gentleman, who had last spoken, had addressed his observations so pointedly to him, that he hoped he should be indulged with a few words in reply. He believed, after what the Court had witnessed, they would be inclined to think that it required no common share of patience, conscious as he was of his own innocence, to sit still under such heavy imputations. The learned Gentleman began by stating that he (Mr. Twining) had been compelled to deny an assertion which he had made in that Court. To this he would only answer, that he really understood him not. He was sure that he had never retracted any thing that he had either said or published as a fact. Though the learned Gentleman always spoke with great force and energy, he hoped the Proprietors would not suffer themselves to be misled by professional eloquence, and that he should be protected by them from professional language so exceedingly strong. Speaking of the Resolution of the last General Court, he states it to have been formed after a debate of eight hours. It should be recollected that the Proprietors on that day were convened upon business of a very different nature. Four hours of the eight were occupied on the grant to Lord Nelson, and four hours on the debate ensuing, of which no previous notice had been given. The learned Gentleman accuses the by-law, to prevent Directors trading, with being an *ex post facto* law. He could not conceive how it was so. By-laws are made when the necessity for them arises. It surely was not *ex post facto* with reference to Mr. Scott, for Mr. Twining said he had himself, when he brought forward the by-law, proposed that the honourable Director should be allowed till December 1797 to wind up every transaction with the House. There surely was nothing severe in this mode of procedure. The by-law itself had been sanctioned under circumstances so strong as had, Mr. Twining said, been highly flattering to him, and such as he should always reflect upon with satisfaction. But it seemed the learned Gentleman was offended because he had alluded to the connection which Mr. Scott held in the House of David Scott and Co. by having his infant Son at the head of it, after it had been decided

decided by Proprietors that he had no interest. He certainly continued of the same opinion he had expressed before that decision, that the interest of the Son was the same with that of the Father. Does the honourable and learned Gentleman recollect how often he has combated against repeated decisions in that Court, respecting the shipping concerns of the Company? Yet he thought, and thought rightly, that he might, notwithstanding such decisions, bring the subject forward again in any way he might think fit. Decisions may be obtained in such a manner as to render them in no way either imposing or convincing.

Mr. *Durant* said, he was of the description of persons appealed to by the honourable Proprietor for their opinion; a plain spoken, independent man, not possessing any professional talents. On such an occasion as the present, he felt it incumbent on him not to give a silent vote, more especially as he had taken part in the discussion, at the last General Court, the result of which had been so much complained of by the honourable Proprietor. He had supported the Resolution of suspending all proceedings at law against Mr. Scott, till the Directors themselves should be of opinion that there were some grounds for such a measure. He had done so because he had experienced the injury which the character of the honourable Director had undeservedly suffered from the hasty and unsupported charges that had been made against him. When the terms of those charges were known on the Royal Exchange, and by what high authority they had been brought forward, he declared, that nineteen out of twenty of those he had spoken to were strongly prejudiced against Mr. Scott; and so deep-rooted was the impression, that he found great difficulty, even now, that his innocence was as clear as the sun, to beat it out of their heads. He thought, though he was no lawyer, that if he heard a case fully stated, by both parties, he was capable of deciding who was right and who was wrong. He had listened to both parties, and had heard and read all that had been said and written on the subject; and he did, in his conscience, believe, that there was no ground for the accusation. He had had the satisfaction of hearing the two Gentlemen, the accuser and the accused, plead their own cause. It was a very different thing from the speech of a man who was hired to state a case. He should not deserve the name of an Englishman, if, after such information, he was not able to form an opinion: He had a most decided one, and it was, that David Scott was an injured man, and was in the right. He differed widely from the honourable Proprietor who had spoken last, who had argued as if

a Bill in Chancery was a mere wind whistling through a key-hole, a thing of course, not in the least vexatious or worth avoiding. He knew to the contrary. He had himself had a Bill in Chancery hanging over his head for seven years, and had suffered thousands of painful hours through the subtleties of lawyers, though their dexterity had not been able ultimately either to diminish his purse or affect his character. He hoped, on this occasion, there would be but one opinion. He had not heard one man stand up in the Court to justify the late Chairman, or to condemn Mr. David Scott, except the honourable Proprietor who had last spoken. He should not express all he thought of the accusation itself, or the mode of conducting it, because it was a rule with him, on all occasions, to avoid personality. If any Gentleman would force him to a personal altercation, he must get out of the scrape as well as he could. He was surprized to hear the honourable Proprietor who spoke last, whom he had always considered to be a candid man, possessing a great deal of the milk of human kindness, so pointed and personal as he had been in his observations on the proceedings of the last General Court. He had asked a learned friend, who sat near him, whether he was strictly in order in doing so, for he conceived to the contrary. The honourable Gentleman had began his speech by condemning the conduct of the last General Court, where the attendance had been very numerous and respectable, in terms the most indecorous. He had spoken of them as if they had been packed together to carry Mr. Scott through thick and thin, right or wrong. Mr. Durant declared, for his part, his vote was not to be bought or biassed, and he gave other Gentlemen credit for acting with equal independence. In the second division of his speech, the honourable Proprietor had said, there were two characters before the Court; one of them, that of the late Chairman, he had pronounced to be pure and immaculate. He had listened a great while in hopes that he would have paid a similar compliment to the integrity of the other Gentleman, but not a word had fallen from him to pronounce Mr. Scott's character to be pure and immaculate. In his opinion, Mr. Durant said, the motives of Mr. Scott were as pure as those of any other man. He gave the late Chairman credit for good intention, but he was not clear that purity of motive was all that was necessary to entitle a man to fill high stations, or to justify the errors he might commit in the discharge of his functions. High stations called for superior abilities to fill them, and any man who undertook a responsible office, affecting the interests of others, without adequate talents or judgment; ought to be prepared with some better plea in his vindication than

purity

purity of motive. If, for instance, his Majesty, which, by the by, was not very likely, chose to dismiss Mr. Pitt, and make him Prime Minister, though he would not yield even to Mr. Pitt in purity of motive, yet, for want of equal abilities, he might by his blunders ruin the country in less than a twelvemonth. Would the country be satisfied, after he had brought it into such a dilemma, with his pleading his well-meaning ignorance in justification of his absurd politics? He believed not.—Mr. Durant said it was very evident that he should not be completely exonerated even by the honourable Proprietor himself; for, while he had applauded the motives of the late Chairman, he had pretty strongly censured his conduct. That honourable Proprietor had stated the investigation to resolve itself into three propositions; of the two heaviest, affecting the property and life of the honourable Director, he had completely acquitted him. What was the only charge that remained in that honourable Gentleman's opinion? That he was the father of David Scott, junior, a minor, from whence he chose to infer that Mr. David Scott, the Director, still carried on, or was interested in the business of the House, and he persisted in thinking either that the one should never be a merchant, or the other never a Director. He thinks it utterly inconsistent that a Director, who is the father of a merchant, should discharge his duty to the Company with fidelity, as if a man could not at once be faithful to his constituents, and affectionate to his child, but must necessarily make a sacrifice of his public duty to his domestic attachments. If so, why not exclude those from the direction whose daughters were married to merchants? The private tie was nearly as forcible. But this is a doctrine in which he will never be supported in the City or elsewhere. Upon the whole, Mr. Durant said, that the speech of the honourable Proprietor was one of the most extraordinary, and uncandid he had ever heard. It was replete with insinuation that contained no charge but one, unnaturally linked to acquittal, and while it endeavoured to convey a great deal of censure to the mind of the Proprietors, it contained no specific charge but one, which was, that Mr. David Scott, the Director, was the father of a merchant. Under these circumstances he could not but consider the honourable Proprietor as a very feeble opponent of the motion before the Court, and he believed, from the observations he had made of the sentiments of the Court in general, he would be the only opponent.

Mr. Peter

Mr. *Peter Moore* said, he thought they were convened for the special purpose of considering certain Papers which had been printed, in pursuance of a Resolution of a General Court of Proprietors, on the subject of Illicit Trade. But, the Court was very unexpectedly involved in the discussion and consideration of a personal question. It was not possible, Mr. Moore said, that any Proprietor could deprecate the discussion of personal questions more than he did: their meetings there were for very different objects and interests: but his embarrassment was considerably and painfully increased when the position, in which they were placed, threatened to leave no alternative between the condemnation of one party or the other; both of whom urged honest conduct and disinterested motives, and consequently laid strong claim to their attention and protection. Hence Mr. Moore hoped and trusted, and strongly urged, that some middle way might be hit off, honorable to both parties, that might carry unanimity on the one side the Bar, and remove the present agitated causes of division on the other. In times like these, when Union was the parole of the day, he most cordially wished to see it in that Court, their thoughts turned to the improvement of their affairs, and their whole undivided strength reserved for combating the common enemy by "a long pull, a strong pull, and a pull altogether," and not exhausted in the discussion of personal questions amongst themselves. Here then, for the present, he would leave the personal question, in hope that some honourable friends near him would endeavour to adopt some modification that shall embrace the meaning of the whole Court, while he should endeavour to shew, as a means of strongly influencing such a disposition, that as there had been no crime there could be no criminal; and that, instead of contending whether any particular name should or should not be included in a Bill of Discovery, that all such Bills, and prosecutions of every description, ought to cease *instantly*. And the ground he took for this was, that this trade, called *illicit*, is not illicit, because, though irregular, it has been connived at and tolerated almost ever since the birth of the East-India Company; and, consequently, whatever is so tolerated and sanctioned, by long practice, cannot be *illegal*. Mr. Moore then went into a long discussion of the trade called neutral, contraband, and illicit, and proved, by a great variety of instances and authorities, that this trade, however irregular, was neither contraband or illicit, and that the terms themselves were very little understood; that the whole of this trade ought, and he hoped soon would, be brought into the River Thames under regular licence,

licence, and a *Grand Entrepôt* formed which would render the whole Continent of Europe dependent on us; and, as the Minister, Mr. Dundas, had very properly said in the House of Commons (part of whose speech Mr. Moore here read and argued in support of), must secure to this country those advantages which our undisputed pre-eminence in India gave us, and that tribute which, on being exported, it must draw from the other nations of Europe—

Mr. *Henchman* called Mr. Peter Moore to order. He said, he asked the honourable Gentleman's pardon for interrupting him, but he believed he was not upon a topic immediately before the Court. The present question was, whether Mr. Scott was guilty or not guilty of the charges laid against him, whereas the honourable gentleman was entering very largely into the general trade of India. Mr. *Henchman* said, he was sensible of the value of what fell from the honourable Proprietor, and at a proper time he would solicit the information he was able to give, but he submitted, whether at present it was not rather irrelevant to the question, and therefore he hoped the honourable Proprietor would defer what he had to say until the bill relative to the shipping came forward, when the trade of India at large must also be discussed. Mr. *Henchman* said, he begged to appeal to the Chair, he might be mistaken in his opinion, and a point of order was of course matter to be decided on by the honourable Baronet to whom he had the honour to address himself.

The CHAIRMAN expressed himself to be averse to interrupt any Gentleman, and by calling to order preventing him from giving his opinion in his own way, but he said, being appealed to for his opinion, he must declare it to be that the honourable Proprietor (Mr. Moore) was out of order, and more especially so, after the notice that had been given of an intention to bring forward, on an early day, the very question which the honourable Proprietor now endeavoured irrelevantly to discuss.

Mr. *Moore* replied, he certainly was in the disposal of the Court, and professed himself one of the last in it who would intentionally trespass on its time: but, he did conceive and contend, that he was perfectly in order under the special call of the Court to consider further the papers printed on the subject of Illicit Trade, of which the motion before the Court was only a part, and

that if such a discussion was to be precluded by the notice of any Proprietor to enter on it at a future day, after the Court was specially assembled for its instant consideration, it was tantamount to a motion of adjournment carried by an individual voice only, and as this was a doctrine to which he could not subscribe, he must contend for the right of proceeding to the general discussion of the papers before them.—[Several Proprietors here applying to Mr. Moore and requesting him to give way, he said, since it seemed to be the wish of the Court he most certainly would, but the right he maintained.]

Mr. *Huddlestone* said, he had not read the Papers, but the hon. Proprietor's motion comprehended two things not necessarily connected with each other; if he would leave out the former part of the motion he would readily agree to the latter. The hon. Director had already consented to have his name included in the Bill of Discovery, therefore he saw no necessity for the former part of the motion. He was ready to acknowledge, that the late Chairman had adopted a hasty resolution, which he had no doubt was at this moment a subject of regret to him. He appears to have formed conclusions upon circumstances which were too slight to warrant them. He wished he had pursued a more moderate line of conduct. He recommended it to the Court to endeavour to conciliate the parties. He felt himself placed in an awkward situation which made it difficult to acquit one without condemning the other.

Mr. *William Lushington* said, that the honourable Proprietor had not understood the first part of the motion. After the Court of Proprietors had declared that there was no necessity for including the name of the Honourable Director in a Bill of Discovery, and the Court of Directors had, merely in compliance with the wish of the honourable Director, departed from the resolution of the General Court, the first part of the resolution became necessary in order to explain the ground of the deviation.

Mr. *Auriol* said, it appeared to him that the whole Court were unanimous in their opinion that Mr. Scott was perfectly innocent of the charges brought against him, he should therefore recommend that his name might be left out of the Bill.

Mr.

Mr. *Henchman* said, he apprehended it was not the intention of the Directors to file a bill against Mr. Scott unless they should see grounds of suspicion. The honourable Director had allowed his name to be inserted in the draft of the bill which had been transmitted to the Attorney General in order for him to decide whether the prosecution should be carried on? In doing this the Directors had gone a step beyond what they should have done. It now rested upon the judgment of the Attorney General to acquiesce in the step which the Directors had taken. It was gone beyond their power to recall.

Mr. *Auriol* expressed himself perfectly satisfied with the explanation given, and hoped that the sentiments of the Court that day upon the conduct of Mr. Scott, would induce the Attorney General not to agree to the resolution of the Directors.

Mr. *Chisholme* said, that the honourable Proprietor over the way who had objected to his motion, had prefaced it by saying, that he had not read the papers; however he might respect him individually, after such a declaration he could not pay much deference to his opinion on this subject. In wording his motion Mr. Chisholme said, he had been purposely concise, and said no more than was essential to the acquittal of Mr. Scott.

Mr. *Impey* said, he could not refrain from making an observation on a circumstance of similarity between this and another celebrated accusation, which he thought highly honourable to the parties accused; he was present in Westminster Hall with great satisfaction at the acquittal of a late Governor General of Bengal; at that period the charges were divided into two parts such as were supported by evidence, and such as were entirely unsupported. The question being first put upon the former, we all know the defendant was honourably acquitted, when the Court proceeded to put the question on the latter; one Peer and one only pronounced him guilty of those charges which were unsupported by any evidence at all. In this last circumstance, the case of the honourable Director exactly resembles it; we unanimously acquit him of having betrayed the secret of the Manilla expedition, and of being concerned in the Helsingoer, charges on which there is evidence brought forward, such as

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it is ; but as to his being concerned in the illicit commerce to Batavia, of which there is no evidence at all, one Proprietor and one only has thought fit to impute it to him.

Mr. *Robert Thornton* said, he felt the delicate situation in which the Court was placed, and he never felt himself in a more delicate predicament than at this moment. He had but one observation to make, but he found the impulse to state it irresistible. He should only speak to one point, he would allude to no other part of the debate. Having lately been in the direction and knowing how extremely unpleasant it was to witness the altercations which the subject now before the Court had given rise to, he could not help expressing a hope that the vote of that day would put an extinguisher on all the animosities which had grown out of the subject, and that the embers of animosity after being smothered in that Court would not be rekindled in the other room. He hoped here the altercation would be finally settled, and that if it should be determined that the prosecution was to go on, that no strong language would be used on the occasion. He considered the characters of both the honourable Gentlemen to be immaculate, and he hoped the friends of both would enjoy the satisfaction of seeing them reconciled to each other.

The CHAIRMAN then put the question which was carried *unanimously*.

Mr. *David Scott* rose to say, that notwithstanding the feelings of innocence with which he had entered the Court, he could not avoid expressing the heartfelt satisfaction which their very honourable acquittal had given him, and on which he should reflect with the highest gratification to the last hour of his life.

Mr. *Baber* moved the question of adjournment, which being seconded,

Mr. *Twining* said, he was not a little surprized at a motion for adjournment immediately following the discussion which had taken place, after he had, in the course of delivering his opinion on the printed Papers, expressly given notice of his intention, when the motion before the Court had been disposed of, to move a Resolution, similar to that which had passed the Court of Directors, of  
 thanks

thanks to the late Chairman, and conveying the sentiments of the Court of the purity of the motives upon which he had proceeded. He could not help thinking, that there was great want of candour in thus interposing the question of adjournment, and thereby precluding him from going into the grounds upon which he meant to support the resolution he had alluded to. He hoped, after what he stated, that the honourable Proprietor, who had brought forward the motion, would be induced to withdraw it. If, however, it was the sense of the Court to persist in it, he must submit to their decision.

Mr. *Henchman* said, he hoped his honourable friend would not withdraw his motion, but persevere in it. He did not see how he could be accused of want of candour in such a proposition. The honourable Proprietor, who wished to confirm the vote of thanks to Mr. Bosanquet, could if he thought it expedient set forth all he had to offer on that subject as reasons against the motion of adjournment, therefore he was not precluded from saying all he wished to say. But, Mr. *Henchman* said, he really thought it the most conciliating and therefore the best plan to end the debate by a short question, instead of going into arguments that could not be kept clear of personality, and would only tend to disturb the peace of the Court. He therefore should support the motion of adjournment, and he hoped Gentlemen on the other side would see that it was discreet to allow the business of the day to come to a conclusion by the means proposed, which could give offence to no man.

Mr. *Durant* said, he wished the question for adjournment had not been so hastily put, for he meant to have asked several questions which were very important. He did not like that the Court should be taken by surprize in that manner.

Mr. *Henchman* observed to the honourable Proprietor, that he was not precluded by the motion that had been made from asking any questions he might think proper, which, when proposed, would be in order, as he would state the asking them as reasons operating with him either to induce him to vote for or against the motion of adjournment.

The CHAIRMAN said, that a motion for adjournment having been moved and seconded, it was irregular to ask any questions of the Chair until the motion was disposed of.

Mr. *Kemble* said, it was illiberal to take the opportunity of moving for an adjournment instantly after the first motion was disposed of, when an honourable Proprietor had previously given notice of his intention to follow it up by another. It was but fair, and he hoped the Court would think so, to hear what the honourable Proprietor had to say in support of his motion of thanks, and if it was not withdrawn by the honourable mover of it for that purpose, to put a negative upon it.

Mr. *William Lushington* said, that if the motion for an adjournment had not been made, and the honourable Proprietor had pressed upon the Court his Resolution of Thanks to the late Chairman, he should have endeavoured to have got rid of it by moving the previous question. He would fairly state to the Court his motive for doing so. It was that notwithstanding the general impression he had in favour of the late Chairman as a man of ability and integrity, he could not approve of his conduct, nor help thinking that he had, by bringing forward the charges in the manner he had done, acted intemperately and rashly. But though with this impression he could not approve, neither could he by any express resolution pointedly condemn, his conduct. He could not concur in any motion for thanks, nor would he join in any vote of censure. He hoped his honourable Friend, whose prudence he was well acquainted with, would see, after this hint, in what a disagreeable predicament the Court would be placed if he persisted in his intention, and trusted that he would suffer the matter to remain as it now stood.

The question of adjournment was then put and carried.