Corporate Sovereign Awakening and the Making of Modern State Sovereignty: New Archival Evidence from the English East India Company

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Online Appendix

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A. Data

The research is largely based on original primary source material collected from the British Library in London between 2015 and 2016. The EIC had no singular chief executive. Instead, its 24 directors, elected by the shareholders, appointed a chairman and deputy-chairman amongst themselves. The directors met thrice a week and performed the routines of running an organization. In addition, the Company’s shareholders held quarterly and special session meetings. The primary data source is all the 16,740 managerial and shareholder meetings between 1678 and 1795. The minutes are maintained in the India Office Records (IOR) B-series. The corresponding records for the selected time period are IOR-B.35 to IOR-B.120.

A typical meeting minute features a list of who was present, updates on previous correspondence, resolutions, motions, amendments, votes, and payments. Often, minutes would also feature extracts from letters and budgets as well as draft petitions. Depending on the business at hand, minutes vary in length from 3 pages to 30 pages. A typical fiscal year would be contained in one large bound book, although some years, like 1773, spread across multiple books. The minutes are available to researchers at the British Library’s reading room. No special permissions were necessary to access or photograph most of the records with the exception of select parliamentary records and maps. Image A1 provides an idea of the material nature of the record books. Image A2 presents a scan of a page from September 1772.

A1. Outside cover and binding of directors’ meeting minutes, IOR-B.88 [the engraved number does not match the record number].
A2. A scan of director meeting minutes from September 23, 1772 (IOR-B.88: 182)

[Text from the scanned page]

...of declaring the half yearly Dividend which will be due at Christmas next#
that a Treaty having been commenced with
Administration on the present Situation of the Company's Affair
therefore until that Treaty is determined, the Court of Directors
cannot recommend it to the General Court to come to any
Resolution Relative to such Dividend

The Court entering into a Debate thereon,
And the Minutes of the General Court held the 30 October last being called for
The same were read
And it was thereupon moved
"That a Committee, consisting of Nine

Commissioners, appointed respectively by Mr. 

and members of the Company's Board of the Company, be

chosen by ballot, to examine the Books in

which the Court of Directors have recommended

the several Dividends declared and made by

the Company for the last three Year, and

be charge to examine the present State of the

Company's Affairs, And to report the same

together with their Opinion thereon to the General

Court.

And the Court having very maturely

deliberated on the State of the Company's Affairs

An Estimate of each which probably may be

received and paid between the 13 September 1772 and the 13

1773 including the Simple Contract Debts bear Interest, except

the old Rublee Debt of £20,000, due to the Bank of England

and carrying on an account of Payments to be made to the end of

the said Month of March being read.

It was at length moved that the previous Motion be put.

And the previous Question being on a further

debate according to put

It was
More generally, these materials were only recently allowed to be photographed in the British Library. I took digital scans of the data through the CamScanner application on an iPhone, which is especially useful for creating batch scans of PDFs. The British Library did not allow tripods for photographing the data due to the precarity of the material. I digitized all 14,400 meeting minutes for the originally selected time period, 1678-1780, in this manner.

The director minutes are remarkably thorough in terms of Company decisions, correspondence, petitions, and summary statistics, which is good for reliably drawing conclusions about the EIC’s overall strategy at a micro-level. However, the minutes do not feature a transcription of the meetings and thus are not as useful for drawing reliable conclusions about the nuances of debate and dissent. For more reliable inferences about internal Company politics, I tracked the votes of particularly contentious motions, written dissents from directors, and the duration of special shareholder sessions.

When revising the article to extend the data by 15 years (1781-1795) in 2021, COVID-19 travel restrictions prohibited returning to the physical archive in London. Instead, I was able to include the 2,340 additional director meetings from a newly available digitization of EIC records by a commercial data vendor, Adam Matthew (AM), and its “East India Company” digital resource (https://www.eastindiacompany.amdigital.co.uk/). Thus, the total number of director meetings is 16,740. The AM digital access also allowed me to include directors’ correspondence with its Bengal administrators in the IOR-E series, especially before and during Hastings’ impeachment trial (1780-1795). Image A3 presents Hastings’ letter of resignation to the directors dated March 23, 1783, from IOR-E.4.40. I also relied on the EIC’s abstracts of letters to identify relevant paragraphs. Image A4 presents a scan of abstracts of letters from Bengal in 1790, from IOR-E.4.11. Notice that the top margin reveals that the letter from Cornwallis dated December 7, 1789 was received in London on April 30, 1790. As a final note, while the AM digital resource is useful, the company quoted my institution a cost-prohibitive access charge of $70,000 and was unable to customize an individual package. Eventually, I was able to access some of the material from a one-month free trial.

To the Honorable Court of Directors of the Honorable United East India Company

Port William 20th March 1783

Honorable Lords,

In your letter to the Governor General and Council dated the 28th August 1782, you have been pleased to enter into a Consideration of my Proceedings at Benares, and to apprise the Board of certain Resolutions comprehending your Judgment upon them. These Resolutions, as the immediate Cause and Subject of my present Address, shall, to avoid the Multiplicity of frequent and remote References, here to subjoin.

That it appears to this Court that in the Death of Dostah Dowlah 1775 a Treaty was made with his Successor by which, the Temporariness of Beharis, with all its Dependencies was vested in perpetuity to the East India Company.

That it appears to this Court, that Dostah Chishty was confirmed by the Governor General and Council of Bengal in the Management of the said Temporariness, subject to the Sovereignty of the Company in his paying a certain Amount.
A4. Abstract of Letters from Bengal, December 1789-January 1790 (IOR-B.3.4.11: 26)
B. Analysis

The data analysis through “deskwork” was conducted over three years. A combination of document quality and old English handwriting made the images unreadable by software at the time of analysis. As a result, I analyzed the data by reading it and hand-transcribing relevant portions. I first skinned the 14,400 director meetings, at times using indices prepared by the EIC record-keepers as a research aid. These indices, appended to the beginning of the record books, helped narrow my search for particular persons such as Clive and Hastings, institutions such as the House of Commons, as well as events such as Charter negotiations and parliamentary acts. Images B1 and B2 provide two examples post-Diwani from the 1767 index on “Duanny [sic] of Bengal obtained for the Company” and “House of Commons Committee appointed to support the Company’s interest there.” The indices aided in identifying the majority of director discussions related to Bombay, Madras, Bengal, Parliament, and the Crown.

B1. Index for Director Meeting Minutes, “D” (IOR-B.82)
B2. Index for Director Meeting Minutes, “H” (IOR-B.82)

Homeworth, Bath, appointed and Sw. Elder Porter. 119-123
Hall Capt. R. Lox read. 123
Hardyman Ann to go to her Friends. 124
Havett Ser. Letter read. 139
Hornby Wm. Letter returned. 147
Hardyman Ann, Secy. App. 155
Slume David, Esq. Lox. ref. 155
Hodges Sir James Proportion for account, is Govern, ref. 156
Heatfield Thos. Reg. ref. 162
Harcourt’s Owners advance 164
How Eliz. Pet. ref. 165
Hook Capt. Ben. take Oath and leave. 165
House of Commons Committee appointed to support the Comp. Interest there 167
Hammond Esq. Lox ref. 176
Holt, Rich. £65 Gratuity. 185
To further narrow the analysis, I singled out special sessions for Company shareholders. The Company’s shareholders met in quarterly special sessions in March, June, September, and December. The directors could call additional special sessions for discussions related to charters or stock. Company bylaws required that all charters and policy changes had to be approved by the shareholders. In the original data collection, there were 812 special sessions between 1678 and 1780, of which 212 were for elections and 600 were non-election special sessions. Any major charter or other sovereign negotiations should then be in these 600 special sessions. I read these 600 special sessions meeting minutes fully without the aid of an index.

I adopted a primarily inductive approach to coding where the identification of key episodes in Company sovereignty emerged from engagement with the research material. The exception to this strategy was focusing on key charter renewals and regulation that concerned the delegation of sovereign privilege to the Company. As such, I made a pre-determined choice to examine the director minutes more closely in the months preceding charter renewals during the selected time period in 1683, 1686, 1726, 1728, 1753, 1758, and 1761, the additional regulatory oversights in 1773 and 1784, and the Hastings’ impeachment inquiry in 1786 and the 1788 trial. As noted in Section C, these event-guided searches did not always yield the rich discussions of sovereignty as the more inductive approach.

To operationalize company sovereignty, I did not only pay attention to mentions of “sovereign” or “sovereignty” since the use of these terms was not well established during this period. Instead, I used two strategies. First, reading the smaller set of 600 special shareholder sessions provided a comprehensive look at charter negotiations, which in the late-1700s became more assertive about the Company’s sovereign status. From this analysis, it emerged that EIC directors used “rights” broadly to make legal claims about their jurisdiction and sovereign status. Second, I then scanned for mentions and votes around “rights” in the larger set of director meetings. Figure 1 in the article compiles discussions in the director minutes based on this expanded notion of sovereign rights. Discussion related to agenda items in the minutes per meeting session. Sometimes directors met twice a day in a director session and a shareholder session. I counted these as separate discussions. I used a similar inductive operationalization in the correspondence from EIC administrators who were more likely to use “authority” to talk about their sovereign dilemmas with Asian and European powers in India. In short, there was no one clear way to operationalize Company sovereignty during this period, much less only look for the language of “sovereignty.” Instead, I paid attention to mentions of Company rights and authority in the records.
C. Additional Context on Hastings’ Impeachment

The director meeting minutes do not feature much deliberation or major decisions related to Company strategy during Hastings’ impeachment trial. Before the trial began in February 1788, Burke and the impeachment managers extensively investigated Company records. Perceiving that the Company was not being forthright, in April 1787, Burke showed up to India House and demanded access to the records in person. The only mentions of the impeachment proceedings were the requests for records from Burke and Hastings’ attorney, and the directors’ request for copies of the parliamentary proceedings. In January 1788, the directors discussed the latest orders from the impeachment managers, especially concerning papers of the Secret Committee. They resolved not to give up records related to the Secret Committee to the impeachment managers, citing the 1784 Parliamentary Act. Throughout the trial, both the impeachment managers and Hastings’ defense continued asking for Company records and access to its employees as witnesses.

The directors did not comment on the impeachment proceedings in their minutes apart from noting their compliance with record requests from the impeachment managers and allowing their employees to serve as witnesses for the trial. There are four possible reasons why. First, Hastings had already resigned and returned to England a year prior to the impeachment proceedings in 1786. Second, the impeachment managers and the Board of Control had access to the directors’ minutes, so it is possible the directors did not maintain records of any defense strategy. Third, many directors and shareholders also sat in the House of Lords, which made acquittal likely. Burke had anticipated as much. Fourth, the Company was now used to negotiating the terms of its administration in India during two high-profile regulations. While in hindsight the impeachment trial and Burke’s views on the EIC’s corporate-empire marked a turning point for English sovereignty, as Dirks (2008) covers extensively in his monograph, the fact that the Company did not even retain legal counsel until the trial began suggests that the directors downplayed the impeachment implications.

After Hastings was acquitted in 1795, the directors spoke for the first time on the impeachment in the minutes: “The acts for which Mr. Hastings was impeached were the public acts of the Company’s Government, and now appear by the acquitting judgment to have been acts vindicated by his obligation of service to his matters.” As the trial created a financial crisis for Hastings, the directors unanimously resolved to indemnify Hastings by covering his legal expenses

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1 IOR-B.104: 1145-46.
3 IOR-B.105: 138, 156, 571.
4 IOR-B.105: 380.
5 IOR-B.106: 884.
7 IOR-D.254: 20.
and offer him an annual pension of £5,000 due to his “long, faithful, and important service.”

Ultimately, the Board of Control allowed Hastings an annual pension of £4,000 retroactive from 1785 and no indemnification.

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8 IOR-B.262: 104.
9 IOR-B.262: 172.